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Sub. H. B. No. 455

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Representatives Manning, Bird

Cosponsors: Representatives Fowler Arthur, Odioso, Brennan, Click, John, Newman, Deeter, Dovilla, Fischer, Hall, D., Hiner, Holmes, Hoops, Lampton, Mathews, A., Mathews, T., McClain, Miller, M., Peterson, Plummer, Richardson, Ritter, Santucci, Sigrist, Thomas, D., Troy, White, A., Williams, Young

To amend sections 109.57, 109.803, 124.011, 133.06,	1
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3328.52, and 3328.99 of the Revised Code and to	42
amend Section 265.550 of H.B. 33 of the 135th	43
General Assembly as subsequently amended	44
regarding the operation of public schools and	45
the Department of Education and Workforce and to	46
eliminate obsolete provisions of education law	47
and to amend the version of section 3313.902 of	48
the Revised Code that is scheduled to take	49
effect on July 1, 2026, to continue the change	50
on and after that date.	51

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

Section 1. That sections 109.57, 109.803, 124.011, 133.06, 52
135.142, 135.143, 149.41, 2915.092, 2921.44, 3301.07, 3301.079, 53
3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0715, 54
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3313.413, 3313.483, 3313.603, 3313.6026, 3313.6028, 3313.61, 60
3313.611, 3313.612, 3313.614, 3313.618, 3313.6110, 3313.6111, 61
3313.6112, 3313.6113, 3313.6114, 3313.64, 3313.661, 3313.663, 62
3313.664, 3313.6611, 3313.7112, 3313.7118, 3313.753, 3313.814, 63
3314.016, 3314.017, 3314.02, 3314.031, 3314.034, 3314.35, 64
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3319.31, 3319.311, 3319.319, 3319.393, 3320.02, 3320.03, 67
3325.08, 3326.11, 3327.014, 3333.041, 3333.048, 3333.301, 68
3345.061, 3365.01, 3365.032, 3365.07, 3728.01, 3737.07, 69
3781.106, 3792.04, 4117.01, 4723.483, 4723.4811, 4729.01, 70
4729.513, 4729.541, 4730.433, 4730.437, 4731.92, 4731.96, 71
5104.53, 5502.262, 5705.212, 5705.213, 5753.11, and 6109.121 of 72
the Revised Code be amended to read as follows: 73

Sec. 109.57. (A) (1) The superintendent of the bureau of 74
criminal identification and investigation shall procure from 75
wherever procurable and file for record photographs, pictures, 76
descriptions, fingerprints, measurements, and other information 77
that may be pertinent of all persons who have been convicted of 78
committing within this state a felony, any crime constituting a 79
misdemeanor on the first offense and a felony on subsequent 80
offenses, or any misdemeanor described in division (A) (1) (a), 81
(A) (4) (a), or (A) (6) (a) of section 109.572 of the Revised Code, 82

of all children under eighteen years of age who have been 83
adjudicated delinquent children for committing within this state 84
an act that would be a felony or an offense of violence if 85
committed by an adult or who have been convicted of or pleaded 86
guilty to committing within this state a felony or an offense of 87
violence, and of all well-known and habitual criminals. The 88
person in charge of any county, multicounty, municipal, 89
municipal-county, or multicounty-municipal jail or workhouse, 90
community-based correctional facility, halfway house, 91
alternative residential facility, or state correctional 92
institution and the person in charge of any state institution 93
having custody of a person suspected of having committed a 94
felony, any crime constituting a misdemeanor on the first 95
offense and a felony on subsequent offenses, or any misdemeanor 96
described in division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of 97
section 109.572 of the Revised Code or having custody of a child 98
under eighteen years of age with respect to whom there is 99
probable cause to believe that the child may have committed an 100
act that would be a felony or an offense of violence if 101
committed by an adult shall furnish such material to the 102
superintendent of the bureau. Fingerprints, photographs, or 103
other descriptive information of a child who is under eighteen 104
years of age, has not been arrested or otherwise taken into 105
custody for committing an act that would be a felony or an 106
offense of violence who is not in any other category of child 107
specified in this division, if committed by an adult, has not 108
been adjudicated a delinquent child for committing an act that 109
would be a felony or an offense of violence if committed by an 110
adult, has not been convicted of or pleaded guilty to committing 111
a felony or an offense of violence, and is not a child with 112
respect to whom there is probable cause to believe that the 113
child may have committed an act that would be a felony or an 114

offense of violence if committed by an adult shall not be 115
procured by the superintendent or furnished by any person in 116
charge of any county, multicounty, municipal, municipal-county, 117
or multicounty-municipal jail or workhouse, community-based 118
correctional facility, halfway house, alternative residential 119
facility, or state correctional institution, except as 120
authorized in section 2151.313 of the Revised Code. 121

(2) Every clerk of a court of record in this state, other 122
than the supreme court or a court of appeals, shall send to the 123
superintendent of the bureau a weekly report containing a 124
summary of each case involving a felony, involving any crime 125
constituting a misdemeanor on the first offense and a felony on 126
subsequent offenses, involving a misdemeanor described in 127
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 128
of the Revised Code, or involving an adjudication in a case in 129
which a child under eighteen years of age was alleged to be a 130
delinquent child for committing an act that would be a felony or 131
an offense of violence if committed by an adult. The clerk of 132
the court of common pleas shall include in the report and 133
summary the clerk sends under this division all information 134
described in divisions (A) (2) (a) to (f) of this section 135
regarding a case before the court of appeals that is served by 136
that clerk. The summary shall be written on the standard forms 137
furnished by the superintendent pursuant to division (B) of this 138
section and shall include the following information: 139

(a) The incident tracking number contained on the standard 140
forms furnished by the superintendent pursuant to division (B) 141
of this section; 142

(b) The style and number of the case; 143

(c) The date of arrest, offense, summons, or arraignment; 144

(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;

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

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

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

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in

division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 175
of the Revised Code and of all children under eighteen years of 176
age arrested or otherwise taken into custody for committing an 177
act that would be a felony or an offense of violence if 178
committed by an adult. The superintendent also shall file for 179
record the fingerprint impressions of all persons confined in a 180
county, multicounty, municipal, municipal-county, or 181
multicounty-municipal jail or workhouse, community-based 182
correctional facility, halfway house, alternative residential 183
facility, or state correctional institution for the violation of 184
state laws and of all children under eighteen years of age who 185
are confined in a county, multicounty, municipal, municipal- 186
county, or multicounty-municipal jail or workhouse, community- 187
based correctional facility, halfway house, alternative 188
residential facility, or state correctional institution or in 189
any facility for delinquent children for committing an act that 190
would be a felony or an offense of violence if committed by an 191
adult, and any other information that the superintendent may 192
receive from law enforcement officials of the state and its 193
political subdivisions. 194

(4) The superintendent shall carry out Chapter 2950. of 195
the Revised Code with respect to the registration of persons who 196
are convicted of or plead guilty to a sexually oriented offense 197
or a child-victim oriented offense and with respect to all other 198
duties imposed on the bureau under that chapter. 199

(5) The bureau shall perform centralized recordkeeping 200
functions for criminal history records and services in this 201
state for purposes of the national crime prevention and privacy 202
compact set forth in section 109.571 of the Revised Code and is 203
the criminal history record repository as defined in that 204
section for purposes of that compact. The superintendent or the 205

superintendent's designee is the compact officer for purposes of 206
that compact and shall carry out the responsibilities of the 207
compact officer specified in that compact. 208

(6) The superintendent shall, upon request, assist a 209
county coroner in the identification of a deceased person 210
through the use of fingerprint impressions obtained pursuant to 211
division (A)(1) of this section or collected pursuant to section 212
109.572 or 311.41 of the Revised Code. 213

(B) The superintendent shall prepare and furnish to every 214
county, multicounty, municipal, municipal-county, or 215
multicounty-municipal jail or workhouse, community-based 216
correctional facility, halfway house, alternative residential 217
facility, or state correctional institution and to every clerk 218
of a court in this state specified in division (A)(2) of this 219
section standard forms for reporting the information required 220
under division (A) of this section. The standard forms that the 221
superintendent prepares pursuant to this division may be in a 222
tangible format, in an electronic format, or in both tangible 223
formats and electronic formats. 224

(C)(1) The superintendent may operate a center for 225
electronic, automated, or other data processing for the storage 226
and retrieval of information, data, and statistics pertaining to 227
criminals and to children under eighteen years of age who are 228
adjudicated delinquent children for committing an act that would 229
be a felony or an offense of violence if committed by an adult, 230
criminal activity, crime prevention, law enforcement, and 231
criminal justice, and may establish and operate a statewide 232
communications network to be known as the Ohio law enforcement 233
gateway to gather and disseminate information, data, and 234
statistics for the use of law enforcement agencies and for other 235

uses specified in this division. The superintendent may gather, 236
store, retrieve, and disseminate information, data, and 237
statistics that pertain to children who are under eighteen years 238
of age and that are gathered pursuant to sections 109.57 to 239
109.61 of the Revised Code together with information, data, and 240
statistics that pertain to adults and that are gathered pursuant 241
to those sections. 242

(2) The superintendent or the superintendent's designee 243
shall gather information of the nature described in division (C) 244
(1) of this section that pertains to the offense and delinquency 245
history of a person who has been convicted of, pleaded guilty 246
to, or been adjudicated a delinquent child for committing a 247
sexually oriented offense or a child-victim oriented offense for 248
inclusion in the state registry of sex offenders and child- 249
victim offenders maintained pursuant to division (A) (1) of 250
section 2950.13 of the Revised Code and in the internet database 251
operated pursuant to division (A) (13) of that section and for 252
possible inclusion in the internet database operated pursuant to 253
division (A) (11) of that section. 254

(3) In addition to any other authorized use of 255
information, data, and statistics of the nature described in 256
division (C) (1) of this section, the superintendent or the 257
superintendent's designee may provide and exchange the 258
information, data, and statistics pursuant to the national crime 259
prevention and privacy compact as described in division (A) (5) 260
of this section. 261

(4) The Ohio law enforcement gateway shall contain the 262
name, confidential address, and telephone number of program 263
participants in the address confidentiality program established 264
under sections 111.41 to 111.47 of the Revised Code. 265

(5) The attorney general may adopt rules under Chapter 266
119. of the Revised Code establishing guidelines for the 267
operation of and participation in the Ohio law enforcement 268
gateway. The rules may include criteria for granting and 269
restricting access to information gathered and disseminated 270
through the Ohio law enforcement gateway. The attorney general 271
shall adopt rules under Chapter 119. of the Revised Code that 272
grant access to information in the gateway regarding an address 273
confidentiality program participant under sections 111.41 to 274
111.47 of the Revised Code to only chiefs of police, village 275
marshals, county sheriffs, county prosecuting attorneys, and a 276
designee of each of these individuals. The attorney general 277
shall permit an office of a county coroner, the state medical 278
board, and board of nursing to access and view, but not alter, 279
information gathered and disseminated through the Ohio law 280
enforcement gateway. 281

The attorney general may appoint a steering committee to 282
advise the attorney general in the operation of the Ohio law 283
enforcement gateway that is comprised of persons who are 284
representatives of the criminal justice agencies in this state 285
that use the Ohio law enforcement gateway and is chaired by the 286
superintendent or the superintendent's designee. 287

(D) (1) The following are not public records under section 288
149.43 of the Revised Code: 289

(a) Information and materials furnished to the 290
superintendent pursuant to division (A) of this section; 291

(b) Information, data, and statistics gathered or 292
disseminated through the Ohio law enforcement gateway pursuant 293
to division (C) (1) of this section; 294

(c) Information and materials furnished to any board or person under division (F) or (G) of this section.	295 296
(2) The superintendent or the superintendent's designee shall gather and retain information so furnished under division (A) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for the purposes described in division (C) (2) of this section.	297 298 299 300 301 302 303
(E) (1) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code and subject to division (E) (2) of this section, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed or described in division (A) (1), (2), or (3) of section 109.572 of the Revised Code, the request shall be treated as a single request and only one fee shall be charged.	304 305 306 307 308 309 310 311 312 313 314 315
(2) Except as otherwise provided in this division or division (E) (3) or (4) of this section, a rule adopted under division (E) (1) of this section may provide only for the release of information gathered pursuant to division (A) of this section that relates to the conviction of a person, or a person's plea of guilty to, a criminal offense or to the arrest of a person as provided in division (E) (3) of this section. The superintendent shall not release, and the attorney general shall not adopt any rule under division (E) (1) of this section that permits the	316 317 318 319 320 321 322 323 324

release of, any information gathered pursuant to division (A) of 325
this section that relates to an adjudication of a child as a 326
delinquent child, or that relates to a criminal conviction of a 327
person under eighteen years of age if the person's case was 328
transferred back to a juvenile court under division (B) (2) or 329
(3) of section 2152.121 of the Revised Code and the juvenile 330
court imposed a disposition or serious youthful offender 331
disposition upon the person under either division, unless either 332
of the following applies with respect to the adjudication or 333
conviction: 334

(a) The adjudication or conviction was for a violation of 335
section 2903.01 or 2903.02 of the Revised Code. 336

(b) The adjudication or conviction was for a sexually 337
oriented offense, the juvenile court was required to classify 338
the child a juvenile offender registrant for that offense under 339
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 340
classification has not been removed, and the records of the 341
adjudication or conviction have not been sealed or expunged 342
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 343
pursuant to section 2953.32 of the Revised Code. 344

(3) A rule adopted under division (E) (1) of this section 345
may provide for the release of information gathered pursuant to 346
division (A) of this section that relates to the arrest of a 347
person who is eighteen years of age or older when the person has 348
not been convicted as a result of that arrest if any of the 349
following applies: 350

(a) The arrest was made outside of this state. 351

(b) A criminal action resulting from the arrest is 352
pending, and the superintendent confirms that the criminal 353

action has not been resolved at the time the criminal records 354
check is performed. 355

(c) The bureau cannot reasonably determine whether a 356
criminal action resulting from the arrest is pending, and not 357
more than one year has elapsed since the date of the arrest. 358

(4) A rule adopted under division (E)(1) of this section 359
may provide for the release of information gathered pursuant to 360
division (A) of this section that relates to an adjudication of 361
a child as a delinquent child if not more than five years have 362
elapsed since the date of the adjudication, the adjudication was 363
for an act that would have been a felony if committed by an 364
adult, the records of the adjudication have not been sealed or 365
expunged pursuant to sections 2151.355 to 2151.358 of the 366
Revised Code, and the request for information is made under 367
division (F) of this section or under section 109.572 of the 368
Revised Code. In the case of an adjudication for a violation of 369
the terms of community control or supervised release, the five- 370
year period shall be calculated from the date of the 371
adjudication to which the community control or supervised 372
release pertains. 373

(F)(1) As used in division (F)(2) of this section, "head 374
start agency" means an entity in this state that has been 375
approved to be an agency for purposes of subchapter II of the 376
"Community Economic Development Act," 95 Stat. 489 (1981), 42 377
U.S.C.A. 9831, as amended. 378

(2)(a) In addition to or in conjunction with any request 379
that is required to be made under section 109.572, 2151.86, 380
3301.32, 3301.541, division (C) of section 3310.58, or section 381
3319.39, 3319.391, 3327.10, 3740.11, 5103.053, 5104.013, 382
5123.081, or 5153.111 of the Revised Code or that is made under 383

section 3314.41, 3319.392, or 3326.25, ~~or 3328.20~~ of the Revised 384
Code, the board of education of any school district; the 385
director of developmental disabilities; any county board of 386
developmental disabilities; any provider or subcontractor as 387
defined in section 5123.081 of the Revised Code; the chief 388
administrator of any chartered nonpublic school; the chief 389
administrator of a registered private provider that is not also 390
a chartered nonpublic school; the chief administrator of any 391
home health agency; the chief administrator of or person 392
operating any child care center, type A family child care home, 393
or type B family child care home licensed under Chapter 5104. of 394
the Revised Code; the chief administrator of or person operating 395
any authorized private before and after school care program; the 396
chief administrator of any head start agency; the executive 397
director of a public children services agency; the operator of a 398
residential facility, as defined in section 2151.46 of the 399
Revised Code; a private company described in section 3314.41, 400
3319.392, or 3326.25, ~~or 3328.20~~ of the Revised Code; or an 401
employer described in division (J) (2) of section 3327.10 of the 402
Revised Code may request that the superintendent of the bureau 403
investigate and determine, with respect to any individual who 404
has applied for employment in any position after October 2, 405
1989, or any individual wishing to apply for employment with a 406
board of education may request, with regard to the individual, 407
whether the bureau has any information gathered under division 408
(A) of this section that pertains to that individual. On receipt 409
of the request, subject to division (E) (2) of this section, the 410
superintendent shall determine whether that information exists 411
and, upon request of the person, board, or entity requesting 412
information, also shall request from the federal bureau of 413
investigation any criminal records it has pertaining to that 414
individual. The superintendent or the superintendent's designee 415

also may request criminal history records from other states or 416
the federal government pursuant to the national crime prevention 417
and privacy compact set forth in section 109.571 of the Revised 418
Code. Within thirty days of the date that the superintendent 419
receives a request, subject to division (E)(2) of this section, 420
the superintendent shall send to the board, entity, or person a 421
report of any information that the superintendent determines 422
exists, including information contained in records that have 423
been sealed under section 2953.32 of the Revised Code, and, 424
within thirty days of its receipt, subject to division (E)(2) of 425
this section, shall send the board, entity, or person a report 426
of any information received from the federal bureau of 427
investigation, other than information the dissemination of which 428
is prohibited by federal law. 429

(b) When a board of education or a registered private 430
provider is required to receive information under this section 431
as a prerequisite to employment of an individual pursuant to 432
division (C) of section 3310.58 or section 3319.39 of the 433
Revised Code, it may accept a certified copy of records that 434
were issued by the bureau of criminal identification and 435
investigation and that are presented by an individual applying 436
for employment with the district in lieu of requesting that 437
information itself. In such a case, the board shall accept the 438
certified copy issued by the bureau in order to make a photocopy 439
of it for that individual's employment application documents and 440
shall return the certified copy to the individual. In a case of 441
that nature, a district or provider only shall accept a 442
certified copy of records of that nature within one year after 443
the date of their issuance by the bureau. 444

(c) Notwithstanding division (F)(2)(a) of this section, in 445
the case of a request under section 3319.39, 3319.391, or 446

3327.10 of the Revised Code only for criminal records maintained 447
by the federal bureau of investigation, the superintendent shall 448
not determine whether any information gathered under division 449
(A) of this section exists on the person for whom the request is 450
made. 451

(3) The state board of education or the department of 452
education and workforce may request, with respect to any 453
individual who has applied for employment after October 2, 1989, 454
in any position with the state board or the department of 455
education and workforce, any information that a school district 456
board of education is authorized to request under division (F) 457
(2) of this section, and the superintendent of the bureau shall 458
proceed as if the request has been received from a school 459
district board of education under division (F) (2) of this 460
section. 461

(4) When the superintendent of the bureau receives a 462
request for information under section 3319.291 of the Revised 463
Code, the superintendent shall proceed as if the request has 464
been received from a school district board of education and 465
shall comply with divisions (F) (2) (a) and (c) of this section. 466

(G) In addition to or in conjunction with any request that 467
is required to be made under section 3712.09, 3721.121, or 468
3740.11 of the Revised Code with respect to an individual who 469
has applied for employment in a position that involves providing 470
direct care to an older adult or adult resident, the chief 471
administrator of a home health agency, hospice care program, 472
home licensed under Chapter 3721. of the Revised Code, or adult 473
day-care program operated pursuant to rules adopted under 474
section 3721.04 of the Revised Code may request that the 475
superintendent of the bureau investigate and determine, with 476

respect to any individual who has applied after January 27, 477
1997, for employment in a position that does not involve 478
providing direct care to an older adult or adult resident, 479
whether the bureau has any information gathered under division 480
(A) of this section that pertains to that individual. 481

In addition to or in conjunction with any request that is 482
required to be made under section 173.27 of the Revised Code 483
with respect to an individual who has applied for employment in 484
a position that involves providing ombudsman services to 485
residents of long-term care facilities or recipients of 486
community-based long-term care services, the state long-term 487
care ombudsman, the director of aging, a regional long-term care 488
ombudsman program, or the designee of the ombudsman, director, 489
or program may request that the superintendent investigate and 490
determine, with respect to any individual who has applied for 491
employment in a position that does not involve providing such 492
ombudsman services, whether the bureau has any information 493
gathered under division (A) of this section that pertains to 494
that applicant. 495

In addition to or in conjunction with any request that is 496
required to be made under section 173.38 of the Revised Code 497
with respect to an individual who has applied for employment in 498
a direct-care position, the chief administrator of a provider, 499
as defined in section 173.39 of the Revised Code, may request 500
that the superintendent investigate and determine, with respect 501
to any individual who has applied for employment in a position 502
that is not a direct-care position, whether the bureau has any 503
information gathered under division (A) of this section that 504
pertains to that applicant. 505

In addition to or in conjunction with any request that is 506

required to be made under section 3712.09 of the Revised Code 507
with respect to an individual who has applied for employment in 508
a position that involves providing direct care to a pediatric 509
respite care patient, the chief administrator of a pediatric 510
respite care program may request that the superintendent of the 511
bureau investigate and determine, with respect to any individual 512
who has applied for employment in a position that does not 513
involve providing direct care to a pediatric respite care 514
patient, whether the bureau has any information gathered under 515
division (A) of this section that pertains to that individual. 516

On receipt of a request under this division, the 517
superintendent shall determine whether that information exists 518
and, on request of the individual requesting information, shall 519
also request from the federal bureau of investigation any 520
criminal records it has pertaining to the applicant. The 521
superintendent or the superintendent's designee also may request 522
criminal history records from other states or the federal 523
government pursuant to the national crime prevention and privacy 524
compact set forth in section 109.571 of the Revised Code. Within 525
thirty days of the date a request is received, subject to 526
division (E)(2) of this section, the superintendent shall send 527
to the requester a report of any information determined to 528
exist, including information contained in records that have been 529
sealed under section 2953.32 of the Revised Code, and, within 530
thirty days of its receipt, shall send the requester a report of 531
any information received from the federal bureau of 532
investigation, other than information the dissemination of which 533
is prohibited by federal law. 534

(H) Information obtained by a government entity or person 535
under this section is confidential and shall not be released or 536
disseminated. 537

(I) The superintendent may charge a reasonable fee for 538
providing information or criminal records under division (F) (2) 539
or (G) of this section. 540

(J) As used in this section: 541

(1) "Pediatric respite care program" and "pediatric care 542
patient" have the same meanings as in section 3712.01 of the 543
Revised Code. 544

(2) "Sexually oriented offense" and "child-victim oriented 545
offense" have the same meanings as in section 2950.01 of the 546
Revised Code. 547

(3) "Registered private provider" means a nonpublic school 548
or entity registered with the department of education and 549
workforce under section 3310.41 of the Revised Code to 550
participate in the autism scholarship program or section 3310.58 551
of the Revised Code to participate in the Jon Peterson special 552
needs scholarship program. 553

Sec. 109.803. (A) (1) Subject to divisions (A) (2) and (B) 554
of this section, every appointing authority shall require each 555
of its appointed peace officers and troopers to complete twenty- 556
four hours of continuing professional training each calendar 557
year. Twenty-four hours is intended to be a minimum requirement, 558
and appointing authorities are encouraged to exceed the twenty- 559
four hour minimum. A minimum of twenty-four hours of continuing 560
professional training shall be reimbursed each calendar year and 561
a maximum of forty hours of continuing professional training may 562
be reimbursed each calendar year. 563

(2) An appointing authority may submit a written request 564
to the peace officer training commission that requests for a 565
calendar year because of emergency circumstances an extension of 566

the time within which one or more of its appointed peace 567
officers or troopers must complete the required minimum number 568
of hours of continuing professional training set by the 569
commission, as described in division (A) (1) of this section. A 570
request made under this division shall set forth the name of 571
each of the appointing authority's peace officers or troopers 572
for whom an extension is requested, identify the emergency 573
circumstances related to that peace officer or trooper, include 574
documentation of those emergency circumstances, and set forth 575
the date on which the request is submitted to the commission. A 576
request shall be made under this division not later than the 577
fifteenth day of December in the calendar year for which the 578
extension is requested. 579

Upon receipt of a written request made under this 580
division, the executive director of the commission shall review 581
the request and the submitted documentation. If the executive 582
director of the commission is satisfied that emergency 583
circumstances exist for any peace officer or trooper for whom a 584
request was made under this division, the executive director may 585
approve the request for that peace officer or trooper and grant 586
an extension of the time within which that peace officer or 587
trooper must complete the required minimum number of hours of 588
continuing professional training set by the commission. An 589
extension granted under this division may be for any period of 590
time the executive director believes to be appropriate, and the 591
executive director shall specify in the notice granting the 592
extension the date on which the extension ends. Not later than 593
thirty days after the date on which a request is submitted to 594
the commission, for each peace officer and trooper for whom an 595
extension is requested, the executive director either shall 596
approve the request and grant an extension or deny the request 597

and deny an extension and shall send to the appointing authority 598
that submitted the request written notice of the executive 599
director's decision. 600

If the executive director grants an extension of the time 601
within which a particular appointed peace officer or trooper of 602
an appointing authority must complete the required minimum 603
number of hours of continuing professional training set by the 604
commission, the appointing authority shall require that peace 605
officer or trooper to complete the required minimum number of 606
hours of training not later than the date on which the extension 607
ends. 608

(B) With the advice of the Ohio peace officer training 609
commission, the attorney general shall adopt in accordance with 610
Chapter 119. of the Revised Code rules setting forth minimum 611
standards for continuing professional training for peace 612
officers and troopers and governing the administration of 613
continuing professional training programs for peace officers and 614
troopers. The rules adopted by the attorney general under 615
division (B) of this section shall do all of the following: 616

(1) Allow peace officers and troopers to earn credit for 617
up to four hours of continuing professional training for time 618
spent while on duty providing drug use prevention education 619
training that utilizes evidence-based curricula to students in 620
school districts, community schools established under Chapter 621
3314., and STEM schools established under Chapter 3326., ~~and~~ 622
~~college-preparatory boarding schools established under Chapter~~ 623
~~3328.~~ of the Revised Code. 624

(2) Allow a peace officer or trooper appointed by a law 625
enforcement agency to earn hours of continuing professional 626
training for other peace officers or troopers appointed by the 627

law enforcement agency by providing drug use prevention 628
education training under division (B) (1) of this section so that 629
hours earned by the peace officer or trooper providing the 630
training in excess of four hours may be applied to offset the 631
number of continuing professional training hours required of 632
another peace officer or trooper appointed by that law 633
enforcement agency. 634

(3) Prohibit the use of continuing professional training 635
hours earned under division (B) (1) or (2) of this section from 636
being used to offset any mandatory hands-on training 637
requirement. 638

(4) Require a peace officer to complete training on proper 639
interactions with civilians during traffic stops and other in- 640
person encounters, which training shall have an online offering 641
and shall include all of the following topics: 642

(a) A person's rights during an interaction with a peace 643
officer, including all of the following: 644

(i) When a peace officer may require a person to exit a 645
vehicle; 646

(ii) Constitutional protections from illegal search and 647
seizure; 648

(iii) The rights of a passenger in a vehicle who has been 649
pulled over for a traffic stop; 650

(iv) The right for a citizen to record an encounter with a 651
peace officer. 652

(b) Proper actions for interacting with a civilian and 653
methods for diffusing a stressful encounter with a civilian; 654

(c) Laws regarding questioning and detention by peace 655

officers, including any law requiring a person to present proof 656
of identity to a peace officer, and the consequences for a 657
person's or officer's failure to comply with those laws; 658

(d) Any other requirements and procedures necessary for 659
the proper implementation of this section. 660

(C) The attorney general shall transmit a certified copy 661
of any rule adopted under this section to the secretary of 662
state. 663

(D) As used in this section: 664

(1) "Peace officer" has the same meaning as in section 665
109.71 of the Revised Code. 666

(2) "Trooper" means an individual appointed as a state 667
highway patrol trooper under section 5503.01 of the Revised 668
Code. 669

(3) "Appointing authority" means any agency or entity that 670
appoints a peace officer or trooper. 671

Sec. 124.011. (A) When the territory of a city school 672
district is not located in more than one city, the civil service 673
commission of the city in which the district has territory shall 674
serve as the commission for the school district. When the 675
territory of a city school district is located in more than one 676
city, the commission of the city that shall serve as the 677
commission for the school district shall be the commission of 678
the city that is the residence of the greatest number of the 679
pupils of the district. 680

(B) If the commission determined under division (A) of 681
this section is not the commission of the city that served the 682
district on the effective date of this section, the legislative 683

authority of the city whose commission acted on such date may, 684
on request of the board of education, authorize its commission 685
to continue to serve the district and, if so authorized, the 686
commission shall continue to serve the district. 687

(C) If due to a change in population or school district 688
territory or any other reason the commission of the city 689
determined under division (A) of this section changes, the 690
legislative authority of the city whose commission served the 691
district prior to the change may, on request of the board of 692
education, authorize its commission to continue to serve the 693
district, and if so authorized, the commission shall continue to 694
serve the district. 695

(D) Notwithstanding anything to the contrary in the 696
Revised Code, a city school district and city may enter into a 697
written agreement that the city school district shall not be 698
subject, in whole or in part, to the jurisdiction of the city's 699
civil service commission. 700

Sec. 133.06. (A) A school district shall not incur, 701
without a vote of the electors, net indebtedness that exceeds an 702
amount equal to one-tenth of one per cent of its tax valuation, 703
except as provided in divisions (G) and (H) of this section and 704
in division (D) of section 3313.372 of the Revised Code, or as 705
prescribed in section 3318.052 or 3318.44 of the Revised Code, 706
or as provided in division (J) of this section. 707

(B) Except as provided in divisions (E), (F), and (I) of 708
this section, a school district shall not incur net indebtedness 709
that exceeds an amount equal to nine per cent of its tax 710
valuation. 711

(C) A school district shall not submit to a vote of the 712

electors the question of the issuance of securities in an amount 713
that will make the district's net indebtedness after the 714
issuance of the securities exceed an amount equal to four per 715
cent of its tax valuation, unless the director of education and 716
workforce, acting under policies adopted by the department of 717
education and workforce, and the tax commissioner, acting under 718
written policies of the commissioner, consent to the submission. 719
A request for the consents shall be made at least one hundred 720
twenty days prior to the election at which the question is to be 721
submitted. 722

The director of education and workforce shall certify to 723
the district the director's and the tax commissioner's decisions 724
within thirty days after receipt of the request for consents. 725

If the electors do not approve the issuance of securities 726
at the election for which the director of education and 727
workforce and tax commissioner consented to the submission of 728
the question, the school district may submit the same question 729
to the electors on the date that the next special election may 730
be held under section 3501.01 of the Revised Code without 731
submitting a new request for consent. If the school district 732
seeks to submit the same question at any other subsequent 733
election, the district shall first submit a new request for 734
consent in accordance with this division. 735

(D) In calculating the net indebtedness of a school 736
district, none of the following shall be considered: 737

(1) Securities issued to acquire school buses and other 738
equipment used in transporting pupils or issued pursuant to 739
division (D) of section 133.10 of the Revised Code; 740

(2) Securities issued under division (F) of this section 741

and, to the extent in excess of the limitation stated in 742
division (B) of this section, under division (E) of this 743
section; 744

(3) Indebtedness resulting from the dissolution of a joint 745
vocational school district under section 3311.217 of the Revised 746
Code, evidenced by outstanding securities of that joint 747
vocational school district; 748

(4) Loans, evidenced by any securities, received under 749
sections ~~3313.483~~, 3317.0210, and 3317.0211 of the Revised Code; 750

(5) Debt incurred under section 3313.374 of the Revised 751
Code; 752

(6) Debt incurred pursuant to division (B)(4) of section 753
3313.37 of the Revised Code to acquire computers and related 754
hardware; 755

(7) Debt incurred under section 3318.042 of the Revised 756
Code; 757

(8) Debt incurred under section 5705.2112 or 5705.2113 of 758
the Revised Code by the fiscal board of a qualifying partnership 759
of which the school district is a participating school district. 760

(E) A school district may become a special needs district 761
as to certain securities as provided in division (E) of this 762
section. 763

(1) A board of education, by resolution, may declare its 764
school district to be a special needs district by determining 765
both of the following: 766

(a) The student population is not being adequately 767
serviced by the existing permanent improvements of the district. 768

(b) The district cannot obtain sufficient funds by the 769
issuance of securities within the limitation of division (B) of 770
this section to provide additional or improved needed permanent 771
improvements in time to meet the needs. 772

(2) The board of education shall certify a copy of that 773
resolution to the director of education and workforce with a 774
statistical report showing all of the following: 775

(a) The history of and a projection of the growth of the 776
tax valuation; 777

(b) The projected needs; 778

(c) The estimated cost of permanent improvements proposed 779
to meet such projected needs. 780

(3) The director of education and workforce shall certify 781
the district as an approved special needs district if the 782
director finds both of the following: 783

(a) The district does not have available sufficient 784
additional funds from state or federal sources to meet the 785
projected needs. 786

(b) The projection of the potential average growth of tax 787
valuation during the next five years, according to the 788
information certified to the director and any other information 789
the director obtains, indicates a likelihood of potential 790
average growth of tax valuation of the district during the next 791
five years of an average of not less than one and one-half per 792
cent per year. The findings and certification of the director 793
shall be conclusive. 794

(4) An approved special needs district may incur net 795
indebtedness by the issuance of securities in accordance with 796

the provisions of this chapter in an amount that does not exceed 797
an amount equal to the greater of the following: 798

(a) Twelve per cent of the sum of its tax valuation plus 799
an amount that is the product of multiplying that tax valuation 800
by the percentage by which the tax valuation has increased over 801
the tax valuation on the first day of the sixtieth month 802
preceding the month in which its board determines to submit to 803
the electors the question of issuing the proposed securities; 804

(b) Twelve per cent of the sum of its tax valuation plus 805
an amount that is the product of multiplying that tax valuation 806
by the percentage, determined by the director of education and 807
workforce, by which that tax valuation is projected to increase 808
during the next ten years. 809

(F) A school district may issue securities for emergency 810
purposes, in a principal amount that does not exceed an amount 811
equal to three per cent of its tax valuation, as provided in 812
this division. 813

(1) A board of education, by resolution, may declare an 814
emergency if it determines both of the following: 815

(a) School buildings or other necessary school facilities 816
in the district have been wholly or partially destroyed, or 817
condemned by a constituted public authority, or that such 818
buildings or facilities are partially constructed, or so 819
constructed or planned as to require additions and improvements 820
to them before the buildings or facilities are usable for their 821
intended purpose, or that corrections to permanent improvements 822
are necessary to remove or prevent health or safety hazards. 823

(b) Existing fiscal and net indebtedness limitations make 824
adequate replacement, additions, or improvements impossible. 825

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

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

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

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

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

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

(4) Notwithstanding division (B) of section 133.21 of the Revised Code, the first principal payment of securities issued under this division may be set at any date not later than sixty

months after the earliest possible principal payment otherwise 855
provided for in that division. 856

(G) (1) The board of education may contract with an 857
architect, professional engineer, or other person experienced in 858
the design and implementation of energy conservation measures 859
for an analysis and recommendations pertaining to installations, 860
modifications of installations, or remodeling that would 861
significantly reduce energy consumption in buildings owned by 862
the district. The report shall include estimates of all costs of 863
such installations, modifications, or remodeling, including 864
costs of design, engineering, installation, maintenance, 865
repairs, measurement and verification of energy savings, and 866
debt service, forgone residual value of materials or equipment 867
replaced by the energy conservation measure, as defined by the 868
Ohio facilities construction commission, a baseline analysis of 869
actual energy consumption data for the preceding three years 870
with the utility baseline based on only the actual energy 871
consumption data for the preceding twelve months, and estimates 872
of the amounts by which energy consumption and resultant 873
operational and maintenance costs, as defined by the commission, 874
would be reduced. 875

If the board finds after receiving the report that the 876
amount of money the district would spend on such installations, 877
modifications, or remodeling is not likely to exceed the amount 878
of money it would save in energy and resultant operational and 879
maintenance costs over the ensuing fifteen years, the board may 880
submit to the commission a copy of its findings and a request 881
for approval to incur indebtedness to finance the making or 882
modification of installations or the remodeling of buildings for 883
the purpose of significantly reducing energy consumption. 884

The facilities construction commission, in consultation 885
with the auditor of state, may deny a request under division (G) 886
(1) of this section by the board of education of any school 887
district that is in a state of fiscal watch pursuant to division 888
(A) of section 3316.03 of the Revised Code, if it determines 889
that the expenditure of funds is not in the best interest of the 890
school district. 891

No district board of education of a school district that 892
is in a state of fiscal emergency pursuant to division (B) of 893
section 3316.03 of the Revised Code shall submit a request 894
without submitting evidence that the installations, 895
modifications, or remodeling have been approved by the 896
district's financial planning and supervision commission 897
established under section 3316.05 of the Revised Code. 898

No board of education of a school district for which an 899
academic distress commission has been established under section 900
3302.10 of the Revised Code shall submit a request without first 901
receiving approval to incur indebtedness from the district's 902
academic distress commission established under that section, for 903
so long as such commission continues to be required for the 904
district. 905

(2) The board of education may contract with a person 906
experienced in the implementation of student transportation to 907
produce a report that includes an analysis of and 908
recommendations for the use of alternative fuel vehicles by 909
school districts. The report shall include cost estimates 910
detailing the return on investment over the life of the 911
alternative fuel vehicles and environmental impact of 912
alternative fuel vehicles. The report also shall include 913
estimates of all costs associated with alternative fuel 914

transportation, including facility modifications and vehicle 915
purchase costs or conversion costs. 916

If the board finds after receiving the report that the 917
amount of money the district would spend on purchasing 918
alternative fuel vehicles or vehicle conversion is not likely to 919
exceed the amount of money it would save in fuel and resultant 920
operational and maintenance costs over the ensuing five years, 921
the board may submit to the commission a copy of its findings 922
and a request for approval to incur indebtedness to finance the 923
purchase of new alternative fuel vehicles or vehicle conversions 924
for the purpose of reducing fuel costs. 925

The facilities construction commission, in consultation 926
with the auditor of state, may deny a request under division (G) 927
(2) of this section by the board of education of any school 928
district that is in a state of fiscal watch pursuant to division 929
(A) of section 3316.03 of the Revised Code, if it determines 930
that the expenditure of funds is not in the best interest of the 931
school district. 932

No district board of education of a school district that 933
is in a state of fiscal emergency pursuant to division (B) of 934
section 3316.03 of the Revised Code shall submit a request 935
without submitting evidence that the purchase or conversion of 936
alternative fuel vehicles has been approved by the district's 937
financial planning and supervision commission established under 938
section 3316.05 of the Revised Code. 939

No board of education of a school district for which an 940
academic distress commission has been established under section 941
3302.10 of the Revised Code shall submit a request without first 942
receiving approval to incur indebtedness from the district's 943
academic distress commission established under that section, for 944

so long as such commission continues to be required for the 945
district. 946

(3) The facilities construction commission shall approve 947
the board's request provided that the following conditions are 948
satisfied: 949

(a) The commission determines that the board's findings 950
are reasonable. 951

(b) The request for approval is complete. 952

(c) If the request was submitted under division (G) (1) of 953
this section, the installations, modifications, or remodeling 954
are consistent with any project to construct or acquire 955
classroom facilities, or to reconstruct or make additions to 956
existing classroom facilities under sections 3318.01 to 3318.20 957
or sections 3318.40 to 3318.45 of the Revised Code. 958

Upon receipt of the commission's approval, the district 959
may issue securities without a vote of the electors in a 960
principal amount not to exceed nine-tenths of one per cent of 961
its tax valuation for the purpose specified in division (G) (1) 962
or (2) of this section, but the total net indebtedness of the 963
district without a vote of the electors incurred under this and 964
all other sections of the Revised Code, except section 3318.052 965
of the Revised Code, shall not exceed one per cent of the 966
district's tax valuation. 967

(4) (a) So long as any securities issued under division (G) 968
(1) of this section remain outstanding, the board of education 969
shall monitor the energy consumption and resultant operational 970
and maintenance costs of buildings in which installations or 971
modifications have been made or remodeling has been done 972
pursuant to that division. Except as provided in division (G) (4) 973

(b) of this section, the board shall maintain and annually 974
update a report in a form and manner prescribed by the 975
facilities construction commission documenting the reductions in 976
energy consumption and resultant operational and maintenance 977
cost savings attributable to such installations, modifications, 978
or remodeling. The resultant operational and maintenance cost 979
savings shall be certified by the school district treasurer. The 980
report shall be submitted annually to the commission. 981

(b) If the facilities construction commission verifies 982
that the certified annual reports submitted to the commission by 983
a board of education under division (G) (4) (a) of this section 984
fulfill the guarantee required under division (B) of section 985
3313.372 of the Revised Code for three consecutive years, the 986
board of education shall no longer be subject to the annual 987
reporting requirements of division (G) (4) (a) of this section. 988

(5) So long as any securities issued under division (G) (2) 989
of this section remain outstanding, the board of education shall 990
monitor the purchase of new alternative fuel vehicles or vehicle 991
conversions pursuant to that division. The board shall maintain 992
and annually update a report in a form and manner prescribed by 993
the facilities construction commission documenting the purchase 994
of new alternative fuel vehicles or vehicle conversions, the 995
associated environmental impact, and return on investment. The 996
resultant fuel and operational and maintenance cost savings 997
shall be certified by the school district treasurer. The report 998
shall be submitted annually to the commission. 999

(H) With the consent of the director of education and 1000
workforce, a school district may incur without a vote of the 1001
electors net indebtedness that exceeds the amounts stated in 1002
divisions (A) and (G) of this section for the purpose of paying 1003

costs of permanent improvements, if and to the extent that both 1004
of the following conditions are satisfied: 1005

(1) The fiscal officer of the school district estimates 1006
that receipts of the school district from payments made under or 1007
pursuant to agreements entered into pursuant to section 725.02, 1008
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 1009
5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 1010
or 5709.82 of the Revised Code, or distributions under division 1011
(C) of section 5709.43 or division (B) of section 5709.47 of the 1012
Revised Code, or any combination thereof, are, after accounting 1013
for any appropriate coverage requirements, sufficient in time 1014
and amount, and are committed by the proceedings, to pay the 1015
debt charges on the securities issued to evidence that 1016
indebtedness and payable from those receipts, and the taxing 1017
authority of the district confirms the fiscal officer's 1018
estimate, which confirmation is approved by the director of 1019
education and workforce; 1020

(2) The fiscal officer of the school district certifies, 1021
and the taxing authority of the district confirms, that the 1022
district, at the time of the certification and confirmation, 1023
reasonably expects to have sufficient revenue available for the 1024
purpose of operating such permanent improvements for their 1025
intended purpose upon acquisition or completion thereof, and the 1026
director of education and workforce approves the taxing 1027
authority's confirmation. 1028

The maximum maturity of securities issued under division 1029
(H) of this section shall be the lesser of twenty years or the 1030
maximum maturity calculated under section 133.20 of the Revised 1031
Code. 1032

(I) A school district may incur net indebtedness by the 1033

issuance of securities in accordance with the provisions of this 1034
chapter in excess of the limit specified in division (B) or (C) 1035
of this section when necessary to raise the school district 1036
portion of the basic project cost and any additional funds 1037
necessary to participate in a project under Chapter 3318. of the 1038
Revised Code, including the cost of items designated by the 1039
facilities construction commission as required locally funded 1040
initiatives, the cost of other locally funded initiatives in an 1041
amount that does not exceed fifty per cent of the district's 1042
portion of the basic project cost, and the cost for site 1043
acquisition. A school district shall notify the director of 1044
education and workforce whenever that district will exceed 1045
either limit pursuant to this division. 1046

(J) A school district whose portion of the basic project 1047
cost of its classroom facilities project under sections 3318.01 1048
to 3318.20 of the Revised Code is greater than or equal to one 1049
hundred million dollars may incur without a vote of the electors 1050
net indebtedness in an amount up to two per cent of its tax 1051
valuation through the issuance of general obligation securities 1052
in order to generate all or part of the amount of its portion of 1053
the basic project cost if the controlling board has approved the 1054
facilities construction commission's conditional approval of the 1055
project under section 3318.04 of the Revised Code. The school 1056
district board and the Ohio facilities construction commission 1057
shall include the dedication of the proceeds of such securities 1058
in the agreement entered into under section 3318.08 of the 1059
Revised Code. No state moneys shall be released for a project to 1060
which this section applies until the proceeds of any bonds 1061
issued under this section that are dedicated for the payment of 1062
the school district portion of the project are first deposited 1063
into the school district's project construction fund. 1064

Sec. 135.142. (A) In addition to the investments 1065
authorized by section 135.14 of the Revised Code, any board of 1066
education, by a two-thirds vote of its members, may authorize 1067
the treasurer of the board of education to invest up to forty 1068
per cent of the interim moneys of the board, available for 1069
investment at any one time, in either of the following: 1070

(1) Commercial paper notes issued by any entity that is 1071
defined in division (K) of section 1706.01 of the Revised Code 1072
and has assets exceeding five hundred million dollars, and to 1073
which notes all of the following apply: 1074

(a) The notes are rated at the time of purchase in the 1075
highest classification established by at least two nationally 1076
recognized statistical rating organizations. 1077

(b) The aggregate value of the notes does not exceed ten 1078
per cent of the aggregate value of the outstanding commercial 1079
paper of the issuing corporation. 1080

(c) The notes mature no later than two hundred seventy 1081
days after purchase. 1082

(d) The investment in commercial paper notes of a single 1083
issuer shall not exceed in the aggregate five per cent of 1084
interim moneys of the board available for investment at the time 1085
of purchase. 1086

(2) Bankers' acceptances of banks that are insured by the 1087
federal deposit insurance corporation and that mature no later 1088
than one hundred eighty days after purchase. 1089

(B) No investment authorized pursuant to division (A) of 1090
this section shall be made, whether or not authorized by a board 1091
of education, unless the treasurer of the board of education has 1092
completed additional training for making the types of 1093

investments authorized pursuant to division (A) of this section. 1094
The type and amount of such training shall be approved and may 1095
be conducted by or provided under the supervision of the 1096
treasurer of state. 1097

(C) The treasurer of the board of education shall prepare 1098
annually and submit to the board of education, ~~the director of~~ 1099
~~education and workforce, and the auditor of state,~~ on or before 1100
the thirty-first day of August, a report listing each investment 1101
made pursuant to division (A) of this section during the 1102
preceding fiscal year, income earned from such investments, fees 1103
and commissions paid pursuant to division (D) of this section, 1104
and any other information required by the board, ~~the director,~~ 1105
~~and the auditor of state.~~ 1106

(D) A board of education may make appropriations and 1107
expenditures for fees and commissions in connection with 1108
investments made pursuant to division (A) of this section. 1109

(E) (1) In addition to the investments authorized by 1110
section 135.14 of the Revised Code and division (A) of this 1111
section, any board of education that is a party to an agreement 1112
with the treasurer of state pursuant to division (G) of section 1113
135.143 of the Revised Code and that has outstanding obligations 1114
issued under authority of section 133.10 of the Revised Code may 1115
authorize the treasurer of the board of education to invest 1116
interim moneys of the board in debt interests rated in either of 1117
the two highest rating classifications by at least two 1118
nationally recognized statistical rating organizations and 1119
issued by entities that are defined in division (K) of section 1120
1706.01 of the Revised Code. The debt interests purchased under 1121
authority of division (E) of this section shall mature not later 1122
than the latest maturity date of the outstanding obligations 1123

issued under authority of section 133.10 or 133.301 of the Revised Code.

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

Sec. 135.143. (A) The treasurer of state may invest or execute transactions for any part or all of the interim funds of the state in the following classifications of obligations:

(1) United States treasury bills, notes, bonds, or any other obligations or securities issued by the United States treasury or any other obligation guaranteed as to principal and interest by the United States;

(2) Bonds, notes, debentures, or any other obligations or securities issued by any federal government agency or instrumentality;

(3) (a) Bonds, notes, and other obligations of the state of Ohio, including, but not limited to, any obligations issued by the treasurer of state, the Ohio public facilities commission, the Ohio housing finance agency, the Ohio water development authority, the Ohio turnpike infrastructure commission, the Ohio

higher educational facility commission, and state institutions 1153
of higher education as defined in section 3345.011 of the 1154
Revised Code; 1155

(b) Bonds, notes, and other obligations of any state or 1156
political subdivision thereof rated in the three highest 1157
categories by at least one nationally recognized statistical 1158
rating organization and purchased through a registered 1159
securities broker or dealer, provided the treasurer of state is 1160
not the sole purchaser of the bonds, notes, or other obligations 1161
at original issuance. 1162

(4) (a) Written repurchase agreements with any eligible 1163
Ohio financial institution that is a member of the federal 1164
reserve system or federal home loan bank, any registered United 1165
States government securities dealer, or any counterparty rated 1166
in one of the three highest categories by at least one 1167
nationally recognized statistical rating organization or 1168
otherwise determined by the treasurer of state to have adequate 1169
capital and liquidity, under the terms of which agreement the 1170
treasurer of state purchases and the eligible financial 1171
institution, dealer, or counterparty agrees unconditionally to 1172
repurchase any of the securities that are listed in division (A) 1173
(1), (2), (3), (6), or (11) of this section. The market value of 1174
securities subject to these transactions must exceed the 1175
principal value of the repurchase agreement by an amount 1176
specified by the treasurer of state, and the securities must be 1177
delivered into the custody of the treasurer of state or the 1178
qualified trustee or agent designated by the treasurer of state. 1179
The agreement shall contain the requirement that for each 1180
transaction pursuant to the agreement, the participating 1181
institution, dealer, or counterparty shall provide all of the 1182
following information: 1183

(i) The par value of the securities;	1184
(ii) The type, rate, and maturity date of the securities;	1185
(iii) A numerical identifier generally accepted in the securities industry that designates the securities.	1186 1187
(b) The treasurer of state also may sell any securities, listed in division (A)(1), (2), (6), or (11) of this section, regardless of maturity or time of redemption of the securities, under the same terms and conditions for repurchase, provided that the securities have been fully paid for and are owned by the treasurer of state at the time of the sale.	1188 1189 1190 1191 1192 1193
(c) For purposes of division (A)(4) of this section, the treasurer of state shall only buy or sell securities listed in division (A)(11) of this section issued by entities that are organized under the laws of this state, any other state, or the United States.	1194 1195 1196 1197 1198
(5) Securities lending agreements with any eligible financial institution that is a member of the federal reserve system or federal home loan bank or any recognized United States government securities dealer, under the terms of which agreements the treasurer of state lends securities and the eligible financial institution or dealer agrees to simultaneously exchange similar securities or cash, equal value for equal value.	1199 1200 1201 1202 1203 1204 1205 1206
Securities and cash received as collateral for a securities lending agreement are not interim funds of the state. The investment of cash collateral received pursuant to a securities lending agreement may be invested only in such instruments specified by the treasurer of state in accordance with a written investment policy.	1207 1208 1209 1210 1211 1212

(6) Various forms of commercial paper issued by any entity 1213
that is organized under the laws of the United States or a 1214
state, which notes are rated in the two highest categories by 1215
two nationally recognized statistical rating organizations, 1216
provided that the total amount invested under this section in 1217
any commercial paper at any time shall not exceed forty per cent 1218
of the state's total average portfolio, as determined and 1219
calculated by the treasurer of state; 1220

(7) Bankers acceptances, maturing in two hundred seventy 1221
days or less, provided that the total amount invested in bankers 1222
acceptances at any time shall not exceed ten per cent of the 1223
state's total average portfolio, as determined and calculated by 1224
the treasurer of state; 1225

(8) Certificates of deposit, savings accounts, or deposit 1226
accounts in eligible institutions applying for interim moneys as 1227
provided in section 135.08 of the Revised Code, including linked 1228
deposits as authorized under section 135.61 of the Revised Code. 1229
For interim funds invested in accordance with division (A) (8) of 1230
this section, the pledging requirements described in section 1231
135.18, 135.181, or 135.182 of the Revised Code may be reduced 1232
by up to ten per cent in accordance with rules adopted by the 1233
treasurer of state. 1234

(9) Negotiable certificates of deposit denominated in 1235
United States dollars issued by a nationally or state-chartered 1236
bank, a savings association or a federal savings association, a 1237
state or federal credit union, or a federally licensed or state- 1238
licensed branch of a foreign bank, which are rated in the two 1239
highest categories by two nationally recognized statistical 1240
rating organizations, provided that the total amount invested 1241
under this section in negotiable certificates of deposit at any 1242

time shall not exceed twenty-five per cent of the state's total 1243
average portfolio, as determined and calculated by the treasurer 1244
of state. Interim funds invested in accordance with division (A) 1245
(9) of this section are not limited to institutions applying for 1246
interim moneys under section 135.08 of the Revised Code, nor are 1247
they subject to any pledging requirements described in sections 1248
135.18, 135.181, or 135.182 of the Revised Code. 1249

(10) The state treasurer's investment pool authorized 1250
under section 135.45 of the Revised Code; 1251

(11) Debt interests, other than commercial paper described 1252
in division (A) (6) of this section, rated in the four highest 1253
categories by two nationally recognized statistical rating 1254
organizations and issued by entities that are organized under 1255
the laws of the United States or a state, or issued by foreign 1256
nations diplomatically recognized by the United States 1257
government, or any instrument based on, derived from, or related 1258
to such interests, provided that: 1259

(a) The investments in debt interests other than 1260
commercial paper, when added to the investment in written 1261
repurchase agreements for securities listed in division (A) (3) 1262
or (11) of this section, shall not exceed in the aggregate 1263
twenty-five per cent of the state's portfolio. 1264

(b) The investments in debt interests rated in the fourth 1265
highest category shall not exceed in the aggregate ten per cent 1266
of the state's portfolio. 1267

(c) The investments in debt interests issued by foreign 1268
nations shall not exceed in the aggregate two per cent of the 1269
state's portfolio. 1270

The treasurer of state shall invest under division (A) (11) 1271

of this section in a debt interest issued by a foreign nation 1272
only if the debt interest is backed by the full faith and credit 1273
of that foreign nation, and provided that all interest and 1274
principal shall be denominated and payable in United States 1275
funds. 1276

(d) When added to the investment in commercial paper and 1277
negotiable certificates of deposit, the investments in the debt 1278
interests of a single issuer shall not exceed in the aggregate 1279
five per cent of the state's portfolio. 1280

(e) For purposes of division (A)(11) of this section, a 1281
debt interest is rated in the four highest categories by two 1282
nationally recognized statistical rating organizations if either 1283
the debt interest itself or the issuer of the debt interest is 1284
rated, or is implicitly rated, in the four highest categories by 1285
two nationally recognized statistical rating organizations. 1286

(f) For purposes of division (A)(11) of this section, the 1287
"state's portfolio" means the state's total average portfolio, 1288
as determined and calculated by the treasurer of state. 1289

(12) No-load money market mutual funds rated in the 1290
highest category by one nationally recognized statistical rating 1291
organization or consisting exclusively of obligations described 1292
in division (A)(1), (2), or (6) of this section and repurchase 1293
agreements secured by such obligations; 1294

(13) Obligations issued by, or on behalf of, an Ohio 1295
political subdivision under Chapter 133. of the Revised Code or 1296
Section 12 of Article XVIII, Ohio Constitution, and identified 1297
in an agreement described in division (G) of this section; 1298

(14) Obligations issued by the state of Ohio, any 1299
political subdivision thereof, or by or on behalf of any 1300

nonprofit corporation or association doing business in this 1301
state rated in the four highest categories by at least one 1302
nationally recognized statistical rating organization and 1303
identified in an agreement described in division (K) of this 1304
section. 1305

(B) (1) On or before the tenth day of each month, the 1306
treasurer of state shall notify the state board of deposit that 1307
the following reports pertaining to the immediately preceding 1308
month have been posted to the web site maintained by the 1309
treasurer of state: 1310

(a) The daily ledger report of state funds prepared in 1311
accordance with section 113.13 of the Revised Code; 1312

(b) The monthly portfolio report detailing the current 1313
inventory of all investments and deposits held within the 1314
classification of interim moneys; 1315

(c) The monthly activity report within the classification 1316
of interim moneys summarized by type of investment or deposit. 1317

(2) In the event the state board of deposit does not 1318
concur in such classification or in the investments or deposits 1319
made under this section, subject to division (B) (3) of this 1320
section, the board may order the treasurer of state to sell or 1321
liquidate any of the investments or deposits, and any such order 1322
shall specifically describe the investments or deposits and fix 1323
the date upon which they are to be sold or liquidated. 1324
Investments or deposits so ordered to be sold or liquidated 1325
shall be sold or liquidated for cash by the treasurer of state 1326
on the date fixed in such order at the then current market 1327
price. Neither the treasurer of state nor the members of the 1328
state board of deposit shall be held accountable for any loss 1329

occasioned by sales or liquidations of investments or deposits 1330
at prices lower than their cost. Any loss or expense incurred in 1331
making these sales or liquidations is payable as other expenses 1332
of the treasurer's office. 1333

(3) Unless expressly authorized by the laws of this state, 1334
the state board of deposit shall not order the treasurer of 1335
state to sell or liquidate investments or deposits with the 1336
primary purpose of influencing any environmental, social, 1337
personal, or ideological policy. 1338

(C) If any securities or obligations invested in by the 1339
treasurer of state pursuant to this section are registrable 1340
either as to principal or interest, or both, such securities or 1341
obligations shall be registered in the name of the treasurer of 1342
state. 1343

(D) The treasurer of state is responsible for the 1344
safekeeping of all securities or obligations under this section. 1345
Any such securities or obligations may be deposited for 1346
safekeeping as provided in section 113.05 of the Revised Code. 1347

(E) Interest earned on any investments or deposits 1348
authorized by this section shall be collected by the treasurer 1349
of state and credited by the treasurer of state to the proper 1350
fund of the state. 1351

(F) Whenever investments or deposits acquired under this 1352
section mature and become due and payable, the treasurer of 1353
state shall present them for payment according to their tenor, 1354
and shall collect the moneys payable thereon. The moneys so 1355
collected shall be treated as public moneys subject to sections 1356
135.01 to 135.21 of the Revised Code. 1357

(G) The treasurer of state and any entity issuing 1358

obligations referred to in division (A) (13) of this section, 1359
which obligations mature within one year from the original date 1360
of issuance, may enter into an agreement providing for: 1361

(1) The purchase of those obligations by the treasurer of 1362
state on terms and subject to conditions set forth in the 1363
agreement; 1364

(2) The payment to the treasurer of state of a reasonable 1365
fee as consideration for the agreement of the treasurer of state 1366
to purchase those obligations; ~~provided, however, that the~~ 1367
~~treasurer of state shall not be authorized to enter into any~~ 1368
~~such agreement with a board of education of a school district~~ 1369
~~that has an outstanding obligation with respect to a loan~~ 1370
~~received under authority of section 3313.483 of the Revised~~ 1371
~~Code.~~ 1372

(H) For purposes of division (G) of this section, a fee 1373
shall not be considered reasonable unless it is set to recover 1374
only the direct costs, a reasonable estimate of the indirect 1375
costs associated with the purchasing of obligations under 1376
division (G) of this section and any reselling of the 1377
obligations or any interest in the obligations, including 1378
interests in a fund comprised of the obligations, and the 1379
administration thereof. No money from the general revenue fund 1380
shall be used to subsidize the purchase or resale of these 1381
obligations. 1382

(I) All money collected by the treasurer of state from the 1383
fee imposed by division (G) of this section shall be deposited 1384
to the credit of the state political subdivision obligations 1385
fund, which is hereby created in the state treasury. Money 1386
credited to the fund shall be used solely to pay the treasurer 1387
of state's direct and indirect costs associated with purchasing 1388

and reselling obligations under division (G) of this section. 1389

(J) As used in this section, "political subdivision" means 1390
a county, township, municipal corporation, school district, or 1391
other body corporate and politic responsible for governmental 1392
activities in a geographic area smaller than that of the state. 1393

(K) (1) The treasurer of state and any entity issuing 1394
obligations referred to in division (A) (14) of this section, 1395
which obligations require a conditional liquidity requirement, 1396
may enter into an agreement providing for the following: 1397

(a) The purchase of the obligations by the treasurer of 1398
state on terms and subject to conditions set forth in the 1399
agreement; 1400

(b) Payment to the treasurer of state of a fee as 1401
consideration for the agreement of the treasurer of state to 1402
purchase the obligations. 1403

(2) The treasurer of state shall not enter into agreements 1404
under division (K) (1) of this section for obligations that, in 1405
the aggregate, exceed ten per cent of the state's total average 1406
portfolio, as determined and calculated by the treasurer of 1407
state. 1408

(3) For purposes of division (A) (14) of this section, an 1409
obligation is rated in the four highest categories by at least 1410
one nationally recognized statistical rating organization if 1411
either the debt interest itself or the obligor of the debt 1412
interest is rated in the four highest categories by at least one 1413
nationally recognized statistical rating organization. 1414

(4) All money collected by the treasurer of state from the 1415
fee imposed by division (K) of this section shall be deposited 1416
to the credit of the state securities tender program fund, which 1417

is hereby created in the state treasury. The amount of income 1418
from the state securities tender program credited to the state 1419
securities tender program fund shall not exceed one per cent of 1420
the average par value of obligations subject to agreements under 1421
division (K) (1) of this section. All other such income shall be 1422
credited to the general revenue fund. The treasurer of state may 1423
use the state securities tender program fund solely for 1424
operations of the office of the treasurer of state. 1425

(L) (1) The treasurer of state and a state university or 1426
college issuing obligations under section 3345.12 of the Revised 1427
Code may enter into an agreement providing for the following: 1428

(a) The purchase of those obligations by the treasurer of 1429
state pursuant to division (A) (3) (a) of this section on terms 1430
and subject to conditions set forth in the agreement; 1431

(b) The department of higher education to withhold, in the 1432
event the state university or college does not pay bond service 1433
charges on the obligations when due, appropriated funds 1434
allocated to the state university or college in an amount 1435
sufficient to pay bond service charges on the obligations, less 1436
any amounts deposited for that purpose under the bond 1437
proceedings. Upon the request of the treasurer of state, the 1438
department of higher education shall promptly pay to the 1439
treasurer of state the amounts withheld. 1440

(2) For purposes of division (L) (1) of this section, 1441
"obligations," "state university or college," "bond service 1442
charges," and "bond proceedings" have the same meanings as in 1443
section 3345.12 of the Revised Code. 1444

(M) Unless expressly authorized by the laws of this state, 1445
the treasurer of state shall not do either of the following: 1446

(1) Make an investment decision with the primary purpose 1447
of influencing any environmental, social, personal, or 1448
ideological policy; 1449

(2) Permit any person or entity to which the treasurer of 1450
state delegates the management of the investment of state money 1451
to make investment decisions with state money with the primary 1452
purpose of influencing any environmental, social, personal, or 1453
ideological policy. 1454

Sec. 149.41. There is hereby created in each city, local, 1455
joint vocational, and exempted village school district a school 1456
district records commission, and in each educational service 1457
center an educational service center records commission. Each 1458
records commission shall be composed of the president, the 1459
treasurer of the board of education or governing board of the 1460
educational service center, and the superintendent of schools in 1461
each such district or educational service center, or their 1462
designees. The commission shall meet at least once every twelve 1463
months. 1464

The function of the commission shall be to review 1465
applications for one-time disposal of obsolete records and 1466
schedules of records retention and disposition submitted by any 1467
employee of the school district or educational service center. 1468
The commission may dispose of records pursuant to the procedure 1469
outlined in section 149.381 of the Revised Code. The commission, 1470
at any time, may review any schedule it has previously approved 1471
and, for good cause shown, may revise that schedule under the 1472
procedure outlined in that section. 1473

Sec. 2915.092. (A) (1) Subject to division (A) (2) of this 1474
section, a person or entity may conduct a raffle to raise money 1475
for the person or entity and does not need a license to conduct 1476

bingo in order to conduct a raffle drawing that is not for 1477
profit if the person or entity is any of the following: 1478

(a) Exempt from federal income taxation under subsection 1479
501(a) and described in subsection 501(c)(3) of the Internal 1480
Revenue Code; 1481

(b) A school district, community school established under 1482
Chapter 3314. of the Revised Code, STEM school established under 1483
Chapter 3326. of the Revised Code, ~~college-preparatory boarding-~~ 1484
~~school established under Chapter 3328. of the Revised Code, or~~ 1485
chartered nonpublic school; 1486

(c) Exempt from federal income taxation under subsection 1487
501(a) and described in subsection 501(c)(4), 501(c)(6), 501(c) 1488
(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal 1489
Revenue Code. 1490

(2) If a person or entity that is described in division 1491
(A)(1)(c) of this section conducts a raffle, the person or 1492
entity shall distribute at least fifty per cent of the net 1493
profit from the raffle to a charitable purpose described in 1494
division (V) of section 2915.01 of the Revised Code or to a 1495
department or agency of the federal government, the state, or 1496
any political subdivision. 1497

(B) Except as provided in division (A) of this section, no 1498
person shall conduct a raffle drawing that is for profit or a 1499
raffle drawing that is not for profit. 1500

(C) Whoever violates division (B) of this section is 1501
guilty of illegal conduct of a raffle. Except as otherwise 1502
provided in this division, illegal conduct of a raffle is a 1503
misdemeanor of the first degree. If the offender previously has 1504
been convicted of a violation of division (B) of this section, 1505

illegal conduct of a raffle is a felony of the fifth degree.	1506
Sec. 2921.44. (A) No law enforcement officer shall	1507
negligently do any of the following:	1508
(1) Fail to serve a lawful warrant without delay;	1509
(2) Fail to prevent or halt the commission of an offense	1510
or to apprehend an offender, when it is in the law enforcement	1511
officer's power to do so alone or with available assistance.	1512
(B) No law enforcement, ministerial, or judicial officer	1513
shall negligently fail to perform a lawful duty in a criminal	1514
case or proceeding.	1515
(C) No officer, having charge of a detention facility,	1516
shall negligently do any of the following:	1517
(1) Allow the detention facility to become littered or	1518
unsanitary;	1519
(2) Fail to provide persons confined in the detention	1520
facility with adequate food, clothing, bedding, shelter, and	1521
medical attention;	1522
(3) Fail to control an unruly prisoner, or to prevent	1523
intimidation of or physical harm to a prisoner by another;	1524
(4) Allow a prisoner to escape;	1525
(5) Fail to observe any lawful and reasonable regulation	1526
for the management of the detention facility.	1527
(D) No public official of the state shall recklessly	1528
create a deficiency, incur a liability, or expend a greater sum	1529
than is appropriated by the general assembly for the use in any	1530
one year of the department, agency, or institution of the state	1531
with which the public official is connected.	1532

(E) No public servant shall recklessly fail to perform a 1533
duty expressly imposed by law with respect to the public 1534
servant's office, or recklessly do any act expressly forbidden 1535
by law with respect to the public servant's office. 1536

(F) Whoever violates this section is guilty of dereliction 1537
of duty, a misdemeanor of the second degree. 1538

(G) Except as otherwise provided by law, a public servant 1539
who is a county treasurer; county auditor; township fiscal 1540
officer; city auditor; city treasurer; village fiscal officer; 1541
village clerk-treasurer; village clerk; in the case of a 1542
municipal corporation having a charter that designates an 1543
officer who, by virtue of the charter, has duties and functions 1544
similar to those of the city or village officers referred to in 1545
this section, the officer so designated by the charter; school 1546
district treasurer; fiscal officer of a community school 1547
established under Chapter 3314. of the Revised Code; or 1548
treasurer of a science, technology, engineering, and mathematics 1549
school established under Chapter 3326. of the Revised Code; ~~or~~ 1550
~~fiscal officer of a college-preparatory boarding school~~ 1551
~~established under Chapter 3328. of the Revised Code~~ and is 1552
convicted of or pleads guilty to dereliction of duty is 1553
disqualified from holding any public office, employment, or 1554
position of trust in this state for four years following the 1555
date of conviction or of entry of the plea, and is not entitled 1556
to hold any public office until any repayment or restitution 1557
required by the court is satisfied. 1558

(H) As used in this section, "public servant" includes the 1559
following: 1560

(1) An officer or employee of a contractor as defined in 1561
section 9.08 of the Revised Code; 1562

(2) A fiscal officer employed by the operator of a 1563
community school established under Chapter 3314. of the Revised 1564
Code ~~or by the operator of a college-preparatory boarding school~~ 1565
~~established under Chapter 3328. of the Revised Code.~~ 1566

Sec. 3301.07. The director of education and workforce 1567
shall exercise under the acts of the general assembly general 1568
supervision of the system of public education in the state. In 1569
addition to the powers otherwise imposed on the director under 1570
the provisions of law, the director shall have the powers 1571
described in this section. 1572

(A) The director shall exercise policy forming, planning, 1573
and evaluative functions for the public schools of the state 1574
except as otherwise provided by law. 1575

(B) (1) The director shall exercise leadership in the 1576
improvement of public education in this state, and administer 1577
the educational policies of this state relating to public 1578
schools, and relating to instruction and instructional material, 1579
building and equipment, transportation of pupils, administrative 1580
responsibilities of school officials and personnel, and finance 1581
and organization of school districts, educational service 1582
centers, and territory. Consultative and advisory services in 1583
such matters shall be provided by the department of education 1584
and workforce to school districts and educational service 1585
centers of this state. 1586

(2) The director also shall develop a standard of 1587
financial reporting which shall be used by each school district 1588
board of education and each governing board of an educational 1589
service center, each governing authority of a community school 1590
established under Chapter 3314., and each governing body of a 1591
STEM school established under Chapter 3326., ~~and each board of~~ 1592

~~trustees of a college-preparatory boarding school established~~ 1593
~~under Chapter 3328.~~ of the Revised Code to make its financial 1594
information and annual budgets for each school building under 1595
its control available to the public in a format understandable 1596
by the average citizen. The format shall show, both at the 1597
district and at the school building level, revenue by source; 1598
expenditures for salaries, wages, and benefits of employees, 1599
showing such amounts separately for classroom teachers, other 1600
employees required to hold licenses issued pursuant to sections 1601
3319.22 to 3319.31 of the Revised Code, and all other employees; 1602
expenditures other than for personnel, by category, including 1603
utilities, textbooks and other educational materials, equipment, 1604
permanent improvements, pupil transportation, extracurricular 1605
athletics, and other extracurricular activities; and per pupil 1606
expenditures. The format shall also include information on total 1607
revenue and expenditures, per pupil revenue, and expenditures 1608
for both classroom and nonclassroom purposes, as defined by the 1609
standards adopted under section 3302.20 of the Revised Code in 1610
the aggregate and for each subgroup of students, as defined by 1611
section 3317.40 of the Revised Code, that receives services 1612
provided for by state or federal funding. 1613

(3) Each school district board, governing authority, 1614
governing body, or board of trustees, or its respective 1615
designee, shall annually report, to the department, all 1616
financial information required by the standards for financial 1617
reporting, as prescribed by division (B) (2) of this section and 1618
adopted by the director. The department shall make all reports 1619
submitted pursuant to this division available in such a way that 1620
allows for comparison between financial information included in 1621
these reports and financial information included in reports 1622
produced prior to July 1, 2013. The department shall post these 1623

reports in a prominent location on its web site and shall notify 1624
each school when reports are made available. 1625

(C) The director shall administer and supervise the 1626
allocation and distribution of all state and federal funds for 1627
public school education under the provisions of law, and may 1628
prescribe such systems of accounting as are necessary and proper 1629
to this function. It may require county auditors and treasurers, 1630
boards of education, educational service center governing 1631
boards, treasurers of such boards, teachers, and other school 1632
officers and employees, or other public officers or employees, 1633
to file with it such reports as it may prescribe relating to 1634
such funds, or to the management and condition of such funds. 1635

(D) (1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 1636
XLVII, and LI of the Revised Code a reference is made to 1637
standards prescribed under this section or division (D) of this 1638
section, that reference shall be construed to refer to the 1639
standards prescribed under division (D) (2) of this section, 1640
unless the context specifically indicates a different meaning or 1641
intent. 1642

(2) The director shall formulate and prescribe minimum 1643
standards to be applied to all elementary and secondary schools 1644
in this state for the purpose of providing children access to a 1645
general education of high quality according to the learning 1646
needs of each individual, including students with disabilities, 1647
economically disadvantaged students, English learners, and 1648
students identified as gifted. Such standards shall provide 1649
adequately for: a requirement that teachers, administrators, and 1650
other professional personnel be licensed by the state board of 1651
education and assigned according to training and qualifications; 1652
efficient and effective instructional materials and equipment, 1653

including library facilities; the proper organization, 1654
administration, and supervision of each school, including 1655
regulations for preparing all necessary records and reports and 1656
the preparation of a statement of policies and objectives for 1657
each school; the provision of safe buildings, grounds, health 1658
and sanitary facilities and services; admission of pupils, and 1659
such requirements for their promotion from grade to grade as 1660
will assure that they are capable and prepared for the level of 1661
study to which they are certified; and requirements for 1662
graduation. The minimum standards the director adopts under this 1663
section are limited to powers and duties that are expressly 1664
prescribed and authorized in statute. 1665

The director shall base any standards governing the 1666
promotion of students or requirements for graduation on the 1667
ability of students, at any grade level, to earn credits or 1668
advance upon demonstration of mastery of knowledge and skills 1669
through competency-based learning models. Credits of grade level 1670
advancement shall not require a minimum number of days or hours 1671
in a classroom. 1672

The director shall base any standards governing the 1673
assignment of staff on ensuring each school has a sufficient 1674
number of teachers to ensure a student has an appropriate level 1675
of interaction to meet each student's personal learning goals. 1676

In the formulation and administration of such standards 1677
for nonpublic schools the director shall also consider the 1678
particular needs, methods and objectives of those schools, 1679
provided they do not conflict with the provision of a general 1680
education of a high quality and provided that regular procedures 1681
shall be followed for promotion from grade to grade of pupils 1682
who have met the educational requirements prescribed. 1683

(3) In addition to the minimum standards required by 1684
division (D)(2) of this section, the director may formulate and 1685
prescribe the following additional minimum operating standards 1686
for school districts: 1687

(a) Standards for the effective and efficient 1688
organization, administration, and supervision of each school 1689
district with a commitment to high expectations for every 1690
student based on the learning needs of each individual, 1691
including students with disabilities, economically disadvantaged 1692
students, English learners, and students identified as gifted, 1693
and commitment to closing the achievement gap without 1694
suppressing the achievement levels of higher achieving students 1695
so that all students achieve core knowledge and skills in 1696
accordance with the statewide academic standards adopted under 1697
section 3301.079 of the Revised Code; 1698

(b) Standards for the establishment of business advisory 1699
councils under section 3313.82 of the Revised Code; 1700

(c) Standards for school district buildings that may 1701
require the effective and efficient organization, 1702
administration, and supervision of each school district building 1703
with a commitment to high expectations for every student based 1704
on the learning needs of each individual, including students 1705
with disabilities, economically disadvantaged students, English 1706
learners, and students identified as gifted, and commitment to 1707
closing the achievement gap without suppressing the achievement 1708
levels of higher achieving students so that all students achieve 1709
core knowledge and skills in accordance with the statewide 1710
academic standards adopted under section 3301.079 of the Revised 1711
Code. 1712

(E) The director may require as part of the health 1713

curriculum information developed under section 2108.34 of the 1714
Revised Code promoting the donation of anatomical gifts pursuant 1715
to Chapter 2108. of the Revised Code and may provide the 1716
information to high schools, educational service centers, and 1717
joint vocational school district boards of education; 1718

(F) The director shall prepare and submit annually to the 1719
governor and the general assembly a report on the status, needs, 1720
and major problems of the public schools of the state, with 1721
recommendations for necessary legislative action and a ten-year 1722
projection of the state's public and nonpublic school 1723
enrollment, by year and by grade level. 1724

(G) The director shall prepare and submit to the director 1725
of budget and management the biennial budgetary requests of the 1726
department and its divisions and for the public schools of the 1727
state. 1728

(H) The director shall cooperate with federal, state, and 1729
local agencies concerned with the health and welfare of children 1730
and youth of the state. 1731

(I) The director shall require such reports from school 1732
districts and educational service centers, school officers, and 1733
employees as are necessary and desirable. The superintendents 1734
and treasurers of school districts and educational service 1735
centers shall certify as to the accuracy of all reports required 1736
by statutory law or director's rules to be submitted by the 1737
district or educational service center and which contain 1738
information necessary for calculation of state funding. Any 1739
superintendent who knowingly falsifies such report shall be 1740
subject to license revocation pursuant to section 3319.31 of the 1741
Revised Code. 1742

(J) In accordance with Chapter 119. of the Revised Code, 1743
the director shall adopt procedures, standards, and guidelines 1744
for the education of children with disabilities pursuant to 1745
Chapter 3323. of the Revised Code, including procedures, 1746
standards, and guidelines governing programs and services 1747
operated by county boards of developmental disabilities pursuant 1748
to section 3323.09 of the Revised Code. 1749

(K) For the purpose of encouraging the development of 1750
special programs of education for academically gifted children, 1751
the director shall employ competent persons to analyze and 1752
publish data, promote research, advise and counsel with boards 1753
of education, and encourage the training of teachers in the 1754
special instruction of gifted children. The director may provide 1755
financial assistance out of any funds appropriated for this 1756
purpose to boards of education and educational service center 1757
governing boards for developing and conducting programs of 1758
education for academically gifted children. 1759

(L) The director shall require that all public schools 1760
emphasize and encourage, within existing units of study, the 1761
teaching of energy and resource conservation as recommended to 1762
each district board of education by leading business persons 1763
involved in energy production and conservation, beginning in the 1764
primary grades. 1765

(M) The director shall formulate and prescribe minimum 1766
standards requiring the use of phonics as a technique in the 1767
teaching of reading in grades kindergarten through three. In 1768
addition, the director shall provide in-service training 1769
programs for teachers on the use of phonics as a technique in 1770
the teaching of reading in grades kindergarten through three. 1771

(N) The director may adopt rules necessary for carrying 1772

out any function imposed on the director by law, and may provide 1773
rules as are necessary for the government of the department and 1774
its employees, and may delegate to any deputy director the 1775
management and administration of any function imposed on the 1776
director by law. 1777

(O) Upon application from the board of education of a 1778
school district, the director may issue a waiver exempting the 1779
district from compliance with the standards adopted under 1780
divisions (B) (2) and (D) of this section, as they relate to the 1781
operation of a school operated by the district. The director 1782
shall adopt standards for the approval or disapproval of waivers 1783
under this division. The director shall consider every 1784
application for a waiver, and shall determine whether to grant 1785
or deny a waiver in accordance with ~~the~~ those standards. For 1786
each waiver granted, the director shall specify the period of 1787
time during which the waiver is in effect, which shall not 1788
exceed five years. A district board may apply to renew a waiver. 1789

Sec. 3301.079. (A) (1) The department of education and 1790
workforce periodically shall adopt statewide academic standards 1791
with emphasis on coherence, focus, and essential knowledge and 1792
that are more challenging and demanding when compared to 1793
international standards for each of grades kindergarten through 1794
twelve in English language arts, mathematics, science, and 1795
social studies. 1796

(a) The department shall ensure that the standards do all 1797
of the following: 1798

(i) Include the essential academic content and skills that 1799
students are expected to know and be able to do at each grade 1800
level that will allow each student to be prepared for 1801
postsecondary instruction and the workplace for success in the 1802

twenty-first century;	1803
(ii) Include the development of skill sets that promote information, media, and technological literacy;	1804 1805
(iii) Include interdisciplinary, project-based, real-world learning opportunities;	1806 1807
(iv) Instill life-long learning by providing essential knowledge and skills based in the liberal arts tradition, as well as science, technology, engineering, mathematics, and career-technical education;	1808 1809 1810 1811
(v) Be clearly written, transparent, and understandable by parents, educators, and the general public.	1812 1813
(b) The department shall incorporate into the social studies standards for grades four to twelve academic content regarding the original texts of the Declaration of Independence, the Northwest Ordinance, the Constitution of the United States and its amendments, with emphasis on the Bill of Rights, and the Ohio Constitution, and their original context. The department shall revise the model curricula and achievement assessments adopted under divisions (B) and (C) of this section as necessary to reflect the additional American history and American government content. The department shall make available a list of suggested grade-appropriate supplemental readings that place the documents prescribed by this division in their historical context, which teachers may use as a resource to assist students in reading the documents within that context.	1814 1815 1816 1817 1818 1819 1820 1821 1822 1823 1824 1825 1826 1827
(c) When the department adopts or revises academic content standards in social studies, American history, American government, or science under division (A) (1) of this section, it shall develop such standards independently and not as part of a	1828 1829 1830 1831

multistate consortium. 1832

(2) (a) After completing the standards required by division 1833
(A) (1) of this section, the department shall adopt standards and 1834
model curricula for instruction in technology, financial 1835
literacy and entrepreneurship, fine arts, and foreign language 1836
for grades kindergarten through twelve. The standards shall meet 1837
the same requirements prescribed in division (A) (1) (a) of this 1838
section. 1839

(b) The department shall incorporate into the standards 1840
and model curriculum for financial literacy and entrepreneurship 1841
for grades nine through twelve academic content regarding free 1842
market capitalism. The academic content shall include all of the 1843
following concepts related to free market capitalism: 1844

(i) Raw materials, labor, and capital, the three classical 1845
factors of economic production, are privately owned. 1846

(ii) Individuals control their own ability to work, earn 1847
wages, and obtain skills to earn and increase wages. 1848

(iii) Private ownership of capital may include a sole 1849
proprietorship, a family business, a publicly traded 1850
corporation, a group of private investors, or a bank. 1851

(iv) Markets aggregate the exchange of goods and services 1852
throughout the world. Market prices are the only way to convey 1853
so much constantly changing information about the supply of 1854
goods and services, and the demand for them, for consumers and 1855
producers to make informed economic decisions for themselves. 1856

(v) Wealth is created by providing goods and services that 1857
people value at a profit, and both sellers and buyers seek to 1858
profit in some way in a free market transaction. Thus, profit 1859
earned through transactions can be consumed, saved, reinvested 1860

in the business, or dispersed to shareholders. 1861

(vi) Wealth creation involves asset value appreciation and 1862
depreciation, voluntary exchange of equity ownership, and open 1863
and closed markets. 1864

(vii) The free market is driven by, and tends to produce, 1865
entrepreneurship and innovation. 1866

(viii) The free market can include side effects and market 1867
failures where at least part of the cost of the transaction, 1868
including producing, transporting, selling, or buying, is born 1869
by others outside of the transaction. 1870

(ix) The political features of the free market, including 1871
legally protected property rights, legally enforceable 1872
contracts, patent protections, and the mitigation of side 1873
effects and market failures; 1874

(x) Societies that embrace the free market often embrace 1875
political and personal freedom as well. 1876

(3) The department shall adopt the most recent standards 1877
developed by the national association for sport and physical 1878
education for physical education in grades kindergarten through 1879
twelve or shall adopt its own standards for physical education 1880
in those grades and revise and update them periodically. 1881

~~The department shall employ a full-time physical education 1882
coordinator to provide guidance and technical assistance to 1883
districts, community schools, and STEM schools in implementing 1884
the physical education standards adopted under this division. 1885
The director of education and workforce shall determine that the 1886
person employed as coordinator is qualified for the position, as 1887
demonstrated by possessing an adequate combination of education, 1888
license, and experience. 1889~~

(4) The department shall update the standards and model curriculum for instruction in computer science in grades kindergarten through twelve, which shall include standards for introductory and advanced computer science courses in grades nine through twelve. When developing the standards and curriculum, the department shall consider recommendations from computer science education stakeholder groups, including teachers and representatives from higher education, industry, computer science organizations in Ohio, and national computer science organizations.

Any district or school may utilize the computer science standards or model curriculum or any part thereof adopted pursuant to division (A) (4) of this section. However, no district or school shall be required to utilize all or any part of the standards or curriculum.

(5) When academic standards have been completed for any subject area required by this section, the department shall inform all school districts, all community schools established under Chapter 3314. of the Revised Code, all STEM schools established under Chapter 3326. of the Revised Code, and all nonpublic schools required to administer the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code of the content of those standards. Additionally, upon completion of any academic standards under this section, the department shall post those standards on the department's web site.

(B) (1) The department shall adopt a model curriculum for instruction in each subject area for which updated academic standards are required by division (A) (1) of this section and for each of grades kindergarten through twelve that is

sufficient to meet the needs of students in every community. The 1920
model curriculum shall be aligned with the standards, to ensure 1921
that the academic content and skills specified for each grade 1922
level are taught to students, and shall demonstrate vertical 1923
articulation and emphasize coherence, focus, and rigor. When any 1924
model curriculum has been completed, the department shall inform 1925
all school districts, community schools, and STEM schools of the 1926
content of that model curriculum. 1927

(2) The department, in consultation with the governor's 1928
office of workforce transformation, shall adopt model curricula 1929
for grades kindergarten through twelve that embed career 1930
connection learning strategies into regular classroom 1931
instruction. 1932

(3) All school districts, community schools, and STEM 1933
schools may utilize the state standards and the model curriculum 1934
established by the department, together with other relevant 1935
resources, examples, or models to ensure that students have the 1936
opportunity to attain the academic standards. Upon request, the 1937
department shall provide technical assistance to any district, 1938
community school, or STEM school in implementing the model 1939
curriculum. 1940

Nothing in this section requires any school district to 1941
utilize all or any part of a model curriculum developed under 1942
this section. 1943

(C) The department shall develop achievement assessments 1944
aligned with the academic standards and model curriculum for 1945
each of the subject areas and grade levels required by ~~divisions~~ 1946
division (A) (1) ~~and (B) (1)~~ of section 3301.0710 of the Revised 1947
Code. 1948

When any achievement assessment has been completed, the 1949
department shall inform all school districts, community schools, 1950
STEM schools, and nonpublic schools required to administer the 1951
assessment of its completion, and the department shall make the 1952
achievement assessment available to the districts and schools. 1953

(D) (1) Not later than June 30, 2026, the department shall 1954
do both of the following: 1955

(a) Adopt a diagnostic assessment aligned with the 1956
academic standards for each of grades kindergarten to three in 1957
reading; 1958

(b) Approve a list of up to five diagnostic assessments 1959
aligned with the academic standards for each of grades 1960
kindergarten to three for both reading and mathematics. The 1961
department's list of approved diagnostic assessments for reading 1962
shall include the three reading diagnostic assessments that were 1963
approved by the department for use as comparable tools for 1964
purposes of division (B) (1) of section 3313.608 of the Revised 1965
Code, as it existed prior to ~~the effective date of this~~ 1966
~~amendment~~ September 30, 2025, and are most widely used by public 1967
schools in the state. 1968

(2) Each diagnostic assessment adopted or approved under 1969
division (D) (1) of this section shall be designed to measure 1970
student comprehension of academic content and mastery of related 1971
skills for the relevant subject area and grade level. The 1972
diagnostic assessment for reading shall be designed to measure 1973
student comprehension of foundational reading skills aligned to 1974
the science of reading. Any diagnostic assessment adopted by the 1975
department shall not include components to identify gifted 1976
students. Blank copies of diagnostic assessments shall be public 1977
records. 1978

(3) School districts shall administer a diagnostic 1979
assessment in reading and mathematics adopted or approved by the 1980
department pursuant to section 3301.0715 of the Revised Code 1981
beginning in the 2026-2027 school year. 1982

(E) The department shall not adopt a diagnostic or 1983
achievement assessment for any grade level or subject area other 1984
than those specified in this section. 1985

(F) Whenever the department consults with persons for the 1986
purpose of drafting or reviewing any standards, diagnostic 1987
assessments, achievement assessments, or model curriculum 1988
required under this section, the department shall first consult 1989
with parents of students in kindergarten through twelfth grade 1990
and with active Ohio classroom teachers, other school personnel, 1991
and administrators with expertise in the appropriate subject 1992
area. Whenever practicable, the department shall consult with 1993
teachers recognized as outstanding in their fields. 1994

If the department contracts with more than one outside 1995
entity for the development of the achievement assessments 1996
required by this section, the department shall ensure the 1997
interchangeability of those assessments. 1998

(G) Whenever the department adopts standards or model 1999
curricula under this section, the department also shall provide 2000
information on the use of blended, online, or digital learning 2001
in the delivery of the standards or curricula to students in 2002
accordance with division (A) (5) of this section. 2003

(H) The fairness sensitivity review committee of the 2004
department shall not allow any question on any achievement or 2005
diagnostic assessment developed under this section or any 2006
proficiency test prescribed by former section 3301.0710 of the 2007

Revised Code, as it existed prior to September 11, 2001, to
include, be written to promote, or inquire as to individual
moral or social values or beliefs. The decision of the committee
shall be final. This section does not create a private cause of
action.

(I) Not later than sixty days prior to the adoption of
updated academic standards under division (A) (1) of this section
or updated model curricula under division (B) (1) of this
section, the director of education and workforce shall present
the academic standards or model curricula, as applicable, in
person at a public hearing of the respective committees of the
house of representatives and senate that consider education
legislation.

(J) As used in this section:

(1) "Blended learning" means the delivery of instruction
in a combination of time primarily in a supervised physical
location away from home and online delivery whereby the student
has some element of control over time, place, path, or pace of
learning and includes noncomputer-based learning opportunities.

(2) "Online learning" means students work primarily from
their residences on assignments delivered via an internet- or
other computer-based instructional method.

(3) "Coherence" means a reflection of the structure of the
discipline being taught.

(4) "Digital learning" means learning facilitated by
technology that gives students some element of control over
time, place, path, or pace of learning.

(5) "Focus" means limiting the number of items included in
a curriculum to allow for deeper exploration of the subject

matter. 2037

(6) "Vertical articulation" means key academic concepts 2038
and skills associated with mastery in particular content areas 2039
should be articulated and reinforced in a developmentally 2040
appropriate manner at each grade level so that over time 2041
students acquire a depth of knowledge and understanding in the 2042
core academic disciplines. 2043

Sec. 3301.0710. The department of education and workforce 2044
shall adopt rules establishing a statewide program to assess 2045
student achievement. The department shall ensure that all 2046
assessments administered under the program are aligned with the 2047
academic standards and model curricula adopted by the department 2048
and are created with input from Ohio parents, Ohio classroom 2049
teachers, Ohio school administrators, and other Ohio school 2050
personnel pursuant to section 3301.079 of the Revised Code. 2051

The assessment program shall be designed to ensure that 2052
students who receive a high school diploma demonstrate at least 2053
high school levels of achievement in English language arts, 2054
mathematics, science, and social studies. 2055

(A) (1) The department shall prescribe all of the 2056
following: 2057

(a) Two statewide achievement assessments, one each 2058
designed to measure the level of English language arts and 2059
mathematics skill expected at the end of third grade; 2060

(b) Two statewide achievement assessments, one each 2061
designed to measure the level of English language arts and 2062
mathematics skill expected at the end of fourth grade; 2063

(c) Three statewide achievement assessments, one each 2064
designed to measure the level of English language arts, 2065

mathematics, and science skill expected at the end of fifth grade;	2066 2067
(d) Two statewide achievement assessments, one each designed to measure the level of English language arts and mathematics skill expected at the end of sixth grade;	2068 2069 2070
(e) Two statewide achievement assessments, one each designed to measure the level of English language arts and mathematics skill expected at the end of seventh grade;	2071 2072 2073
(f) Three statewide achievement assessments, one each designed to measure the level of English language arts, mathematics, and science skill expected at the end of eighth grade.	2074 2075 2076 2077
(2) The department shall determine and designate at least five ranges of scores on each of the achievement assessments described in divisions <u>division</u> (A) (1) and (B) (1) of this section. Each range of scores shall be deemed to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:	2078 2079 2080 2081 2082 2083
(a) An advanced level of skill;	2084
(b) An accomplished level of skill;	2085
(c) A proficient level of skill;	2086
(d) A basic level of skill;	2087
(e) A limited level of skill.	2088
(3) For the purpose of implementing division (A) of section 3313.608 of the Revised Code, the department shall determine and designate a level of achievement, not lower than the level designated in division (A) (2) (e) of this section, on	2089 2090 2091 2092

the third grade English language arts assessment for a student 2093
to be promoted to the fourth grade. The department shall review 2094
and adjust upward the level of achievement designated under this 2095
division each year the test is administered until the level is 2096
set equal to the level designated in division (A) (2) (c) of this 2097
section. The level of achievement designated under this division 2098
shall be equal to the level designated in division (A) (2) (c) of 2099
this section not later than July 1, 2024. 2100

(4) Each school district or school shall teach and assess 2101
social studies in at least the fourth and sixth grades. Any 2102
assessment in such area shall be determined by the district or 2103
school and may be formative or summative in nature. The results 2104
of such assessment shall not be reported to the department. 2105

~~(B) (1) The assessments prescribed under division (B) (1) of 2106
this section shall collectively be known as the Ohio graduation- 2107
tests. Those tests shall consist of five statewide high school- 2108
achievement assessments, one each designed to measure the level 2109
of reading, writing, mathematics, science, and social studies- 2110
skill expected at the end of tenth grade. The department shall- 2111
designate a score in at least the range designated under- 2112
division (A) (2) (c) of this section on each such assessment that- 2113
shall be deemed to be a passing score on the assessment as a 2114
condition toward granting high school diplomas under sections- 2115
3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code- 2116
until the assessment system prescribed by section 3301.0712 of- 2117
the Revised Code is implemented in accordance with division (B)- 2118
(2) of this section.- 2119~~

~~(2) The department shall prescribe an assessment system in 2120
accordance with section 3301.0712 of the Revised Code that shall 2121
replace the Ohio graduation tests beginning with students who- 2122~~

~~enter the ninth grade for the first time on or after July 1,~~ 2123
~~2014.~~ 2124

~~(3)~~ (B) The department may enter into a reciprocal 2125
agreement with the appropriate body or agency of any other state 2126
that has similar statewide achievement assessment requirements 2127
for receiving high school diplomas, under which any student who 2128
has met an achievement assessment requirement of one state is 2129
recognized as having met the similar requirement of the other 2130
state for purposes of receiving a high school diploma. For 2131
purposes of this section and sections 3301.0711 and 3313.61 of 2132
the Revised Code, any student enrolled in any public high school 2133
in this state who has met an achievement assessment requirement 2134
specified in a reciprocal agreement entered into under this 2135
division shall be deemed to have attained at least the 2136
applicable score designated under this division on each 2137
assessment required ~~by division (B) (1) or (2) of this section~~ 2138
~~that is specified in the agreement~~ under section 3301.0712 of the 2139
Revised Code. 2140

(C) The director of education and workforce shall 2141
designate dates and times for the administration of the 2142
assessments prescribed by ~~divisions (A) and (B) of this section~~ 2143
and section 3301.0712 of the Revised Code. 2144

In prescribing administration dates pursuant to this 2145
division, the director shall designate the dates in such a way 2146
as to allow a reasonable length of time between the 2147
administration of assessments prescribed under this section and 2148
any administration of the national assessment of educational 2149
progress given to students in the same grade level pursuant to 2150
section 3301.27 of the Revised Code or federal law. 2151

(D) ~~The department shall prescribe a practice version of~~ 2152

~~each Ohio graduation test described in division (B) (1) of this section that is of comparable length to the actual test.~~ 2153
2154

~~(E)~~ Any committee established by the department for the 2155
purpose of making recommendations regarding the designation of 2156
scores on the assessments described by this section shall inform 2157
the department of the probable percentage of students who would 2158
score in each of the ranges established under division (A) (2) of 2159
this section on the assessments if the committee's 2160
recommendations are adopted by the department. To the extent 2161
possible, these percentages shall be disaggregated by gender, 2162
major racial and ethnic groups, English learners, economically 2163
disadvantaged students, students with disabilities, and migrant 2164
students. 2165

Sec. 3301.0711. (A) The department of education and 2166
workforce shall: 2167

(1) Annually furnish to, grade, and score all assessments 2168
required by ~~divisions~~ division (A) (1) and ~~(B) (1)~~ of section 2169
3301.0710 of the Revised Code to be administered by city, local, 2170
exempted village, and joint vocational school districts, ~~except~~ 2171
~~that each district shall score any assessment administered~~ 2172
~~pursuant to division (B) (10) of this section.~~ Each assessment so 2173
furnished shall include the data verification code of the 2174
student to whom the assessment will be administered, as assigned 2175
pursuant to division (D) (2) of section 3301.0714 of the Revised 2176
Code. ~~In furnishing the practice versions of Ohio graduation~~ 2177
~~tests prescribed by division (D) of section 3301.0710 of the~~ 2178
~~Revised Code, the department shall make the tests available on~~ 2179
~~its web site for reproduction by districts.~~ In awarding 2180
contracts for grading assessments, the department shall give 2181
preference to Ohio-based entities employing Ohio residents. 2182

(2) Adopt rules for the ethical use of assessments and prescribing the manner in which the assessments prescribed by section <u>sections 3301.0710 and 3301.0712</u> of the Revised Code shall be administered to students.	2183 2184 2185 2186
(B) Except as provided in divisions (C) and (J) of this section, the board of education of each city, local, and exempted village school district shall, in accordance with rules adopted under division (A) of this section:	2187 2188 2189 2190
(1) Administer the English language arts assessments prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code twice annually to all students in the third grade who have not attained the score designated for that assessment under division (A) (2) (c) of section 3301.0710 of the Revised Code.	2191 2192 2193 2194 2195 2196
(2) Administer the mathematics assessment prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code at least once annually to all students in the third grade.	2197 2198 2199
(3) Administer the assessments prescribed under division (A) (1) (b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.	2200 2201 2202
(4) Administer the assessments prescribed under division (A) (1) (c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.	2203 2204 2205
(5) Administer the assessments prescribed under division (A) (1) (d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.	2206 2207 2208
(6) Administer the assessments prescribed under division (A) (1) (e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.	2209 2210 2211

(7) Administer the assessments prescribed under division 2212
(A) (1) (f) of section 3301.0710 of the Revised Code at least once 2213
annually to all students in the eighth grade. 2214

~~(8) Except as provided in division (B) (9) of this section, 2215
administer any assessment prescribed under division (B) (1) of 2216
section 3301.0710 of the Revised Code as follows:— 2217~~

~~(a) At least once annually to all tenth grade students and 2218
at least twice annually to all students in eleventh or twelfth 2219
grade who have not yet attained the score on that assessment 2220
designated under that division;— 2221~~

~~(b) To any person who has successfully completed the 2222
curriculum in any high school or the individualized education 2223
program developed for the person by any high school pursuant to 2224
section 3323.08 of the Revised Code but has not received a high 2225
school diploma and who requests to take such assessment, at any 2226
time such assessment is administered in the district.— 2227~~

~~(9) In lieu of the board of education of any city, local, 2228
or exempted village school district in which the student is also 2229
enrolled, the board of a joint vocational school district shall 2230
administer any assessment prescribed under division (B) (1) of 2231
section 3301.0710 of the Revised Code at least twice annually to 2232
any student enrolled in the joint vocational school district who 2233
has not yet attained the score on that assessment designated 2234
under that division. A board of a joint vocational school 2235
district may also administer such an assessment to any student 2236
described in division (B) (8) (b) of this section.— 2237~~

~~(10) If the district has a three-year average graduation 2238
rate of not more than seventy-five per cent, administer each 2239
assessment prescribed by division (D) of section 3301.0710 of 2240~~

~~the Revised Code in September to all ninth grade students who~~ 2241
~~entered ninth grade prior to July 1, 2014.~~ 2242

~~Except as provided in section 3313.614 of the Revised Code~~ 2243
~~for administration of an assessment to a person who has~~ 2244
~~fulfilled the curriculum requirement for a high school diploma~~ 2245
~~but has not passed one or more of the required assessments, the~~ 2246
~~assessments prescribed under division (B) (1) of section~~ 2247
~~3301.0710 of the Revised Code shall not be administered after~~ 2248
~~the date specified in the rules adopted under division (D) (1) of~~ 2249
~~section 3301.0712 of the Revised Code.~~ 2250

~~(11)(a)(8) (a)~~ Except as provided in divisions ~~(B) (11)(b)~~ 2251
~~(B) (8) (b)~~ and (c) of this section, administer the assessments 2252
prescribed by ~~division (B) (2) of section 3301.0710 and section~~ 2253
3301.0712 of the Revised Code in accordance with the timeline 2254
and plan for implementation of those assessments prescribed by 2255
rule adopted under division (D) (1) of section 3301.0712 of the 2256
Revised Code; 2257

(b) A student who has presented evidence to the district 2258
or school of having satisfied the condition prescribed by 2259
division (A) (1) of section 3313.618 of the Revised Code to 2260
qualify for a high school diploma prior to the date of the 2261
administration of the assessment prescribed under division (B) 2262
(1) of section 3301.0712 of the Revised Code shall not be 2263
required to take that assessment. However, no board shall 2264
prohibit a student who is not required to take such assessment 2265
from taking the assessment. 2266

(c) A student shall not be required to retake the Algebra 2267
I end-of-course examination or the English language arts II end- 2268
of-course examination prescribed under division (B) (2) of 2269
section 3301.0712 of the Revised Code in grades nine through 2270

twelve if the student demonstrates at least a proficient level 2271
of skill, as prescribed under division (B) (5) (a) of that 2272
section, or achieves a competency score, as prescribed under 2273
division (B) (10) of that section, in an administration of the 2274
examination prior to grade nine. 2275

(C) (1) (a) In the case of a student receiving special 2276
education services under Chapter 3323. of the Revised Code, the 2277
individualized education program developed for the student under 2278
that chapter shall specify the manner in which the student will 2279
participate in the assessments administered under this section, 2280
except that a student with significant cognitive disabilities to 2281
whom an alternate assessment is administered in accordance with 2282
division (C) (1) of this section and a student determined to have 2283
a disability that includes an intellectual disability as 2284
outlined in guidance issued by the department shall not be 2285
required to take the assessment prescribed under division (B) (1) 2286
of section 3301.0712 of the Revised Code. The individualized 2287
education program may excuse the student from taking any 2288
particular assessment required to be administered under this 2289
section if it instead specifies an alternate assessment method 2290
approved by the department as conforming to requirements of 2291
federal law for receipt of federal funds for disadvantaged 2292
pupils. To the extent possible, the individualized education 2293
program shall not excuse the student from taking an assessment 2294
unless no reasonable accommodation can be made to enable the 2295
student to take the assessment. No board shall prohibit a 2296
student who is not required to take an assessment under division 2297
(C) (1) of this section from taking the assessment. 2298

(b) Any alternate assessment approved by the department 2299
for a student under this division shall produce measurable 2300
results comparable to those produced by the assessment it 2301

replaces in order to allow for the student's results to be 2302
included in the data compiled for a school district or building 2303
under section 3302.03 of the Revised Code. 2304

(c) (i) Any student enrolled in a chartered nonpublic 2305
school who has been identified, based on an evaluation conducted 2306
in accordance with section 3323.03 of the Revised Code or 2307
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 2308
29 U.S.C.A. 794, as amended, as a child with a disability shall 2309
be excused from taking any particular assessment required to be 2310
administered under this section if either of the following 2311
apply: 2312

(I) A plan developed for the student pursuant to rules 2313
adopted by the department excuses the student from taking that 2314
assessment. 2315

(II) The chartered nonpublic school develops a written 2316
plan in which the school, in consultation with the student's 2317
parents, determines that an assessment or alternative assessment 2318
with accommodations does not accurately assess the student's 2319
academic performance. The plan shall include an academic profile 2320
of the student's academic performance and shall be reviewed 2321
annually to determine if the student's needs continue to require 2322
excusal from taking the assessment. 2323

(ii) A student with significant cognitive disabilities to 2324
whom an alternate assessment is administered in accordance with 2325
division (C) (1) of this section and a student determined to have 2326
a disability that includes an intellectual disability as 2327
outlined in guidance issued by the department shall not be 2328
required to take the assessment prescribed under division (B) (1) 2329
of section 3301.0712 of the Revised Code. 2330

(iii) In the case of any student so excused from taking an assessment under division (C) (1) (c) of this section, the chartered nonpublic school shall not prohibit the student from taking the assessment.

(2) A district board may, for medical reasons or other good cause, excuse a student from taking an assessment administered under this section on the date scheduled, but that assessment shall be administered to the excused student not later than nine days following the scheduled date. The district board shall annually report the number of students who have not taken one or more of the assessments required by this section to the department not later than the thirtieth day of June.

(3) No school district board shall excuse any English learner from taking any particular assessment required to be administered under this section, except that any English learner who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department shall not be required to take the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code.

However, no board shall prohibit an English learner who is not required to take that assessment from taking the assessment.

A board may permit any English learner to take an assessment required to be administered under this section with appropriate accommodations, as determined by the department.

For each English learner, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department.

The guidance and procedures issued by the department for

the purposes of division (C) (3) of this section shall comply 2360
with the rules adopted under section 3301.0731 of the Revised 2361
Code. 2362

(4) (a) The governing authority of a chartered nonpublic 2363
school may excuse an English learner from taking any assessment 2364
administered under this section. 2365

(b) No governing authority shall require an English 2366
learner who has been enrolled in United States schools for less 2367
than two years and for whom no appropriate accommodations are 2368
available based on guidance issued by the department to take the 2369
assessment prescribed under division (B) (1) of section 3301.0712 2370
of the Revised Code. 2371

(c) No governing authority shall prohibit an English 2372
learner from taking an assessment from which the student was 2373
excused under division (C) (4) of this section. 2374

~~(D) (1)~~ (D) In the school year next succeeding the school 2375
year in which the assessments prescribed by division (A) (1) ~~or~~ 2376
~~(B) (1)~~ of section 3301.0710 of the Revised Code ~~or former~~ 2377
~~division (A) (1), (A) (2), or (B) of section 3301.0710 of the~~ 2378
~~Revised Code as it existed prior to September 11, 2001,~~ are 2379
administered to any student, the board of education of any 2380
school district in which the student is enrolled in that year 2381
shall provide to the student intervention services commensurate 2382
with the student's performance, including any intensive 2383
intervention required under section 3313.608 of the Revised 2384
Code, in any skill in which the student failed to demonstrate at 2385
least a score at the proficient level on the assessment. 2386

~~(2) Following any administration of the assessments~~ 2387
~~prescribed by division (D) of section 3301.0710 of the Revised~~ 2388

~~Code to ninth grade students, each school district that has a 2389
three-year average graduation rate of not more than seventy-five 2390
per cent shall determine for each high school in the district 2391
whether the school shall be required to provide intervention 2392
services to any students who took the assessments. In 2393
determining which high schools shall provide intervention 2394
services based on the resources available, the district shall 2395
consider each school's graduation rate and scores on the 2396
practice assessments. The district also shall consider the 2397
scores received by ninth grade students on the English language 2398
arts and mathematics assessments prescribed under division (A) 2399
(1)(f) of section 3301.0710 of the Revised Code in the eighth 2400
grade in determining which high schools shall provide 2401
intervention services. 2402~~

~~Each high school selected to provide intervention services 2403
under this division shall provide intervention services to any 2404
student whose results indicate that the student is failing to 2405
make satisfactory progress toward being able to attain scores at 2406
the proficient level on the Ohio graduation tests. Intervention 2407
services shall be provided in any skill in which a student 2408
demonstrates unsatisfactory progress and shall be commensurate 2409
with the student's performance. Schools shall provide the 2410
intervention services prior to the end of the school year, 2411
during the summer following the ninth grade, in the next 2412
succeeding school year, or at any combination of those times. 2413~~

(E) Except as provided in section 3313.608 of the Revised 2414
Code and division (N) of this section, no school district board 2415
of education shall utilize any student's failure to attain a 2416
specified score on an assessment administered under this section 2417
as a factor in any decision to deny the student promotion to a 2418
higher grade level. However, a district board may choose not to 2419

promote to the next grade level any student who does not take an 2420
assessment administered under this section or make up an 2421
assessment as provided by division (C) (2) of this section and 2422
who is not exempt from the requirement to take the assessment 2423
under division (C) (3) of this section. 2424

(F) No person shall be charged a fee for taking any 2425
assessment administered under this section. 2426

(G) (1) Each school district board shall designate one 2427
location for the collection of assessments administered in the 2428
spring under division (B) (1) of this section and those 2429
administered under divisions (B) (2) to (7) of this section. Each 2430
district board shall submit the assessments to the entity with 2431
which the department contracts for the scoring of the 2432
assessments as follows: 2433

(a) If the district's total enrollment in grades 2434
kindergarten through twelve during the first full school week of 2435
October was less than two thousand five hundred, not later than 2436
the Friday after all of the assessments have been administered; 2437

(b) If the district's total enrollment in grades 2438
kindergarten through twelve during the first full school week of 2439
October was two thousand five hundred or more, but less than 2440
seven thousand, not later than the Monday after all of the 2441
assessments have been administered; 2442

(c) If the district's total enrollment in grades 2443
kindergarten through twelve during the first full school week of 2444
October was seven thousand or more, not later than the Tuesday 2445
after all of the assessments have been administered. 2446

However, any assessment that a student takes during the 2447
make-up period described in division (C) (2) of this section 2448

shall be submitted not later than the Friday following the day 2449
the student takes the assessment. 2450

(2) The department or an entity with which the department 2451
contracts for the scoring of the assessment shall send to each 2452
school district board a list of the individual scores of all 2453
persons taking a state achievement assessment as follows: 2454

(a) Except as provided in division (G) (2) (b) or (c) of 2455
this section, within forty-five days after the administration of 2456
the assessments prescribed by sections 3301.0710 and 3301.0712 2457
of the Revised Code, but in no case shall the scores be returned 2458
later than the thirtieth day of June following the 2459
administration; 2460

(b) In the case of the third-grade English language arts 2461
assessment, within forty-five days after the administration of 2462
that assessment, but in no case shall the scores be returned 2463
later than the fifteenth day of June following the 2464
administration; 2465

(c) In the case of the writing component of an assessment 2466
or end-of-course examination in the area of English language 2467
arts, except for the third-grade English language arts 2468
assessment, the results may be sent after forty-five days of the 2469
administration of the writing component, but in no case shall 2470
the scores be returned later than the thirtieth day of June 2471
following the administration. 2472

(3) For assessments administered under this section by a 2473
joint vocational school district, the department or entity shall 2474
also send to each city, local, or exempted village school 2475
district a list of the individual scores of any students of such 2476
city, local, or exempted village school district who are 2477

attending school in the joint vocational school district. 2478

(4) ~~Beginning with the 2019-2020 school year, a~~ A school 2479
district, other public school, or chartered nonpublic school may 2480
administer the third-grade English language arts or mathematics 2481
assessment, or both, in a paper format in any school year for 2482
which the district board of education or school governing body 2483
adopts a resolution indicating that the district or school 2484
chooses to administer the assessment in a paper format. The 2485
board or governing body shall submit a copy of the resolution to 2486
the department of education and workforce not later than the 2487
first day of May prior to the school year for which it will 2488
apply. If the resolution is submitted, the district or school 2489
shall administer the assessment in a paper format to all 2490
students in the third grade, except that any student whose 2491
individualized education program or plan developed under section 2492
504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 2493
794, as amended, specifies that taking the assessment in an 2494
online format is an appropriate accommodation for the student 2495
may take the assessment in an online format. 2496

(5) A classical school may administer all assessments 2497
administered under this section in a paper format, except that 2498
any student whose individualized education program or plan 2499
developed under section 504 of the "Rehabilitation Act of 1973," 2500
29 U.S.C. 794 specifies that taking the assessment in an online 2501
format is an appropriate accommodation for the student may take 2502
the assessment in an online format. 2503

(H) Individual scores on any assessments administered 2504
under this section shall be released by a district board only in 2505
accordance with section 3319.321 of the Revised Code and the 2506
rules adopted under division (A) of this section. No district 2507

board or its employees shall utilize individual or aggregate 2508
results in any manner that conflicts with rules for the ethical 2509
use of assessments adopted pursuant to division (A) of this 2510
section. 2511

(I) Except as provided in division (G) of this section, 2512
the department or an entity with which the department contracts 2513
for the scoring of the assessment shall not release any 2514
individual scores on any assessment administered under this 2515
section. The department shall adopt rules to ensure the 2516
protection of student confidentiality at all times. The rules 2517
may require the use of the data verification codes assigned to 2518
students pursuant to division (D) (2) of section 3301.0714 of the 2519
Revised Code to protect the confidentiality of student scores. 2520

(J) Notwithstanding division (D) of section 3311.52 of the 2521
Revised Code, this section does not apply to the board of 2522
education of any cooperative education school district except as 2523
provided under rules adopted pursuant to this division. 2524

(1) In accordance with rules that the department shall 2525
adopt, the board of education of any city, exempted village, or 2526
local school district with territory in a cooperative education 2527
school district established pursuant to divisions (A) to (C) of 2528
section 3311.52 of the Revised Code may enter into an agreement 2529
with the board of education of the cooperative education school 2530
district for administering any assessment prescribed under this 2531
section to students of the city, exempted village, or local 2532
school district who are attending school in the cooperative 2533
education school district. 2534

(2) In accordance with rules that the department shall 2535
adopt, the board of education of any city, exempted village, or 2536
local school district with territory in a cooperative education 2537

school district established pursuant to section 3311.521 of the Revised Code shall enter into an agreement with the cooperative district that provides for the administration of any assessment prescribed under this section to ~~both of the following:~~

~~(a) Students~~ students who are attending school in the cooperative district and who, if the cooperative district were not established, would be entitled to attend school in the city, local, or exempted village school district pursuant to section 3313.64 or 3313.65 of the Revised Code,

~~(b) Persons described in division (B) (8) (b) of this section.~~

Any assessment of students pursuant to such an agreement shall be in lieu of any assessment of such students or persons pursuant to this section.

(K) (1) (a) Except as otherwise provided in division (K) (1) or (2) of this section, each chartered nonpublic school for which at least sixty-five per cent of its total enrollment is made up of students who are participating in state scholarship programs shall administer the assessments prescribed by division (A) of section 3301.0710 of the Revised Code or an alternative standardized assessment determined by the department. In accordance with procedures and deadlines prescribed by the department, the parent or guardian of a student enrolled in the school who is not participating in a state scholarship program may submit notice to the chief administrative officer of the school that the parent or guardian does not wish to have the student take the assessments prescribed for the student's grade level under division (A) of section 3301.0710 of the Revised Code. If a parent or guardian submits an opt-out notice, the school shall not administer the assessments to that student.

This option does not apply to any assessment required for a high school diploma under section 3313.612 of the Revised Code. 2568
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(b) Any chartered nonpublic school that enrolls students who are participating in state scholarship programs may administer an alternative standardized assessment determined by the department instead of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code. 2570
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Each chartered nonpublic school subject to division (K) (1) (a) or (b) of this section shall report the results of each assessment administered under those divisions to the department. 2575
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(2) A chartered nonpublic school may submit to the director of education and workforce a request for a waiver from administering the elementary assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The director shall approve or disapprove a request for a waiver submitted under division (K) (2) of this section. 2578
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To be eligible to submit a request for a waiver, a chartered nonpublic school shall meet the following conditions: 2584
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(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychiatrist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome. 2586
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(b) The school has solely served a student population described in division (K) (1) (a) of this section for at least ten 2595
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years. 2597

(c) The school provides to the department at least five 2598
years of records of internal testing conducted by the school 2599
that affords the department data required for accountability 2600
purposes, including diagnostic assessments and nationally 2601
standardized norm-referenced achievement assessments that 2602
measure reading and math skills. 2603

(3) Any chartered nonpublic school that is not subject to 2604
division (K) (1) of this section may participate in the 2605
assessment program by administering any of the assessments 2606
prescribed by division (A) of section 3301.0710 of the Revised 2607
Code. The chief administrator of the school shall specify which 2608
assessments the school will administer. Such specification shall 2609
be made in writing to the director prior to the first day of 2610
August of any school year in which assessments are administered 2611
and shall include a pledge that the nonpublic school will 2612
administer the specified assessments in the same manner as 2613
public schools are required to do under this section and rules 2614
adopted by the department. 2615

(4) The department shall furnish the assessments 2616
prescribed by section 3301.0710 of the Revised Code to each 2617
chartered nonpublic school that is subject to division (K) (1) of 2618
this section or participates under division (K) (3) of this 2619
section. 2620

(L) If a chartered nonpublic school is educating students 2621
in grades nine through twelve, the following shall apply: 2622

(1) Except as provided in division (L) (4) of this section, 2623
for a student who is enrolled in a chartered nonpublic school 2624
that is accredited through the independent schools association 2625

of the central states and who is attending the school under a 2626
state scholarship program, the student shall either take all of 2627
the assessments prescribed by division (B) of section 3301.0712 2628
of the Revised Code or take an alternative assessment approved 2629
by the department under section 3313.619 of the Revised Code. 2630
However, a student who is excused from taking an assessment 2631
under division (C) of this section or has presented evidence to 2632
the chartered nonpublic school of having satisfied the condition 2633
prescribed by division (A) (1) of section 3313.618 of the Revised 2634
Code to qualify for a high school diploma prior to the date of 2635
the administration of the assessment prescribed under division 2636
(B) (1) of section 3301.0712 of the Revised Code shall not be 2637
required to take that assessment. No governing authority of a 2638
chartered nonpublic school shall prohibit a student who is not 2639
required to take such assessment from taking the assessment. 2640

(2) For a student who is enrolled in a chartered nonpublic 2641
school that is accredited through the independent schools 2642
association of the central states, and who is not attending the 2643
school under a state scholarship program, the student shall not 2644
be required to take any assessment prescribed under section 2645
3301.0712 or 3313.619 of the Revised Code. 2646

(3) (a) Except as provided in divisions (L) (3) (b) and (4) 2647
of this section, for a student who is enrolled in a chartered 2648
nonpublic school that is not accredited through the independent 2649
schools association of the central states, regardless of whether 2650
the student is attending or is not attending the school under a 2651
state scholarship program, the student shall do one of the 2652
following: 2653

(i) Take all of the assessments prescribed by division (B) 2654
of section 3301.0712 of the Revised Code; 2655

(ii) Take only the assessment prescribed by division (B) 2656
(1) of section 3301.0712 of the Revised Code, provided that the 2657
student's school publishes the results of that assessment for 2658
each graduating class. The published results of that assessment 2659
shall include the overall composite scores, mean scores, twenty- 2660
fifth percentile scores, and seventy-fifth percentile scores for 2661
each subject area of the assessment. 2662

(iii) Take an alternative assessment approved by the 2663
department under section 3313.619 of the Revised Code. 2664

(b) A student who is excused from taking an assessment 2665
under division (C) of this section or has presented evidence to 2666
the chartered nonpublic school of having satisfied the condition 2667
prescribed by division (A) (1) of section 3313.618 of the Revised 2668
Code to qualify for a high school diploma prior to the date of 2669
the administration of the assessment prescribed under division 2670
(B) (1) of section 3301.0712 of the Revised Code shall not be 2671
required to take that assessment. No governing authority of a 2672
chartered nonpublic school shall prohibit a student who is not 2673
required to take such assessment from taking the assessment. 2674

(4) The assessments prescribed by sections 3301.0712 and 2675
3313.619 of the Revised Code shall not be administered to any 2676
student attending the school, if the school meets all of the 2677
following conditions: 2678

(a) At least ninety-five per cent of the students enrolled 2679
in the school are children with disabilities, as defined under 2680
section 3323.01 of the Revised Code, or have received a 2681
diagnosis by a school district or from a physician, including a 2682
neuropsychologist or psychiatrist, or a psychologist who is 2683
authorized to practice in this or another state as having a 2684
condition that impairs academic performance, such as dyslexia, 2685

dyscalculia, attention deficit hyperactivity disorder, or 2686
Asperger's syndrome. 2687

(b) The school has solely served a student population 2688
described in division (L) (4) (a) of this section for at least ten 2689
years. 2690

(c) The school makes available to the department at least 2691
five years of records of internal testing conducted by the 2692
school that affords the department data required for 2693
accountability purposes, including growth in student achievement 2694
in reading or mathematics, or both, as measured by nationally 2695
norm-referenced assessments that have developed appropriate 2696
standards for students. 2697

Division (L) (4) of this section applies to any student 2698
attending such school regardless of whether the student receives 2699
special education or related services and regardless of whether 2700
the student is attending the school under a state scholarship 2701
program. 2702

(M) (1) The superintendent of Ohio deaf and blind education 2703
services shall administer the assessments described by sections 2704
3301.0710 and 3301.0712 of the Revised Code for the state school 2705
for the blind and the stateschool for the deaf. The 2706
superintendent of Ohio deaf and blind education services shall 2707
administer the assessments in the same manner as district boards 2708
are required to do under this section and rules adopted by the 2709
department and in conformity with division (C) (1) (a) of this 2710
section. 2711

(2) The department shall furnish the assessments described 2712
by sections 3301.0710 and 3301.0712 of the Revised Code to the 2713
superintendent of Ohio deaf and blind education services. 2714

(N) Notwithstanding division (E) of this section, a school district may use a student's failure to attain a score in at least the proficient range on the mathematics assessment described by division (A) (1) (a) of section 3301.0710 of the Revised Code or on an assessment described by division (A) (1) (b), (c), (d), (e), or (f) of section 3301.0710 of the Revised Code as a factor in retaining that student in the current grade level.

(O) (1) In the manner specified in divisions (O) (3) and (4) of this section, the assessments required by division (A) (1) of section 3301.0710 of the Revised Code shall become public records pursuant to section 149.43 of the Revised Code on the thirty-first day of July following the school year that the assessments were administered.

(2) The department may field test proposed questions with samples of students to determine the validity, reliability, or appropriateness of questions for possible inclusion in a future year's assessment. The department also may use anchor questions on assessments to ensure that different versions of the same assessment are of comparable difficulty.

Field test questions and anchor questions shall not be considered in computing scores for individual students. Field test questions and anchor questions may be included as part of the administration of any assessment required by division (A) (1) ~~or (B)~~ of section 3301.0710 and division (B) of section 3301.0712 of the Revised Code.

(3) Any field test question or anchor question administered under division (O) (2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a

public record pursuant to division (O) (1) of this section. 2745

(4) Division (O) (4) of this section applies to the 2746
assessments prescribed by division (A) of section 3301.0710 and 2747
division (B) (2) of section 3301.0712 of the Revised Code. 2748

Beginning with the assessments administered in the spring 2749
of the 2025-2026 school year, the department shall determine 2750
which questions on each assessment that are used to compute a 2751
student's score are a public record, if any. The department 2752
shall determine which questions will be needed for reuse on a 2753
future assessment and those questions shall not be public 2754
records and shall be redacted from the assessment prior to its 2755
release as a public record. However, for each redacted question, 2756
the department shall inform each city, local, and exempted 2757
village school district of the corresponding statewide academic 2758
standard adopted under section 3301.079 of the Revised Code and 2759
the corresponding benchmark to which the question relates. The 2760
department is not required to provide corresponding standards 2761
and benchmarks to field test questions that are redacted under 2762
division (O) (3) of this section. 2763

(P) As used in this section: 2764

(1) "Three-year average" means the average of the most 2765
recent consecutive three school years of data. 2766

(2) "Dropout" means a student who withdraws from school 2767
before completing course requirements for graduation and who is 2768
not enrolled in an education program approved by the department 2769
or an education program outside the state. "Dropout" does not 2770
include a student who has departed the country. 2771

(3) "Graduation rate" means the ratio of students 2772
receiving a diploma to the number of students who entered ninth 2773

grade four years earlier. Students who transfer into the 2774
district are added to the calculation. Students who transfer out 2775
of the district for reasons other than dropout are subtracted 2776
from the calculation. If a student who was a dropout in any 2777
previous year returns to the same school district, that student 2778
shall be entered into the calculation as if the student had 2779
entered ninth grade four years before the graduation year of the 2780
graduating class that the student joins. 2781

(4) "State scholarship programs" means the educational 2782
choice scholarship pilot program established under sections 2783
3310.01 to 3310.17 of the Revised Code, the autism scholarship 2784
program established under section 3310.41 of the Revised Code, 2785
the Jon Peterson special needs scholarship program established 2786
under sections 3310.51 to 3310.64 of the Revised Code, and the 2787
pilot project scholarship program established under sections 2788
3313.974 to 3313.979 of the Revised Code. 2789

(5) "Other public school" means a community school 2790
established under Chapter 3314.7 or a STEM school established 2791
under Chapter 3326.7, ~~or a college-preparatory boarding school~~ 2792
~~established under Chapter 3328.~~ of the Revised Code. 2793

(6) "English learner" has the same meaning as in section 2794
3301.0731 of the Revised Code. 2795

(7) "Classical school" means a community school 2796
established under Chapter 3314. of the Revised Code that is a 2797
member of the Ohio classical school association, or its 2798
successor organization, and uses a curriculum substantially 2799
similar to that of a nationally recognized classical school 2800
network. 2801

Sec. 3301.0712. (A) The department of education and 2802

workforce and the chancellor of higher education shall develop a 2803
system of college and work ready assessments as described in 2804
division (B) of this section to assess whether each student upon 2805
graduating from high school is ready to enter college or the 2806
workforce. ~~Beginning with students who enter the ninth grade for~~ 2807
~~the first time on or after July 1, 2014, the system shall~~ 2808
~~replace the Ohio graduation tests prescribed in division (B)(1)~~ 2809
~~of section 3301.0710 of the Revised Code as a measure of student~~ 2810
~~academic performance and one determinant of eligibility for a~~ 2811
~~high school diploma in the manner prescribed by rule adopted~~ 2812
~~under division (D) of this section.~~ 2813

(B) The college and work ready assessment system shall 2814
consist of the following: 2815

(1) (a) Except as provided in division (B) (1) (b) of this 2816
section, nationally standardized assessments that measure 2817
college and career readiness and are used for college admission. 2818
The assessments shall be selected jointly by the department and 2819
the chancellor, and one of which shall be selected by each 2820
school district or school to administer to its students. The 2821
assessments prescribed under division (B) (1) of this section 2822
shall be administered to all eleventh-grade students in the 2823
spring of the school year. 2824

(b) Beginning with students who enter the ninth grade for 2825
the first time on or after July 1, 2022, the parent or guardian 2826
of a student may elect not to have a nationally standardized 2827
assessment administered to that student. In that event, the 2828
student's school district or school shall not administer the 2829
nationally standardized assessment to that student. 2830

(2) (a) Except as provided in division (B) (2) (b) of this 2831
section, seven end-of-course examinations, one in each of the 2832

areas of English language arts I, English language arts II, 2833
science, Algebra I, geometry, American history, and American 2834
government. The end-of-course examinations shall be selected 2835
jointly by the department and the chancellor in consultation 2836
with faculty in the appropriate subject areas at institutions of 2837
higher education of the university system of Ohio. Advanced 2838
placement examinations and international baccalaureate 2839
examinations, as prescribed under section 3313.6013 of the 2840
Revised Code, in the areas of science, American history, and 2841
American government may be used as end-of-course examinations in 2842
accordance with division (B) (4) (a) (i) of this section. Final 2843
course grades for courses taken under any other advanced 2844
standing program, as prescribed under section 3313.6013 of the 2845
Revised Code, in the areas of science, American history, and 2846
American government may be used in lieu of end-of-course 2847
examinations in accordance with division (B) (4) (a) (ii) of this 2848
section. 2849

(b) Beginning with students who enter ninth grade for the 2850
first time on or after July 1, 2019, five end-of-course 2851
examinations, one in each areas of English language arts II, 2852
science, Algebra I, American history, and American government. 2853
However, only the end-of-course examinations in English language 2854
arts II and Algebra I shall be required for graduation. 2855

The department shall, as necessary to implement division 2856
(B) (2) (b) of this section, seek a waiver from the United States 2857
secretary of education for testing requirements prescribed under 2858
federal law to allow for the use and implementation of Algebra I 2859
as the primary assessment of high school mathematics. If the 2860
department does not receive a waiver under this division, the 2861
end-of-course examinations for students described in division 2862
(B) (2) (b) of this section also shall include an end-of-course 2863

examination in the area of geometry. However, the geometry end-of-course examination shall not be required for graduation. 2864
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(3) The end-of-course examinations in American history and American government shall require demonstration of mastery of the American history and American government content for social studies standards adopted under division (A) (1) (b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code. 2866
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At least twenty per cent of the end-of-course examination in American government shall address the topics on American history and American government described in division (M) of section 3313.603 of the Revised Code. 2872
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(4) (a) Notwithstanding anything to the contrary in this section, both of the following shall apply: 2876
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(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under division (B) (2) of this section. The department shall specify the score levels for each advanced placement examination and international baccalaureate examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma. 2878
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(ii) If a student is enrolled in an appropriate course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, that student shall not be required to take the science, American history, or American 2889
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government end-of-course examination, whichever is applicable, 2893
prescribed under division (B) (2) of this section. Instead, that 2894
student's final course grade shall be used in lieu of the 2895
applicable end-of-course examination prescribed under that 2896
section. The department, in consultation with the chancellor, 2897
shall adopt guidelines for purposes of calculating the 2898
corresponding final course grades that demonstrate the level of 2899
academic achievement necessary to earn a high school diploma. 2900

Division (B) (4) (a) (ii) of this section shall apply only to 2901
courses for which students receive transcribed credit, as 2902
defined in section 3365.01 of the Revised Code. It shall not 2903
apply to remedial or developmental courses. 2904

(b) No student shall take a substitute examination or 2905
examination prescribed under division (B) (4) (a) of this section 2906
in place of the end-of-course examinations in English language 2907
arts I, English language arts II, Algebra I, or geometry 2908
prescribed under division (B) (2) of this section. 2909

(c) The department shall consider additional assessments 2910
that may be used as substitute examinations in lieu of the end- 2911
of-course examinations prescribed under division (B) (2) of this 2912
section. 2913

(5) The department shall do all of the following: 2914

(a) Determine and designate at least five ranges of scores 2915
on each of the end-of-course examinations prescribed under 2916
division (B) (2) of this section, and substitute examinations 2917
prescribed under division (B) (4) of this section. Not later than 2918
sixty days after the designation of ranges of scores, the 2919
director of education and workforce shall conduct a public 2920
presentation before the standing committees of the house of 2921

representatives and the senate that consider primary and 2922
secondary education legislation regarding the designated range 2923
of scores. Each range of scores shall be considered to 2924
demonstrate a level of achievement so that any student attaining 2925
a score within such range has achieved one of the following: 2926

- (i) An advanced level of skill; 2927
- (ii) An accomplished level of skill; 2928
- (iii) A proficient level of skill; 2929
- (iv) A basic level of skill; 2930
- (v) A limited level of skill. 2931

(b) Determine a method by which to calculate a cumulative 2932
performance score based on the results of a student's end-of- 2933
course examinations or substitute examinations; 2934

(c) Determine the minimum cumulative performance score 2935
that demonstrates the level of academic achievement necessary to 2936
earn a high school diploma under division (A) (2) of section 2937
3313.618 of the Revised Code. However, no new minimum cumulative 2938
performance score shall be determined after October 17, 2019. 2939

(d) Develop a table of corresponding score equivalents for 2940
the end-of-course examinations and substitute examinations in 2941
order to calculate student performance consistently across the 2942
different examinations. 2943

A score of two on an advanced placement examination or a 2944
score of two or three on an international baccalaureate 2945
examination shall be considered equivalent to a proficient level 2946
of skill as specified under division (B) (5) (a) (iii) of this 2947
section. 2948

~~(6) (a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:—~~ 2949
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~~(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.—~~ 2952
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~~(ii) The examination was not available for administration prior to July 1, 2015.—~~ 2955
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~~Receipt of credit for the course described in division (B) (6) (a) (i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B) (6) (a) of this section may take the applicable end-of-course examination at a later date.—~~ 2957
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~~(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B) (6) (a) of this section has attained the cumulative score prescribed by division (B) (5) (c) of this section, such student shall select either of the following:—~~ 2962
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~~(i) The student is considered to have attained a proficient score on the end-of-course examination from which the student is exempt;—~~ 2967
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~~(ii) The student's final course grade shall be used in lieu of a score on the end-of-course examination from which the student is exempt.—~~ 2970
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~~The department, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades and the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.—~~ 2973
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~~(7) (a)~~ Notwithstanding anything to the contrary in this section, the department may replace the algebra I end-of-course examination prescribed under division (B) (2) of this section with an algebra II end-of-course examination, ~~beginning with the 2016-2017 school year for students who enter ninth grade on or after July 1, 2016.~~

(b) If the department replaces the algebra I end-of-course examination with an algebra II end-of-course examination as authorized under division ~~(B) (7) (a)~~ (B) (6) (a) of this section, both of the following shall apply:

(i) A student who is enrolled in an advanced placement or international baccalaureate course in algebra II shall take the advanced placement or international baccalaureate examination in lieu of the algebra II end-of-course examination.

(ii) A student who is enrolled in an algebra II course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, shall not be required to take the algebra II end-of-course examination. Instead, that student's final course grade shall be used in lieu of the examination.

(c) If a school district or school utilizes an integrated approach to mathematics instruction, the district or school may do either or both of the following:

(i) Administer an integrated mathematics I end-of-course examination in lieu of the prescribed algebra I end-of-course examination;

(ii) Administer an integrated mathematics II end-of-course examination in lieu of the prescribed geometry end-of-course examination.

~~(8) (a) For students entering the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, the assessment in the area of science shall be physical science or biology. For students entering the ninth grade for the first time on or after July 1, 2015, the~~ (7) The assessment in the area of science shall be biology.

~~(b) Until July 1, 2019, the department shall make available the end-of-course examination in physical science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who wish to retake the examination.~~

~~(c) The department shall adopt rules prescribing the requirements for the end-of-course examination in science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who have not met the requirement prescribed by section 3313.618 of the Revised Code by July 1, 2019, due to a student's failure to satisfy division (A)(2) of section 3313.618 of the Revised Code.~~

~~(9)~~ (8) The department shall not develop or administer an end-of-course examination in the area of world history.

~~(10)~~ (9) The department, in consultation with the chancellor and the governor's office of workforce transformation, shall determine a competency score for both of the Algebra I and English language arts II end-of-course examinations for the purpose of graduation eligibility.

(C) The department shall convene a group of national experts, state experts, and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the

design of the end-of-course examinations prescribed by this 3036
section. 3037

(D) Upon completion of the development of the assessment 3038
system, the department shall adopt rules prescribing all of the 3039
following: 3040

(1) A timeline and plan for implementation of the 3041
assessment system, including a phased implementation if the 3042
department determines such a phase-in is warranted; 3043

(2) The date after which a person shall meet the 3044
requirements of the entire assessment system as a prerequisite 3045
for a diploma of adult education under section 3313.611 of the 3046
Revised Code; 3047

(3) Whether and the extent to which a person may be 3048
excused from an American history end-of-course examination and 3049
an American government end-of-course examination under division 3050
~~(H)~~ (G) of section 3313.61 and division (B) (3) of section 3051
3313.612 of the Revised Code; 3052

(4) The date after which a person who has fulfilled the 3053
curriculum requirement for a diploma but has not passed one or 3054
more of the required assessments at the time the person 3055
fulfilled the curriculum requirement shall meet the requirements 3056
of the entire assessment system as a prerequisite for a high 3057
school diploma under division (B) of section 3313.614 of the 3058
Revised Code; 3059

(5) The extent to which the assessment system applies to 3060
students enrolled in a dropout prevention and recovery program 3061
for purposes of division (F) of section 3313.603 or a dropout 3062
prevention and recovery community school under section 3314.36 3063
of the Revised Code. 3064

(E) (1) Any person enrolled in a nonchartered nonpublic school or any person who is exempt from attendance at school for the purpose of home education under section 3321.042 of the Revised Code may choose to participate in the system of assessments administered under divisions (B) (1) and (2) of this section. However, no such person shall be required to participate in the system of assessments.

(2) The department shall adopt rules for the administration and scoring of any assessments under division (E) (1) of this section.

(F) The department shall select at least one nationally recognized job skills assessment. Each school district shall administer that assessment to those students who opt to take it. The department shall reimburse a school district for the costs of administering that assessment. The department shall establish the minimum score a student must attain on the job skills assessment in order to demonstrate a student's workforce readiness and employability. The administration of the job skills assessment to a student under this division shall not exempt a school district from administering the assessments prescribed in division (B) of this section to that student.

Sec. 3301.0714. (A) The department of education and workforce shall adopt rules for a statewide education management information system. The rules shall require the department to establish guidelines for the establishment and maintenance of the system in accordance with this section and the rules adopted under this section. The guidelines shall include:

(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section;

(2) Procedures for annually collecting and reporting the data to the department in accordance with division (D) of this section;	3095 3096 3097
(3) Procedures for annually compiling the data in accordance with division (G) of this section;	3098 3099
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;	3100 3101
(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.	3102 3103
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	3104 3105 3106
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	3107 3108 3109
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of	3110 3111 3112 3113 3114 3115 3116 3117 3118 3119 3120 3121 3122 3123

disability. The categories of instructional services required by 3124
the guidelines under this division shall be the same as the 3125
categories of instructional services used in determining cost 3126
units pursuant to division (C) (3) of this section. 3127

(b) The numbers of students receiving support or 3128
extracurricular services for each of the support services or 3129
extracurricular programs offered by the school district, such as 3130
counseling services, health services, and extracurricular sports 3131
and fine arts programs. The categories of services required by 3132
the guidelines under this division shall be the same as the 3133
categories of services used in determining cost units pursuant 3134
to division (C) (4) (a) of this section. 3135

(c) Average student grades in each subject in grades nine 3136
through twelve; 3137

(d) Academic achievement levels as assessed under sections 3138
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 3139

(e) The number of students designated as having a 3140
disabling condition pursuant to division (C) (1) of section 3141
3301.0711 of the Revised Code; 3142

(f) The numbers of students reported to the department 3143
pursuant to division (C) (2) of section 3301.0711 of the Revised 3144
Code; 3145

(g) Attendance rates and the average daily attendance for 3146
the year. For purposes of this division, a student shall be 3147
counted as present for any field trip that is approved by the 3148
school administration. 3149

(h) Expulsion rates; 3150

(i) Suspension rates; 3151

(j) Dropout rates;	3152
(k) Rates of retention in grade;	3153
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with the director's rules;	3154 3155 3156
(m) Graduation rates, to be calculated in a manner specified by the department that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	3157 3158 3159 3160 3161
(n) Results of diagnostic assessments described in division (A) (1) of section 3301.0715 of the Revised Code;	3162 3163
(o) The number of students earning each state diploma seal included in the system prescribed under division (A) of section 3313.6114 of the Revised Code;	3164 3165 3166
(p) The number of students demonstrating competency for graduation using each option described in divisions (B) (1) (a) to (d) of section 3313.618 of the Revised Code;	3167 3168 3169
(q) The number of students completing each foundational and supporting option as part of the demonstration of competency for graduation pursuant to division (B) (1) (b) of section 3313.618 of the Revised Code;	3170 3171 3172 3173
(r) The number of students enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code.	3174 3175
(2) Personnel and classroom enrollment data for each school district, including:	3176 3177
(a) The total numbers of licensed employees and	3178

nonlicensed employees and the numbers of full-time equivalent 3179
licensed employees and nonlicensed employees providing each 3180
category of instructional service, instructional support 3181
service, and administrative support service used pursuant to 3182
division (C) (3) of this section. The guidelines adopted under 3183
this section shall require these categories of data to be 3184
maintained for the school district as a whole and, wherever 3185
applicable, for each grade in the school district as a whole, 3186
for each school building as a whole, and for each grade in each 3187
school building. 3188

(b) The total number of employees and the number of full- 3189
time equivalent employees providing each category of service 3190
used pursuant to divisions (C) (4) (a) and (b) of this section, 3191
and the total numbers of licensed employees and nonlicensed 3192
employees and the numbers of full-time equivalent licensed 3193
employees and nonlicensed employees providing each category used 3194
pursuant to division (C) (4) (c) of this section. The guidelines 3195
adopted under this section shall require these categories of 3196
data to be maintained for the school district as a whole and, 3197
wherever applicable, for each grade in the school district as a 3198
whole, for each school building as a whole, and for each grade 3199
in each school building. 3200

(c) The total number of regular classroom teachers 3201
teaching classes of regular education and the average number of 3202
pupils enrolled in each such class, in each of grades 3203
kindergarten through five in the district as a whole and in each 3204
school building in the school district. 3205

(d) The number of lead teachers employed by each school 3206
district and each school building. 3207

(3) (a) Student demographic data for each school district, 3208

including information regarding the gender ratio of the school 3209
district's pupils, the racial make-up of the school district's 3210
pupils, the number of English learners in the district, and an 3211
appropriate measure of the number of the school district's 3212
pupils who reside in economically disadvantaged households. The 3213
demographic data shall be collected in a manner to allow 3214
correlation with data collected under division (B) (1) of this 3215
section. Categories for data collected pursuant to division (B) 3216
(3) of this section shall conform, where appropriate, to 3217
standard practices of agencies of the federal government. 3218

(b) With respect to each student entering kindergarten, 3219
whether the student previously participated in a public 3220
preschool program, a private preschool program, or a head start 3221
program, and the number of years the student participated in 3222
each of these programs. 3223

(4) (a) The core curriculum and instructional materials 3224
being used for English language arts in each of grades pre- 3225
kindergarten to five; 3226

(b) The reading intervention programs being used in each 3227
of grades pre-kindergarten to twelve. 3228

(5) Any data required to be collected pursuant to federal 3229
law. 3230

(C) The education management information system shall 3231
include cost accounting data for each district as a whole and 3232
for each school building in each school district. The guidelines 3233
adopted under this section shall require the cost data for each 3234
school district to be maintained in a system of mutually 3235
exclusive cost units and shall require all of the costs of each 3236
school district to be divided among the cost units. The 3237

guidelines shall require the system of mutually exclusive cost units to include at least the following:

(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C) (1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in enrolled ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code.

(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C) (2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building.

(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B) (1) (a) of this section. The guidelines shall require the cost units under division (C) (3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each instructional services category required by guidelines adopted under division (B) (1) (a) of this section that is provided directly to students by a classroom teacher;

(b) The cost of the instructional support services, such 3267
as services provided by a speech-language pathologist, classroom 3268
aide, multimedia aide, or librarian, provided directly to 3269
students in conjunction with each instructional services 3270
category; 3271

(c) The cost of the administrative support services 3272
related to each instructional services category, such as the 3273
cost of personnel that develop the curriculum for the 3274
instructional services category and the cost of personnel 3275
supervising or coordinating the delivery of the instructional 3276
services category. 3277

(4) Support or extracurricular services costs for each 3278
category of service directly provided to students and required 3279
by guidelines adopted pursuant to division (B) (1) (b) of this 3280
section. The guidelines shall require the cost units under 3281
division (C) (4) of this section to be designed so that each of 3282
them may be compiled and reported in terms of average 3283
expenditure per pupil receiving the service in the school 3284
district as a whole and average expenditure per pupil receiving 3285
the service in each building in the school district and in terms 3286
of a total cost for each category of service and, as a breakdown 3287
of the total cost, a cost for each of the following components: 3288

(a) The cost of each support or extracurricular services 3289
category required by guidelines adopted under division (B) (1) (b) 3290
of this section that is provided directly to students by a 3291
licensed employee, such as services provided by a guidance 3292
counselor or any services provided by a licensed employee under 3293
a supplemental contract; 3294

(b) The cost of each such services category provided 3295
directly to students by a nonlicensed employee, such as 3296

janitorial services, cafeteria services, or services of a sports 3297
trainer; 3298

(c) The cost of the administrative services related to 3299
each services category in division (C) (4) (a) or (b) of this 3300
section, such as the cost of any licensed or nonlicensed 3301
employees that develop, supervise, coordinate, or otherwise are 3302
involved in administering or aiding the delivery of each 3303
services category. 3304

(D) (1) The guidelines adopted under this section shall 3305
require school districts to collect information about individual 3306
students, staff members, or both in connection with any data 3307
required by division (B) or (C) of this section or other 3308
reporting requirements established in the Revised Code. The 3309
guidelines may also require school districts to report 3310
information about individual staff members in connection with 3311
any data required by division (B) or (C) of this section or 3312
other reporting requirements established in the Revised Code. 3313
The guidelines shall not authorize school districts to request 3314
social security numbers of individual students. The guidelines 3315
shall prohibit the reporting under this section of a student's 3316
name, address, and social security number to the department. The 3317
guidelines shall also prohibit the reporting under this section 3318
of any personally identifiable information about any student, 3319
except for the purpose of assigning the data verification code 3320
required by division (D) (2) of this section, to any other person 3321
unless such person is employed by the school district or the 3322
information technology center operated under section 3301.075 of 3323
the Revised Code and is authorized by the district or technology 3324
center to have access to such information or is employed by an 3325
entity with which the department contracts for the scoring or 3326
the development of state assessments. The guidelines may require 3327

school districts to provide the social security numbers of 3328
individual staff members and the county of residence for a 3329
student. Nothing in this section prohibits the department from 3330
providing a student's county of residence to the department of 3331
taxation to facilitate the distribution of tax revenue. 3332

(2) (a) The guidelines shall provide for each school 3333
district or community school to assign a data verification code 3334
that is unique on a statewide basis over time to each student 3335
whose initial Ohio enrollment is in that district or school and 3336
to report all required individual student data for that student 3337
utilizing such code. The guidelines shall also provide for 3338
assigning data verification codes to all students enrolled in 3339
districts or community schools on the effective date of the 3340
guidelines established under this section. The assignment of 3341
data verification codes for other entities, as described in 3342
division (D) (2) (d) of this section, the use of those codes, and 3343
the reporting and use of associated individual student data 3344
shall be coordinated by the department of education and 3345
workforce in accordance with state and federal law. 3346

School districts shall report individual student data to 3347
the department through the information technology centers 3348
utilizing the code. The entities described in division (D) (2) (d) 3349
of this section shall report individual student data to the 3350
department in the manner prescribed by the department. 3351

(b) (i) Except as provided in sections 3301.941, 3310.11, 3352
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 3353
Code, and in division (D) (2) (b) (ii) of this section, at no time 3354
shall the department have access to information that would 3355
enable any data verification code to be matched to personally 3356
identifiable student data. 3357

(ii) For the purpose of making per-pupil payments to 3358
community schools under section 3317.022 of the Revised Code, 3359
the department shall have access to information that would 3360
enable any data verification code to be matched to personally 3361
identifiable student data. 3362

(c) Each school district and community school shall ensure 3363
that the data verification code is included in the student's 3364
records reported to any subsequent school district, community 3365
school, or state institution of higher education, as defined in 3366
section 3345.011 of the Revised Code, in which the student 3367
enrolls. Any such subsequent district or school shall utilize 3368
the same identifier in its reporting of data under this section. 3369

(d) (i) The director of any state agency that administers a 3370
publicly funded program providing services to children who are 3371
younger than compulsory school age, as defined in section 3372
3321.01 of the Revised Code, including the directors of health, 3373
job and family services, ~~mental health and addiction~~ 3374
~~services~~behavioral health, children and youth, and developmental 3375
disabilities, shall request and receive, pursuant to sections 3376
3301.0723 and 5180.33 of the Revised Code, a data verification 3377
code for a child who is receiving those services. 3378

(ii) The director of developmental disabilities, director 3379
of health, director of job and family services, director of 3380
children and youth, director of ~~mental health and addiction~~ 3381
~~services~~behavioral health, medicaid director, executive director 3382
of the commission on minority health, executive director of the 3383
opportunities for Ohioans with disabilities agency, or director 3384
of education and workforce, on behalf of a program that receives 3385
public funds and provides services to children who are younger 3386
than compulsory school age, may request and receive, pursuant to 3387

section 3301.0723 of the Revised Code, a data verification code 3388
for a child who is receiving services from the program. 3389

(E) The guidelines adopted under this section may require 3390
school districts to collect and report data, information, or 3391
reports other than that described in divisions (A), (B), and (C) 3392
of this section for the purpose of complying with other 3393
reporting requirements established in the Revised Code. The 3394
other data, information, or reports may be maintained in the 3395
education management information system but are not required to 3396
be compiled as part of the profile formats required under 3397
division (G) of this section or the annual statewide report 3398
required under division (H) of this section. 3399

(F) The board of education of each school district shall 3400
annually collect and report to the department, in accordance 3401
with the guidelines established by the department, the data 3402
required pursuant to this section. A school district may collect 3403
and report these data notwithstanding section 2151.357 or 3404
3319.321 of the Revised Code. 3405

(G) The department shall, in accordance with the 3406
procedures it adopts, annually compile the data reported by each 3407
school district pursuant to division (D) of this section. The 3408
department shall design formats for profiling each school 3409
district as a whole and each school building within each 3410
district and shall compile the data in accordance with these 3411
formats. These profile formats shall: 3412

(1) Include all of the data gathered under this section in 3413
a manner that facilitates comparison among school districts and 3414
among school buildings within each school district; 3415

(2) Present the data on academic achievement levels as 3416

assessed by the testing of student achievement maintained 3417
pursuant to division (B) (1) (d) of this section. 3418

(H) (1) The department shall, in accordance with the 3419
procedures it adopts, annually prepare a statewide report for 3420
all school districts and the general public that includes the 3421
profile of each of the school districts developed pursuant to 3422
division (G) of this section. Copies of the report shall be sent 3423
to each school district. 3424

(2) The department shall, in accordance with the 3425
procedures it adopts, annually prepare an individual report for 3426
each school district and the general public that includes the 3427
profiles of each of the school buildings in that school district 3428
developed pursuant to division (G) of this section. 3429

(I) Any data that is collected or maintained pursuant to 3430
this section and that identifies an individual pupil is not a 3431
public record for the purposes of section 149.43 of the Revised 3432
Code. 3433

(J) As used in this section: 3434

(1) "School district" means any city, local, exempted 3435
village, or joint vocational school district and, in accordance 3436
with section 3314.17 of the Revised Code, any community school. 3437
As used in division (L) of this section, "school district" also 3438
includes any educational service center or other educational 3439
entity required to submit data using the system established 3440
under this section. 3441

(2) "Cost" means any expenditure for operating expenses 3442
made by a school district excluding any expenditures for debt 3443
retirement ~~except for payments made to any commercial lending~~ 3444
~~institution for any loan approved pursuant to section 3313.483~~ 3445

~~of the Revised Code.~~ 3446

(K) Any person who removes data from the information 3447
system established under this section for the purpose of 3448
releasing it to any person not entitled under law to have access 3449
to such information is subject to section 2913.42 of the Revised 3450
Code prohibiting tampering with data. 3451

(L) (1) In accordance with division (L) (2) of this section 3452
and the rules adopted under division (L) (10) of this section, 3453
the department may sanction any school district that reports 3454
incomplete or inaccurate data, reports data that does not 3455
conform to data requirements and descriptions published by the 3456
department, fails to report data in a timely manner, or 3457
otherwise does not make a good faith effort to report data as 3458
required by this section. 3459

(2) If the department decides to sanction a school 3460
district under this division, the department shall take the 3461
following sequential actions: 3462

(a) Notify the district in writing that the department has 3463
determined that data has not been reported as required under 3464
this section and require the district to review its data 3465
submission and submit corrected data by a deadline established 3466
by the department. The department also may require the district 3467
to develop a corrective action plan, which shall include 3468
provisions for the district to provide mandatory staff training 3469
on data reporting procedures. 3470

(b) Withhold up to ten per cent of the total amount of 3471
state funds due to the district for the current fiscal year and, 3472
if not previously required under division (L) (2) (a) of this 3473
section, require the district to develop a corrective action 3474

plan in accordance with that division; 3475

(c) Withhold an additional amount of up to twenty per cent 3476
of the total amount of state funds due to the district for the 3477
current fiscal year; 3478

(d) Direct department staff or an outside entity to 3479
investigate the district's data reporting practices and make 3480
recommendations for subsequent actions. The recommendations may 3481
include one or more of the following actions: 3482

(i) Arrange for an audit of the district's data reporting 3483
practices by department staff or an outside entity; 3484

(ii) Conduct a site visit and evaluation of the district; 3485

(iii) Withhold an additional amount of up to thirty per 3486
cent of the total amount of state funds due to the district for 3487
the current fiscal year; 3488

(iv) Continue monitoring the district's data reporting; 3489

(v) Assign department staff to supervise the district's 3490
data management system; 3491

(vi) Conduct an investigation to determine whether to 3492
suspend or revoke the license of any district employee in 3493
accordance with division (N) of this section; 3494

(vii) If the district is issued a report card under 3495
section 3302.03 of the Revised Code, indicate on the report card 3496
that the district has been sanctioned for failing to report data 3497
as required by this section; 3498

(viii) If the district is issued a report card under 3499
section 3302.03 of the Revised Code and incomplete or inaccurate 3500
data submitted by the district likely caused the district to 3501

receive a higher performance rating than it deserved under that 3502
section, issue a revised report card for the district; 3503

(ix) Any other action designed to correct the district's 3504
data reporting problems. 3505

(3) Any time the department takes an action against a 3506
school district under division (L) (2) of this section, the 3507
department shall make a report of the circumstances that 3508
prompted the action. The department shall send a copy of the 3509
report to the district superintendent or chief administrator and 3510
maintain a copy of the report in its files. 3511

(4) If any action taken under division (L) (2) of this 3512
section resolves a school district's data reporting problems to 3513
the department's satisfaction, the department shall not take any 3514
further actions described by that division. If the department 3515
withheld funds from the district under that division, the 3516
department may release those funds to the district, except that 3517
if the department withheld funding under division (L) (2) (c) of 3518
this section, the department shall not release the funds 3519
withheld under division (L) (2) (b) of this section and, if the 3520
department withheld funding under division (L) (2) (d) of this 3521
section, the department shall not release the funds withheld 3522
under division (L) (2) (b) or (c) of this section. 3523

(5) Notwithstanding anything in this section to the 3524
contrary, the department may use its own staff or an outside 3525
entity to conduct an audit of a school district's data reporting 3526
practices any time the department has reason to believe the 3527
district has not made a good faith effort to report data as 3528
required by this section. If any audit conducted by an outside 3529
entity under division (L) (2) (d) (i) or (5) of this section 3530
confirms that a district has not made a good faith effort to 3531

report data as required by this section, the district shall 3532
reimburse the department for the full cost of the audit. The 3533
department may withhold state funds due to the district for this 3534
purpose. 3535

(6) Prior to issuing a revised report card for a school 3536
district under division (L) (2) (d) (viii) of this section, the 3537
department may hold a hearing to provide the district with an 3538
opportunity to demonstrate that it made a good faith effort to 3539
report data as required by this section. The hearing shall be 3540
conducted by a referee appointed by the department. Based on the 3541
information provided in the hearing, the referee shall recommend 3542
whether the department should issue a revised report card for 3543
the district. If the referee affirms the department's contention 3544
that the district did not make a good faith effort to report 3545
data as required by this section, the district shall bear the 3546
full cost of conducting the hearing and of issuing any revised 3547
report card. 3548

(7) If the department determines that any inaccurate data 3549
reported under this section caused a school district to receive 3550
excess state funds in any fiscal year, the district shall 3551
reimburse the department an amount equal to the excess funds, in 3552
accordance with a payment schedule determined by the department. 3553
The department may withhold state funds due to the district for 3554
this purpose. 3555

(8) Any school district that has funds withheld under 3556
division (L) (2) of this section may appeal the withholding in 3557
accordance with Chapter 119. of the Revised Code. 3558

(9) In all cases of a disagreement between the department 3559
and a school district regarding the appropriateness of an action 3560
taken under division (L) (2) of this section, the burden of proof 3561

shall be on the district to demonstrate that it made a good 3562
faith effort to report data as required by this section. 3563

(10) The director of education and workforce shall adopt 3564
rules under Chapter 119. of the Revised Code to implement 3565
division (L) of this section. 3566

(M) No information technology center or school district 3567
shall acquire, change, or update its student administration 3568
software package to manage and report data required to be 3569
reported to the department unless it converts to a student 3570
software package that is certified by the department. 3571

(N) The state board of education, in accordance with 3572
sections 3319.31 and 3319.311 of the Revised Code, may suspend 3573
or revoke a license as defined under division (A) of section 3574
3319.31 of the Revised Code that has been issued to any school 3575
district employee found to have willfully reported erroneous, 3576
inaccurate, or incomplete data to the education management 3577
information system. 3578

(O) No person shall release or maintain any information 3579
about any student in violation of this section. Whoever violates 3580
this division is guilty of a misdemeanor of the fourth degree. 3581

(P) If the department cannot compile any of the 3582
information required by division ~~(I)~~(H) of section 3302.03 of 3583
the Revised Code based upon the data collected under this 3584
section, the department shall develop a plan and a reasonable 3585
timeline for the collection of any data necessary to comply with 3586
that division. 3587

Sec. 3301.0715. (A) (1) The board of education of each 3588
city, local, and exempted village school district shall 3589
administer a diagnostic assessment in reading and mathematics 3590

adopted or approved in accordance with section 3301.079 of the Revised Code to the following:

(a) Each student enrolled in kindergarten, first, second, or third grade.

(b) Any student who transfers into the district or to a different school within the district if each applicable diagnostic assessment was not administered by the district or school the student previously attended in the current school year, within thirty days after the date of transfer. If the district or school into which the student transfers cannot determine whether the student has taken any applicable diagnostic assessment in the current school year, the district or school may administer the diagnostic assessment to the student. However, if a student transfers into the district prior to the administration of the diagnostic assessments to all students under division (B) of this section, the district may administer the diagnostic assessments to that student on the date or dates determined under that division.

(2) The district shall administer the kindergarten readiness assessment to each kindergarten student not earlier than the first day of July of the school year in which the student is enrolled in kindergarten and not later than the twentieth day of instruction of that school year. In no case shall the results of the readiness assessment be used to prohibit a student from enrolling in kindergarten.

(B) Each district board shall administer each diagnostic assessment described in division (A) (1) of this section at least once annually by the thirtieth day of September to all students in the appropriate grade level. The board shall administer a diagnostic assessment to a student with a significant cognitive

disability in accordance with guidelines adopted by the 3621
department of education and workforce. A district board may 3622
administer any diagnostic assessment in the fall and spring of a 3623
school year to measure the amount of academic growth 3624
attributable to the instruction received by students during that 3625
school year. 3626

(C) Each district board shall utilize and score the 3627
kindergarten readiness assessment in accordance with rules 3628
established by the department of children and youth and shall 3629
utilize and score each diagnostic assessment described in 3630
division (A)(1) of this section in accordance with rules 3631
established by the department of education and workforce. After 3632
the administration of the kindergarten readiness assessment or a 3633
diagnostic assessment described in division (A)(1) of this 3634
section, each district shall provide a student's completed 3635
assessment, the results of such assessment, and any other 3636
accompanying documents used during the administration of the 3637
assessment to the parent of that student. The district shall 3638
include all such documents and information related to a 3639
diagnostic assessment described in division (A)(1) of this 3640
section in any plan developed for the student under division (C) 3641
of section 3313.608 of the Revised Code. Each district shall 3642
submit, in the manner prescribed by each department, the results 3643
of the assessments administered under this section as follows: 3644

(1) The results of the kindergarten readiness assessment 3645
to the department of children and youth; 3646

(2) The results of all diagnostic assessments described in 3647
division (A)(1) of this section to the department of education 3648
and workforce pursuant to section 3301.0714 of the Revised Code. 3649

The department of children and youth may report school and 3650

district level kindergarten readiness assessment data. The 3651
department of education and workforce may report data from any 3652
diagnostic assessment described in division (A) (1) of this 3653
section and may use that data to calculate the ~~measures~~ measure 3654
prescribed by ~~divisions (B) (1) (g), (C) (1) (g), and (D) (1)~~ 3655
~~(h)~~ division (A) (8) of section 3302.03 of the Revised Code. 3656

(D) Each district board shall provide intervention 3657
services to students whose diagnostic assessments described in 3658
division (A) (1) of this section show that they are failing to 3659
make satisfactory progress toward attaining the academic 3660
standards for their grade level. 3661

(E) Any chartered nonpublic school may elect to administer 3662
the kindergarten readiness assessment to all kindergarten 3663
students enrolled in the school. If the school so elects, the 3664
chief administrator of the school shall notify the director of 3665
children and youth not later than the thirty-first day of March 3666
prior to any school year in which the school will administer the 3667
assessment. The department of children and youth shall furnish 3668
the assessment to the school at no cost to the school. In 3669
administering the assessment, the school shall do all of the 3670
following: 3671

(1) Enter into a written agreement with the department of 3672
children and youth specifying that the school will share each 3673
participating student's assessment data with the department and, 3674
that for the purpose of reporting the data to the department, 3675
each participating student will be assigned a data verification 3676
code as described in division (D) (2) of section 3301.0714 of the 3677
Revised Code; 3678

(2) Require the assessment to be administered by a teacher 3679
certified under section 3301.071 of the Revised Code who either 3680

has completed training on administering the kindergarten 3681
readiness assessment or has been trained by another person who 3682
has completed such training; 3683

(3) Administer the assessment in the same manner as school 3684
districts are required to do under this section and the rules 3685
established under division (C) of this section. 3686

(F) A school district in which less than eighty per cent 3687
of its students score at the proficient level or higher on the 3688
third-grade English language arts assessment prescribed under 3689
section 3301.0710 of the Revised Code shall establish a reading 3690
improvement plan supported by reading specialists. Prior to 3691
implementation, the plan shall be approved by the school 3692
district board of education. 3693

(G) As used in this section, "kindergarten readiness 3694
assessment" means the diagnostic assessment provided by the 3695
department of children and youth under section 5104.52 of the 3696
Revised Code. 3697

Sec. 3301.0716. Notwithstanding division (D) of section 3698
3301.0714 of the Revised Code, the department of education and 3699
workforce may have access to personally identifiable information 3700
about any student under the following circumstances: 3701

(A) An entity with which the department contracts for the 3702
scoring of assessments administered under section 3301.0711 or 3703
3301.0712 of the Revised Code has notified the department that 3704
the student's written response to a question on an assessment 3705
included threats or descriptions of harm to another person or 3706
the student's self and the information is necessary to enable 3707
the department to identify the student for purposes of notifying 3708
the school district or school in which the student is enrolled 3709

of the potential for harm. 3710

(B) The department requests the information to respond to 3711
an appeal from a school district or school for verification of 3712
the accuracy of the student's score on an assessment 3713
administered under section 3301.0711 or 3301.0712 of the Revised 3714
Code. 3715

~~(C) The department requests the information to determine 3716
whether the student satisfies the alternative conditions for a 3717
high school diploma prescribed in section 3313.615 of the 3718
Revised Code. 3719~~

Sec. 3301.0730. (A) As used in this section: 3720

(1) "Education management information system" means the 3721
integrated system of statewide data collecting, reporting, and 3722
compiling for school districts and schools prescribed under 3723
section 3301.0714 of the Revised Code. 3724

(2) "EMIS guidelines" means ~~any guidance~~ the manual issued 3725
by the department of education and workforce containing uniform 3726
and consistent instructions for reporting the student, staff, 3727
and financial information to be collected ~~and reported~~ through 3728
the education management information system, along with 3729
including data-element definitions, procedures, and guidelines 3730
~~necessary to implement the education management information~~ 3731
~~system~~ requirements for the submission, review, validation, and 3732
correction of data. 3733

(B) The department shall develop a procedure that permits 3734
users of the education management information system to review 3735
and provide comment on new or updated EMIS guidelines. The 3736
procedure shall satisfy all of the following conditions: 3737

(1) The department shall post a copy of the proposed new 3738

or updated EMIS guidelines on the department's web site. The 3739
department shall solicit comment from EMIS users on the proposed 3740
guidelines for thirty consecutive days. 3741

(2) The department shall respond to comments provided by 3742
users and may revise the proposed new or updated EMIS guidelines 3743
based on comments provided by users within thirty consecutive 3744
days after the comment period closes. 3745

(3) The department shall post the final new or updated 3746
EMIS guidelines on its web site at the end of the response 3747
period for thirty consecutive days for a final review by EMIS 3748
users. The new or updated guidelines shall take effect after 3749
that period ends. 3750

(C) Except as provided in division (D) of this section, if 3751
the department develops new or updated EMIS guidelines to 3752
implement a program, initiative, or policy, the department shall 3753
use the procedures prescribed under division (B) of this 3754
section. The department shall initiate the procedures not later 3755
than the fifteenth day of May immediately prior to the beginning 3756
of the school year for which the new or updated EMIS guidelines 3757
will be effective. 3758

(D) ~~On and after June 1, 2021, the~~ The department shall 3759
use the procedure prescribed under division (B) of this section 3760
for any new or updated EMIS guidelines developed by the 3761
department for the purposes of implementing any of the 3762
following: 3763

(1) A newly enacted state or federal law that takes effect 3764
more than ninety days after the date of enactment; 3765

(2) A new or updated federal rule; 3766

(3) A rule adopted by the department. 3767

(E) The department shall not be required to use the procedure prescribed under division (B) of this section when ~~issuing~~ doing any of the following:

(1) ~~Updated~~ Updating EMIS guidelines to address issues that are not substantive, such as correcting grammatical errors;

(2) ~~Updated~~ Updating EMIS guidelines to address ~~unforeseen~~ technical errors;

(3) ~~Supplemental~~ Issuing supplemental documents ~~regarding~~ designed to assist school districts and schools in understanding and using EMIS guidelines and the education management information system, including documents that do any of the following:

(a) Clarify the implementation of EMIS guidelines;

(b) Answer questions submitted by users of the education management system;

(c) Provide training regarding the education management information system;

(4) Creating or updating EMIS guidelines to implement a newly enacted state or federal law that takes effect not more than ninety days after the date of enactment;

(5) Removing data items from EMIS guidelines to reduce the reporting burden on districts and schools.

(F) Additionally, the department shall establish both of the following:

(1) Uniform guidance for career-technical planning districts and information technology centers established under section 3301.075 of the Revised Code regarding the education

management information system and EMIS guidelines for career- 3795
technical planning districts; 3796

(2) Uniform training programs for all personnel employed 3797
by the department to administer the education management 3798
information system. 3799

Sec. 3301.111. (A) The state board of education is 3800
responsible for the adoption of requirements for educator 3801
licensure, licensee disciplinary actions, school district 3802
territory transfer determinations, and such other powers and 3803
duties expressly prescribed for the state board under the law, 3804
including in sections 3301.071, 3301.074, ~~3301.28~~, 3302.151, 3805
3314.40, 3326.24, ~~3328.19~~, and Chapters 3311. and 3319. of the 3806
Revised Code. In exercising any of its powers or duties, 3807
including adopting rules prescribing license requirements, the 3808
state board is subject to Chapter 119. of the Revised Code. 3809

(B) The state board shall make recommendations to the 3810
director of education and workforce regarding priorities for 3811
primary and secondary education. The state board may request the 3812
assistance of the department of education and workforce in 3813
exercising the state board's powers and duties. To the extent 3814
the director determines such assistance necessary and 3815
practicable, the department shall provide the requested 3816
assistance. 3817

To best serve the interests of primary and secondary 3818
education and workforce development in the state of Ohio, and to 3819
maximize efficiencies and operations, the state board of 3820
education and the department of education and workforce may 3821
exchange necessary information and documentation upon request to 3822
enable both agencies to effectively perform their functions 3823
under state or federal law, including sharing information that 3824

is proprietary to the agency or confidential. The agency 3825
receiving proprietary or confidential information shall not 3826
disclose the information and shall adopt safeguards to prevent 3827
disclosure. 3828

(C) The state board shall appoint the superintendent of 3829
public instruction in accordance with Ohio Constitution, Article 3830
VI, Section 4 and section 3301.08 of the Revised Code. The state 3831
superintendent shall be the secretary of the state board and its 3832
executive officer in accordance with sections 3301.09 and 3833
3301.11 of the Revised Code. The state superintendent may serve 3834
as an advisor to the director. 3835

(D) The state board shall employ such personnel as it 3836
determines necessary to carry out its duties and powers. Subject 3837
to the state board's policies, rules, and regulations, the state 3838
superintendent shall exercise general supervision of the state 3839
board's employees, as prescribed in section 3301.11 of the 3840
Revised Code, and may appoint, fix the salary, and terminate the 3841
employment of such employees. 3842

(E) The state board is subject to all provisions of law 3843
pertaining to departments, offices, or institutions established 3844
for the exercise of any function of the state government, except 3845
that it is not one of the departments provided for under 3846
division (A) of section 121.01 of the Revised Code. 3847

(F) The headquarters of the state board shall be at the 3848
seat of government, where office space suitable and adequate for 3849
the work of the state board shall be provided by the appropriate 3850
state agency. There the state board shall meet and transact its 3851
business, unless the state board chooses to meet elsewhere in 3852
Ohio as provided by section 3301.04 of the Revised Code. There 3853
the records of the state board and the records, papers, and 3854

documents belonging to the state board shall be kept in charge 3855
of the state superintendent. 3856

Sec. 3301.12. (A) The director of education and workforce, 3857
in addition to the authority otherwise imposed on the director, 3858
shall perform the following duties: 3859

(1) Provide technical and professional assistance and 3860
advice to all school districts in reference to all aspects of 3861
education, including finance, buildings and equipment, 3862
administration, organization of school districts, curriculum and 3863
instruction, transportation of pupils, personnel problems, and 3864
the interpretation of school laws and state regulations; 3865

(2) Prescribe and require the preparation and filing of 3866
such financial and other reports from school districts, 3867
officers, and employees as are necessary or proper. The director 3868
shall prescribe and require the installation by school districts 3869
of such standardized reporting forms and accounting procedures 3870
as are essential to the businesslike operations of the public 3871
schools of the state. 3872

(3) Conduct such studies and research projects as are 3873
necessary or desirable for the improvement of public school 3874
education in Ohio. Such studies and projects may include 3875
analysis of data contained in the education management 3876
information system established under section 3301.0714 of the 3877
Revised Code. For any study or project that requires the 3878
analysis of individual student data, the department of education 3879
and workforce or any entity with which the director or 3880
department contracts to conduct the study or project shall 3881
maintain the confidentiality of student data at all times. For 3882
this purpose, the department or contracting entity shall use the 3883
data verification code assigned pursuant to division (D) (2) of 3884

section 3301.0714 of the Revised Code for each student whose 3885
data is analyzed. Except as otherwise provided in division (D) 3886
(1) of section 3301.0714 of the Revised Code, at no time shall 3887
the director, the department, the state board of education, or 3888
any entity conducting a study or research project on the 3889
director's behalf have access to a student's name, address, or 3890
social security number while analyzing individual student data. 3891

~~(4) Prepare and submit annually a report of the activities 3892
of the department and the status, problems, and needs of 3893
education in the state; 3894~~

~~(5) Supervise all agencies over which the department 3895
exercises administrative control, including schools for 3896
education of persons with disabilities; 3897~~

~~(6)~~(5) In accordance with section 3333.048 of the Revised 3898
Code, the director, jointly with the chancellor of higher 3899
education, shall establish metrics and courses of study for 3900
institutions of higher education that prepare educators and 3901
other school personnel and shall provide for inspection of those 3902
institutions. 3903

(B) The director may annually inspect and analyze the 3904
expenditures of each school district and make a determination as 3905
to the efficiency of each district's costs, relative to other 3906
school districts in the state, for instructional, 3907
administrative, and student support services. The director shall 3908
notify each school district as to the nature of, and reasons 3909
for, the determination. The director shall adopt rules in 3910
accordance with Chapter 119. of the Revised Code setting forth 3911
the procedures and standards for the performance of the 3912
inspection and analysis. 3913

Sec. 3301.45. (A) Not later than the thirtieth day of 3914
September of each year, the department of education and 3915
workforce shall distribute to all public high schools the 3916
information provided by the director of job and family services 3917
on the online education and career planning tool developed under 3918
section 6301.15 of the Revised Code. 3919

(B) Annually, the department shall survey high school 3920
administrators and guidance counselors regarding their use of 3921
the online planning tool and provide the results of the survey 3922
to the director of job and family services to support future 3923
refinements and improvements to the online planning tool. 3924

As used in this section, "public high school" means a 3925
school that serves students in any of grades nine through twelve 3926
and is operated by a school district ~~or, a~~ community school 3927
established under Chapter 3314. of the Revised Code, or a STEM 3928
school established under Chapter 3326. of the Revised Code, ~~or a~~ 3929
~~college preparatory boarding school established under Chapter~~ 3930
~~3328. of the Revised Code.~~ 3931

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of 3932
the Revised Code: 3933

(A) "Preschool program" means either of the following: 3934

(1) A child care program for preschool children that is 3935
operated by a school district board of education or an eligible 3936
nonpublic school. 3937

(2) A child care program for preschool children age three 3938
or older that is operated by a county board of developmental 3939
disabilities or a community school. 3940

(B) "Preschool child" or "child" means a child who has not 3941
entered kindergarten and is not of compulsory school age. 3942

(C) "Parent, guardian, or custodian" means the person or 3943
government agency that is or will be responsible for a child's 3944
school attendance under section 3321.01 of the Revised Code. 3945

(D) "Superintendent" means the superintendent of a school 3946
district or the chief administrative officer of a community 3947
school or an eligible nonpublic school. 3948

(E) "Director" means the director, head teacher, 3949
elementary principal, or site administrator who is the 3950
individual on site and responsible for supervision of a 3951
preschool program. 3952

(F) "Preschool staff member" means a preschool employee 3953
whose primary responsibility is care, teaching, or supervision 3954
of preschool children. 3955

(G) "Nonteaching employee" means a preschool program or 3956
school child program employee whose primary responsibilities are 3957
duties other than care, teaching, and supervision of preschool 3958
children or school children. 3959

(H) "Eligible nonpublic school" means a nonpublic school 3960
chartered as described in division (B) (7) of section 5104.02 of 3961
the Revised Code or chartered by the department of education and 3962
workforce for any combination of grades one through twelve, 3963
regardless of whether it also offers kindergarten. 3964

(I) "School child program" means either of the following: 3965

(1) A child care program for only school children that is 3966
operated by a school district board of education, county board 3967
of developmental disabilities, community school, or eligible 3968
nonpublic school; 3969

(2) A child care program operated by an authorized private 3970

before and after school care program. 3971

(J) "School child" means a child who is enrolled in or is 3972
eligible to be enrolled in a grade of kindergarten or above but 3973
is less than fifteen years old. 3974

(K) "School child program staff member" means an employee 3975
whose primary responsibility is the care, teaching, or 3976
supervision of children in a school child program. 3977

(L) "Child care" means administering to the needs of 3978
infants, toddlers, preschool children, and school children 3979
outside of school hours by persons other than their parents or 3980
guardians, custodians, or relatives by blood, marriage, or 3981
adoption for any part of the twenty-four-hour day in a place or 3982
residence other than a child's own home. 3983

(M) "Child care center" and "publicly funded child care" 3984
have the same meanings as in section 5104.01 of the Revised 3985
Code. 3986

(N) "Community school" means either of the following: 3987

(1) A community school established under Chapter 3314. of 3988
the Revised Code that is sponsored by an entity that is rated 3989
"exemplary" under section 3314.016 of the Revised Code. 3990

(2) A community school established under Chapter 3314. of 3991
the Revised Code that has received, on its most recent report 3992
card, either of the following: 3993

(a) If the school offers any of grade levels four through 3994
twelve, ~~either of the following:~~ 3995

~~(i) A grade of "C" or better for the overall value-added- 3996
progress dimension under division (C)(1)(e) of section 3302.03- 3997
of the Revised Code and for the performance index score under 3998~~

division (C) (1) (b) of section 3302.03 of the Revised Code;	3999
(ii) A performance rating of three stars or higher for achievement under division (D) (3) (b) of section 3302.03 of the Revised Code and progress under division (D) (3) (c) of that section <u>3302.03 of the Revised Code.</u>	4000 4001 4002 4003
(b) If the school does not offer a grade level higher than three, either of the following:	4004 4005
(i) A grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C) (1) (g) of section 3302.03 of the Revised Code;	4006 4007 4008
(ii) A performance rating of three stars or higher for early literacy under division (D) (3) (e) of that section <u>3302.03 of the Revised Code.</u>	4009 4010 4011
(O) "Authorized private before and after school care program" means a child care program operated only for school children that is all of the following:	4012 4013 4014
(1) Operated by a nonprofit or for-profit private entity;	4015
(2) Operated under a contract with a school district board of education, community school, or eligible nonpublic school;	4016 4017
(3) Conducted only outside of school hours and in a building owned or operated by the contracting board or school.	4018 4019
Sec. 3302.01. As used in this chapter:	4020
(A) "Performance index score" means the average of the totals derived from calculations, for each subject area, of the weighted proportion of untested students and students scoring at each level of skill described in division (A) (2) of section 3301.0710 of the Revised Code on the state achievement	4021 4022 4023 4024 4025

assessments, as follows: 4026

(1) For the assessments prescribed by division (A) (1) of 4027
section 3301.0710 of the Revised Code, the average for each of 4028
the subject areas of English language arts, mathematics, and 4029
science. 4030

(2) For the ~~assessments~~ assessment prescribed by ~~division~~ 4031
~~(B) (1) of section 3301.0710 and~~ division (B) (2) of section 4032
3301.0712 of the Revised Code, the average for each of the 4033
subject areas of English language arts, mathematics, science, 4034
American history, and American government. The average also 4035
shall include any substitute examinations approved under 4036
division (B) (4) of section 3301.0712 of the Revised Code in the 4037
subject areas of science, American history, and American 4038
government. 4039

The department of education and workforce shall assign 4040
weights such that students who do not take an assessment receive 4041
a weight of zero and students who take an assessment receive 4042
progressively larger weights dependent upon the level of skill 4043
attained on the assessment. The department shall assign 4044
additional weights to students who have been permitted to pass 4045
over a subject in accordance with a student acceleration policy 4046
adopted under section 3324.10 of the Revised Code. If such a 4047
student attains the proficient score prescribed under division 4048
(A) (2) (c) of section 3301.0710 of the Revised Code or higher on 4049
an assessment, the department shall assign the student the 4050
weight prescribed for the next higher scoring level. If such a 4051
student attains the advanced score, prescribed under division 4052
(A) (2) (a) of section 3301.0710 of the Revised Code, on an 4053
assessment, the department shall assign to the student an 4054
additional proportional weight. For each school year that such a 4055

student's score is included in the performance index score and 4056
the student attains the proficient score on an assessment, that 4057
additional weight shall be assigned to the student on a subject- 4058
by-subject basis. 4059

Students shall be included in the "performance index 4060
score" in accordance with division ~~(L)(2)~~(K)(2) of section 4061
3302.03 of the Revised Code. 4062

(B) "Subgroup" means a subset of the entire student 4063
population of the state, a school district, or a school building 4064
and includes each of the following: 4065

(1) Major racial and ethnic groups; 4066

(2) Students with disabilities; 4067

(3) Economically disadvantaged students; 4068

(4) English learners; 4069

(5) Students identified as gifted in superior cognitive 4070
ability and specific academic ability fields under Chapter 3324. 4071
of the Revised Code. For students who are gifted in specific 4072
academic ability fields, the department shall use data for those 4073
students with specific academic ability in math and reading. If 4074
any other academic field is assessed, the department shall also 4075
include data for students with specific academic ability in that 4076
field. 4077

(C) "No Child Left Behind Act of 2001" includes the 4078
statutes codified at 20 U.S.C. 6301 et seq. and any amendments, 4079
waivers, or both thereto, rules and regulations promulgated 4080
pursuant to those statutes, guidance documents, and any other 4081
policy directives regarding implementation of that act issued by 4082
the United States department of education. 4083

(D) "Adequate yearly progress" means a measure of annual 4084
academic performance as calculated in accordance with the "No 4085
Child Left Behind Act of 2001." 4086

(E) "Supplemental educational services" means additional 4087
academic assistance, such as tutoring, remediation, or other 4088
educational enrichment activities, that is conducted outside of 4089
the regular school day by a provider approved by the department 4090
in accordance with the "No Child Left Behind Act of 2001." 4091

(F) "Value-added progress dimension" means a measure of 4092
academic gain for a student or group of students over a specific 4093
period of time that is calculated by applying a statistical 4094
methodology to individual student achievement data derived from 4095
the achievement assessments prescribed by section 3301.0710 of 4096
the Revised Code. The "value-added progress dimension" shall be 4097
developed and implemented in accordance with section 3302.021 of 4098
the Revised Code. 4099

(G) (1) "Four-year adjusted cohort graduation rate" means 4100
the number of students who graduate in four years or less with a 4101
regular high school diploma divided by the number of students 4102
who form the adjusted cohort for the graduating class. 4103

(2) "Five-year adjusted cohort graduation rate" means the 4104
number of students who graduate in five years with a regular 4105
high school diploma divided by the number of students who form 4106
the adjusted cohort for the four-year graduation rate. 4107

(H) "State institution of higher education" has the same 4108
meaning as in section 3345.011 of the Revised Code. 4109

(I) "Annual measurable objectives" means a measure of 4110
student progress determined in accordance with an agreement 4111
between the department of education and workforce and the United 4112

States department of education. 4113

(J) "Community school" means a community school 4114
established under Chapter 3314. of the Revised Code. 4115

(K) "STEM school" means a science, technology, 4116
engineering, and mathematics school established under Chapter 4117
3326. of the Revised Code. 4118

(L) "Entitled to attend school in the district" means 4119
entitled to attend school in a school district under section 4120
3313.64 or 3313.65 of the Revised Code. 4121

Sec. 3302.02. ~~(A)~~ Not later than one year after the 4122
adoption of rules under division (D) of section 3301.0712 of the 4123
Revised Code and at least every sixth year thereafter, the 4124
department of education and workforce shall establish all of the 4125
following: 4126

~~(1)~~ (A) A set of performance indicators that considered as 4127
a unit will be used as one of the performance categories for the 4128
report cards required by section 3302.03 of the Revised Code. In 4129
establishing these indicators, the department shall consider 4130
inclusion of student performance on assessments prescribed under 4131
section 3301.0710 or 3301.0712 of the Revised Code, rates of 4132
student improvement on such assessments, the breadth of 4133
coursework available within the district, and other indicators 4134
of student success. 4135

~~Beginning with the report card issued under section~~ 4136
~~3302.03 of the Revised Code for the 2021-2022 school year, the~~ 4137
The performance indicators prescribed under this division ~~(A)~~ ~~(1)~~ 4138
~~of this section~~ regarding student performance on state 4139
assessments shall not require a school district or building to 4140
attain a proficiency percentage to meet an indicator. Rather, 4141

the performance indicators only shall report proficiency 4142
percentages, trends, and comparisons. 4143

~~(2)~~(B) A performance indicator that reflects the level of 4144
identification and services provided to, and the performance of, 4145
students identified as gifted under Chapter 3324. of the Revised 4146
Code. The indicator shall be prescribed by rules adopted under 4147
Chapter 119. of the Revised Code by the department. The 4148
department shall consult with the gifted advisory council 4149
regarding all rules adopted under this section. Consultation 4150
with the state gifted advisory council shall occur not less than 4151
every three years. 4152

The gifted performance indicator shall include: 4153

~~(a)~~(1) The performance of students on state assessments, 4154
as measured by a performance index score, disaggregated for 4155
students identified as gifted; 4156

~~(b)~~(2) Value-added growth measure under section 3302.021 4157
of the Revised Code, disaggregated for students identified as 4158
gifted; 4159

~~(c)~~(3) The level of identification as measured by the 4160
percentage of students in each grade level identified as gifted 4161
and disaggregated by traditionally underrepresented and 4162
economically disadvantaged students; 4163

~~(d)~~(4) The level of services provided to students as 4164
measured by the percentage of students provided services in each 4165
grade level and disaggregated by traditionally underrepresented 4166
and economically disadvantaged students. 4167

~~(3)~~(C) A performance indicator that measures chronic 4168
absenteeism, as determined by the department, in a school 4169
district or school building. 4170

~~Beginning with the report card issued under section 3302.03 of the Revised Code for the 2021-2022 school year, the~~ 4171
~~The performance indicators prescribed in divisions (A) (2) (B)~~ 4172
~~and (3) (C) of this section shall not be part of the performance~~ 4173
~~indicator unit under division (A) (1) (A) of this section.~~ 4174
4175

~~(B) For the 2013-2014 school year, except as otherwise~~ 4176
~~provided in this section, for any indicator based on the~~ 4177
~~percentage of students attaining a proficient score on the~~ 4178
~~assessments prescribed by divisions (A) and (B) (1) of section~~ 4179
~~3301.0710 of the Revised Code, a school district or building~~ 4180
~~shall be considered to have met the indicator if at least eighty~~ 4181
~~per cent of the tested students attain a score of proficient or~~ 4182
~~higher on the assessment. A school district or building shall be~~ 4183
~~considered to have met the indicator for the assessments~~ 4184
~~prescribed by division (B) (1) of section 3301.0710 of the~~ 4185
~~Revised Code and only as administered to eleventh grade~~ 4186
~~students, if at least eighty-five per cent of the tested~~ 4187
~~students attain a score of proficient or higher on the~~ 4188
~~assessment.~~ 4189

~~The department shall adopt rules, under Chapter 119. of~~ 4190
~~the Revised Code, to establish proficiency percentages to meet~~ 4191
~~each indicator that is based on a state assessment, prescribed~~ 4192
~~under section 3301.0710 or 3301.0712 of the Revised Code, for~~ 4193
~~the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-~~ 4194
~~2020, and 2020-2021 school years by the following dates:~~ 4195

~~(1) Not later than December 31, 2015, for the 2014-2015~~ 4196
~~school year;~~ 4197

~~(2) Not later than July 1, 2016, for the 2015-2016 school~~ 4198
~~year;~~ 4199

~~(3) Not later than July 1, 2017, for the 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years.~~ 4200
4201

Sec. 3302.021. (A) The department of education and 4202
workforce shall implement a value-added progress dimension for 4203
school districts and buildings and shall incorporate the value- 4204
added progress dimension into the report cards and performance 4205
ratings issued for districts and buildings under section 3302.03 4206
of the Revised Code. 4207

The department shall adopt rules, pursuant to Chapter 119. 4208
of the Revised Code, for the implementation of the value-added 4209
progress dimension. The rules adopted under this division shall 4210
specify both of the following: 4211

(1) A scale for describing the levels of academic progress 4212
in reading and mathematics relative to a standard year of 4213
academic growth in those subjects for each of grades three 4214
through eight; 4215

(2) That the department shall maintain the confidentiality 4216
of individual student test scores and individual student reports 4217
in accordance with sections 3301.0711, 3301.0714, and 3319.321 4218
of the Revised Code and federal law. The department may require 4219
school districts to use a unique identifier for each student for 4220
this purpose. Individual student test scores and individual 4221
student reports shall be made available only to a student's 4222
classroom teacher and other appropriate educational personnel 4223
and to the student's parent or guardian. 4224

(B) The department shall explore the feasibility of using 4225
the value-added gain index and effect size to improve 4226
differentiation and interpretation of the measure. If the 4227
department determines that it is feasible, it may update the 4228

rules adopted under division (A) of this section to implement 4229
the use of gain index and effect size. If rules are adopted 4230
under division (A) of this section that use the gain index and 4231
effect size, any prior method used to calculate letter grades or 4232
performance ratings under section 3302.03 of the Revised Code 4233
shall no longer apply. Rather, the department shall update its 4234
rules to determine how letter grades or performance ratings for 4235
each level of performance are calculated under section 3302.03 4236
of the Revised Code using gain index and effect size. 4237

(C) The department shall use a system designed for 4238
collecting necessary data, calculating the value-added progress 4239
dimension, analyzing data, and generating reports, which system 4240
has been used previously by a nonprofit organization led by the 4241
Ohio business community for at least one year in the operation 4242
of a pilot program in cooperation with school districts to 4243
collect and report student achievement data via electronic means 4244
and to provide information to the districts regarding the 4245
academic performance of individual students, grade levels, 4246
school buildings, and the districts as a whole. 4247

(D) The department shall not pay more than two dollars per 4248
student for data analysis and reporting to implement the value- 4249
added progress dimension in the same manner and with the same 4250
services as under the pilot program described by division (B) of 4251
this section. However, nothing in this section shall preclude 4252
the department or any school district from entering into a 4253
contract for the provision of more services at a higher fee per 4254
student. Any data analysis conducted under this section by an 4255
entity under contract with the department shall be completed in 4256
accordance with timelines established by the director of 4257
education and workforce. 4258

(E) The department shall share any aggregate student data 4259
and any calculation, analysis, or report utilizing aggregate 4260
student data that is generated under this section with the 4261
chancellor of higher education. The department shall not share 4262
individual student test scores and individual student reports 4263
with the chancellor. 4264

(F) The department shall make individual student 4265
performance data reports available to districts and schools that 4266
have an overall score under the value-added progress dimension 4267
calculated under ~~division (D) (1) (d) of~~ section 3302.03 of the 4268
Revised Code. The reports shall include data regarding student 4269
level percentiles, normal curve equivalents, unique identifiers, 4270
and other data for each school year a district or school has an 4271
overall score calculated under that division. The department 4272
also shall make available the data used to calculate the 4273
district's or school's overall growth rating. The reports shall 4274
be made available in an electronic spreadsheet form, as soon as 4275
practicable each school year, to appropriate educational 4276
personnel in each district or school for all the individual 4277
students who are administered assessments by, or who are 4278
enrolled in, the district or school. 4279

Division (F) of this section is subject to section 4280
3319.321 of the Revised Code and the "Family Educational Rights 4281
and Privacy Act of 1974," 20 U.S.C. 1232g. 4282

~~Sec. 3302.03. Not later than the thirty-first day of July 4283
of each year, the department of education and workforce shall 4284
submit preliminary report card data for overall academic 4285
performance and for each separate performance measure for each 4286
school district, and each school building, in accordance with 4287
this section. 4288~~

Annually, not later than the fifteenth day of September or 4289
the preceding Friday when that day falls on a Saturday or 4290
Sunday, the department shall assign a ~~letter grade or~~ 4291
performance rating for overall academic performance and for each 4292
separate performance measure for each school district, and each 4293
school building in a district, in accordance with this section. 4294
The department shall adopt rules pursuant to Chapter 119. of the 4295
Revised Code to implement this section. The department's rules 4296
shall establish performance criteria for each ~~letter grade or~~ 4297
performance rating and prescribe a method by which the 4298
department assigns each ~~letter grade or~~ performance rating. For 4299
a school building to which any of the performance measures do 4300
not apply, due to grade levels served by the building, the 4301
department shall designate the performance measures that are 4302
applicable to the building and that must be calculated 4303
separately and used to calculate the building's overall ~~grade or~~ 4304
performance rating. The department shall issue annual report 4305
cards reflecting the performance of each school district, each 4306
building within each district, and for the state as a whole 4307
using the performance measures and ~~letter grade or~~ performance 4308
rating system described in this section. The department shall 4309
include on the report card for each district and each building 4310
within each district the most recent two-year trend data in 4311
student achievement for each subject and each grade. 4312

~~(A) (1) For the 2012-2013 school year, the department shall 4313
issue grades as described in division (F) of this section for 4314
each of the following performance measures: 4315~~

~~(a) Annual measurable objectives; 4316~~

~~(b) Performance index score for a school district or 4317
building. Grades shall be awarded as a percentage of the total 4318~~

~~possible points on the performance index system as adopted by~~ 4319
~~the department. In adopting benchmarks for assigning letter~~ 4320
~~grades under division (A) (1) (b) of this section, the department~~ 4321
~~shall designate ninety per cent or higher for an "A," at least~~ 4322
~~seventy per cent but not more than eighty per cent for a "C,"~~ 4323
~~and less than fifty per cent for an "F."~~ 4324

~~(c) The extent to which the school district or building~~ 4325
~~meets each of the applicable performance indicators established~~ 4326
~~by the department under section 3302.02 of the Revised Code and~~ 4327
~~the percentage of applicable performance indicators that have~~ 4328
~~been achieved. In adopting benchmarks for assigning letter~~ 4329
~~grades under division (A) (1) (c) of this section, the department~~ 4330
~~shall designate ninety per cent or higher for an "A."~~ 4331

~~(d) The four- and five-year adjusted cohort graduation~~ 4332
~~rates.~~ 4333

~~In adopting benchmarks for assigning letter grades under~~ 4334
~~division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the~~ 4335
~~department shall designate a four-year adjusted cohort~~ 4336
~~graduation rate of ninety-three per cent or higher for an "A"~~ 4337
~~and a five-year cohort graduation rate of ninety-five per cent~~ 4338
~~or higher for an "A."~~ 4339

~~(e) The overall score under the value-added progress~~ 4340
~~dimension of a school district or building, for which the~~ 4341
~~department shall use up to three years of value-added data as~~ 4342
~~available. The letter grade assigned for this growth measure~~ 4343
~~shall be as follows:~~ 4344

~~(i) A score that is at least one standard error of measure~~ 4345
~~above the mean score shall be designated as an "A."~~ 4346

~~(ii) A score that is less than one standard error of~~ 4347

~~measure above but greater than one standard error of measure— 4348
below the mean score shall be designated as a "B."— 4349~~

~~(iii) A score that is less than or equal to one standard— 4350
error of measure below the mean score but greater than two— 4351
standard errors of measure below the mean score shall be— 4352
designated as a "C."— 4353~~

~~(iv) A score that is less than or equal to two standard— 4354
errors of measure below the mean score but is greater than three— 4355
standard errors of measure below the mean score shall be— 4356
designated as a "D."— 4357~~

~~(v) A score that is less than or equal to three standard— 4358
errors of measure below the mean score shall be designated as an— 4359
"F."— 4360~~

~~Whenever the value-added progress dimension is used as a— 4361
graded performance measure in this division and divisions (B)— 4362
and (C) of this section, whether as an overall measure or as a— 4363
measure of separate subgroups, the grades for the measure shall— 4364
be calculated in the same manner as prescribed in division (A)— 4365
(1)(e) of this section.— 4366~~

~~(f) The value-added progress dimension score for a school— 4367
district or building disaggregated for each of the following— 4368
subgroups: students identified as gifted, students with— 4369
disabilities, and students whose performance places them in the— 4370
lowest quintile for achievement on a statewide basis. Each— 4371
subgroup shall be a separate graded measure.— 4372~~

~~(2) The department shall adopt a resolution describing the— 4373
performance measures, benchmarks, and grading system for the— 4374
2012-2013 school year and shall adopt rules in accordance with— 4375
Chapter 119. of the Revised Code that prescribe the methods by— 4376~~

~~which the performance measures under division (A) (1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade.~~ 4377
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~~At least forty-five days prior to the department's adoption of rules to prescribe the methods by which the performance measures under division (A) (1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.~~ 4380
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~~(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year.~~ 4388
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~~(B) (1) For the 2013-2014 school year, the department shall issue grades as described in division (F) of this section for each of the following performance measures:~~ 4390
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~~(a) Annual measurable objectives;~~ 4393

~~(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B) (1) (b) of this section, the department shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."~~ 4394
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~~(c) The extent to which the school district or building meets each of the applicable performance indicators established by the department under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have~~ 4402
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~~been achieved. In adopting benchmarks for assigning letter grades under division (B) (1) (c) of this section, the department shall designate ninety per cent or higher for an "A."~~ 4406
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~~(d) The four- and five-year adjusted cohort graduation rates;~~ 4409
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~~(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available.~~ 4411
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~~(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.~~ 4415
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~~(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the department. The department shall adopt rules to prescribe benchmarks and standards for assigning grades to districts and buildings for purposes of division (B) (1) (g) of this section. In adopting benchmarks for assigning letter grades under divisions (B) (1) (g) and (C) (1) (g) of this section, the department shall determine progress made based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared from year to year on the reading diagnostic assessments administered under section 3301.0715 of the Revised Code and the third grade English language arts assessment under~~ 4423
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~~section 3301.0710 of the Revised Code, as applicable. The 4436
department shall designate for a "C" grade a value that is not 4437
lower than the statewide average value for this measure. No 4438
grade shall be issued under divisions (B) (1) (g) and (C) (1) (g) of 4439
this section for a district or building in which less than five 4440
per cent of students have scored below grade level on the 4441
diagnostic assessment administered to students in kindergarten 4442
under division (B) (1) of section 3313.608 of the Revised Code. 4443~~

~~(h) For a high mobility school district or building, an 4444
additional value-added progress dimension score. For this 4445
measure, the department shall use value-added data from the most 4446
recent school year available and shall use assessment scores for 4447
only those students to whom the district or building has 4448
administered the assessments prescribed by section 3301.0710 of 4449
the Revised Code for each of the two most recent consecutive 4450
school years. 4451~~

~~As used in this division, "high mobility school district 4452
or building" means a school district or building where at least 4453
twenty-five per cent of its total enrollment is made up of 4454
students who have attended that school district or building for 4455
less than one year. 4456~~

~~(2) In addition to the graded measures in division (B) (1) 4457
of this section, the department shall include on a school 4458
district's or building's report card all of the following 4459
without an assigned letter grade: 4460~~

~~(a) The percentage of students enrolled in a district or 4461
building participating in advanced placement classes and the 4462
percentage of those students who received a score of three or 4463
better on advanced placement examinations; 4464~~

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

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

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

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

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

~~(3) The department shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under divisions (B) (1) (f) and (B) (1) (g) of this section will be assessed and assigned a letter grade, including performance benchmarks for each grade.~~

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

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

~~(C) (1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years, the department shall issue grades as described in division (F) of this section for each of the performance measures prescribed in division (C) (1) of this section. The graded measures are as follows:~~

~~(a) Annual measurable objectives. For the 2017-2018 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty-five students. For the 2018-2019 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty students. Beginning with the 2019-2020 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than fifteen~~

~~students.—~~ 4525

~~(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (C) (1) (b) of this section, the department shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."~~ 4526
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~~(c) The extent to which the school district or building meets each of the applicable performance indicators established by the department under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (C) (1) (c) of this section, the department shall designate ninety per cent or higher for an "A."~~ 4534
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~~(d) The four and five-year adjusted cohort graduation rates;—~~ 4541
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~~(e) The overall score under the value-added progress dimension, or another measure of student academic progress if adopted by the department, of a school district or building, for which the department shall use up to three years of value-added data as available.—~~ 4543
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~~In adopting benchmarks for assigning letter grades for overall score on value-added progress dimension under division (C) (1) (e) of this section, the department shall prohibit the assigning of a grade of "A" for that measure unless the district's or building's grade assigned for value-added progress dimension for all subgroups under division (C) (1) (f) of this~~ 4548
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~~section is a "C" or higher.~~ 4554

~~For the metric prescribed by division (C)(1)(c) of this section, the department may adopt a student academic progress measure to be used instead of the value-added progress dimension. If the department adopts such a measure, it also shall prescribe a method for assigning letter grades for the new measure that is comparable to the method prescribed in division (A)(1)(c) of this section.~~ 4555
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~~(f) The value-added progress dimension score of a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the department. Each subgroup shall be a separate graded measure.~~ 4562
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~~The department may adopt student academic progress measures to be used instead of the value-added progress dimension. If the department adopts such measures, it also shall prescribe a method for assigning letter grades for the new measures that is comparable to the method prescribed in division (A)(1)(c) of this section.~~ 4571
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~~(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the department. The department shall adopt rules to prescribe benchmarks and standards for assigning grades to a district or building for purposes of division (C)(1)(g) of this section. The department shall designate for a "C" grade a value that is not~~ 4577
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~~lower than the statewide average value for this measure. No~~ 4584
~~grade shall be issued under division (C) (1) (g) of this section~~ 4585
~~for a district or building in which less than five per cent of~~ 4586
~~students have scored below grade level on the kindergarten~~ 4587
~~diagnostic assessment under division (B) (1) of section 3313.608~~ 4588
~~of the Revised Code.~~ 4589

~~(h) For a high mobility school district or building, an~~ 4590
~~additional value-added progress dimension score. For this~~ 4591
~~measure, the department shall use value-added data from the most~~ 4592
~~recent school year available and shall use assessment scores for~~ 4593
~~only those students to whom the district or building has~~ 4594
~~administered the assessments prescribed by section 3301.0710 of~~ 4595
~~the Revised Code for each of the two most recent consecutive~~ 4596
~~school years.~~ 4597

~~As used in this division, "high mobility school district~~ 4598
~~or building" means a school district or building where at least~~ 4599
~~twenty-five per cent of its total enrollment is made up of~~ 4600
~~students who have attended that school district or building for~~ 4601
~~less than one year.~~ 4602

~~(2) In addition to the graded measures in division (C) (1)~~ 4603
~~of this section, the department shall include on a school~~ 4604
~~district's or building's report card all of the following~~ 4605
~~without an assigned letter grade:~~ 4606

~~(a) The percentage of students enrolled in a district or~~ 4607
~~building who have taken a national standardized test used for~~ 4608
~~college admission determinations and the percentage of those~~ 4609
~~students who are determined to be remediation-free in accordance~~ 4610
~~with the standards adopted under division (F) of section~~ 4611
~~3345.061 of the Revised Code;~~ 4612

~~(b) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;~~ 4613
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~~(c) The percentage of a district's or building's students who have earned at least three college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B) (2) (b) and (C) (2) (c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.~~ 4617
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~~(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code;~~ 4629
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~~(e) The percentage of the district's or building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code;~~ 4632
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~~(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;~~ 4635
4636
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~~(g) The results of the college and career-ready assessments administered under division (B) (1) of section~~ 4640
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~~3301.0712 of the Revised Code;~~ 4642

~~(h) Whether the school district or building has
implemented a positive behavior intervention and supports
framework in compliance with the requirements of section 3319.46
of the Revised Code, notated as a "yes" or "no" answer.~~ 4643
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~~(3) The department shall adopt rules pursuant to Chapter
119. of the Revised Code that establish a method to assign an
overall grade for a school district or school building for the
2017-2018 school year and each school year thereafter. The rules
shall group the performance measures in divisions (C) (1) and (2)
of this section into the following components:~~ 4647
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~~(a) Gap closing, which shall include the performance
measure in division (C) (1) (a) of this section;~~ 4653
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~~(b) Achievement, which shall include the performance
measures in divisions (C) (1) (b) and (c) of this section;~~ 4655
4656

~~(c) Progress, which shall include the performance measures
in divisions (C) (1) (e) and (f) of this section;~~ 4657
4658

~~(d) Graduation, which shall include the performance
measure in division (C) (1) (d) of this section;~~ 4659
4660

~~(e) Kindergarten through third-grade literacy, which shall
include the performance measure in division (C) (1) (g) of this
section;~~ 4661
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~~(f) Prepared for success, which shall include the
performance measures in divisions (C) (2) (a), (b), (c), (d), (e),
and (f) of this section. The department shall develop a method
to determine a grade for the component in division (C) (3) (f) of
this section using the performance measures in divisions (C) (2)
(a), (b), (c), (d), (e), and (f) of this section. When~~ 4664
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~~available, the department may incorporate the performance
measure under division (C) (2) (g) of this section into the
component under division (C) (3) (f) of this section. When
determining the overall grade for the prepared for success
component prescribed by division (C) (3) (f) of this section, no
individual student shall be counted in more than one performance
measure. However, if a student qualifies for more than one
performance measure in the component, the department may, in its
method to determine a grade for the component, specify an
additional weight for such a student that is not greater than or
equal to 1.0. In determining the overall score under division
(C) (3) (f) of this section, the department shall ensure that the
pool of students included in the performance measures aggregated
under that division are all of the students included in the
four- and five-year adjusted graduation cohort.~~

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

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

~~the overall grade.~~ 4701

~~(D) For the 2021-2022 school year and each school year thereafter, all of the following apply:~~ 4702
4703

~~(1)(A)~~ The department shall include on a school district's or building's report card all of the following performance measures without an assigned performance rating: 4704
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~~(a)(1)~~ Whether the district or building meets the gifted performance indicator under division ~~(A)(2)~~ (B) of section 3302.02 of the Revised Code and the extent to which the district or building meets gifted indicator performance benchmarks; 4707
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~~(b)(2)~~ The extent to which the district or building meets the chronic absenteeism indicator under division ~~(A)(3)~~ (C) of section 3302.02 of the Revised Code; 4711
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~~(e)(3)~~ Performance index score percentage for a district or building, which shall be calculated by dividing the district's or building's performance index score according to the performance index system created by the department by the maximum performance index score for a district or building. The maximum performance index score shall be as follows: 4714
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~~(i)(a)~~ For a building, the average of the highest two per cent of performance index scores achieved by a building for the school year for which a report card is issued; 4720
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~~(ii)(b)~~ For a district, the average of the highest two per cent of performance index scores achieved by a district for the school year for which a report card is issued. 4723
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~~(d)(4)~~ The overall score under the value-added progress dimension of a district or building, for which the department shall use three consecutive years of value-added data. In using 4726
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three years of value-added data to calculate the measure 4729
prescribed under division ~~(D) (1) (d)~~ (A) (4) of this section, the 4730
department shall assign a weight of fifty per cent to the most 4731
recent year's data and a weight of twenty-five per cent to the 4732
data of each of the other years. However, if three consecutive 4733
years of value-added data is not available, the department shall 4734
use prior years of value-added data to calculate the measure, as 4735
follows: 4736

~~(i)~~ (a) If two consecutive years of value-added data is not 4737
available, the department shall use one year of value-added data 4738
to calculate the measure. 4739

~~(ii)~~ (b) If two consecutive years of value-added data is 4740
available, the department shall use two consecutive years of 4741
value-added data to calculate the measure. In using two years of 4742
value-added data to calculate the measure, the department shall 4743
assign a weight of sixty-seven per cent to the most recent 4744
year's data and a weight of thirty-three per cent to the data of 4745
the other year. 4746

~~(e) The~~ (5) A four-year adjusted cohort graduation 4747
measure, which the department shall calculate in the same manner 4748
as the four-year adjusted cohort graduation rate, except that 4749
the department shall include as graduates any students with an 4750
individualized education program, as defined in section 3323.01 4751
of the Revised Code, who have satisfied the conditions for a 4752
high school diploma under section 3313.61 or 3325.08 of the 4753
Revised Code but opted not to receive a diploma at the time that 4754
the graduation requirements were met, but will receive a diploma 4755
prior to the student's twenty-second birthday, and are still 4756
receiving education services. 4757

~~(f) The~~ (6) A five-year adjusted cohort graduation 4758

measure, which the department shall calculate in the same manner 4759
as the five-year adjusted cohort graduation rate, except that 4760
the department shall include as graduates any students with an 4761
individualized education program who have satisfied the 4762
conditions for a high school diploma under section 3313.61 or 4763
3325.08 of the Revised Code but opted not to receive a diploma 4764
at the time that the graduation requirements were met, but will 4765
receive a diploma prior to the student's twenty-second birthday, 4766
and are still receiving education services. 4767

~~(g)~~ (7) The percentage of students in the district or 4768
building who score proficient or higher on the reading segment 4769
of the third grade English language arts assessment under 4770
section 3301.0710 of the Revised Code. 4771

To the extent possible, the department shall include the 4772
results of the summer administration of the third grade reading 4773
assessment under section 3301.0710 of the Revised Code in the 4774
performance measures prescribed under divisions ~~(D)~~ (1) ~~(g)~~ (A) (7) 4775
and ~~(h)~~ (8) of this section. 4776

~~(h)~~ (8) Whether a district or building is making progress 4777
in improving literacy in grades kindergarten through three, as 4778
determined using a method prescribed by the department. The 4779
method shall determine progress made based on the reduction in 4780
the total percentage of students scoring below grade level, or 4781
below proficient, compared from year to year on the reading 4782
segments of the diagnostic assessments administered under 4783
division (A) (1) of section 3301.0715 of the Revised Code and the 4784
third grade English language arts assessment under section 4785
3301.0710 of the Revised Code, as applicable. The method shall 4786
not include a deduction for students who did not pass the third 4787
grade English language arts assessment under section 3301.0710 4788

of the Revised Code and were not on a reading improvement and 4789
monitoring plan. 4790

The performance measure prescribed under division ~~(D) (1)~~ 4791
~~(h) (A) (8)~~ of this section shall not be included on the report 4792
card of a district or building in which less than ten per cent 4793
of students have scored below grade level on the diagnostic 4794
assessment administered to students in kindergarten under 4795
division (B) (1) of section 3313.608 of the Revised Code. 4796

~~(i) (9)~~ The percentage of students in a district or 4797
building who are promoted to the fourth grade ~~based on the~~ 4798
~~student's score on the third grade English language arts~~ 4799
~~assessment under division (A) (3) of section 3301.0710 of the~~ 4800
~~Revised Code or demonstrate competency on an alternative~~ 4801
~~assessment under division (A) (2) (c) of section 3313.608 of the~~ 4802
~~Revised Code~~ and not subject to retention under division (A) (2) 4803
of section 3313.608 of the Revised Code; 4804

~~(j) (10)~~ A post-secondary readiness measure. This measure 4805
shall be calculated by dividing the number of students included 4806
in the four-year adjusted graduation rate cohort who demonstrate 4807
post-secondary readiness by the total number of students 4808
included in the denominator of the four-year adjusted graduation 4809
rate cohort. Demonstration of post-secondary readiness shall 4810
include a student doing any of the following: 4811

~~(i) Attaining~~ (a) Achieving both of the following: 4812

(i) Attaining a remediation-free score in English language 4813
arts, in accordance with standards adopted under division (F) of 4814
section 3345.061 of the Revised Code, on a nationally 4815
standardized assessment prescribed under division (B) (1) of 4816
section 3301.0712 of the Revised Code or scoring either 4817

accomplished or advanced on the end-of-course examination in 4818
English language arts II prescribed under division (B) (2) of 4819
section 3301.0712 of the Revised Code; 4820

(ii) Attaining a remediation-free score in mathematics, in 4821
accordance with standards adopted under division (F) of section 4822
3345.061 of the Revised Code, on a nationally standardized 4823
assessment prescribed under division (B) (1) of section 3301.0712 4824
of the Revised Code or scoring either accomplished or advanced 4825
on the end-of-course examinations in both Algebra I and geometry 4826
prescribed under division (B) (2) of section 3301.0712 of the 4827
Revised Code; 4828

~~(ii)~~ (b) Attaining required scores on three or more 4829
advanced placement, college-level examination program, or 4830
international baccalaureate examinations. The required score for 4831
an advanced placement examination shall be a three or better. 4832
The required score for a college-level examination program 4833
examination shall be a passing score, as determined by the 4834
department. The required score for an international 4835
baccalaureate examination shall be a four or better. A student 4836
may satisfy this condition with any combination of advanced 4837
placement, college-level examination program, or international 4838
baccalaureate examinations. 4839

~~(iii)~~ (c) Earning at least twelve college credits through 4840
~~advanced~~ any combination of the following: 4841

(i) Advanced standing programs, such as the college credit 4842
plus program under Chapter 3365. of the Revised Code, an early 4843
college high school program under section 3313.6013 of the 4844
Revised Code, and state-approved career-technical courses 4845
offered through dual enrollment or statewide articulation, that 4846
appear on a student's college transcript issued by the 4847

institution of higher education from which the student earned 4848
the college credit; 4849

(ii) Advanced placement or international baccalaureate 4850
examinations. Under this division, a score of three or better on 4851
an advanced placement examination or a score of four or more on 4852
an international baccalaureate examination shall equate to three 4853
college credits. Earned- 4854

Earned credits reported under division (A) (10) (c) ~~(D) (1)~~ 4855
~~(j) (iii)~~ of this section shall include credits that count toward 4856
the curriculum requirements established for completion of a 4857
degree, but shall not include any remedial or developmental 4858
credits. 4859

~~(iv)~~ (d) Meeting the additional criteria for an honors 4860
diploma under division (B) of section 3313.61 of the Revised 4861
Code; 4862

~~(v)~~ (e) Earning an industry-recognized credential or 4863
license issued by a state agency or board for practice in a 4864
vocation that requires an examination for issuance of that 4865
license approved under section 3313.6113 of the Revised Code; 4866

~~(vi)~~ Satisfying any of the following conditions: 4867

~~(I)~~ (f) Completing a pre-apprenticeship aligned with 4868
options established under section 3313.904 of the Revised Code 4869
in the student's chosen career field; 4870

~~(II)~~ (g) Completing an apprenticeship registered with the 4871
apprenticeship council established under section 4139.02 of the 4872
Revised Code in the student's chosen career field; 4873

~~(III)~~ (h) Providing evidence of acceptance into an 4874
apprenticeship program after high school that is restricted to 4875

participants eighteen years of age or older. 4876

~~(vii)~~ (i) Earning a cumulative score of proficient or 4877
higher on three or more state technical assessments aligned with 4878
section 3313.903 of the Revised Code in a single career pathway; 4879

~~(viii)~~ (j) Earning an OhioMeansJobs-readiness seal 4880
established under section 3313.6112 of the Revised Code and 4881
completing two hundred fifty hours of an internship or other 4882
work-based learning experience that is either: 4883

~~(I)~~ (i) Approved by the business advisory council 4884
established under section 3313.82 of the Revised Code that 4885
represents the student's district; or 4886

~~(II)~~ (ii) Aligned to the career-technical education pathway 4887
approved by the department in which the student is enrolled. 4888

~~(ix)~~ (k) Providing evidence that the student has enlisted 4889
in a branch of the armed services of the United States as 4890
defined in section 5910.01 of the Revised Code. 4891

A student who satisfies more than one of the conditions 4892
prescribed under this division shall be counted as one student 4893
for the purposes of calculating the measure prescribed under 4894
division ~~(D)~~ ~~(1)~~ ~~(j)~~ (A) (10) of this section. 4895

~~(2)~~ (B) In addition to the performance measures under 4896
division ~~(D)~~ ~~(1)~~ (A) of this section, the department shall report 4897
on a district's or building's report card all of the following 4898
data without an assigned performance rating: 4899

~~(a)~~ (1) The applicable performance indicators established 4900
by the department under division ~~(A)~~ ~~(1)~~ (A) of section 3302.02 of 4901
the Revised Code; 4902

~~(b)~~ (2) The overall score under the value-added progress 4903

dimension of a district or building for the most recent school year; 4904
4905

~~(e)~~ (3) A composite of the overall scores under the value-added progress dimension of a district or building for the previous three school years or, if only two years of value-added data are available, for the previous two years; 4906
4907
4908
4909

~~(d)~~ (4) The percentage of students included in the four- and five-year adjusted cohort graduation rates of a district or building who did not receive a high school diploma under section 3313.61 or 3325.08 of the Revised Code. To the extent possible, the department shall disaggregate that data according to the following categories: 4910
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4915

~~(i)~~ (a) Students who are still enrolled in the district or building and receiving general education services; 4916
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~~(ii)~~ (b) Students with an individualized education program, as defined in section 3323.01 of the Revised Code, who satisfied the conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code, but opted not to receive a diploma and are still receiving education services; 4918
4919
4920
4921
4922

~~(iii)~~ (c) Students with an individualized education program who have not yet satisfied conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code and who are still receiving education services; 4923
4924
4925
4926

~~(iv)~~ (d) Students who are no longer enrolled in any district or building; 4927
4928

~~(v)~~ (e) Students who, upon enrollment in the district or building for the first time, had completed fewer units of high school instruction required under section 3313.603 of the Revised Code than other students in the four- or five-year 4929
4930
4931
4932

adjusted cohort graduation rate. 4933

The department may disaggregate the data prescribed under 4934
division ~~(D)~~ ~~(2)~~ ~~(d)~~ (B) (4) of this section according to other 4935
categories that the department determines are appropriate. 4936

~~(e)~~ (5) Post-graduate outcomes for students who were 4937
enrolled in a district or building and received a high school 4938
diploma under section 3313.61 or 3325.08 of the Revised Code in 4939
the school year prior to the school year for which the report 4940
card is issued, including the percentage of students who: 4941

~~(i)~~ (a) Enrolled in a post-secondary educational 4942
institution. To the extent possible, the department shall 4943
disaggregate that data according to whether the student enrolled 4944
in a four-year institution of higher education, a two-year 4945
institution of higher education, an Ohio technical center that 4946
provides adult technical education services and is recognized by 4947
the chancellor of higher education, or another type of post- 4948
secondary educational institution. 4949

~~(ii)~~ (b) Entered an apprenticeship program registered with 4950
the apprenticeship council established under Chapter 4139. of 4951
the Revised Code. The department may include other job training 4952
programs with similar rigor and outcomes. 4953

~~(iii)~~ (c) Attained gainful employment, as determined by the 4954
department; 4955

~~(iv)~~ (d) Enlisted in a branch of the armed forces of the 4956
United States, as defined in section 5910.01 of the Revised 4957
Code. 4958

~~(f)~~ (6) Whether the school district or building has 4959
implemented a positive behavior intervention and supports 4960
framework in compliance with the requirements of section 3319.46 4961

of the Revised Code, notated with a "yes" or "no"; 4962

~~(g)~~ (7) The number and percentage of high school seniors in 4963
each school year who completed the free application for federal 4964
student aid; 4965

~~(h) Beginning with the report card issued under this~~ 4966
~~section for the 2022-2023 school year, a~~ (8) A student 4967
opportunity profile measure that reports data regarding the 4968
opportunities provided to students by a district or building. To 4969
the extent possible, and when appropriate, the data shall be 4970
disaggregated by grade level and subgroup. The measure also 4971
shall include data regarding the statewide average, the average 4972
for similar school districts, and, for a building, the average 4973
for the district in which the building is located. The measure 4974
shall include all of the following data for the district or 4975
building: 4976

~~(i)~~ (a) The average ratio of teachers of record to students 4977
in each grade level in a district or building; 4978

~~(ii)~~ (b) The average ratio of school counselors to students 4979
in a district or building; 4980

~~(iii)~~ (c) The average ratio of nurses to students in a 4981
district or building; 4982

~~(iv)~~ (d) The average ratio of licensed librarians and 4983
library media specialists to students in a district or building; 4984

~~(v)~~ (e) The average ratio of social workers to students in 4985
a district or building; 4986

~~(vi)~~ (f) The average ratio of mental health professionals 4987
to students in a district or building; 4988

~~(vii)~~ (g) The average ratio of paraprofessionals to 4989

students in a district or building;	4990
(viii) <u>(h)</u> The percentage of teachers with fewer than three years of experience teaching in any school;	4991 4992
(ix) <u>(i)</u> The percentage of principals with fewer than three years of experience as a principal in any school;	4993 4994
(x) <u>(j)</u> The percentage of teachers who are not teaching in the subject or field for which they are certified or licensed;	4995 4996
(xi) <u>(k)</u> The percentage of kindergarten students who are enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code;	4997 4998 4999
(xii) <u>(l)</u> The percentage of students enrolled in a performing or visual arts course;	5000 5001
(xiii) <u>(m)</u> The percentage of students enrolled in a physical education or wellness course;	5002 5003
(xiv) <u>(n)</u> The percentage of students enrolled in a world language course;	5004 5005
(xv) <u>(o)</u> The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	5006 5007
(xvi) <u>(p)</u> The percentage of students participating in one or more cocurricular activities;	5008 5009
(xvii) <u>(q)</u> The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;	5010 5011 5012 5013 5014
(xviii) <u>(r)</u> The percentage of students identified as gifted in superior cognitive ability and specific academic ability	5015 5016

fields under Chapter 3324. of the Revised Code and receiving 5017
gifted services pursuant to that chapter; 5018

~~(xix)~~ (s) The percentage of students participating in 5019
enrichment or support programs offered by the district or 5020
building outside of the normal school day; 5021

~~(xx)~~ (t) The percentage of eligible students participating 5022
each school day in school breakfast programs offered by the 5023
district or building in accordance with section 3313.813 or 5024
3313.818 of the Revised Code; 5025

~~(xxi)~~ (u) The percentage of students who are transported by 5026
a school bus each school day; 5027

~~(xxii)~~ (v) The ratio of portable technology devices that 5028
students may take home to the number of students. 5029

The department shall include only opportunity measures at 5030
the building level for which data for buildings is available, as 5031
determined by a school district. 5032

~~(i)~~ (9) The percentage of students included in the four- 5033
and five-year adjusted cohort graduation rates of the district 5034
or building who completed all of grades nine through twelve 5035
while enrolled in the district or building; 5036

~~(ii)~~ (10) The four-year adjusted cohort graduation rate for 5037
only those students who were continuously enrolled in the same 5038
district or building for grades nine through twelve. 5039

~~(j)~~ (11) Whether the district or building provides 5040
information about and promotes the college credit plus program 5041
established under Chapter 3365. of the Revised Code to students 5042
in accordance with section 3365.04 of the Revised Code, notated 5043
with a "yes" or "no"; 5044

~~(k)~~(12) The percentage of students in the district or building to whom both of the following apply: 5045
5046

~~(i)~~(a) The students are promoted to fourth grade and not subject to retention under division (A) (2) of section 3313.608 of the Revised Code. 5047
5048
5049

~~(ii)~~(b) The students completed all of the grade levels offered prior to the fourth grade in the district or building. 5050
5051

(13) The four-year adjusted cohort graduation rate; 5052

(14) The five-year adjusted cohort graduation rate. 5053

~~(3)~~(C) Except as provided in division ~~(D)~~~~(3)~~~~(f)~~(C) (6) of this section, the department shall use the method prescribed under rules adopted under division ~~(D)~~~~(4)~~(D) of this section to assign performance ratings of "one star," "two stars," "three stars," "four stars," or "five stars," as described in division ~~(F)~~(E) of this section, for a district or building for the individual components prescribed under this division~~(D)~~~~(3)~~~~of~~~~this section~~. The department also shall assign an overall performance rating for a district or building in accordance with division ~~(D)~~~~(3)~~~~(g)~~(C) (7) of this section. The method shall use the performance measures prescribed under division ~~(D)~~~~(1)~~(A) of this section to calculate performance ratings for components. 5054
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~~(a)~~(1) Gap closing. In addition to other criteria determined appropriate by the department, performance ratings for the gap closing component shall reflect whether each of the 5071
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following performance measures are met or not met:	5074
(i) <u>(a)</u> The gifted performance indicator as described in	5075
division (D) (1) (a) <u>(A) (1)</u> of this section;	5076
(ii) <u>(b)</u> The chronic absenteeism indicator as described in	5077
division (D) (1) (b) <u>(A) (2)</u> of this section;	5078
(iii) <u>(c)</u> For English learners, an English language	5079
proficiency improvement indicator established by the department;	5080
(iv) <u>(d)</u> The subgroup graduation targets;	5081
(v) <u>(e)</u> The subgroup achievement targets in both	5082
mathematics and English language arts;	5083
(vi) <u>(f)</u> The subgroup progress targets in both mathematics	5084
and English language arts.	5085
Achievement and progress targets under division (D) (3) (a)	5086
<u>(C) (1)</u> of this section shall be calculated individually, and	5087
districts and buildings shall receive a status of met or not met	5088
on each measure. The department shall not require a subgroup of	5089
a district or building to meet both the achievement and progress	5090
targets at the same time to receive a status of met.	5091
The department shall not include any subgroup data in this	5092
measure that includes data from fewer than fifteen students. Any	5093
penalty for failing to meet the required assessment	5094
participation rate must be partially in proportion to how close	5095
the district or building was to meeting the rate requirement.	5096
(b) <u>(2)</u> Achievement, which shall include the performance	5097
measure in division (D) (1) (e) <u>(A) (3)</u> of this section and the	5098
reported data in division (D) (2) (a) <u>(B) (1)</u> of this section.	5099
Performance ratings for the achievement component shall be	5100
awarded as a percentage of the maximum performance index score	5101

described in division ~~(D) (1) (e)~~ (A) (3) of this section. 5102

~~(e)~~ (3) Progress, which shall include the performance 5103
measure in division ~~(D) (1) (d)~~ (A) (4) of this section and the 5104
reported data in divisions ~~(D) (2) (b)~~ (B) (2) and ~~(e)~~ (3) of this 5105
section; 5106

~~(d)~~ (4) Graduation, which shall include the performance 5107
measures in divisions ~~(D) (1) (e)~~ (A) (5) and ~~(f)~~ (6) of this section 5108
and the reported data in divisions ~~(D) (2) (d)~~ (B) (4), (9), (13), 5109
and ~~(j)~~ (14) of this section. The four-year adjusted cohort 5110
graduation ~~rate~~ measure shall be assigned a weight of sixty per 5111
cent and the five-year adjusted cohort graduation ~~rate~~ measure 5112
shall be assigned a weight of forty per cent. 5113

~~(e)~~ (5) Early literacy, which shall include the performance 5114
measures in divisions ~~(D) (1) (g), (h),~~ (A) (7), (8), and ~~(i)~~ (9) of 5115
this section and the reported data in division ~~(D) (2) (k)~~ (B) (12) 5116
of this section. 5117

If the measure prescribed under division ~~(D) (1) (h)~~ (A) (8) 5118
of this section is included in a report card, performance 5119
ratings for the early literacy component shall give a weight of 5120
forty per cent to the measure prescribed under division ~~(D) (1)~~ 5121
~~(g)~~ (A) (7) of this section, a weight of thirty-five per cent to 5122
the measure prescribed under division ~~(D) (1) (i)~~ (A) (9) of this 5123
section, and a weight of twenty-five per cent to the measure 5124
prescribed under division ~~(D) (1) (h)~~ (A) (8) of this section. 5125

If the measure prescribed under division ~~(D) (1) (h)~~ (A) (8) 5126
of this section is not included in a report card of a district 5127
or building, performance ratings for the early literacy 5128
component shall give a weight of sixty per cent to the measure 5129
prescribed under division ~~(D) (1) (g)~~ (A) (7) of this section and a 5130

weight of forty per cent to the measure prescribed under 5131
division ~~(D) (1) (i)~~ (A) (9) of this section. 5132

~~(f)~~ (6) College, career, workforce, and military readiness, 5133
which shall include the performance measure in division ~~(D) (1)~~ 5134
~~(j)~~ (A) (10) of this section and the reported data in division ~~(D)~~ 5135
~~(2) (e)~~ (B) (5) of this section. 5136

~~For the 2021-2022, 2022-2023, and 2023-2024 school years,~~ 5137
~~the department only shall report the data for, and not assign a~~ 5138
~~performance rating to, the college, career, workforce, and~~ 5139
~~military readiness component. The reported data shall include~~ 5140
~~the percentage of students who demonstrate post-secondary~~ 5141
~~readiness using any of the options described in division (D) (1)~~ 5142
~~(j) of this section.~~ 5143

~~The department shall analyze the data included in the~~ 5144
~~performance measure prescribed in division (D) (1) (j) of this~~ 5145
~~section for the 2021-2022, 2022-2023, and 2023-2024 school~~ 5146
~~years. Using that data, the~~ The department shall develop and 5147
~~propose adopt rules for establishing~~ a method to assign a 5148
performance rating to the college, career, workforce, and 5149
military readiness component based on ~~that measure~~ the 5150
performance measure prescribed in division (A) (10) of this 5151
section. The method to assign a performance rating shall not 5152
include a tiered structure or per student bonuses. The rules 5153
shall specify that a district or building shall not receive 5154
lower than a performance rating of three stars for the component 5155
if the district's or building's performance on the component 5156
meets or exceeds a level of improvement set by the department. 5157
Notwithstanding anything to the contrary in ~~(D) (4) (b)~~ 5158
(D) of this section, more than half of the total districts and 5159
buildings may earn a performance rating of three stars on this 5160

component to account for the districts and buildings that earned 5161
a performance rating of three stars because they met or exceeded 5162
the level of improvement set by the department. 5163

~~The department shall submit the rules to the joint 5164
committee on agency rule review. The committee shall conduct at 5165
least one public hearing on the proposed rules and approve or 5166
disapprove the rules. If the committee approves the rules, the 5167
department shall adopt the rules in accordance with Chapter 119. 5168
of the Revised Code. If the rules are adopted, the department 5169
shall assign a performance rating to the college, career, 5170
workforce, and military readiness component under the rules 5171
beginning with the 2024-2025 school year, and for each school 5172
year thereafter. If the committee disapproves the rules, the 5173
component shall be included in the report card only as reported 5174
data for the 2024-2025 school year, and each school year 5175
thereafter. 5176~~

~~(g) (i) Except as provided for in division (D) (3) (g) (ii) of 5177
this section, beginning with the 2022-2023 school year, under 5178
(7) Under the method prescribed under rules adopted in division 5179
(D) (4) (D) of this section, the department shall use the 5180
performance ratings assigned for the components prescribed in 5181
divisions (D) (3) (a) (C) (1) to (e) (6) of this section to determine 5182
and assign an overall performance rating of "one star," "one and 5183
one-half stars," "two stars," "two and one-half stars," "three 5184
stars," "three and one-half stars," "four stars," "four and one- 5185
half stars," or "five stars" for a district or building. The 5186
method shall give equal weight to the components in divisions 5187
(D) (3) (b) and (c) of this section. The method shall give equal 5188
weight to the components in divisions (D) (3) (a), (d), and (e) of 5189
this section. The individual weights of each of the components 5190
prescribed in divisions (D) (3) (a), (d), and (e) of this section 5191~~

~~shall be equal to one-half of the weight given to the component prescribed in division (D) (3) (b) of this section.~~ 5192
5193

~~(ii) If the joint committee on agency rule review approves the department's rules regarding the college, career, workforce, and military readiness component as described in division (D) (3) (f) of this section, for the 2024-2025 school year, and each school year thereafter, the~~ 5194
The department's method shall use 5195
the components in divisions ~~(D) (3) (a), (b), (c), (d), (e), and~~ 5196
~~(f)~~ (C) (1) to (6) of this section to calculate the overall 5197
performance rating. The method shall give equal weight to the 5198
components in divisions ~~(D) (3) (b)~~ (C) (2) and ~~(e) (3)~~ 5199
of this section. The method shall give equal weight to the components 5200
prescribed in divisions ~~(D) (3) (a), (d), (e)~~ (C) (1), (4), (5), and 5201
~~(f)~~ (6) of this section. The individual weights of each of the 5202
components prescribed in divisions ~~(D) (3) (a), (d), (e)~~ (C) (1), 5203
(4), (5), and (f) (6) of this section shall be equal to one-half 5204
the weight given to the component prescribed in division ~~(D) (3)~~ 5205
~~(b)~~ (C) (2) of this section. 5206
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~~If the joint committee on agency rule review disapproves the department's rules regarding the college, career, workforce, and military readiness component as described in division (D) (3) (f) of this section, division (D) (3) (g) (ii) of this section does not apply.~~ 5210
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~~(4) (a) (D)~~ The department shall adopt rules in accordance 5215
with Chapter 119. of the Revised Code to establish the 5216
performance criteria, benchmarks, and rating system necessary to 5217
implement ~~divisions (D) and (F) of this section,~~ including the 5218
method for the department to assign performance ratings under 5219
division ~~(D) (3) (C)~~ of this section. 5220

~~(b)~~ In establishing the performance criteria, benchmarks, 5221

and rating system, the department shall consult with stakeholder 5222
groups and advocates that represent parents, community members, 5223
students, business leaders, and educators from different school 5224
typology regions. The department shall use data from prior 5225
school years and simulations to ensure that there is meaningful 5226
differentiation among districts and buildings across all 5227
performance ratings and that, except as permitted in division 5228
~~(D) (3) (f)~~ (C) (6) of this section, more than half of all districts 5229
or buildings do not earn the same performance rating in any 5230
component or overall performance rating. 5231

~~(c) The department shall adopt the rules prescribed by 5232
division (D) (4) of this section not later than March 31, 2022. 5233
However, the department shall notify districts and buildings of 5234
the changes to the report card prescribed in law not later than 5235
one week after September 30, 2021. 5236~~

~~(d) Prior to adopting or updating rules under this 5237
division ~~(D) (4)~~ of this section, the director of education and 5238
workforce and the department shall conduct a public presentation 5239
before the standing committees of the house of representatives 5240
and the senate that consider primary and secondary education 5241
legislation describing the format for the report card and the 5242
performance criteria, benchmarks, and rating system, including 5243
the method to assign performance ratings under division ~~(D) (3)~~ 5244
(C) of this section. 5245~~

~~(E) The department may develop a measure of student 5246
academic progress for high school students using only data from 5247
assessments in English language arts and mathematics. If the 5248
department develops this measure, each school district and 5249
applicable school building shall be assigned a separate letter 5250
grade for it not sooner than the 2017-2018 school year. The 5251~~

~~district's or building's grade for that measure shall not be included in determining the district's or building's overall letter grade.~~ 5252
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5254

~~(F) (1) The letter grades assigned to a school district or building under this section shall be as follows:~~ 5255
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~~(a) "A" for a district or school making excellent progress;~~ 5257
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~~(b) "B" for a district or school making above average progress;~~ 5259
5260

~~(c) "C" for a district or school making average progress;~~ 5261

~~(d) "D" for a district or school making below average progress;~~ 5262
5263

~~(e) "F" for a district or school failing to meet minimum progress.~~ 5264
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~~(2)~~ (E) (1) For the overall performance rating under division ~~(D)~~ (3) (C) of this section, the department shall include a descriptor for each performance rating as follows: 5266
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(a) "Significantly exceeds state standards" for a performance rating of five stars; 5269
5270

(b) "Exceeds state standards" for a performance rating of four stars or four and one-half stars; 5271
5272

(c) "Meets state standards" for a performance rating of three stars or three and one-half stars; 5273
5274

(d) "Needs support to meet state standards" for a performance rating of two stars or two and one-half stars; 5275
5276

(e) "Needs significant support to meet state standards" for a performance rating of one star or one and one-half stars. 5277
5278

~~(3)~~(2) For performance ratings for each component under ~~divisions (D) (3) (a) to (f)~~division (C) of this section, the department shall include a description of each component and performance rating. The description shall include component-specific context to each performance rating earned, estimated comparisons to other school districts and buildings if appropriate, and any other information determined by the department. The descriptions shall be not longer than twenty-five words in length when possible. In addition to such descriptions, the department shall include the descriptors in ~~(F) (2)~~(E) (1) of this section for component performance ratings.

~~(4)~~(3) Each report card issued under this section shall include all of the following:

(a) A graphic that depicts the performance ratings of a district or school on a color scale. The color associated with a performance rating of three stars shall be green and the color associated with a performance rating of one star shall be red.

(b) An arrow graphic that shows data trends for performance ratings for school districts or buildings. The department shall determine the data to be used for this graphic, which shall include at least the three most recent years of data.

(c) A description regarding the weights that are assigned to each component and used to determine an overall performance rating, as prescribed under ~~division (D) (3) (g)~~(C) (7) of this section, which shall be included in the presentation of the overall performance rating on each report card.

~~(G)~~(F) When reporting data on student achievement and

progress, the department shall disaggregate that data according	5308
to the following categories:	5309
(1) Performance of students by grade-level;	5310
(2) Performance of students by race and ethnic group;	5311
(3) Performance of students by gender;	5312
(4) Performance of students grouped by those who have been	5313
enrolled in a district or school for three or more years;	5314
(5) Performance of students grouped by those who have been	5315
enrolled in a district or school for more than one year and less	5316
than three years;	5317
(6) Performance of students grouped by those who have been	5318
enrolled in a district or school for one year or less;	5319
(7) Performance of students grouped by those who are	5320
economically disadvantaged;	5321
(8) Performance of students grouped by those who are	5322
enrolled in a conversion community school established under	5323
Chapter 3314. of the Revised Code;	5324
(9) Performance of students grouped by those who are	5325
classified as English learners;	5326
(10) Performance of students grouped by those who have	5327
disabilities;	5328
(11) Performance of students grouped by those who are	5329
classified as migrants;	5330
(12) Performance of students grouped by those who are	5331
identified as gifted in superior cognitive ability and the	5332
specific academic ability fields of reading and math pursuant to	5333
Chapter 3324. of the Revised Code. In disaggregating specific	5334

academic ability fields for gifted students, the department 5335
shall use data for those students with specific academic ability 5336
in math and reading. If any other academic field is assessed, 5337
the department shall also include data for students with 5338
specific academic ability in that field as well. 5339

(13) Performance of students grouped by those who perform 5340
in the lowest quintile for achievement on a statewide basis, as 5341
determined by a method prescribed by the department. 5342

The department may disaggregate data on student 5343
performance according to other categories that the department 5344
determines are appropriate. To the extent possible, the 5345
department shall disaggregate data on student performance 5346
according to any combinations of two or more of the categories 5347
listed in divisions ~~(G)~~(1)~~(F)~~ (1) to (13) of this section that it 5348
deems relevant. 5349

In reporting data pursuant to division ~~(G)~~(F) of this 5350
section, the department shall not include in the report cards 5351
any data statistical in nature that is statistically unreliable 5352
or that could result in the identification of individual 5353
students. For this purpose, the department shall not report 5354
student performance data for any group identified in division 5355
~~(G)~~(F) of this section that contains less than ten students. If 5356
the department does not report student performance data for a 5357
group because it contains less than ten students, the department 5358
shall indicate on the report card that is why data was not 5359
reported. 5360

~~(H)~~(G) The department may include with the report cards 5361
any additional education and fiscal performance data it deems 5362
valuable. 5363

~~(I)~~(H) The department shall include on each report card a 5364
list of additional information collected by the department that 5365
is available regarding the district or building for which the 5366
report card is issued. When available, such additional 5367
information shall include student mobility data disaggregated by 5368
race and socioeconomic status, college enrollment data, and the 5369
reports prepared under section 3302.031 of the Revised Code. 5370

The department shall maintain a site on the world wide 5371
web. The report card shall include the address of the site and 5372
shall specify that such additional information is available to 5373
the public at that site. The department shall also provide a 5374
copy of each item on the list to the superintendent of each 5375
school district. The district superintendent shall provide a 5376
copy of any item on the list to anyone who requests it. 5377

~~(J)(1)(a)~~(I)(1)(a) Except as provided in division ~~(J)(1)~~ 5378
~~(b)~~(I)(1)(b) of this section, for any district that sponsors a 5379
conversion community school under Chapter 3314. of the Revised 5380
Code, the department shall combine data regarding the academic 5381
performance of students enrolled in the community school with 5382
comparable data from the schools of the district for the purpose 5383
of determining the performance of the district as a whole on the 5384
report card issued for the district under this section or 5385
section 3302.033 of the Revised Code. 5386

(b) The department shall not combine data from any 5387
conversion community school that a district sponsors if the 5388
conversion community school is a dropout prevention and recovery 5389
community school, as defined in section 3314.02 of the Revised 5390
Code. The department shall include as an addendum to the 5391
district's report card the ratings and performance measures that 5392
are required under section 3314.017 of the Revised Code for any 5393

community school to which division ~~(J) (1) (b)~~ (I) (1) (b) of this 5394
section applies. This addendum shall include, at a minimum, the 5395
data specified in divisions (C) (1) (a), (C) (2), and (C) (3) of 5396
section 3314.017 of the Revised Code. 5397

(2) Any district that leases a building to a community 5398
school located in the district or that enters into an agreement 5399
with a community school located in the district whereby the 5400
district and the school endorse each other's programs may elect 5401
to have data regarding the academic performance of students 5402
enrolled in the community school combined with comparable data 5403
from the schools of the district for the purpose of determining 5404
the performance of the district as a whole on the district 5405
report card. Any district that so elects shall annually file a 5406
copy of the lease or agreement with the department. 5407

(3) Any municipal school district, as defined in section 5408
3311.71 of the Revised Code, that sponsors a community school 5409
located within the district's territory, or that enters into an 5410
agreement with a community school located within the district's 5411
territory whereby the district and the community school endorse 5412
each other's programs, may exercise either or both of the 5413
following elections: 5414

(a) To have data regarding the academic performance of 5415
students enrolled in that community school combined with 5416
comparable data from the schools of the district for the purpose 5417
of determining the performance of the district as a whole on the 5418
district's report card; 5419

(b) To have the number of students attending that 5420
community school noted separately on the district's report card. 5421

The election authorized under division ~~(J) (3) (a)~~ (I) (3) (a) 5422

of this section is subject to approval by the governing 5423
authority of the community school. 5424

Any municipal school district that exercises an election 5425
to combine or include data under division ~~(J)~~~~(3)~~(I) (3) of this 5426
section, by the first day of October of each year, shall file 5427
with the department documentation indicating eligibility for 5428
that election, as required by the department. 5429

~~(K)~~(J) The department shall include on each report card 5430
the percentage of teachers in the district or building who are 5431
properly certified or licensed teachers, as defined in section 5432
3319.074 of the Revised Code, and a comparison of that 5433
percentage with the percentages of such teachers in similar 5434
districts and buildings. 5435

~~(L)~~~~(1)~~(K) (1) In calculating English language arts, 5436
mathematics, science, American history, or American government 5437
assessment passage rates used to determine school district or 5438
building performance under this section, the department shall 5439
include all students taking an assessment with accommodation or 5440
to whom an alternate assessment is administered pursuant to 5441
division (C) (1) or (3) of section 3301.0711 of the Revised Code 5442
and all students who take substitute examinations approved under 5443
division (B) (4) of section 3301.0712 of the Revised Code in the 5444
subject areas of science, American history and American 5445
government. 5446

(2) In calculating performance index scores, rates of 5447
achievement on the performance indicators established by the 5448
department under section 3302.02 of the Revised Code, and annual 5449
measurable objectives for determining adequate yearly progress 5450
for school districts and buildings under this section, the 5451
department shall do all of the following: 5452

(a) Include for each district or building only those 5453
students who are included in the ADM certified for the first 5454
full school week of October and are continuously enrolled in the 5455
district or building through the time of the spring 5456
administration of any assessment prescribed by division (A) (1) 5457
~~or (B) (1)~~ of section 3301.0710 or division (B) of section 5458
3301.0712 of the Revised Code that is administered to the 5459
student's grade level; 5460

(b) Include cumulative totals from both the fall and 5461
spring administrations of the third grade English language arts 5462
achievement assessment and, to the extent possible, the summer 5463
administration of that assessment; 5464

(c) Include for each district or building any English 5465
learner in accordance with the department's plan, as approved by 5466
the United States secretary of education, to comply with the 5467
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 5468
to 6339. 5469

As used in this section, "English learner" has the same 5470
meaning as in section 3301.0731 of the Revised Code. 5471

~~(M)~~ (L) Beginning with the 2015-2016 school year and at 5472
least once every three years thereafter, the department shall 5473
review and may adjust the benchmarks for assigning ~~letter grades~~ 5474
~~or~~ performance ratings to the performance measures and 5475
components prescribed under divisions ~~(C) (3), (D), and (E)~~ (A), 5476
(B), and (C) of this section. 5477

Sec. 3302.034. (A) The department of education and 5478
workforce shall adopt and specify measures in addition to those 5479
included on the report card issued under section 3302.03 of the 5480
Revised Code. The measures adopted under this section shall be 5481

reported separately, as specified under division (B) of this 5482
section, for each school district, each building in a district, 5483
each community school established under Chapter 3314., and each 5484
STEM school established under Chapter 3326., ~~and each college-~~ 5485
~~preparatory boarding school established under Chapter 3328.~~ of 5486
the Revised Code. The measures shall include at least the 5487
following: 5488

(1) Data for students who have passed over a grade or 5489
subject area under an acceleration policy prescribed under 5490
section 3324.10 of the Revised Code; 5491

(2) The number of students who are economically 5492
disadvantaged as determined by the department; 5493

(3) The number of lead teachers employed by each district 5494
and each building once the data is available through the 5495
education management information system established under 5496
section 3301.0714 of the Revised Code; 5497

(4) The amount of students screened and identified as 5498
gifted under Chapter 3324. of the Revised Code; 5499

(5) Postgraduate student outcome data, including 5500
postsecondary credit earned, nationally recognized career or 5501
technical certification, military enlistment, job placement, and 5502
attendance rate; 5503

(6) Availability of courses in fine arts; 5504

(7) Participation with other school districts to provide 5505
career-technical education services to students. 5506

(B) The department shall report this information annually 5507
beginning with the 2013-2014 school year and make this 5508
information available on its web site for comparison purposes. 5509

Sec. 3302.035. (A) Not later than October 1, 2015, and not 5510
later than the first day of October each year thereafter, the 5511
department of education and workforce shall report for each 5512
school district, each community school established under Chapter 5513
3314., and each STEM school established under Chapter 3326., ~~and~~ 5514
~~each college-preparatory boarding school established under~~ 5515
~~Chapter 3328.~~ of the Revised Code, the following measures for 5516
students with disabilities enrolled in that school district or 5517
community, or STEM, ~~or college-preparatory boarding~~ school: 5518

(1) The value-added progress dimension score disaggregated 5519
for that subgroup, as determined by the department; 5520

(2) The performance index score for that subgroup, as 5521
defined under division (A) of section 3302.01 of the Revised 5522
Code; 5523

(3) The four- and five-year adjusted cohort graduation 5524
rates, as defined under divisions (G)(1) and (2) of section 5525
3302.01 of the Revised Code, for that subgroup. 5526

(B) The department shall make each report completed 5527
pursuant to division (A) of this section available on its web 5528
site for comparison purposes. 5529

Sec. 3302.04. (A) The department of education and 5530
workforce shall establish a system of intensive, ongoing support 5531
for the improvement of school districts and school buildings. In 5532
accordance with the model of differentiated accountability 5533
described in section 3302.041 of the Revised Code, the system 5534
shall give priority to districts and buildings in the manner 5535
prescribed by any agreement currently in force between the 5536
department of education and workforce and the United States 5537
department of education. The department of education and 5538

workforce shall endeavor to include schools and buildings that 5539
receive ~~grades or~~ performance ratings under section 3302.03 of 5540
the Revised Code that the department considers to be low 5541
performing. 5542

The system shall include services provided to districts 5543
and buildings through regional service providers, such as 5544
educational service centers. The system may include the 5545
appointment of an improvement coordinator for any of the lowest 5546
performing districts, as determined by the department of 5547
education and workforce, to coordinate the district's academic 5548
improvement efforts and to build support among the community for 5549
those efforts. 5550

(B) A district or building that meets the conditions for 5551
intervention prescribed by the agreement described in division 5552
(A) of this section shall be subject to any rules establishing 5553
such intervention. 5554

(C) The department of education and workforce may initiate 5555
a site evaluation of a building or school district that meets 5556
the conditions for a site evaluation prescribed by the agreement 5557
described in division (A) of this section. 5558

(D) This division applies only to school districts that 5559
operate a school building that fails to make adequate yearly 5560
progress for two or more consecutive school years. It does not 5561
apply to any such district after June 30, 2008, except as 5562
provided in division (D) (2) of section 3313.97 of the Revised 5563
Code. 5564

(1) For any school building that fails to make adequate 5565
yearly progress for two consecutive school years, the district 5566
shall do all of the following: 5567

(a) Provide written notification of the academic issues 5568
that resulted in the building's failure to make adequate yearly 5569
progress to the parent or guardian of each student enrolled in 5570
the building. The notification shall also describe the actions 5571
being taken by the district or building to improve the academic 5572
performance of the building and any progress achieved toward 5573
that goal in the immediately preceding school year. 5574

(b) If the building receives funds under Title I, Part A 5575
of the "Elementary and Secondary Education Act of 1965," 20 5576
U.S.C. 6311 to 6339, from the district, in accordance with 5577
section 3313.97 of the Revised Code, offer all students enrolled 5578
in the building the opportunity to enroll in an alternative 5579
building within the district that is not in school improvement 5580
status as defined by the "No Child Left Behind Act of 2001." 5581
Notwithstanding Chapter 3327. of the Revised Code, the district 5582
shall spend an amount equal to twenty per cent of the funds it 5583
receives under Title I, Part A of the "Elementary and Secondary 5584
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 5585
transportation for students who enroll in alternative buildings 5586
under this division, unless the district can satisfy all demand 5587
for transportation with a lesser amount. If an amount equal to 5588
twenty per cent of the funds the district receives under Title 5589
I, Part A of the "Elementary and Secondary Education Act of 5590
1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all 5591
demand for transportation, the district shall grant priority 5592
over all other students to the lowest achieving students among 5593
the subgroup described in division (B) (3) of section 3302.01 of 5594
the Revised Code in providing transportation. Any district that 5595
does not receive funds under Title I, Part A of the "Elementary 5596
and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, 5597
shall not be required to provide transportation to any student 5598

who enrolls in an alternative building under this division. 5599

(2) For any school building that fails to make adequate 5600
yearly progress for three consecutive school years, the district 5601
shall do both of the following: 5602

(a) If the building receives funds under Title I, Part A 5603
of the "Elementary and Secondary Education Act of 1965," 20 5604
U.S.C. 6311 to 6339, from the district, in accordance with 5605
section 3313.97 of the Revised Code, provide all students 5606
enrolled in the building the opportunity to enroll in an 5607
alternative building within the district that is not in school 5608
improvement status as defined by the "No Child Left Behind Act 5609
of 2001." Notwithstanding Chapter 3327. of the Revised Code, the 5610
district shall provide transportation for students who enroll in 5611
alternative buildings under this division to the extent required 5612
under division (D) (2) of this section. 5613

(b) If the building receives funds under Title I, Part A 5614
of the "Elementary and Secondary Education Act of 1965," 20 5615
U.S.C. 6311 to 6339, from the district, offer supplemental 5616
educational services to students who are enrolled in the 5617
building and who are in the subgroup described in division (B) 5618
(3) of section 3302.01 of the Revised Code. 5619

The district shall spend a combined total of an amount 5620
equal to twenty per cent of the funds it receives under Title I, 5621
Part A of the "Elementary and Secondary Education Act of 1965," 5622
20 U.S.C. 6311 to 6339, to provide transportation for students 5623
who enroll in alternative buildings under division (D) (1) (b) or 5624
(D) (2) (a) of this section and to pay the costs of the 5625
supplemental educational services provided to students under 5626
division (D) (2) (b) of this section, unless the district can 5627
satisfy all demand for transportation and pay the costs of 5628

supplemental educational services for those students who request 5629
them with a lesser amount. In allocating funds between the 5630
requirements of divisions (D) (1) (b) and (D) (2) (a) and (b) of 5631
this section, the district shall spend at least an amount equal 5632
to five per cent of the funds it receives under Title I, Part A 5633
of the "Elementary and Secondary Education Act of 1965," 20 5634
U.S.C. 6311 to 6339, to provide transportation for students who 5635
enroll in alternative buildings under division (D) (1) (b) or (D) 5636
(2) (a) of this section, unless the district can satisfy all 5637
demand for transportation with a lesser amount, and at least an 5638
amount equal to five per cent of the funds it receives under 5639
Title I, Part A of the "Elementary and Secondary Education Act 5640
of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the 5641
supplemental educational services provided to students under 5642
division (D) (2) (b) of this section, unless the district can pay 5643
the costs of such services for all students requesting them with 5644
a lesser amount. If an amount equal to twenty per cent of the 5645
funds the district receives under Title I, Part A of the 5646
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 5647
to 6339, is insufficient to satisfy all demand for 5648
transportation under divisions (D) (1) (b) and (D) (2) (a) of this 5649
section and to pay the costs of all of the supplemental 5650
educational services provided to students under division (D) (2) 5651
(b) of this section, the district shall grant priority over all 5652
other students in providing transportation and in paying the 5653
costs of supplemental educational services to the lowest 5654
achieving students among the subgroup described in division (B) 5655
(3) of section 3302.01 of the Revised Code. 5656

Any district that does not receive funds under Title I, 5657
Part A of the "Elementary and Secondary Education Act of 1965," 5658
20 U.S.C. 6311 to 6339, shall not be required to provide 5659

transportation to any student who enrolls in an alternative 5660
building under division (D) (2) (a) of this section or to pay the 5661
costs of supplemental educational services provided to any 5662
student under division (D) (2) (b) of this section. 5663

No student who enrolls in an alternative building under 5664
division (D) (2) (a) of this section shall be eligible for 5665
supplemental educational services under division (D) (2) (b) of 5666
this section. 5667

(3) For any school building that fails to make adequate 5668
yearly progress for four consecutive school years, the district 5669
shall continue to comply with division (D) (2) of this section 5670
and shall implement at least one of the following options with 5671
respect to the building: 5672

(a) Institute a new curriculum that is consistent with the 5673
statewide academic standards adopted pursuant to division (A) of 5674
section 3301.079 of the Revised Code; 5675

(b) Decrease the degree of authority the building has to 5676
manage its internal operations; 5677

(c) Appoint an outside expert to make recommendations for 5678
improving the academic performance of the building. The district 5679
may request the department to establish a state intervention 5680
team for this purpose pursuant to division (E) of this section. 5681

(d) Extend the length of the school day or year; 5682

(e) Replace the building principal or other key personnel; 5683

(f) Reorganize the administrative structure of the 5684
building. 5685

(4) For any school building that fails to make adequate 5686
yearly progress for five consecutive school years, the district 5687

shall continue to comply with division (D) (2) of this section 5688
and shall develop a plan during the next succeeding school year 5689
to improve the academic performance of the building, which shall 5690
include at least one of the following options: 5691

(a) Reopen the school as a community school under Chapter 5692
3314. of the Revised Code; 5693

(b) Replace personnel; 5694

(c) Contract with a nonprofit or for-profit entity to 5695
operate the building; 5696

(d) Turn operation of the building over to the department; 5697

(e) Other significant restructuring of the building's 5698
governance. 5699

(5) For any school building that fails to make adequate 5700
yearly progress for six consecutive school years, the district 5701
shall continue to comply with division (D) (2) of this section 5702
and shall implement the plan developed pursuant to division (D) 5703
(4) of this section. 5704

(6) A district shall continue to comply with division (D) 5705
(1) (b) or (D) (2) of this section, whichever was most recently 5706
applicable, with respect to any building formerly subject to one 5707
of those divisions until the building makes adequate yearly 5708
progress for two consecutive school years. 5709

(E) The department may establish a state intervention team 5710
to evaluate all aspects of a school district or building, 5711
including management, curriculum, instructional methods, 5712
resource allocation, and scheduling. Any such intervention team 5713
shall be appointed by the department and shall include teachers 5714
and administrators recognized as outstanding in their fields. 5715

The intervention team shall make recommendations regarding 5716
methods for improving the performance of the district or 5717
building. 5718

The department shall not approve a district's request for 5719
an intervention team under division (D)(3) of this section if 5720
the department cannot adequately fund the work of the team, 5721
unless the district agrees to pay for the expenses of the team. 5722

(F) The department shall conduct individual audits of a 5723
sampling of community schools established under Chapter 3314. of 5724
the Revised Code to determine compliance with this section. 5725

(G) A school district in which the pilot project 5726
scholarship program is operating under sections 3313.974 to 5727
3313.979 of the Revised Code shall report the use of funding for 5728
tutorial assistance grants under that program in the district's 5729
three-year continuous improvement plan under this section in a 5730
manner approved by the department. 5731

(H) The department of education and workforce shall adopt 5732
rules for implementing this section. 5733

Sec. 3302.05. The department of education and workforce 5734
shall adopt rules freeing school districts from specified state 5735
mandates if ~~one of the following applies:~~ 5736

~~(A) For the 2011-2012 school year, the school district was 5737
declared to be excellent under section 3302.03 of the Revised 5738
Code, as that section existed prior to March 22, 2013, and had 5739
above expected growth in the overall value-added measure. 5740~~

~~(B) For the 2012-2013 school year, the school district 5741
received a grade of "A" for the number of performance indicators 5742
met under division (A)(1)(c) of section 3302.03 of the Revised 5743
Code and for the value-added dimension under division (A)(1)(c) 5744~~

~~of section 3302.03 of the Revised Code.~~ 5745

~~(C) For the 2013-2014, 2014-2015, or 2015-2016 school year, the school district received a grade of "A" for the number of performance indicators met under division (B) (1) (c) of section 3302.03 of the Revised Code and for the value-added dimension under division (B) (1) (c) of section 3302.03 of the Revised Code.~~ 5746
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~~(D) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, or 2020-2021 school year, the school district received an overall grade of "A" under division (C) (3) of section 3302.03 of the Revised Code.~~ 5752
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~~(E) For the 2021-2022 school year and for each school year thereafter, the school district received an overall performance rating of five stars under division (D) (3) of section 3302.03 of the Revised Code.~~ 5756
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Any mandates included in the rules shall be only those statutes or rules pertaining to state education requirements. 5760
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The rules shall not exempt districts from any operating standard adopted under division (D) (3) of section 3301.07 of the Revised Code. 5762
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Sec. 3302.07. (A) The board of education of any school district, the governing board of any educational service center, or the administrative authority of any chartered nonpublic school may submit to the department of education and workforce an application proposing an innovative education pilot program the implementation of which requires exemptions from specific statutory provisions or rules. If a district or service center board employs teachers under a collective bargaining agreement adopted pursuant to Chapter 4117. of the Revised Code, any 5765
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application submitted under this division shall include the 5774
written consent of the teachers' employee representative 5775
designated under division (B) of section 4117.04 of the Revised 5776
Code. The exemptions requested in the application shall be 5777
limited to any requirement of Title XXXIII of the Revised Code 5778
or of any rule of the department adopted pursuant to that title 5779
except that the application may not propose an exemption from 5780
any requirement of or rule adopted pursuant to Chapter 3307. or 5781
3309., section 3302.41 or 3302.42, sections 3319.07 to 3319.21, 5782
section 3313.6028, or Chapter 3323. of the Revised Code. 5783
Furthermore, an exemption from any operating standard adopted 5784
under division (B) (2) or (D) of section 3301.07 of the Revised 5785
Code shall be granted only pursuant to a waiver granted by the 5786
director of education and workforce under division (O) of that 5787
section. 5788

(B) The department shall accept any application submitted 5789
in accordance with division (A) of this section. The director 5790
shall approve or disapprove the application in accordance with 5791
standards for approval, which shall be adopted by the 5792
department. 5793

(C) The director shall exempt each district or service 5794
center board or chartered nonpublic school administrative 5795
authority with an application approved under division (B) of 5796
this section for a specified period from the statutory 5797
provisions or rules specified in the approved application. The 5798
period of exemption shall not exceed the period during which the 5799
pilot program proposed in the application is being implemented 5800
and a reasonable period to allow for evaluation of the 5801
effectiveness of the program. 5802

(D) The department shall promote innovative educational 5803

programs designed to increase student achievement and 5804
engagement, improve student wellness, and prepare students for 5805
the workforce and post-secondary education. The department shall 5806
do all of the following: 5807

(1) Provide technical assistance and support to districts 5808
and schools in designing and implementing innovative ideas for 5809
education; 5810

(2) Publicize model projects of educational innovation, 5811
including projects that use artificial intelligence in 5812
instruction; 5813

(3) Promote the availability of waivers from education 5814
laws and rules under this section to implement innovative 5815
educational programs. 5816

Sec. 3302.10. (A) The department of education and 5817
workforce shall establish an academic distress commission for 5818
any school district that meets one of the following conditions: 5819

(1) The district has for three consecutive years received 5820
~~either of the following:~~ 5821

~~(a) An overall grade of "F" under division (C) (3) of~~ 5822
~~section 3302.03 of the Revised Code;~~ 5823

~~(b) An overall performance rating of less than two~~ 5824
~~stars under division (D) (3) of section 3302.03 of the Revised~~ 5825
~~Code.~~ 5826

(2) An academic distress commission established for the 5827
district under former section 3302.10 of the Revised Code was 5828
still in existence on October 15, 2015, and has been in 5829
existence for at least four years. 5830

(B) (1) The academic distress commission shall consist of 5831

five members as follows: 5832

(a) Three members appointed by the director of education 5833
and workforce, one of whom is a resident in the county in which 5834
a majority of the district's territory is located; 5835

(b) One member appointed by the president of the district 5836
board of education, who shall be a teacher employed by the 5837
district; 5838

(c) One member appointed by the mayor of the municipality 5839
in which a majority of the district's territory is located or, 5840
if no such municipality exists, by the mayor of a municipality 5841
selected by the director of education and workforce in which the 5842
district has territory. 5843

Appointments to the commission shall be made within thirty 5844
days after the district is notified that it is subject to this 5845
section. Members of the commission shall serve at the pleasure 5846
of their appointing authority. The director shall designate a 5847
chairperson for the commission from among the members appointed 5848
by the director. The chairperson shall call and conduct 5849
meetings, set meeting agendas, and serve as a liaison between 5850
the commission and the chief executive officer appointed under 5851
division (C) (1) of this section. 5852

(2) In the case of a school district that meets the 5853
condition in division (A) (2) of this section, the academic 5854
distress commission established for the district under former 5855
section 3302.10 of the Revised Code shall be abolished and a new 5856
academic distress commission shall be appointed for the district 5857
pursuant to division (B) (1) of this section. 5858

(C) (1) Within sixty days after the director has designated 5859
a chairperson for the academic distress commission, the 5860

commission shall appoint a chief executive officer for the 5861
district, who shall be paid by the department of education and 5862
workforce and shall serve at the pleasure of the commission. The 5863
individual appointed as chief executive officer shall have high- 5864
level management experience in the public or private sector. The 5865
chief executive officer shall exercise complete operational, 5866
managerial, and instructional control of the district, which 5867
shall include, but shall not be limited to, the following powers 5868
and duties, but the chief executive officer may delegate, in 5869
writing, specific powers or duties to the district board or 5870
district superintendent: 5871

(a) Replacing school administrators and central office 5872
staff; 5873

(b) Assigning employees to schools and approving 5874
transfers; 5875

(c) Hiring new employees; 5876

(d) Defining employee responsibilities and job 5877
descriptions; 5878

(e) Establishing employee compensation; 5879

(f) Allocating teacher class loads; 5880

(g) Conducting employee evaluations; 5881

(h) Making reductions in staff under section 3319.17, 5882
3319.171, or 3319.172 of the Revised Code; 5883

(i) Setting the school calendar; 5884

(j) Creating a budget for the district; 5885

(k) Contracting for services for the district; 5886

(l) Modifying policies and procedures established by the 5887

district board;	5888
(m) Establishing grade configurations of schools;	5889
(n) Determining the school curriculum;	5890
(o) Selecting instructional materials and assessments;	5891
(p) Setting class sizes;	5892
(q) Providing for staff professional development.	5893
(2) If an improvement coordinator was previously appointed for the district pursuant to division (A) of section 3302.04 of the Revised Code, that position shall be terminated. However, nothing in this section shall prohibit the chief executive officer from employing the same individual or other staff to perform duties or functions previously performed by the improvement coordinator.	5894 5895 5896 5897 5898 5899 5900
(D) The academic distress commission, in consultation with the director of education and workforce and the chief executive officer, shall be responsible for expanding high-quality school choice options in the district. The commission, in consultation with the director, may create an entity to act as a high-quality school accelerator for schools not operated by the district. The accelerator shall promote high-quality schools in the district, lead improvement efforts for underperforming schools, recruit high-quality sponsors for community schools, attract new high- quality schools to the district, and increase the overall capacity of schools to deliver a high-quality education for students. Any accelerator shall be an independent entity and the chief executive officer shall have no authority over the accelerator.	5901 5902 5903 5904 5905 5906 5907 5908 5909 5910 5911 5912 5913 5914
(E) (1) Within thirty days after the chief executive	5915

officer is appointed, the chief executive officer shall convene 5916
a group of community stakeholders. The purpose of the group 5917
shall be to develop expectations for academic improvement in the 5918
district and to assist the district in building relationships 5919
with organizations in the community that can provide needed 5920
services to students. Members of the group shall include, but 5921
shall not be limited to, educators, civic and business leaders, 5922
and representatives of institutions of higher education and 5923
government service agencies. Within ninety days after the chief 5924
executive officer is appointed, the chief executive officer also 5925
shall convene a smaller group of community stakeholders for each 5926
school operated by the district to develop expectations for 5927
academic improvement in that school. The group convened for each 5928
school shall have teachers employed in the school and parents of 5929
students enrolled in the school among its members. 5930

(2) The chief executive officer shall create a plan to 5931
improve the district's academic performance. In creating the 5932
plan, the chief executive officer shall consult with the groups 5933
convened under division (E)(1) of this section. The chief 5934
executive officer also shall consider the availability of 5935
funding to ensure sustainability of the plan. The plan shall 5936
establish clear, measurable performance goals for the district 5937
and for each school operated by the district. The performance 5938
goals shall include, but not be limited to, the performance 5939
measures prescribed for report cards issued under section 5940
3302.03 of the Revised Code. Within ninety days after the chief 5941
executive officer is appointed, the chief executive officer 5942
shall submit the plan to the academic distress commission for 5943
approval. Within thirty days after the submission of the plan, 5944
the commission shall approve the plan or suggest modifications 5945
to the plan that will render it acceptable. If the commission 5946

suggests modifications, the chief executive officer may revise 5947
the plan before resubmitting it to the commission. The chief 5948
executive officer shall resubmit the plan, whether revised or 5949
not, within fifteen days after the commission suggests 5950
modifications. The commission shall approve the plan within 5951
thirty days after the plan is resubmitted. Upon approval of the 5952
plan by the commission, the chief executive officer shall 5953
implement the plan. 5954

(F) Notwithstanding any provision to the contrary in 5955
Chapter 4117. of the Revised Code, if the district board has 5956
entered into, modified, renewed, or extended a collective 5957
bargaining agreement on or after October 15, 2015, that contains 5958
provisions relinquishing one or more of the rights or 5959
responsibilities listed in division (C) of section 4117.08 of 5960
the Revised Code, those provisions are not enforceable and the 5961
chief executive officer and the district board shall resume 5962
holding those rights or responsibilities as if the district 5963
board had not relinquished them in that agreement until such 5964
time as both the academic distress commission ceases to exist 5965
and the district board agrees to relinquish those rights or 5966
responsibilities in a new collective bargaining agreement. For 5967
purposes of this section, "collective bargaining agreement" 5968
shall include any labor contract or agreement in effect with any 5969
applicable bargaining representative. The chief executive 5970
officer and the district board are not required to bargain on 5971
subjects reserved to the management and direction of the school 5972
district, including, but not limited to, the rights or 5973
responsibilities listed in division (C) of section 4117.08 of 5974
the Revised Code. The way in which these subjects and these 5975
rights or responsibilities may affect the wages, hours, terms 5976
and conditions of employment, or the continuation, modification, 5977

or deletion of an existing provision of a collective bargaining 5978
agreement is not subject to collective bargaining or effects 5979
bargaining under Chapter 4117. of the Revised Code. The 5980
provisions of this paragraph apply to a collective bargaining 5981
agreement entered into, modified, renewed, or extended on or 5982
after October 15, 2015, and those provisions are deemed to be 5983
part of that agreement regardless of whether the district 5984
satisfied the conditions prescribed in division (A) of this 5985
section at the time the district entered into that agreement. If 5986
the district board relinquished one or more of the rights or 5987
responsibilities listed in division (C) of section 4117.08 of 5988
the Revised Code in a collective bargaining agreement entered 5989
into prior to October 15, 2015, and had resumed holding those 5990
rights or responsibilities pursuant to division (K) of former 5991
section 3302.10 of the Revised Code, as it existed prior to that 5992
date, the district board shall continue to hold those rights or 5993
responsibilities until such time as both the new academic 5994
distress commission appointed under this section ceases to exist 5995
upon completion of the transition period specified in division 5996
(N) (1) of this section and the district board agrees to 5997
relinquish those rights or responsibilities in a new collective 5998
bargaining agreement. 5999

(G) In each school year that the district is subject to 6000
this section, the following shall apply: 6001

(1) The chief executive officer shall implement the 6002
improvement plan approved under division (E) (2) of this section 6003
and shall review the plan annually to determine if changes are 6004
needed. The chief executive officer may modify the plan upon the 6005
approval of the modifications by the academic distress 6006
commission. 6007

(2) The chief executive officer may implement innovative education programs to do any of the following:

(a) Address the physical and mental well-being of students and their families;

(b) Provide mentoring;

(c) Provide job resources;

(d) Disseminate higher education information;

(e) Offer recreational or cultural activities;

(f) Provide any other services that will contribute to a successful learning environment.

The chief executive officer shall establish a separate fund to support innovative education programs and shall deposit any moneys appropriated by the general assembly for the purposes of division (G) (2) of this section in the fund. The chief executive officer shall have sole authority to disburse moneys from the fund until the district is no longer subject to this section. All disbursements shall support the improvement plan approved under division (E) (2) of this section.

(3) If the district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code, each student who is entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and is enrolled in a school operated by the district or in a community school, or will be both enrolling in any of grades kindergarten through twelve in this state for the first time and at least five years of age by the first day of January of the following school year, shall be eligible to participate in the educational choice scholarship

pilot program established under sections 3310.01 to 3310.17 of 6036
the Revised Code and an application for the student may be 6037
submitted during the next application period. 6038

(4) Notwithstanding anything to the contrary in the 6039
Revised Code, the chief executive officer may limit, suspend, or 6040
alter any contract with an administrator that is entered into, 6041
modified, renewed, or extended by the district board on or after 6042
October 15, 2015, provided that the chief executive officer 6043
shall not reduce any salary or base hourly rate of pay unless 6044
such salary or base hourly rate reductions are part of a uniform 6045
plan affecting all district employees and shall not reduce any 6046
insurance benefits unless such insurance benefit reductions are 6047
also applicable generally to other employees of the district. 6048

(5) The chief executive officer shall represent the 6049
district board during any negotiations to modify, renew, or 6050
extend a collective bargaining agreement entered into by the 6051
board under Chapter 4117. of the Revised Code. 6052

(H) If the report card for the district has been issued 6053
under section 3302.03 of the Revised Code for the first school 6054
year that the district is subject to this section and the 6055
district does not meet the qualification in division (N) (1) of 6056
this section, the following shall apply: 6057

(1) The chief executive officer may reconstitute any 6058
school operated by the district. The chief executive officer 6059
shall present to the academic distress commission a plan that 6060
lists each school designated for reconstitution and explains how 6061
the chief executive officer plans to reconstitute the school. 6062
The chief executive officer may take any of the following 6063
actions to reconstitute a school: 6064

(a) Change the mission of the school or the focus of its curriculum; 6065
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(b) Replace the school's principal and/or administrative staff; 6067
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(c) Replace a majority of the school's staff, including teaching and nonteaching employees; 6069
6070

(d) Contract with a nonprofit or for-profit entity to manage the operations of the school. The contract may provide for the entity to supply all or some of the staff for the school. 6071
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(e) Reopen the school as a community school under Chapter 3314. of the Revised Code or a science, technology, engineering, and mathematics school under Chapter 3326. of the Revised Code; 6075
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(f) Permanently close the school. 6078

If the chief executive officer plans to reconstitute a school under division (H) (1) (e) or (f) of this section, the commission shall review the plan for that school and either approve or reject it by the thirtieth day of June of the school year. Upon approval of the plan by the commission, the chief executive officer shall reconstitute the school as outlined in the plan. 6079
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(2) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the chief executive officer, in consultation with the chairperson of the academic distress commission, may reopen any collective bargaining agreement entered into, modified, renewed, or extended on or after October 15, 2015, for the purpose of renegotiating its terms. The chief executive officer shall have the sole discretion to designate any provisions of a collective bargaining agreement as subject 6086
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to reopening by providing written notice to the bargaining 6094
representative. Any provisions designated for reopening by the 6095
chief executive officer shall be subject to collective 6096
bargaining as set forth in Chapter 4117. of the Revised Code. 6097
Any changes to the provisions subject to reopening shall take 6098
effect on the following first day of July or another date agreed 6099
to by the parties. The chief executive officer may reopen a 6100
collective bargaining agreement under division (H) (2) of this 6101
section as necessary to reconstitute a school under division (H) 6102
(1) of this section. 6103

(I) If the report card for the district has been issued 6104
under section 3302.03 of the Revised Code for the second school 6105
year that the district is subject to this section and the 6106
district does not meet the qualification in division (N) (1) of 6107
this section, the following shall apply: 6108

(1) The chief executive officer may exercise any of the 6109
powers authorized under division (H) of this section. 6110

(2) Notwithstanding any provision to the contrary in 6111
Chapter 4117. of the Revised Code, the chief executive officer 6112
may limit, suspend, or alter any provision of a collective 6113
bargaining agreement entered into, modified, renewed, or 6114
extended on or after October 15, 2015, provided that the chief 6115
executive officer shall not reduce any base hourly rate of pay 6116
and shall not reduce any insurance benefits. The decision to 6117
limit, suspend, or alter any provision of a collective 6118
bargaining agreement under this division is not subject to 6119
bargaining under Chapter 4117. of the Revised Code; however, the 6120
chief executive officer shall have the discretion to engage in 6121
effects bargaining on the way any such decision may affect 6122
wages, hours, or terms and conditions of employment. The chief 6123

executive officer may limit, suspend, or alter a provision of a 6124
collective bargaining agreement under division (I) (2) of this 6125
section as necessary to reconstitute a school under division (H) 6126
(1) of this section. 6127

(J) If the report card for the district has been issued 6128
under section 3302.03 of the Revised Code for the third school 6129
year that the district is subject to this section and the 6130
district does not meet the qualification in division (N) (1) of 6131
this section, the following shall apply: 6132

(1) The chief executive officer may exercise any of the 6133
powers authorized under division (H) or (I) of this section. 6134

(2) The chief executive officer may continue in effect a 6135
limitation, suspension, or alteration of a provision of a 6136
collective bargaining agreement issued under division (I) (2) of 6137
this section. Any such continuation shall be subject to the 6138
requirements and restrictions of that division. 6139

(K) If the report card for the district has been issued 6140
under section 3302.03 of the Revised Code for the fourth school 6141
year that the district is subject to this section and the 6142
district does not meet the qualification in division (N) (1) of 6143
this section, the following shall apply: 6144

(1) The chief executive officer may exercise any of the 6145
powers authorized under division (H), (I), or (J) of this 6146
section. 6147

(2) A new board of education shall be appointed for the 6148
district in accordance with section 3302.11 of the Revised Code. 6149
However, the chief executive officer shall retain complete 6150
operational, managerial, and instructional control of the 6151
district until the chief executive officer relinquishes that 6152

control to the district board under division (N) (1) of this section. 6153
6154

(L) If the report card for the district has been issued 6155
under section 3302.03 of the Revised Code for the fifth school 6156
year, or any subsequent school year, that the district is 6157
subject to this section and the district does not meet the 6158
qualification in division (N) (1) of this section, the chief 6159
executive officer may exercise any of the powers authorized 6160
under division (H), (I), (J), or (K) (1) of this section. 6161

(M) If division (I), (J), (K), or (L) of this section 6162
applies to a district, community schools, STEM schools, 6163
chartered nonpublic schools, and other school districts that 6164
enroll students residing in the district and meet academic 6165
accountability standards shall be eligible to be paid an 6166
academic performance bonus in each fiscal year for which the 6167
general assembly appropriates funds for that purpose. The 6168
academic performance bonus is intended to give students residing 6169
in the district access to a high-quality education by 6170
encouraging high-quality schools to enroll those students. 6171

(N) (1) When a district subject to this section receives 6172
~~either an overall grade of "C" or higher under division (C) (3)–~~ 6173
~~of section 3302.03 of the Revised Code or an overall performance~~ 6174
~~rating of three stars or higher under division (D) (3) of section~~ 6175
3302.03 of the Revised Code, the district shall begin its 6176
transition out of being subject to this section. Except as 6177
provided in division (N) (2) of this section, the transition 6178
period shall last until the district has received ~~either an–~~ 6179
~~overall grade higher than "F" under division (C) (3) of section–~~ 6180
~~3302.03 of the Revised Code or an overall performance rating of~~ 6181
two stars or higher under ~~division (D) (3) of section 3302.03 of~~ 6182

the Revised Code for two consecutive school years after the 6183
transition period begins. The ~~overall grade of "C" or higher or~~ 6184
~~overall performance rating of three stars or higher that qualify~~ 6185
the district to begin the transition period shall not count as 6186
one of the two consecutive school years. During the transition 6187
period, the conditions described in divisions (F) to (L) of this 6188
section for the school year prior to the school year in which 6189
the transition period begins shall continue to apply and the 6190
chief executive officer shall work closely with the district 6191
board and district superintendent to increase their ability to 6192
resume control of the district and sustain the district's 6193
academic improvement over time. Upon completion of the 6194
transition period, the chief executive officer shall relinquish 6195
all operational, managerial, and instructional control of the 6196
district to the district board and district superintendent and 6197
the academic distress commission shall cease to exist. 6198

(2) If the district receives ~~either an overall grade of~~ 6199
~~"F" under division (C) (3) of section 3302.03 of the Revised Code~~ 6200
~~or an overall performance rating of less than two stars under~~ 6201
~~division (D) (3) of section 3302.03 of the Revised Code at any~~ 6202
time during the transition period, the transition period shall 6203
end and the district shall be fully subject to this section 6204
again. The district shall resume being fully subject to this 6205
section at the point it began its transition out of being 6206
subject to this section and the division in divisions (H) to (L) 6207
of this section that would have applied to the district had the 6208
district not qualified to begin its transition under division 6209
(N) (1) of this section shall apply to the district. 6210

(O) If at any time there are no longer any schools 6211
operated by the district due to reconstitution or other closure 6212
of the district's schools under this section, the academic 6213

distress commission shall cease to exist and the chief executive officer shall cease to exercise any powers with respect to the district. 6214
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(P) Beginning on October 15, 2015, each collective bargaining agreement entered into by a school district board of education under Chapter 4117. of the Revised Code shall incorporate the provisions of this section. 6217
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(Q) The chief executive officer, the members of the academic distress commission, the director of education and workforce, and any person authorized to act on behalf of or assist them shall not be personally liable or subject to any suit, judgment, or claim for damages resulting from the exercise of or failure to exercise the powers, duties, and functions granted to them in regard to their functioning under this section, but the chief executive officer, commission, director, and such other persons shall be subject to mandamus proceedings to compel performance of their duties under this section. 6221
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(R) The department of education and workforce shall not exempt any district from this section by approving an application for an innovative education pilot program submitted by the district under section 3302.07 of the Revised Code. 6231
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Sec. 3302.12. (A) (1) Except as provided in divisions (C) and (D) of this section, this section applies to a school building that is ranked according to performance index score under section 3302.21 of the Revised Code in the lowest five per cent of public school buildings statewide for three consecutive years and that meets any combination of the following for three consecutive years: 6235
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6241

(a) ~~The school building has received a grade of "F" for~~ 6242

~~the value added progress dimension under division (A) (1) (c), (B)~~ 6243
~~(1) (c), or (C) (1) (c) of section 3302.03 of the Revised Code;~~ 6244

~~(b) The school building has received an overall grade of~~ 6245
~~"F" under section 3302.03 of the Revised Code;~~ 6246

~~(e) The school building has received a performance rating~~ 6247
of one star for progress under ~~division (D) (3) (c) of section~~ 6248
3302.03 of the Revised Code; 6249

~~(d)~~ (b) The school building has received an overall 6250
performance rating of less than two stars under section 3302.03 6251
of the Revised Code. 6252

(2) In the case of a building to which this section 6253
applies, the district board of education in control of that 6254
building shall do one of the following at the conclusion of the 6255
school year in which the building first becomes subject to this 6256
section: 6257

(a) Close the school and direct the district 6258
superintendent to reassign the students enrolled in the school 6259
to other school buildings that demonstrate higher academic 6260
achievement; 6261

(b) Contract with another school district or a nonprofit 6262
or for-profit entity with a demonstrated record of effectiveness 6263
to operate the school; 6264

(c) Replace the principal and all teaching staff of the 6265
school and, upon request from the new principal, exempt the 6266
school from all requested policies and regulations of the board 6267
regarding curriculum and instruction. The board also shall 6268
distribute funding to the school in an amount that is at least 6269
equal to the product of the per pupil amount of state and local 6270
revenues received by the district multiplied by the student 6271

population of the school. 6272

(d) Reopen the school as a conversion community school 6273
under Chapter 3314. of the Revised Code. 6274

(B) If an action taken by the board under division (A) (2) 6275
of this section causes the district to no longer maintain all 6276
grades kindergarten through twelve, as required by section 6277
3311.29 of the Revised Code, the board shall enter into a 6278
contract with another school district pursuant to section 6279
3327.04 of the Revised Code for enrollment of students in the 6280
schools of that other district to the extent necessary to comply 6281
with the requirement of section 3311.29 of the Revised Code. 6282
Notwithstanding any provision of the Revised Code to the 6283
contrary, if the board enters into and maintains a contract 6284
under section 3327.04 of the Revised Code, the district shall 6285
not be considered to have failed to comply with the requirement 6286
of section 3311.29 of the Revised Code. If, however, the 6287
district board fails to or is unable to enter into or maintain 6288
such a contract, the state board of education shall take all 6289
necessary actions to dissolve the district as provided in 6290
division (A) of section 3311.29 of the Revised Code. 6291

~~(C) If a particular school is required to restructure~~ 6292
~~under this section and a petition with respect to that same~~ 6293
~~school has been filed and verified under divisions (B) and (C)~~ 6294
~~of section 3302.042 of the Revised Code, the provisions of that~~ 6295
~~section and the petition filed and verified under it shall~~ 6296
~~prevail over the provisions of this section and the school shall~~ 6297
~~be restructured under that section. However, if division (D) (1),~~ 6298
~~(2), or (3) of section 3302.042 of the Revised Code also applies~~ 6299
~~to the school, the school shall be subject to restructuring~~ 6300
~~under this section and not section 3302.042 of the Revised Code.~~ 6301

If the provisions of this section conflict in any way with 6302
the requirements of federal law, federal law shall prevail over 6303
the provisions of this section. 6304

~~(D)~~(C) If a school is restructured under this section, 6305
~~section 3302.042~~ or section 3302.10 of the Revised Code, or 6306
federal law, the school shall not be required to restructure 6307
again under state law for three consecutive years after the 6308
implementation of that prior restructuring. 6309

Sec. 3302.13. (A) This section applies to any school 6310
district or community school that meets both of the following 6311
criteria, as reported on the past two consecutive report cards 6312
issued for that district or school under section 3302.03 of the 6313
Revised Code: 6314

(1) The district or school received ~~either of the~~ 6315
~~following:~~ 6316

~~(a) A grade of "D" or "F" on the kindergarten through~~ 6317
~~third grade literacy progress measure under division (C) (3) (e)~~ 6318
~~of section 3302.03 of the Revised Code;~~ 6319

~~(b) A~~ a performance rating of less than three stars for 6320
early literacy under ~~division (D) (3) (e)~~ of section 3302.03 of 6321
the Revised Code. 6322

(2) Fifty-one per cent or less of the district's students 6323
who took the third grade English language arts assessment 6324
prescribed under section 3301.0710 of the Revised Code for that 6325
school year attained at least a proficient score on that 6326
assessment. 6327

(B) By the thirty-first day of December of each year, any 6328
school district or community school that meets the criteria set 6329
forth in division (A) of this section shall submit to the 6330

department of education and workforce a school or district 6331
reading achievement improvement plan, which shall include all 6332
requirements prescribed by the department pursuant to division 6333
(C) of this section. 6334

(C) The department shall adopt rules in accordance with 6335
Chapter 119. of the Revised Code prescribing the content of and 6336
deadlines for the reading achievement improvement plans required 6337
under division (B) of this section. The rules shall prescribe 6338
that each plan include, at a minimum, an analysis of relevant 6339
student performance data, measurable student performance goals, 6340
strategies to meet specific student needs, a staffing and 6341
professional development plan, and instructional strategies for 6342
improving literacy. 6343

(D) Any school district or community school to which this 6344
section applies shall no longer be required to submit an 6345
improvement plan pursuant to division (B) of this section when 6346
that district or school meets either of the following criteria, 6347
as reported on the most recent report card issued for that 6348
district or school under section 3302.03 of the Revised Code: 6349

(1) The district or school received ~~either of the~~ 6350
~~following:~~ 6351

~~(a) A grade of "C" or higher on the kindergarten through~~ 6352
~~third-grade literacy progress measure under division (C) (3) (e)~~ 6353
~~of section 3302.03 of the Revised Code;~~ 6354

~~(b) A a performance rating of three stars or higher for~~ 6355
~~early literacy under division (D) (3) (e) of section 3302.03 of~~ 6356
~~the Revised Code.~~ 6357

(2) Not less than fifty-one per cent of the district's 6358
students who took the third grade English language arts 6359

assessment prescribed under section 3301.0710 of the Revised Code for that school year attained at least a proficient score on that assessment.

(E) The department shall post in a prominent location on its web site all plans submitted pursuant to this section.

Sec. 3302.151. (A) Notwithstanding anything to the contrary in the Revised Code, a school district that qualifies under division (D) of this section shall be exempt from all of the following:

(1) The mentoring component of the Ohio teacher residency program established under division (A) (1) of section 3319.223 of the Revised Code, so long as the district utilizes a local approach to train and support new teachers;

(2) Any provision of the Revised Code or rule or standard of the department of education and workforce prescribing a minimum or maximum class size;

(3) Any provision of the Revised Code or rule or standard of the department requiring teachers to be licensed specifically in the grade level in which they are teaching, except unless otherwise prescribed by federal law. This exemption does not apply to special education teachers. Nor does this exemption relieve a teacher from holding a valid Ohio license in the subject area in which that teacher is teaching and at least some grade level determined appropriate by the district board.

(B) (1) Notwithstanding anything to the contrary in the Revised Code, including sections 3319.30 and 3319.36 of the Revised Code, the superintendent of a school district that qualifies under division (D) of this section may employ an individual who is not licensed as required by sections 3319.22

to 3319.30 of the Revised Code, but who is otherwise qualified 6389
based on experience, to teach classes in the district, so long 6390
as the board of education of the school district approves the 6391
individual's employment and provides mentoring and professional 6392
development opportunities to that individual, as determined 6393
necessary by the board. 6394

(2) As a condition of employment under this section, an 6395
individual shall be subject to a criminal records check as 6396
prescribed by section 3319.391 of the Revised Code. In the 6397
manner prescribed by the state board of education, the 6398
individual shall submit the criminal records check to the state 6399
board and shall register with the state board during the period 6400
in which the individual is employed by the district. The state 6401
board shall use the information submitted to enroll the 6402
individual in the retained applicant fingerprint database, 6403
established under section 109.5721 of the Revised Code, in the 6404
same manner as any teacher licensed under sections 3319.22 to 6405
3319.31 of the Revised Code. 6406

(3) An individual employed pursuant to this division is 6407
subject to Chapter 3307. of the Revised Code. 6408

If the state board receives notification of the arrest or 6409
conviction of an individual employed under division (B) of this 6410
section, the state board shall promptly notify the employing 6411
district and may take any action authorized under sections 6412
3319.31 and 3319.311 of the Revised Code that it considers 6413
appropriate. No district shall employ any individual under 6414
division (B) of this section if the district learns that the 6415
individual has plead guilty to, has been found guilty by a jury 6416
or court of, or has been convicted of any of the offenses listed 6417
in division (C) of section 3319.31 of the Revised Code. 6418

(C) Notwithstanding anything to the contrary in the Revised Code, noncompliance with any of the requirements listed in divisions (A) or (B) of this section shall not disqualify a school district that qualifies under division (D) of this section from receiving funds under Chapter 3317. of the Revised Code.

(D) In order for a city, local, or exempted village school district to qualify for the exemptions described in this section, the school district shall meet both of the following benchmarks on the most recent report card issued for that district under section 3302.03 of the Revised Code:

(1) The district received either of the following:

(a) At least eighty-five per cent of the total possible points for the performance index score calculated under division ~~(C) (1) (b) or (D) (1) (e)~~ (A) (3) of that section;

(b) A performance rating of five stars for progress under division ~~(D) (3) (e)~~ (C) (3) of that section.

(2) The district has a four-year adjusted cohort graduation ~~rate-measure~~ of at least ninety-three per cent and a five-year adjusted cohort graduation ~~rate-measure~~ of at least ninety-five per cent, as calculated under ~~division (C) (1) (d) or~~ divisions ~~(D) (1) (e)~~ (A) (5) and ~~(D) (1) (f)~~ (6) of that section.

(E) (1) A school district that meets the requirements prescribed by division (D) of this section shall be qualified for the exemptions prescribed by this section for three school years, beginning with the school year in which the qualifying report card is issued.

(2) The exemption prescribed under this division may be renewed every three school years if the school district

continues to meet the requirements prescribed in division (D) of 6448
this section. 6449

(3) The department of education and workforce, by the 6450
thirtieth day of September in each school year, shall notify 6451
each district that becomes eligible for the exemptions under 6452
this section that the district is eligible and that such 6453
exemptions exist. 6454

(F) As used in this section, "license" has the same 6455
meaning as in section 3319.31 of the Revised Code. 6456

Sec. 3302.17. (A) Any school building operated by a city, 6457
exempted village, or local school district, or a community 6458
school established under Chapter 3314. of the Revised Code is 6459
eligible to initiate the community learning center process as 6460
prescribed by this section. 6461

(B) Beginning with the 2015-2016 school year, each 6462
district board of education or community school governing 6463
authority may initiate a community learning center process for 6464
any school building ~~to which this section applies.~~ 6465

First, the board or governing authority shall conduct a 6466
public information hearing at each school building to which this 6467
section applies to inform the community of the community 6468
learning center process. The board or governing authority may do 6469
all of the following with regard to the public information 6470
hearing: 6471

(1) Announce the meeting not less than forty-five days in 6472
advance at the school and on the school's or district's web 6473
sites and using tools to ensure effective communication with 6474
individuals with disabilities; 6475

(2) Schedule the meeting for an evening or weekend time; 6476

(3) Provide interpretation services and written materials 6477
in all languages spoken by five per cent or more of the students 6478
enrolled in the school; 6479

(4) Provide child care services for parents attending the 6480
meeting; 6481

(5) Provide parents, students, teachers, nonteaching 6482
employees, and community members with the opportunity to speak 6483
at the meeting; 6484

(6) Comply with section 149.43 of the Revised Code. 6485

In preparing for the public information hearing, the board 6486
or governing authority shall ensure that information about the 6487
hearing is broadly distributed throughout the community. 6488

The board or governing authority may enter into an 6489
agreement with any civic engagement organizations, community 6490
organizations, or employee organizations to support the 6491
implementation of the community learning center process. 6492

The board or governing authority shall conduct a follow-up 6493
hearing at least once annually until action is further taken 6494
under the section with respect to the school building or until 6495
the conditions described in division (A) of this section no 6496
longer apply to the school building. 6497

(C) Not sooner than forty-five days after the first public 6498
information hearing, the board or governing authority shall 6499
conduct an election, by paper ballot, to initiate the process to 6500
become a community learning center. Only parents or guardians of 6501
students enrolled in the school and students enrolled in a 6502
different school operated by a joint vocational school district 6503
but are otherwise entitled to attend the school, and teachers 6504
and nonteaching employees who are assigned to the school may 6505

vote in the election. 6506

The board or governing authority shall distribute the 6507
ballots by mail and shall make copies available at the school 6508
and on the web site of the school. The board or governing 6509
authority also may distribute the ballots by directly giving 6510
ballots to teachers and nonteaching employees and sending home 6511
ballots with every student enrolled in the school building. 6512

(D) The board or governing authority shall initiate the 6513
transition of the building to a community learning center if the 6514
results of the election held under division (C) of this section 6515
are as follows: 6516

(1) At least fifty per cent of parents and guardians of 6517
students enrolled in the eligible school building and students 6518
enrolled in a different building operated by a joint vocational 6519
school district but who are entitled to attend the school cast 6520
ballots by a date set by the board or governing authority, and 6521
of those ballots at least sixty-seven per cent are in favor of 6522
initiating the process; and 6523

(2) At least fifty per cent of teachers and nonteaching 6524
employees who are assigned to the school cast ballots by a date 6525
set by the board or governing authority, and of those ballots at 6526
least sixty-seven per cent are in favor of initiating the 6527
process. 6528

(E) If a community learning center process is initiated 6529
under this section, the board or governing authority shall 6530
create a school action team under section 3302.18 of the Revised 6531
Code. Within four months upon selection, the school action team 6532
shall conduct and complete, in consultation with community 6533
partners, a performance audit of the school and review, with 6534

parental input, the needs of the school with regard to 6535
restructuring under section 3302.10~~7~~ or 3302.12~~7~~ ~~or~~ ~~3302.042~~ of 6536
the Revised Code, or federal law. 6537

The school action team shall provide quarterly updates of 6538
its work in a public hearing that complies with the same 6539
specifications prescribed in division (B) of this section. 6540

(F) Upon completion of the audit and review, the school 6541
action team shall present its findings at a public hearing that 6542
complies with the same specifications prescribed in division (B) 6543
of this section. After the school action team presents its 6544
findings at the public hearing, it shall create a community 6545
learning center improvement plan that designates appropriate 6546
interventions, which may be based on the recommendations 6547
developed by the department under division (H) (1) (b) of this 6548
section. 6549

If there is a federally mandated school improvement 6550
planning process, the team shall coordinate its work with that 6551
plan. 6552

The school action team shall approve the plan by a 6553
majority vote. 6554

(G) Upon approval of the plan by the school action team, 6555
the team shall submit the community learning center improvement 6556
plan to the same individuals described in division (C) of this 6557
section. Ballots shall be distributed and an election shall be 6558
conducted in the same manner as indicated under that division. 6559

The school action team shall submit the plan to the 6560
district board of education or community school governing 6561
authority, if the results of the election under division (G) of 6562
this section are as follows: 6563

(1) At least thirty per cent of parents and guardians of 6564
students enrolled in the eligible school building and students 6565
enrolled in a different building operated by a joint vocational 6566
school district but who are entitled to attend the school cast 6567
ballots by a date set by the board or governing authority, and 6568
of those ballots at least fifty per cent are in favor of 6569
initiating the process; and 6570

(2) At least thirty per cent of teachers and nonteaching 6571
employees who are assigned to the school cast ballots by a date 6572
set by the board or governing authority, and of those ballots at 6573
least fifty per cent are in favor of initiating the process. 6574

The board or governing authority shall evaluate the plan 6575
and determine whether to adopt it. The board or governing 6576
authority shall adopt the plan in full or adopt portions of the 6577
plan. If the board or governing authority does not adopt the 6578
plan in full, it shall provide a written explanation of why 6579
portions of the plan were rejected. 6580

(H) (1) The department shall do all of the following with 6581
respect to this section: 6582

(a) Adopt rules regarding the elections required under 6583
this section; 6584

(b) Develop appropriate interventions for a community 6585
learning center improvement plan that may be used by a school 6586
action team under division (F) of this section; 6587

(c) Publish a menu of programs and services that may be 6588
offered by community learning centers. The information shall be 6589
posted on the department's web site. To compile this information 6590
the department shall solicit input from resource coordinators of 6591
existing community learning centers. 6592

(d) Provide information regarding implementation of	6593
comprehensive community-based programs and supportive services	6594
including the community learning center model to school	6595
buildings meeting any of the following conditions:	6596
(i) The building is in improvement status as defined by	6597
the "No Child Left Behind Act of 2001" or under an agreement	6598
between the Ohio department of education and workforce and the	6599
United States secretary of education.	6600
(ii) The building is a secondary school that is among the	6601
lowest achieving fifteen per cent of secondary schools	6602
statewide, as determined by the department.	6603
(iii) The building is a secondary school with a graduation	6604
rate of sixty per cent or lower for three or more consecutive	6605
years.	6606
(iv) The building is a school that the department	6607
determines is persistently low-performing.	6608
(2) The department may do the following with respect to	6609
this section:	6610
(a) Provide assistance, facilitation, and training to	6611
school action teams in the conducting of the audit required	6612
under this section;	6613
(b) Provide opportunities for members of school action	6614
teams from different schools to share school improvement	6615
strategies with parents, teachers, and other relevant	6616
stakeholders in higher performing schools;	6617
(c) Provide financial support in a school action team's	6618
planning process and create a grant program to assist in the	6619
implementation of a qualified community learning center plan.	6620

(I) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after October 15, 2015. However, the board or governing authority and the teachers' labor organization may negotiate additional factors to be considered in the adoption of a community learning center plan.

Sec. 3302.21. (A) The department of education and workforce shall develop a system to rank order all city, exempted village, and local school districts, community schools established under Chapter 3314. of the Revised Code except those community schools to which section 3314.017 of the Revised Code applies, and STEM schools established under Chapter 3326. of the Revised Code according to the following measures:

(1) Performance index score for each school district, community school, and STEM school and for each separate building of a district, community school, or STEM school. For districts, schools, or buildings to which the performance index score does not apply, the department may develop another measure of student academic performance based on similar data and performance measures if appropriate and use that measure to include those buildings in the ranking so that districts, schools, and buildings may be reliably compared to each other.

~~(2) Student performance growth from year to year, using the value-added progress dimension, if applicable, and other measures of student performance growth designated by the department for subjects and grades not covered by the value-added progress dimension or the alternative student academic progress measure if adopted under division (C) (1) (e) of section 3302.03 of the Revised Code;~~

~~(3)~~—Current operating expenditure per equivalent pupils as 6651
defined in section 3302.26 of the Revised Code; 6652

~~(4)~~(3) Of total current operating expenditures, percentage 6653
spent for classroom instruction as determined under standards 6654
adopted by the ~~state board~~department under section 3302.20 of 6655
the Revised Code; 6656

~~(5)~~(4) Performance of, and opportunities provided to, 6657
students identified as gifted using value-added progress 6658
dimensions, if applicable, and other relevant measures as 6659
designated by the department. 6660

The department shall rank each district, each community 6661
school except a community school to which section 3314.017 of 6662
the Revised Code applies, and each STEM school annually in 6663
accordance with the system developed under this section. 6664

(B) In addition to the reports required by sections 6665
3302.03 and 3302.031 of the Revised Code, not later than the 6666
first day of September each year, the department shall issue a 6667
report for each city, exempted village, and local school 6668
district, each community school except a community school to 6669
which section 3314.017 of the Revised Code applies, and each 6670
STEM school indicating the district's or school's rank on each 6671
measure described in divisions (A) (1) to ~~(4)~~(3) of this section, 6672
including each separate building's rank among all public school 6673
buildings according to performance index score under division 6674
(A) (1) of this section. 6675

Sec. 3302.41. As used in this section, "blended learning" 6676
has the same meaning as in section 3301.079 of the Revised Code. 6677

(A) Any local, city, exempted village, or joint vocational 6678
school district, community school established under Chapter 6679

3314. of the Revised Code, STEM school established under Chapter 6680
3326. of the Revised Code, ~~college-preparatory boarding school~~ 6681
~~established under Chapter 3328. of the Revised Code,~~ or 6682
chartered nonpublic school may operate all or part of a school 6683
using a blended learning model. If a school is operated using a 6684
blended learning model or is to cease operating using a blended 6685
learning model, the superintendent of the school or district or 6686
director of the school shall notify the department of education 6687
and workforce of that fact not later than the first day of July 6688
of the school year for which the change is effective. If any 6689
school district school, community school, or STEM school is 6690
already operated using a blended learning model on September 24, 6691
2012, the superintendent of the school or district may notify 6692
the department within ninety days after September 24, 2012, of 6693
that fact and request that the school be classified as a blended 6694
learning school. 6695

(B) The department shall revise any operating standards 6696
for school districts and chartered nonpublic schools adopted 6697
under section 3301.07 of the Revised Code to include standards 6698
for the operation of blended learning under this section. The 6699
blended learning operation standards shall provide for all of 6700
the following: 6701

(1) Student-to-teacher ratios whereby no school or 6702
classroom is required to have more than one teacher for every 6703
one hundred twenty-five students in blended learning classrooms; 6704

(2) The extent to which the school is or is not obligated 6705
to provide students with access to digital learning tools; 6706

(3) The ability of all students, at any grade level, to 6707
earn credits or advance grade levels upon demonstrating mastery 6708
of knowledge or skills through competency-based learning models. 6709

Credits or grade level advancement shall not be based on a 6710
minimum number of days or hours in a classroom. 6711

(4) Notwithstanding anything to the contrary in section 6712
3313.48 of the Revised Code, a requirement that the school have 6713
an annual instructional calendar of not less than nine hundred 6714
ten hours; 6715

(5) Adequate provisions for: the licensing of teachers, 6716
administrators, and other professional personnel and their 6717
assignment according to training and qualifications; efficient 6718
and effective instructional materials and equipment, including 6719
library facilities; the proper organization, administration, and 6720
supervision of each school, including regulations for preparing 6721
all necessary records and reports and the preparation of a 6722
statement of policies and objectives for each school; buildings, 6723
grounds, and health and sanitary facilities and services; 6724
admission of pupils, and such requirements for their promotion 6725
from grade to grade as will ensure that they are capable and 6726
prepared for the level of study to which they are certified; 6727
requirements for graduation; and such other factors as the board 6728
finds necessary. 6729

(C) An internet- or computer-based community school, as 6730
defined in section 3314.02 of the Revised Code, is not a blended 6731
learning school authorized under this section. Nor does this 6732
section affect any provisions for the operation of and payments 6733
to an internet- or computer-based community school prescribed in 6734
Chapter 3314. of the Revised Code. 6735

Sec. 3307.01. As used in this chapter: 6736

(A) "Employer" means the board of education, school 6737
district, governing authority of any community school 6738

established under Chapter 3314. of the Revised Code, a science, 6739
technology, engineering, and mathematics school established 6740
under Chapter 3326. of the Revised Code, college, university, 6741
institution, or other agency within the state by which a teacher 6742
is employed and paid. 6743

(B) (1) "Teacher" means all of the following: 6744

(a) Any person paid from public funds and employed in the 6745
public schools of the state under any type of contract described 6746
in section 3311.77 or 3319.08 of the Revised Code in a position 6747
for which the person is required to have a license or 6748
registration issued pursuant to sections 3319.22 to 3319.31 of 6749
the Revised Code; 6750

(b) Except as provided in division (B) (2) (b) or (c) of 6751
this section, any person employed as a teacher or faculty member 6752
in a community school or a science, technology, engineering, and 6753
mathematics school pursuant to Chapter 3314. or 3326. of the 6754
Revised Code; 6755

(c) Any person having a license or registration issued 6756
pursuant to sections 3319.22 to 3319.31 of the Revised Code and 6757
employed in a public school in this state in an educational 6758
position, as determined by the department of education and 6759
workforce, under programs provided for by federal acts or 6760
regulations and financed in whole or in part from federal funds, 6761
but for which no licensure requirements for the position can be 6762
made under the provisions of such federal acts or regulations; 6763

(d) Any other teacher or faculty member employed in any 6764
school, college, university, institution, or other agency wholly 6765
controlled and managed, and supported in whole or in part, by 6766
the state or any political subdivision thereof, including 6767

Central state university, Cleveland state university, and the 6768
university of Toledo; 6769

(e) The educational employees of the state board of 6770
education, as determined by the state superintendent of public 6771
instruction, and the educational employees of the department of 6772
education and workforce, as determined by the director of 6773
education and workforce; 6774

~~(f) Any person having a registration issued pursuant to 6775
section 3301.28 of the Revised Code and employed as a tutor by 6776
the coordinating service center as defined in that section; 6777~~

~~(g)~~ Any person having a license issued pursuant to Chapter 6778
4732. of the Revised Code and employed as a school psychologist 6779
in a public school; 6780

~~(h)~~(g) Any person having a pre-service teacher permit 6781
issued pursuant to section 3319.0812 of the Revised Code and 6782
employed as a substitute teacher by a school district or school. 6783

In all cases of doubt, the state teachers retirement board 6784
shall determine whether any person is a teacher, and its 6785
decision shall be final. 6786

(2) "Teacher" does not include any of the following: 6787

(a) Any eligible employee of a public institution of 6788
higher education, as defined in section 3305.01 of the Revised 6789
Code, who elects to participate in an alternative retirement 6790
plan established under Chapter 3305. of the Revised Code; 6791

(b) Any person employed by a community school operator, as 6792
defined in section 3314.02 of the Revised Code, if on or before 6793
February 1, 2016, the school's operator was withholding and 6794
paying employee and employer taxes pursuant to 26 U.S.C. 3101(a) 6795

and 3111(a) for persons employed in the school as teachers, 6796
unless the person had contributing service in a community school 6797
in the state within one year prior to the later of February 1, 6798
2016, or the date on which the operator for the first time 6799
withholds and pays employee and employer taxes pursuant to 26 6800
U.S.C. 3101(a) and 3111(a) for that person; 6801

(c) Any person who would otherwise be a teacher under 6802
division (B) (2) (b) of this section who terminates employment 6803
with a community school operator and has no contributing service 6804
in a community school in the state for a period of at least one 6805
year from the date of termination of employment. 6806

(C) "Member" means any person included in the membership 6807
of the state teachers retirement system, which shall consist of 6808
all teachers and contributors as defined in divisions (B) and 6809
(D) of this section and all disability benefit recipients, as 6810
defined in section 3307.50 of the Revised Code. However, for 6811
purposes of this chapter, the following persons shall not be 6812
considered members: 6813

(1) A student, intern, or resident who is not a member 6814
while employed part-time by a school, college, or university at 6815
which the student, intern, or resident is regularly attending 6816
classes; 6817

(2) A person denied membership pursuant to section 3307.24 6818
of the Revised Code; 6819

(3) An other system retirant, as defined in section 6820
3307.35 of the Revised Code, or a superannuate; 6821

(4) An individual employed in a program established 6822
pursuant to the "Job Training Partnership Act," 96 Stat. 1322 6823
(1982), 29 U.S.C.A. 1501; 6824

(5) The surviving spouse of a member or retirant if the surviving spouse's only connection to the retirement system is an account in an STRS defined contribution plan. 6825
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(D) "Contributor" means any person who has an account in the teachers' savings fund or defined contribution fund, except that "contributor" does not mean a member or retirant's surviving spouse with an account in an STRS defined contribution plan. 6828
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(E) "Beneficiary" means any person eligible to receive, or in receipt of, a retirement allowance or other benefit provided by this chapter. 6833
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(F) "Year" means the year beginning the first day of July and ending with the thirtieth day of June next following, except that for the purpose of determining final average salary under the plan described in sections 3307.50 to 3307.79 of the Revised Code, "year" may mean the contract year. 6836
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(G) "Local district pension system" means any school teachers pension fund created in any school district of the state in accordance with the laws of the state prior to September 1, 1920. 6841
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(H) "Employer contribution" means the amount paid by an employer, as determined by the employer rate, including the normal and deficiency rates, contributions, and funds wherever used in this chapter. 6845
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(I) "Five years of service credit" means employment covered under this chapter and employment covered under a former retirement plan operated, recognized, or endorsed by a college, institute, university, or political subdivision of this state prior to coverage under this chapter. 6849
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(J) "Actuary" means an actuarial professional contracted with or employed by the state teachers retirement board, who shall be either of the following:

(1) A member of the American academy of actuaries;

(2) A firm, partnership, or corporation of which at least one person is a member of the American academy of actuaries.

(K) "Fiduciary" means a person who does any of the following:

(1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;

(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;

(3) Has any discretionary authority or responsibility in the administration of the system.

(L) (1) (a) Except as provided in this division, "compensation" means all salary, wages, and other earnings paid to a teacher by reason of the teacher's employment, including compensation paid pursuant to a supplemental contract. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the teachers' savings fund or defined contribution fund under section 3307.26 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.

(b) Except as provided in division (L) (1) (c) of this section, "compensation" includes amounts paid by an employer as a retroactive payment of earnings, damages, or back pay pursuant

to a court order, court-adopted settlement agreement, or other settlement agreement if the retirement system receives both of the following:

(i) Teacher and employer contributions under sections 3307.26 and 3307.28 of the Revised Code, plus interest compounded annually at a rate determined by the state teachers retirement board, for each year or portion of a year for which amounts are paid under the order or agreement;

(ii) Teacher and employer contributions under sections 3307.26 and 3307.28 of the Revised Code, plus interest compounded annually at a rate determined by the board, for each year or portion of a year not subject to division (L) (1) (b) (i) of this section for which the board determines the teacher was improperly paid, regardless of the teacher's ability to recover on such amounts improperly paid.

(c) If any portion of an amount paid by an employer as a retroactive payment of earnings, damages, or back pay is for an amount, benefit, or payment described in division (L) (2) of this section, that portion of the amount is not compensation under this section.

(2) Compensation does not include any of the following:

(a) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to section 124.39 of the Revised Code or any other plan established by the employer;

(b) Payments made for accrued but unused vacation leave, including payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer;

(c) Payments made for vacation pay covering concurrent

periods for which other salary, compensation, or benefits under 6911
this chapter or Chapter 145. or 3309. of the Revised Code are 6912
paid; 6913

(d) Amounts paid by the employer to provide life 6914
insurance, sickness, accident, endowment, health, medical, 6915
hospital, dental, or surgical coverage, or other insurance for 6916
the teacher or the teacher's family, or amounts paid by the 6917
employer to the teacher in lieu of providing the insurance; 6918

(e) Incidental benefits, including lodging, food, laundry, 6919
parking, or services furnished by the employer, use of the 6920
employer's property or equipment, and reimbursement for job- 6921
related expenses authorized by the employer, including moving 6922
and travel expenses and expenses related to professional 6923
development; 6924

(f) Payments made by the employer in exchange for a 6925
member's waiver of a right to receive any payment, amount, or 6926
benefit described in division (L) (2) of this section; 6927

(g) Payments by the employer for services not actually 6928
rendered; 6929

(h) Any amount paid by the employer as a retroactive 6930
increase in salary, wages, or other earnings, unless the 6931
increase is one of the following: 6932

(i) A retroactive increase paid to a member employed by a 6933
school district board of education in a position that requires a 6934
license designated for teaching and not designated for being an 6935
administrator issued under section 3319.22 of the Revised Code 6936
that is paid in accordance with uniform criteria applicable to 6937
all members employed by the board in positions requiring the 6938
licenses; 6939

(ii) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;

(iii) A retroactive increase paid to a member employed by a school district board of education as a superintendent that is also paid as described in division (L) (2) (h) (i) of this section;

(iv) A retroactive increase paid to a member employed by an employer other than a school district board of education in accordance with uniform criteria applicable to all members employed by the employer.

(i) Payments made to or on behalf of a teacher that are in excess of the annual compensation that may be taken into account by the retirement system under division (a) (17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a) (17), as amended. For a teacher who first establishes membership before July 1, 1996, the annual compensation that may be taken into account by the retirement system shall be determined under division (d) (3) of section 13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472.

(j) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly;

(k) Anything of value received by the teacher that is based on or attributable to retirement or an agreement to retire. 6969
6970
6971

(3) The retirement board shall determine both of the following: 6972
6973

(a) Whether particular forms of earnings are included in any of the categories enumerated in this division; 6974
6975

(b) Whether any form of earnings not enumerated in this division is to be included in compensation. 6976
6977

Decisions of the board made under this division shall be final. 6978
6979

(M) "Superannuate" means both of the following: 6980

(1) A former teacher receiving from the system a retirement allowance under section 3307.58 or 3307.59 of the Revised Code; 6981
6982
6983

(2) A former teacher receiving a benefit from the system under a plan established under section 3307.81 of the Revised Code, except that "superannuate" does not include a former teacher who is receiving a benefit based on disability under a plan established under section 3307.81 of the Revised Code. 6984
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For purposes of sections 3307.35 and 3307.353 of the Revised Code, "superannuate" also means a former teacher receiving from the system a combined service retirement benefit paid in accordance with section 3307.57 of the Revised Code, regardless of which retirement system is paying the benefit. 6989
6990
6991
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6993

(N) "STRS defined benefit plan" means the plan described in sections 3307.50 to 3307.79 of the Revised Code. 6994
6995

(O) "STRS defined contribution plan" means the plans 6996
established under section 3307.81 of the Revised Code and 6997
includes the STRS combined plan under that section. 6998

(P) "Faculty" means the teaching staff of a university, 6999
college, or school, including any academic administrators. 7000

Sec. 3309.01. As used in this chapter: 7001

(A) "Employer" or "public employer" means boards of 7002
education, school districts, joint vocational districts, 7003
governing authorities of community schools established under 7004
Chapter 3314. of the Revised Code, a science, technology, 7005
engineering, and mathematics school established under Chapter 7006
3326. of the Revised Code, educational institutions, technical 7007
colleges, state, municipal, and community colleges, community 7008
college branches, universities, university branches, other 7009
educational institutions, or other agencies within the state by 7010
which an employee is employed and paid, including any 7011
organization using federal funds, provided the federal funds are 7012
disbursed by an employer as determined by the above. In all 7013
cases of doubt, the school employees retirement board shall 7014
determine whether any employer is an employer as defined in this 7015
chapter, and its decision shall be final. 7016

(B) "Employee" means all of the following: 7017

(1) Any person employed by a public employer in a position 7018
for which the person is not required to have a registration, 7019
certificate, or license issued pursuant to ~~section 3301.29 or~~ 7020
sections 3319.22 to 3319.31 of the Revised Code or a permit 7021
issued under section 3319.0812 of the Revised Code; 7022

(2) Any person who performs a service common to the normal 7023
daily operation of an educational unit even though the person is 7024

employed and paid by one who has contracted with an employer to 7025
perform the service, and the contracting board or educational 7026
unit shall be the employer for the purposes of administering the 7027
provisions of this chapter; 7028

(3) Any person, not a faculty member, employed in any 7029
school or college or other institution wholly controlled and 7030
managed, and wholly or partly supported by the state or any 7031
political subdivision thereof, the board of trustees, or other 7032
managing body of which shall accept the requirements and 7033
obligations of this chapter. 7034

In all cases of doubt, the school employees retirement 7035
board shall determine whether any person is an employee, as 7036
defined in this division, and its decision is final. 7037

(C) "Prior service" means all service rendered prior to 7038
September 1, 1937: 7039

(1) As an employee as defined in division (B) of this 7040
section; 7041

(2) As an employee in a capacity covered by the public 7042
employees retirement system or the state teachers retirement 7043
system; 7044

(3) As an employee of an institution in another state, 7045
service credit for which was procured by a member under the 7046
provisions of section 3309.31 of the Revised Code. 7047

Prior service, for service as an employee in a capacity 7048
covered by the public employees retirement system or the state 7049
teachers retirement system, shall be granted a member under 7050
qualifications identical to the laws and rules applicable to 7051
service credit in those systems. 7052

Prior service shall not be granted any member for service rendered in a capacity covered by the public employees retirement system, the state teachers retirement system, and this system in the event the service credit has, in the respective systems, been received, waived by exemption, or forfeited by withdrawal of contributions, except as provided in this chapter.

If a member who has been granted prior service should, subsequent to September 16, 1957, and before retirement, establish three years of contributing service in the public employees retirement system, or one year in the state teachers retirement system, then the prior service granted shall become, at retirement, the liability of the other system, if the prior service or employment was in a capacity that is covered by that system.

The provisions of this division shall not cancel any prior service granted a member by the school employees retirement board prior to August 1, 1959.

(D) "Total service," "total service credit," or "Ohio service credit" means all contributing service of a member of the school employees retirement system, and all prior service, computed as provided in this chapter, and all service established pursuant to sections 3309.31, 3309.311, and 3309.33 of the Revised Code. In addition, "total service" includes any period, not in excess of three years, during which a member was out of service and receiving benefits from the state insurance fund, provided the injury or incapacitation was the direct result of school employment.

(E) "Member" means any employee, except an SERS retirant or other system retirant as defined in section 3309.341 of the

Revised Code, who has established membership in the school 7083
employees retirement system. "Member" includes a disability 7084
benefit recipient. 7085

(F) "Contributor" means any person who has an account in 7086
the employees' savings fund. When used in the sections listed in 7087
division (B) of section 3309.82 of the Revised Code, 7088
"contributor" includes any person participating in a plan 7089
established under section 3309.81 of the Revised Code. 7090

(G) "Retirant" means any former member who retired and is 7091
receiving a retirement allowance under section 3309.36 or 7092
3309.381 or former section 3309.38 of the Revised Code. 7093

(H) "Beneficiary" or "beneficiaries" means the estate or a 7094
person or persons who, as the result of the death of a 7095
contributor or retirant, qualifies for or is receiving some 7096
right or benefit under this chapter. 7097

(I) "Interest," as specified in division (E) of section 7098
3309.60 of the Revised Code, means interest at the rates for the 7099
respective funds and accounts as the school employees retirement 7100
board may determine from time to time. 7101

(J) "Accumulated contributions" means the sum of all 7102
amounts credited to a contributor's account in the employees' 7103
savings fund together with any regular interest credited thereon 7104
at the rates approved by the retirement board prior to 7105
retirement. 7106

(K) "Final average salary" means the sum of the annual 7107
compensation for the three highest years of compensation for 7108
which contributions were made by the member, divided by three. 7109
If the member has a partial year of contributing service in the 7110
year in which the member terminates employment and the partial 7111

year is at a rate of compensation that is higher than the rate 7112
of compensation for any one of the highest three years of annual 7113
earnings, the board shall substitute the compensation earned for 7114
the partial year for the compensation earned for a similar 7115
fractional portion in the lowest of the three high years of 7116
annual compensation before dividing by three. If a member has 7117
less than three years of contributing membership, the final 7118
average salary shall be the total compensation divided by the 7119
total number of years, including any fraction of a year, of 7120
contributing service. 7121

(L) "Annuity" means payments for life derived from 7122
contributions made by a contributor and paid from the annuity 7123
and pension reserve fund as provided in this chapter. All 7124
annuities shall be paid in twelve equal monthly installments. 7125

(M) (1) "Pension" means annual payments for life derived 7126
from appropriations made by an employer and paid from the 7127
employers' trust fund or the annuity and pension reserve fund. 7128
All pensions shall be paid in twelve equal monthly installments. 7129

(2) "Disability retirement" means retirement as provided 7130
in section 3309.40 of the Revised Code. 7131

(N) "Retirement allowance" means the pension plus the 7132
annuity. 7133

(O) (1) "Benefit" means a payment, other than a retirement 7134
allowance or the annuity paid under section 3309.344 of the 7135
Revised Code, payable from the accumulated contributions of the 7136
member or the employer, or both, under this chapter and includes 7137
a disability allowance or disability benefit. 7138

(2) "Disability allowance" means an allowance paid on 7139
account of disability under section 3309.401 of the Revised 7140

Code. 7141

(3) "Disability benefit" means a benefit paid as 7142
disability retirement under section 3309.40 of the Revised Code, 7143
as a disability allowance under section 3309.401 of the Revised 7144
Code, or as a disability benefit under section 3309.35 of the 7145
Revised Code. 7146

(P) "Annuity reserve" means the present value, computed 7147
upon the basis of mortality tables adopted by the school 7148
employees retirement board, of all payments to be made on 7149
account of any annuity, or benefit in lieu of any annuity, 7150
granted to a retirant. 7151

(Q) "Pension reserve" means the present value, computed 7152
upon the basis of mortality tables adopted by the school 7153
employees retirement board, of all payments to be made on 7154
account of any pension, or benefit in lieu of any pension, 7155
granted to a retirant or a beneficiary. 7156

(R) "Year" means the year beginning the first day of July 7157
and ending with the thirtieth day of June next following. 7158

(S) "Local district pension system" means any school 7159
employees' pension fund created in any school district of the 7160
state prior to September 1, 1937. 7161

(T) "Employer contribution" means the amount paid by an 7162
employer as determined under section 3309.49 of the Revised 7163
Code. 7164

(U) "Fiduciary" means a person who does any of the 7165
following: 7166

(1) Exercises any discretionary authority or control with 7167
respect to the management of the system, or with respect to the 7168

management or disposition of its assets; 7169

(2) Renders investment advice for a fee, direct or 7170
indirect, with respect to money or property of the system; 7171

(3) Has any discretionary authority or responsibility in 7172
the administration of the system. 7173

(V) (1) Except as otherwise provided in this division, 7174
"compensation" means all salary, wages, and other earnings paid 7175
to a contributor by reason of employment. The salary, wages, and 7176
other earnings shall be determined prior to determination of the 7177
amount required to be contributed to the employees' savings fund 7178
under section 3309.47 of the Revised Code and without regard to 7179
whether any of the salary, wages, or other earnings are treated 7180
as deferred income for federal income tax purposes. 7181

(2) Compensation does not include any of the following: 7182

(a) Payments for accrued but unused sick leave or personal 7183
leave, including payments made under a plan established pursuant 7184
to section 124.39 of the Revised Code or any other plan 7185
established by the employer; 7186

(b) Payments made for accrued but unused vacation leave, 7187
including payments made pursuant to section 124.13 of the 7188
Revised Code or a plan established by the employer; 7189

(c) Payments made for vacation pay covering concurrent 7190
periods for which other salary or compensation is also paid or 7191
during which benefits are paid under this chapter; 7192

(d) Amounts paid by the employer to provide life 7193
insurance, sickness, accident, endowment, health, medical, 7194
hospital, dental, or surgical coverage, or other insurance for 7195
the contributor or the contributor's family, or amounts paid by 7196

the employer to the contributor in lieu of providing the 7197
insurance; 7198

(e) Incidental benefits, including lodging, food, laundry, 7199
parking, or services furnished by the employer, use of the 7200
employer's property or equipment, and reimbursement for job- 7201
related expenses authorized by the employer, including moving 7202
and travel expenses and expenses related to professional 7203
development; 7204

(f) Payments made to or on behalf of a contributor that 7205
are in excess of the annual compensation that may be taken into 7206
account by the retirement system under division (a) (17) of 7207
section 401 of the "Internal Revenue Code of 1986," 100 Stat. 7208
2085, 26 U.S.C.A. 401(a) (17), as amended. For a contributor who 7209
first establishes membership before July 1, 1996, the annual 7210
compensation that may be taken into account by the retirement 7211
system shall be determined under division (d) (3) of section 7212
13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. 7213
L. No. 103-66, 107 Stat. 472; 7214

(g) Payments made under division (B), (C), or (E) of 7215
section 5923.05 of the Revised Code, Section 4 of Substitute 7216
Senate Bill No. 3 of the 119th general assembly, Section 3 of 7217
Amended Substitute Senate Bill No. 164 of the 124th general 7218
assembly, or Amended Substitute House Bill No. 405 of the 124th 7219
general assembly; 7220

(h) Anything of value received by the contributor that is 7221
based on or attributable to retirement or an agreement to 7222
retire, except that payments made on or before January 1, 1989, 7223
that are based on or attributable to an agreement to retire 7224
shall be included in compensation if both of the following 7225
apply: 7226

(i) The payments are made in accordance with contract provisions that were in effect prior to January 1, 1986.	7227 7228
(ii) The employer pays the retirement system an amount specified by the retirement board equal to the additional liability from the payments.	7229 7230 7231
(3) The retirement board shall determine by rule whether any form of earnings not enumerated in this division is to be included in compensation, and its decision shall be final.	7232 7233 7234
(W) "Disability benefit recipient" means a member who is receiving a disability benefit.	7235 7236
(X) "Actuary" means an individual who satisfies all of the following requirements:	7237 7238
(1) Is a member of the American academy of actuaries;	7239
(2) Is an associate or fellow of the society of actuaries;	7240
(3) Has a minimum of five years' experience in providing actuarial services to public retirement plans.	7241 7242
Sec. 3309.011. "Employee" as defined in division (B) of section 3309.01 of the Revised Code, does not include any of the following:	7243 7244 7245
(A) Any person having a license or registration issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in a public school in this state in an educational position, as determined by the department of education and workforce, under programs provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirements for the position can be made under the provisions of such federal acts or regulations;	7246 7247 7248 7249 7250 7251 7252 7253

(B) Any person who participates in an alternative 7254
retirement plan established under Chapter 3305. of the Revised 7255
Code; 7256

(C) Any person who elects to transfer from the school 7257
employees retirement system to the public employees retirement 7258
system under section 3309.312 of the Revised Code; 7259

(D) Any person whose full-time employment by the 7260
university of Akron as a state university law enforcement 7261
officer pursuant to section 3345.04 of the Revised Code 7262
commences on or after September 16, 1998; 7263

(E) Any person described in division (B) of section 7264
3309.013 of the Revised Code; 7265

(F) Any person described in division (D) of section 7266
145.011 of the Revised Code; 7267

(G) Any person described in division (B) (1) (b) or ~~(g)~~ (f) 7268
of section 3307.01 of the Revised Code. 7269

Sec. 3310.03. ~~For the 2021-2022 school year and each~~ 7270
~~school year thereafter, subject~~ Subject to division (G) of this 7271
section, a student is an "eligible student" for purposes of the 7272
educational choice scholarship pilot program if the student's 7273
resident district is not a school district in which the pilot 7274
project scholarship program is operating under sections 3313.974 7275
to 3313.979 of the Revised Code, the student satisfies one of 7276
the conditions in division (A), (B), or (C) of this section, and 7277
the student maintains eligibility to receive a scholarship under 7278
division (D) of this section. 7279

However, any student who received a scholarship for the 7280
2020-2021 school year under this section, as it existed prior to 7281
March 2, 2021, shall continue to receive that scholarship until 7282

the student completes grade twelve, as long as the student 7283
maintains eligibility to receive a scholarship under division 7284
(D) of this section. 7285

(A) (1) A student is eligible for a scholarship if the 7286
student is enrolled in a school building operated by the 7287
student's resident district and to which both of the following 7288
apply: 7289

(a) The building was ranked in the lowest twenty per cent 7290
of all buildings operated by city, local, and exempted village 7291
school districts according to performance index score, as 7292
determined by the department of education and workforce, ~~as~~ 7293
~~follows:~~ 7294

~~(i) For a scholarship sought for the 2021-2022 or 2022-~~ 7295
~~2023 school year, the building was ranked in the lowest twenty~~ 7296
~~per cent of buildings for each of the 2017-2018 and 2018-2019~~ 7297
~~school years.~~ 7298

~~(ii) For a scholarship sought for the 2023-2024 school~~ 7299
~~year, the building was ranked in the lowest twenty per cent of~~ 7300
~~buildings for each of the 2018-2019 and 2021-2022 school years.~~ 7301

~~(iii) For a scholarship sought for the 2024-2025 school~~ 7302
~~year, the building was ranked in the lowest twenty per cent of~~ 7303
~~buildings for each of the 2021-2022 and 2022-2023 school years.~~ 7304

~~(iv) For a scholarship sought for the 2025-2026 school~~ 7305
~~year or any school year thereafter, the building was ranked in~~ 7306
~~the lowest twenty per cent of buildings for at least two of the~~ 7307
three most recent consecutive rankings issued prior to the first 7308
day of July of the school year for which a scholarship is 7309
sought. 7310

(b) The building is operated by a school district in 7311

which, for the three consecutive school years prior to the 7312
school year for which a scholarship is sought, an average of 7313
twenty per cent or more of the students entitled to attend 7314
school in the district, under section 3313.64 or 3313.65 of the 7315
Revised Code, were qualified to be included in the formula to 7316
distribute funds under Title I of the "Elementary and Secondary 7317
Education Act of 1965," 20 U.S.C. 6301 et seq. 7318

When ranking school buildings under division (A) (1) of 7319
this section, the department shall not include buildings 7320
operated by a school district in which the pilot project 7321
scholarship program is operating in accordance with sections 7322
3313.974 to 3313.979 of the Revised Code. 7323

(2) A student is eligible for a scholarship if the student 7324
will be enrolling in any of grades kindergarten through twelve 7325
in this state for the first time in the school year for which a 7326
scholarship is sought, will be at least five years of age, as 7327
defined in section 3321.01 of the Revised Code, by the first day 7328
of January of the school year for which a scholarship is sought, 7329
and otherwise would be assigned under section 3319.01 of the 7330
Revised Code in the school year for which a scholarship is 7331
sought, to a school building described in division (A) (1) of 7332
this section. 7333

(3) A student is eligible for a scholarship if the student 7334
is enrolled in a community school established under Chapter 7335
3314. of the Revised Code but otherwise would be assigned under 7336
section 3319.01 of the Revised Code to a building described in 7337
division (A) (1) of this section. 7338

(4) A student is eligible for a scholarship if the student 7339
is enrolled in a school building operated by the student's 7340
resident district or in a community school established under 7341

Chapter 3314. of the Revised Code and otherwise would be 7342
assigned under section 3319.01 of the Revised Code to a school 7343
building described in division (A) (1) of this section in the 7344
school year for which the scholarship is sought. 7345

(5) A student is eligible for a scholarship if the student 7346
was enrolled in a public or nonpublic school or was homeschooled 7347
in the prior school year and completed any of grades eight 7348
through eleven in that school year and otherwise would be 7349
assigned under section 3319.01 of the Revised Code to a school 7350
building described in division (A) (1) of this section in the 7351
school year for which the scholarship is sought. 7352

(B) A student is eligible for a scholarship if the student 7353
is enrolled in a nonpublic school at the time the school is 7354
granted a charter by the director of education and workforce 7355
under section 3301.16 of the Revised Code and the student meets 7356
the standards of division (B) of section 3310.031 of the Revised 7357
Code. 7358

(C) A student is eligible for a scholarship if the 7359
student's resident district is subject to section 3302.10 of the 7360
Revised Code and the student either: 7361

(1) Is enrolled in a school building operated by the 7362
resident district or in a community school established under 7363
Chapter 3314. of the Revised Code; 7364

(2) Will be both enrolling in any of grades kindergarten 7365
through twelve in this state for the first time and at least 7366
five years of age by the first day of January of the school year 7367
for which a scholarship is sought. 7368

(D) A student who receives a scholarship under the 7369
educational choice scholarship pilot program remains an eligible 7370

student and may continue to receive scholarships in subsequent 7371
school years until the student completes grade twelve, so long 7372
as all of the following apply: 7373

(1) The student's resident district remains the same, or 7374
the student transfers to a new resident district and otherwise 7375
would be assigned in the new resident district to a school 7376
building described in division (A) (1) or (C) of this section. 7377

(2) The student takes each assessment prescribed for the 7378
student's grade level under section 3301.0710, 3301.0712, or 7379
3313.619 of the Revised Code while enrolled in a chartered 7380
nonpublic school, unless one of the following applies to the 7381
student: 7382

(a) The student is excused from taking that assessment 7383
under federal law, the student's individualized education 7384
program, or division (C) (1) (c) (i) of section 3301.0711 of the 7385
Revised Code. 7386

(b) The student is enrolled in a chartered nonpublic 7387
school that meets the conditions specified in division (K) (2) or 7388
(L) (4) of section 3301.0711 of the Revised Code. 7389

(c) The student is enrolled in any of grades three to 7390
eight and takes an alternative standardized assessment under 7391
division (K) (1) of section 3301.0711 of the Revised Code. 7392

(d) The student is excused from taking the assessment 7393
prescribed under division (B) (1) of section 3301.0712 of the 7394
Revised Code pursuant to division (C) (1) (c) (ii) of section 7395
3301.0711 of the Revised Code. 7396

(3) In each school year that the student is enrolled in a 7397
chartered nonpublic school, the student is absent from school 7398
for not more than twenty days that the school is open for 7399

instruction, not including excused absences. 7400

(E) (1) The department shall cease awarding first-time 7401
scholarships pursuant to divisions (A) (1) to (5) of this section 7402
with respect to a school building that, in the most recent 7403
ratings of school buildings under section 3302.03 of the Revised 7404
Code prior to the first day of July of the school year, ceases 7405
to meet the criteria in division (A) (1) of this section. 7406

(2) The department shall cease awarding first-time 7407
scholarships pursuant to division (C) of this section with 7408
respect to a school district subject to section 3302.10 of the 7409
Revised Code when the academic distress commission established 7410
for the district ceases to exist. 7411

(3) However, students who have received scholarships in 7412
the prior school year remain eligible students pursuant to 7413
division (D) of this section. 7414

(F) The department shall adopt rules defining excused 7415
absences for purposes of division (D) (3) of this section. 7416

(G) Notwithstanding anything to the contrary in this 7417
section or section 3310.031 of the Revised Code, a student 7418
entering any of grades kindergarten through twelve shall not be 7419
required to be enrolled or enrolling in a school building 7420
operated by the student's resident district or a community 7421
school in order to be eligible for a scholarship, ~~as follows:-~~ 7422

~~(1) For a scholarship sought for the 2021-2022 school~~ 7423
~~year, a student entering any of grades kindergarten through two,~~ 7424

~~(2) For a scholarship sought for the 2022-2023 school~~ 7425
~~year, a student entering any of grades kindergarten through~~ 7426
~~four;-~~ 7427

~~(3) For a scholarship sought for the 2023-2024 school year, a student entering any of grades kindergarten through six;~~ 7428
7429

~~(4) For a scholarship sought for the 2024-2025 school year, a student entering any of grades kindergarten through eight;~~ 7430
7431
7432

~~(5) For a scholarship sought for the 2025-2026 school year, and each school year thereafter, a student entering any of grades kindergarten through twelve.~~ 7433
7434
7435

(H) Except as provided for in section 3310.13 of the Revised Code and in division (C) (2) of section 3365.07 of the Revised Code, the department shall not require the parent of a student who applies for or receives a scholarship under this section or section 3310.033, 3310.034, or 3310.035 of the Revised Code to complete any kind of income verification regarding the student's family income. 7436
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Sec. 3310.14. (A) Except as provided in division (B) of this section, each chartered nonpublic school that is not subject to division (K) (1) of section 3301.0711 of the Revised Code and enrolls students awarded scholarships under sections 3310.01 to 3310.17 of the Revised Code annually shall administer the assessments prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, as applicable, to each scholarship student enrolled in the school in accordance with section 3301.0711 of the Revised Code. Each chartered nonpublic school that is subject to this section shall report to the department of education and workforce the results of each assessment administered to each scholarship student under this section. 7443
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Nothing in this section requires a chartered nonpublic school to administer any achievement assessment, except for an- 7455
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~~Ohio graduation test prescribed by division (B) (1) of section~~ 7457
~~3301.0710 or the college and work ready assessment system~~ 7458
prescribed by division (B) of section 3301.0712 of the Revised 7459
Code to any student enrolled in the school who is not a 7460
scholarship student. 7461

(B) A chartered nonpublic school that meets the conditions 7462
specified in division (K) (2) of section 3301.0711 of the Revised 7463
Code shall not be required to administer the elementary 7464
assessments prescribed by division (A) of section 3301.0710 of 7465
the Revised Code. 7466

Sec. 3310.522. (A) In order to maintain eligibility for a 7467
scholarship, a student shall take each assessment prescribed by 7468
section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, 7469
as applicable, in accordance with section 3301.0711 of the 7470
Revised Code, unless one of the following applies to the 7471
student: 7472

(1) The student is excused from taking that assessment 7473
under federal law, the student's individualized education 7474
program, or division (C) (1) (c) (i) of section 3301.0711 of the 7475
Revised Code. 7476

(2) The student is enrolled in a chartered nonpublic 7477
school that meets the conditions specified in division (K) (2) or 7478
(L) (4) of section 3301.0711 of the Revised Code. 7479

(3) The student is enrolled in any of grades three to 7480
eight and takes an alternative standardized assessment under 7481
division (K) (1) of section 3301.0711 of the Revised Code or 7482
division (B) (3) of this section. 7483

(4) The student is excused from taking the assessment 7484
prescribed under division (B) (1) of section 3301.0712 of the 7485

Revised Code pursuant to division (C) (1) (c) (ii) of section 7486
3301.0711 of the Revised Code. 7487

(B) Each registered private provider that is not subject 7488
to division (K) (1) of section 3301.0711 of the Revised Code and 7489
enrolls a student who is awarded a scholarship shall administer 7490
each assessment prescribed by section 3301.0710, 3301.0712, or 7491
3313.619 of the Revised Code, as applicable, to that student in 7492
accordance with section 3301.0711 of the Revised Code, unless 7493
one of the following applies to the student: 7494

(1) The student is excused from taking that assessment 7495
under division (A) (1) of this section. 7496

(2) The student is enrolled in a chartered nonpublic 7497
school that meets the conditions specified in division (K) (2) or 7498
(L) (4) of section 3301.0711 of the Revised Code. 7499

(3) The student is enrolled in any of grades three to 7500
eight and the registered private provider administers an 7501
alternative standardized assessment determined by the department 7502
of education and workforce under division (K) (1) of section 7503
3301.0711 of the Revised Code to the student. 7504

(4) The student is excused from taking the assessment 7505
prescribed under division (B) (1) of section 3301.0712 of the 7506
Revised Code pursuant to division (C) (1) (c) (ii) of section 7507
3301.0711 of the Revised Code. 7508

The registered private provider shall report to the 7509
department the results of each assessment so administered under 7510
division (B) of this section. 7511

(C) Nothing in this section requires any chartered 7512
nonpublic school that is a registered private provider to 7513
administer any achievement assessment, except for ~~an Ohio~~ 7514

~~graduation test prescribed by division (B) (1) of section~~ 7515
~~3301.0710 or the college and work ready assessment system~~ 7516
prescribed by division (B) of section 3301.0712 of the Revised 7517
Code to any student enrolled in the school who is not a 7518
scholarship student. 7519

Sec. 3311.741. (A) This section applies only to a 7520
municipal school district in existence on July 1, 2012. 7521

(B) Not later than December 1, 2012, the board of 7522
education of each municipal school district to which this 7523
section applies shall submit to the director of education and 7524
workforce an array of measures to be used in evaluating the 7525
performance of the district. The measures shall assess at least 7526
overall student achievement, student progress over time, the 7527
achievement and progress over time of each of the applicable 7528
categories of students described in division ~~(G)~~(F) of section 7529
3302.03 of the Revised Code, and college and career readiness. 7530
The director shall approve or disapprove the measures by January 7531
15, 2013. If the measures are disapproved, the director shall 7532
recommend modifications that will make the measures acceptable. 7533

(C) Beginning with the 2012-2013 school year, the board 7534
annually shall establish goals for improvement on each of the 7535
measures approved under division (B) of this section. The school 7536
district's performance data for the 2011-2012 school year shall 7537
be used as a baseline for determining improvement. 7538

(D) Not later than October 1, 2013, and by the first day 7539
of October each year thereafter, the board shall issue a report 7540
describing the school district's performance for the previous 7541
school year on each of the measures approved under division (B) 7542
of this section and whether the district has met each of the 7543
improvement goals established for that year under division (C) 7544

of this section. The board shall provide the report to the 7545
governor, the director of education and workforce, and, in 7546
accordance with section 101.68 of the Revised Code, the general 7547
assembly. 7548

Sec. 3311.80. Notwithstanding any provision of the Revised 7549
Code to the contrary, a municipal school district shall be 7550
subject to this section instead of section 3319.111 of the 7551
Revised Code. 7552

(A) The board of education of each municipal school 7553
district and the teachers' labor organization shall develop and 7554
adopt standards-based teacher evaluation procedures that shall 7555
either conform with the framework for evaluation of teachers 7556
developed under section 3319.112 of the Revised Code or a 7557
framework developed or adopted by the district. The evaluation 7558
procedures shall include at least one formal observation and 7559
classroom walk-through, which may be announced or unannounced; 7560
examinations of samples of work, such as lesson plans or 7561
assessments designed by a teacher; and multiple measures of 7562
student academic growth. The board of education and teachers' 7563
labor organization shall endeavor to include in the evaluation 7564
procedures the development of a professional growth plan or 7565
improvement plan and a final summative conference to discuss the 7566
results of the evaluation. 7567

(B) When using measures of student academic growth as a 7568
component of a teacher's evaluation, those measures shall 7569
include the value-added progress dimension prescribed by section 7570
3302.021 of the Revised Code ~~or the alternative student academic~~ 7571
~~progress measure if adopted under division (C) (1) (c) of section~~ 7572
~~3302.03 of the Revised Code.~~ For teachers of grade levels and 7573
subjects for which the value-added progress dimension or 7574

alternative student academic achievement measure is not 7575
applicable, the board shall administer assessments on the list 7576
developed under division (B) (2) of section 3319.112 of the 7577
Revised Code. 7578

(C) (1) Each teacher employed by the board shall be 7579
evaluated at least once each school year, except as provided in 7580
division (C) (2) of this section. The composite evaluation shall 7581
be completed not later than the first day of June and the 7582
teacher shall receive a written report of the results of the 7583
composite evaluation not later than ten days after its 7584
completion or the last teacher work day of the school year, 7585
whichever is earlier. 7586

(2) Each teacher who received a rating of accomplished on 7587
the teacher's most recent evaluation conducted under this 7588
section may be evaluated once every two school years, except 7589
that the teacher shall be evaluated in any school year in which 7590
the teacher's contract is due to expire. The biennial composite 7591
evaluation shall be completed not later than the first day of 7592
June of the applicable school year, and the teacher shall 7593
receive a written report of the results of the composite 7594
evaluation not later than ten days after its completion or the 7595
last teacher work day of the school year, whichever is earlier. 7596

(D) Each evaluation conducted pursuant to this section 7597
shall be conducted by one or more of the following persons who 7598
have been trained to conduct evaluations in accordance with 7599
criteria that shall be developed jointly by the chief executive 7600
officer of the district, or the chief executive officer's 7601
designee, and the teachers' labor organization: 7602

(1) The chief executive officer or a subordinate officer 7603
of the district with responsibility for instruction or academic 7604

affairs; 7605

(2) A person who is under contract with the board pursuant 7606
to section 3319.02 of the Revised Code and holds a license 7607
designated for being a principal issued under section 3319.22 of 7608
the Revised Code; 7609

(3) A person who is under contract with the board pursuant 7610
to section 3319.02 of the Revised Code and holds a license 7611
designated for being a vocational director or a supervisor in 7612
any educational area issued under section 3319.22 of the Revised 7613
Code; 7614

(4) A person designated to conduct evaluations under an 7615
agreement providing for peer assistance and review entered into 7616
by the board and the teachers' labor organization. 7617

(E) The evaluation procedures shall describe how the 7618
evaluation results will be used for decisions regarding 7619
compensation, retention, promotion, and reductions in force and 7620
for removal of poorly performing teachers. 7621

(F) A teacher may challenge any violations of the 7622
evaluation procedures in accordance with the grievance procedure 7623
specified in any applicable collective bargaining agreement. A 7624
challenge under this division is limited to the determination of 7625
procedural errors that have resulted in substantive harm to the 7626
teacher and to ordering the correction of procedural errors. The 7627
failure of the board or a person conducting an evaluation to 7628
strictly comply with any deadline or evaluation forms 7629
established as part of the evaluation process shall not be cause 7630
for an arbitrator to determine that a procedural error occurred, 7631
unless the arbitrator finds that the failure resulted in 7632
substantive harm to the teacher. The arbitrator shall have no 7633

jurisdiction to modify the evaluation results, but the 7634
arbitrator may stay any decision taken pursuant to division (E) 7635
of this section pending the board's correction of any procedural 7636
error. The board shall correct any procedural error within 7637
fifteen business days after the arbitrator's determination that 7638
a procedural error occurred. 7639

(G) Notwithstanding any provision to the contrary in 7640
Chapter 4117. of the Revised Code, the requirements of this 7641
section prevail over any conflicting provisions of a collective 7642
bargaining agreement entered into on or after October 1, 2012. 7643
However, the board and the teachers' labor organization may 7644
negotiate additional evaluation procedures, including an 7645
evaluation process incorporating peer assistance and review, 7646
provided the procedures are consistent with this section. 7647

(H) This section does not apply to administrators 7648
appointed by the chief executive officer of a municipal school 7649
district under section 3311.72 of the Revised Code, 7650
administrators subject to evaluation procedures under section 7651
3311.84 or 3319.02 of the Revised Code, or to any teacher 7652
employed as a substitute for less than one hundred twenty days 7653
during a school year pursuant to section 3319.10 of the Revised 7654
Code. 7655

Sec. 3313.11. Notwithstanding division (D) of section 7656
3311.19 and division (D) of section 3311.52 of the Revised Code, 7657
this section does not apply to any joint vocational or 7658
cooperative education school district. 7659

A vacancy in any board of education may be caused by 7660
death, nonresidence, resignation, removal from office, failure 7661
of a person elected or appointed to qualify within ten days 7662
after the organization of the board or of appointment or 7663

election, removal from the district, or absence from meetings of 7664
the board for a period of ninety days, if such absence is caused 7665
by reasons declared insufficient by a two-thirds vote of the 7666
remaining members of the board, which vote must be taken and 7667
entered upon the records of the board not ~~less~~ more than ~~thirty-~~ 7668
sixty days after such absence. 7669

If the board members are selected by appointment pursuant 7670
to division (B) or (F) of section 3311.71 of the Revised Code, 7671
the appointing authority responsible for the appointment shall 7672
fill any such vacancy by appointment of an individual to serve 7673
the remainder of the unexpired term from a slate of at least 7674
three persons proposed by the municipal school district 7675
nominating panel established under that section. If the member 7676
creating the vacancy resides in a municipal school district but 7677
not in the municipal corporation containing the greatest portion 7678
of the district's territory, the individuals included on such 7679
slate shall also reside in the municipal school district but not 7680
in the municipal corporation containing the greatest portion of 7681
the district's territory. 7682

If the board members are selected by election, the board 7683
shall fill any such vacancy at ~~its next~~ any regular or special 7684
meeting, ~~not earlier than ten days~~ within sixty days after ~~such~~ 7685
the vacancy occurs. A majority vote of all the remaining members 7686
of the board may fill any such vacancy. Immediately after such a 7687
vote, the treasurer of the board of education shall give written 7688
notice to the board of elections responsible for conducting 7689
elections for that school district that a vacancy has been 7690
filled, and the name of the person appointed to fill the 7691
vacancy. Each person selected by the board or probate court to 7692
fill a vacancy shall hold office for the shorter of the 7693
following periods: until the completion of the unexpired term, 7694

or until the first day of January immediately following the next 7695
regular board of education election taking place more than 7696
ninety days after a person is selected by the board or probate 7697
court to fill the vacancy. At that election, a special election 7698
to fill the vacancy shall be held in accordance with laws 7699
controlling regular elections for board of education members, 7700
except that no such special election shall be held if the 7701
unexpired term ends on or before the first day of January 7702
immediately following that regular board of education election. 7703
The term of a person chosen at a special election under this 7704
section shall begin on the first day of January immediately 7705
following the election, and the person shall serve for the 7706
remainder of the unexpired term. Whenever the need for a special 7707
election under this section becomes known, the board of 7708
education shall immediately give written notice of this fact to 7709
the board of elections responsible for conducting the regular 7710
board of education election for that school district. 7711

The term of a board of education member shall not be 7712
lengthened by the member's resignation and subsequent selection 7713
by the board or probate court under this section. 7714

Sec. 3313.411. (A) As used in this section: 7715

(1) ~~"College-preparatory boarding school" means a college-~~ 7716
~~preparatory boarding school established under Chapter 3328. of~~ 7717
~~the Revised Code.~~ 7718

~~(2)~~ "Community school" means a community school 7719
established under Chapter 3314. of the Revised Code. 7720

~~(3)~~ (2) "High-performing community school" has the same 7721
meaning as in section 3313.413 of the Revised Code. 7722

~~(4)~~ (3) "STEM school" means a science, technology, 7723

engineering, and mathematics school established under Chapter 7724
3326. of the Revised Code. 7725

~~(5)~~(4) "Unused school facilities" means either: 7726

(a) Any real property that has been used by a school 7727
district for school operations, including, but not limited to, 7728
academic instruction or administration, since July 1, 1998, but 7729
has not been used in that capacity for one year; 7730

(b) Any school building that has been used for direct 7731
academic instruction but less than sixty per cent of the 7732
building was used for that purpose in the preceding school year. 7733

(B) (1) Except as provided in section 3313.412 of the 7734
Revised Code, on and after June 30, 2011, any school district 7735
board of education shall offer any unused school facilities it 7736
owns in its corporate capacity for lease or sale to the 7737
governing authorities of community schools, ~~the boards of~~ 7738
~~trustees of any college-preparatory boarding schools,~~ and the 7739
governing bodies of any STEM schools, ~~that~~ are located within 7740
the territory of the district. Not later than sixty days after 7741
the district board makes the offer, interested governing 7742
authorities, ~~boards of trustees,~~ and governing bodies shall 7743
notify the district treasurer in writing of the intention to 7744
lease or purchase the property. 7745

The district board shall give priority to the governing 7746
authorities of high-performing community schools that are 7747
located within the territory of the district. 7748

(2) At the same time that a district board makes the offer 7749
required under division (B) (1) of this section, the board also 7750
may, but shall not be required to, offer that property for sale 7751
or lease to the governing authorities of community schools with 7752

plans, stipulated in their contracts entered into under section 7753
3314.03 of the Revised Code, either to relocate their operations 7754
to the territory of the district or to add facilities, as 7755
authorized by division (B) (3) or (4) of section 3314.05 of the 7756
Revised Code, to be located within the territory of the 7757
district. 7758

(C) (1) If, not later than sixty days after the district 7759
board makes the offer, only one governing authority of a high- 7760
performing community school offered the property under division 7761
(B) of this section notifies the district treasurer in writing 7762
of the intention to purchase the property pursuant to that 7763
division, the district board shall sell the property to that 7764
party for the appraised fair market value of the property as 7765
determined in an appraisal of the property that is not more than 7766
one year old. 7767

If, not later than sixty days after the district board 7768
makes the offer, more than one governing authority of a high- 7769
performing community school offered the property under division 7770
(B) of this section notifies the district treasurer in writing 7771
of the intention to purchase the property pursuant to that 7772
division, the board shall conduct a public auction in the manner 7773
required for auctions of district property under division (A) of 7774
section 3313.41 of the Revised Code. Only the governing 7775
authorities of high-performing community schools that notified 7776
the district treasurer of the intention to purchase the property 7777
pursuant to division (B) of this section are eligible to bid at 7778
the auction. The district board is not obligated to accept any 7779
bid for the property that is lower than the appraised fair 7780
market value of the property as determined in an appraisal that 7781
is not more than one year old. 7782

(2) If, not later than sixty days after the district board
makes the offer, no governing authority of a high-performing
community school notifies the district treasurer of its
intention to purchase the property pursuant to division (B) of
this section, the board shall then proceed with the offers from
all other start-up community schools, ~~college-preparatory-
boarding schools,~~ and STEM schools made pursuant to that
division.

If more than one such entity notifies the district
treasurer of its intention to purchase the property pursuant to
division (B) of this section, the board shall conduct a public
auction in the manner required for auctions of district property
under division (A) of section 3313.41 of the Revised Code. Only
the entities that notified the district treasurer pursuant to
division (B) of this section are eligible to bid at the auction.

(3) If more than one governing authority of a high-
performing community school notifies the district treasurer in
writing of the intention to lease the property pursuant to
division (B) of this section, the district board shall conduct a
lottery to select from among those governing authorities the one
qualified governing authority to which the district board shall
lease the property.

If no such governing authority of a high-performing
community school notifies the district treasurer of its
intention to lease the property pursuant to division (B) of this
section, the board shall then proceed with the offers from all
other start-up community schools, ~~college-preparatory boarding-
schools,~~ and STEM schools made pursuant to that division. If
more than one other start-up community school, ~~college-
preparatory boarding school,~~ or STEM school notified the

district treasurer of its intention to lease the property 7813
pursuant to division (B) of this section, the district board 7814
shall conduct a lottery to select from among those parties the 7815
one qualified party to which the district board shall lease the 7816
property. 7817

(4) The lease price offered by a district board to a 7818
community school, ~~college-preparatory boarding school,~~ or STEM 7819
school under this section shall not be higher than the fair 7820
market value for such a leasehold as determined in an appraisal 7821
that is not more than one year old. 7822

(5) If no qualified party offered the property under 7823
division (B) of this section accepts the offer to lease or buy 7824
the property within sixty days after the offer is made, the 7825
district board may offer the property to any other entity in 7826
accordance with divisions (A) to (F) of section 3313.41 of the 7827
Revised Code. 7828

(D) Notwithstanding division (B) of this section, a school 7829
district board may renew any agreement it originally entered 7830
into prior to June 30, 2011, to lease real property to an entity 7831
other than a community school, ~~college-preparatory boarding-~~ 7832
~~school,~~ or STEM school. Nothing in this section shall affect the 7833
leasehold arrangements between the district board and that other 7834
entity. 7835

(E) (1) Except as provided in division (E) (2) of this 7836
section, the governing authority of a community school, ~~board of~~ 7837
~~trustees of a college-preparatory boarding school,~~ or governing 7838
body of a STEM school shall not sell any property purchased 7839
under division (B) of this section within five years of 7840
purchasing that property. 7841

(2) The governing authority, ~~board of trustees,~~ or 7842
governing body may sell a property purchased under division (B) 7843
of this section within five years of the purchase, only if the 7844
governing authority, ~~board of trustees,~~ or governing body sells 7845
or transfers that property to another entity described in that 7846
division. 7847

Sec. 3313.413. (A) As used in this section, "high- 7848
performing community school" means a community school 7849
established under Chapter 3314. of the ~~Revised~~ Revised Code that 7850
meets any of the following conditions: 7851

(1) Except as provided for in division (A) (2) or (3) of 7852
this section, the community school does both of the following: 7853

(a) The school has a higher performance index score than 7854
the school district in which the school is located on the two 7855
most recent report cards issued under section 3302.03 of the 7856
Revised Code. 7857

(b) The school either has a performance rating of four 7858
stars or higher for progress on the most recent report card 7859
issued under section 3302.03 of the Revised Code or is a school 7860
described under division (B) (1) of section 3314.35 of the 7861
Revised Code and did not receive a rating for progress on the 7862
most recent report card. 7863

(2) If the community school serves only grades 7864
kindergarten through three, the school received a performance 7865
rating of four stars or higher for early literacy on its most 7866
recent report card issued under section 3302.03 of the Revised 7867
Code. 7868

(3) If the community school has not commenced operations 7869
or has been in operation for less than one school year, the 7870

school meets the following conditions: 7871

(a) The school is replicating an operational and 7872
instructional model used by a community school described in 7873
division (A) (1) or (2) of this section. 7874

(b) The school either: 7875

(i) Has an operator that received an overall rating of 7876
three stars or higher, or a "C" or higher, on its most recent 7877
performance report published under section 3314.031 of the 7878
Revised Code; 7879

(ii) Does not have an operator and is sponsored by a 7880
sponsor that was rated "exemplary" or "effective" on its most 7881
recent evaluation conducted under section 3314.016 of the 7882
Revised Code. 7883

(B) When a school district board of education decides to 7884
dispose of real property it owns in its corporate capacity under 7885
section 3313.41 of the Revised Code, the board shall first offer 7886
that property to the governing authorities of all start-up 7887
community schools, ~~the boards of trustees of any college-~~ 7888
~~preparatory boarding schools,~~ and the governing bodies of any 7889
STEM schools that are located within the territory of the 7890
district. Not later than sixty days after the district board 7891
makes the offer, interested governing authorities, ~~boards of~~ 7892
~~trustees,~~ and governing bodies shall notify the district 7893
treasurer in writing of the intention to purchase the property. 7894

The district board shall give priority to the governing 7895
authorities of high-performing community schools that are 7896
located within the territory of the district. 7897

(1) If more than one governing authority of a high- 7898
performing community school notifies the district treasurer of 7899

its intention to purchase the property pursuant to division (B) 7900
of this section, the board shall conduct a public auction in the 7901
manner required for auctions of district property under division 7902
(A) of section 3313.41 of the Revised Code. Only the governing 7903
authorities of high-performing community schools that notified 7904
the district treasurer pursuant to division (B) of this section 7905
are eligible to bid at the auction. 7906

(2) If no governing authority of a high-performing 7907
community school notifies the district treasurer of its 7908
intention to purchase the property pursuant to division (B) of 7909
this section, the board shall then proceed with the offers from 7910
all other start-up community schools, ~~college-preparatory-~~ 7911
~~boarding schools,~~ and STEM schools made pursuant to that 7912
division. If more than one such entity notifies the district 7913
treasurer of its intention to purchase the property pursuant to 7914
division (B) of this section, the board shall conduct a public 7915
auction in the manner required for auctions of district property 7916
under division (A) of section 3313.41 of the Revised Code. Only 7917
the entities that notified the district treasurer pursuant to 7918
division (B) of this section are eligible to bid at the auction. 7919

(3) If no governing authority, ~~board of trustees,~~ or 7920
governing body notifies the district treasurer of its intention 7921
to purchase the property pursuant to division (B) of this 7922
section, the district may then offer the property for sale in 7923
the manner prescribed under divisions (A) to (F) of section 7924
3313.41 of the Revised Code. 7925

(C) Notwithstanding anything to the contrary in sections 7926
3313.41 and 3313.411 of the Revised Code, the purchase price of 7927
any real property sold to any of the entities in accordance with 7928
division (B) of this section shall not be more than the 7929

appraised fair market value of that property as determined in an 7930
appraisal of the property that is not more than one year old. 7931

(D) Not later than the first day of October of each year, 7932
the department of education and workforce shall post in a 7933
prominent location on its web site a list of schools that 7934
qualify as high-performing community schools for purposes of 7935
this section and section 3313.411 of the Revised Code. 7936

Sec. 3313.483. ~~(A) A board of education, upon the adoption 7937
of a resolution stating that it may be financially unable to 7938
open on the day or to remain open for instruction on all days 7939
set forth in its adopted school calendar and pay all obligated 7940
expenses, or the director of education and workforce upon the 7941
issuance of written notification under division (B) of section 7942
3313.489 of the Revised Code, shall request the auditor of state 7943
to determine whether such situation exists. The auditor shall 7944
deliver a copy of each request from a board of education to the 7945
director. In the case of a school district not under a fiscal 7946
emergency pursuant to Chapter 3316. of the Revised Code the 7947
auditor shall not issue a finding under this section until 7948
written notification is received from the director pursuant to 7949
section 3313.487 of the Revised Code. 7950~~

~~(B) If the auditor of state finds that the board of 7951
education has attempted to avail itself to the fullest extent 7952
authorized by law of all lawful revenue sources available to it 7953
except those authorized by section 5705.21 of the Revised Code, 7954
the auditor shall certify that finding to the department of 7955
education and workforce and shall certify the operating deficit 7956
the district will have at the end of the fiscal year if it 7957
commences or continues operating its instructional program in 7958
accordance with its adopted school calendar and pays all 7959~~

~~obligated expenses.~~ 7960

~~(C) No board of education may delay the opening of its schools or close its schools for financial reasons. Upon the request of the director of education and workforce, the attorney general shall seek injunctive relief and any other relief required to enforce this prohibition in the court of common pleas of Franklin county. The court of common pleas of Franklin county has exclusive original jurisdiction over all such actions.~~ 7961
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~~(D) Upon the receipt of any certification of an operating deficit from the auditor of state, a board of education shall make application to a commercial bank, underwriter, or other prospective lender or purchaser of its obligations for a loan in an amount sufficient to enable the district to open or remain open for instruction on all days set forth in its adopted school calendar but not to exceed the amount of the deficit certified.~~ 7969
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~~(E) (1) Any board of education that has applied for and been denied a loan from a commercial bank, underwriter, or other prospective lender or purchaser of its obligations pursuant to division (D) of this section shall submit to the director of education and workforce a plan for implementing reductions in the school district's budget; apply for a loan from a commercial bank, underwriter, or other prospective lender or purchaser of its obligations in an amount not to exceed its certified deficit; and provide the director such information as the director requires concerning its application for such a loan. The board of education of a school district declared to be under a fiscal watch pursuant to division (A) of section 3316.03 of the Revised Code may, upon approval of the director, utilize the financial plan required by section 3316.04 of the Revised Code,~~ 7976
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~~or applicable parts thereof, as the plan required under this~~ 7990
~~division. The board of education of a school district declared~~ 7991
~~to be under a fiscal emergency pursuant to division (B) of~~ 7992
~~section 3316.03 of the Revised Code may utilize the financial~~ 7993
~~recovery plan for the district, or applicable parts thereof, as~~ 7994
~~the plan required under this division. Except for the plan of a~~ 7995
~~school district under a fiscal emergency, the director shall~~ 7996
~~evaluate, make recommendations concerning, and approve or~~ 7997
~~disapprove each plan. When a plan is submitted, the director~~ 7998
~~shall immediately notify the members of the general assembly~~ 7999
~~whose legislative districts include any or all of the territory~~ 8000
~~of the school district submitting the plan.~~ 8001

~~(2) The director shall submit to the controlling board a~~ 8002
~~copy of each plan the director approves, or each plan submitted~~ 8003
~~by a district under a fiscal emergency pursuant to division (B)~~ 8004
~~of section 3316.03 of the Revised Code, and the general terms of~~ 8005
~~each proposed loan, and shall make recommendations regarding the~~ 8006
~~plan and whether a proposed loan to the board of education~~ 8007
~~should be approved for payment as provided in division (E) (3) of~~ 8008
~~this section. The controlling board shall approve or disapprove~~ 8009
~~the plan and the proposed loan presented to it by the director.~~ 8010
~~In the case of a district not under a fiscal emergency pursuant~~ 8011
~~to division (B) of section 3316.03 of the Revised Code, the~~ 8012
~~controlling board may require a board of education to implement~~ 8013
~~the director's recommendations for expenditure reductions or~~ 8014
~~impose other requirements. Loan repayments shall be in~~ 8015
~~accordance with a schedule approved by the director, except that~~ 8016
~~the principal amount of the loan shall be payable in monthly,~~ 8017
~~semiannual, or annual installments of principal and interest~~ 8018
~~that are substantially equal principal and interest~~ 8019
~~installments. Except as otherwise provided in division (E) (2) of~~ 8020

~~this section, repayment shall be made no later than the~~ 8021
~~fifteenth day of June of the second fiscal year following the~~ 8022
~~approval of the loan. A school district with a certified deficit~~ 8023
~~in excess of either twenty-five million dollars or fifteen per-~~ 8024
~~cent of the general fund expenditures of the district during the~~ 8025
~~fiscal year shall repay the loan no later than the fifteenth day~~ 8026
~~of June of the tenth fiscal year following the approval of the~~ 8027
~~loan. In deciding whether to approve or disapprove a proposed~~ 8028
~~loan, the controlling board shall consider the deficit certified~~ 8029
~~by the auditor of state pursuant to this section. A board of~~ 8030
~~education that has an outstanding loan approved pursuant to this~~ 8031
~~section with a repayment date of more than two fiscal years~~ 8032
~~after the date of approval of such loan may not apply for~~ 8033
~~another loan with such a repayment date until the outstanding~~ 8034
~~loan has been repaid.~~ 8035

~~(3) If a board of education has submitted and received~~ 8036
~~controlling board approval of a plan and proposed loan in~~ 8037
~~accordance with this section, the director of education and~~ 8038
~~workforce shall report to the controlling board the actual~~ 8039
~~amounts loaned to the board of education. Such board of~~ 8040
~~education shall request the director to pay any funds the board~~ 8041
~~of education would otherwise receive pursuant to Chapter 3306.~~ 8042
~~of the Revised Code first directly to the holders of the board~~ 8043
~~of education's notes, or an agent thereof, such amounts as are~~ 8044
~~specified under the terms of the loan. Such payments shall be~~ 8045
~~made only from and to the extent of money appropriated by the~~ 8046
~~general assembly for purposes of such sections. No note or other~~ 8047
~~obligation of the board of education under the loan constitutes~~ 8048
~~an obligation nor a debt or a pledge of the faith, credit, or~~ 8049
~~taxing power of the state, and the holder or owner of such note~~ 8050
~~or obligation has no right to have taxes levied by the general~~ 8051

~~assembly for the payment of such note or obligation, and such
note or obligation shall contain a statement to that effect.~~ 8052
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~~(4) Pursuant to the terms of such a loan, a board of
education may issue its notes in anticipation of the collection
of its voted levies for current expenses or its receipt of such
state funds or both. Such notes shall be issued in accordance
with division (E) of section 133.10 of the Revised Code and
constitute Chapter 133. securities to the extent such division
and the otherwise applicable provisions of Chapter 133. of the
Revised Code are not inconsistent with this section, provided
that in any event sections 133.24 and 5705.21 and divisions (A),
(B), (C), and (E) (2) of section 133.10 of the Revised Code do
not apply to such notes.~~ 8054
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~~(5) Notwithstanding section 133.36 or 3313.17, any other
section of the Revised Code, or any other provision of law, a
board of education that has received a loan under this section
may not declare bankruptcy, so long as any portion of such loan
remains unpaid.~~ 8065
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~~(F) Under this section and section 3313.4810, "board of
education" or "district board" includes the financial planning
and supervision commission of a school district under a fiscal
emergency pursuant to Chapter 3316. of the Revised Code where
such commission chooses to exercise the powers and duties
otherwise required of the district board of education under this
section and section 3313.4810 of the Revised Code.~~ 8070
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Sec. 3313.603. (A) As used in this section: 8077

(1) "One unit" means a minimum of one hundred twenty hours 8078
of course instruction, except that for a laboratory course, "one 8079
unit" means a minimum of one hundred fifty hours of course 8080

instruction. 8081

(2) "One-half unit" means a minimum of sixty hours of 8082
course instruction, except that for physical education courses, 8083
"one-half unit" means a minimum of one hundred twenty hours of 8084
course instruction. 8085

(B) Beginning September 15, 2001, except as required in 8086
division (C) of this section and division (C) of section 8087
3313.614 of the Revised Code, the requirements for graduation 8088
from every high school shall include twenty units earned in 8089
grades nine through twelve and shall be distributed as follows: 8090

(1) English language arts, four units; 8091

(2) Health, one-half unit; 8092

(3) Mathematics, three units; 8093

(4) Physical education, one-half unit; 8094

(5) Science, two units until September 15, 2003, and three 8095
units thereafter, which at all times shall include both of the 8096
following: 8097

(a) Biological sciences, one unit; 8098

(b) Physical sciences, one unit. 8099

(6) History and government, one unit, which shall comply 8100
with division (M) of this section and shall include both of the 8101
following: 8102

(a) American history, one-half unit; 8103

(b) American government, one-half unit. 8104

(7) Social studies, two units. 8105

Beginning with students who enter ninth grade for the 8106

first time on or after July 1, 2017, the two units of 8107
instruction prescribed by division (B) (7) of this section shall 8108
include at least one-half unit of instruction in the study of 8109
world history and civilizations. 8110

(8) Elective units, seven units until September 15, 2003, 8111
and six units thereafter. 8112

Each student's electives shall include at least one unit, 8113
or two half units, chosen from among the areas of 8114
business/technology, fine arts, and/or foreign language. 8115

(C) Beginning with students who enter ninth grade for the 8116
first time on or after July 1, 2010, except as provided in 8117
divisions (D) to (F) of this section, the requirements for 8118
graduation from every public and chartered nonpublic high school 8119
shall include twenty units that are designed to prepare students 8120
for the workforce and college. The units shall be distributed as 8121
follows: 8122

(1) English language arts, four units; 8123

(2) Health, one-half unit, which shall include instruction 8124
in nutrition and the benefits of nutritious foods and physical 8125
activity for overall health; 8126

(3) Mathematics, four units, which shall include one unit 8127
of algebra II or the equivalent of algebra II, or one unit of 8128
advanced computer science as described in the standards adopted 8129
pursuant to division (A) (4) of section 3301.079 of the Revised 8130
Code. However, students who enter ninth grade for the first time 8131
on or after July 1, 2015, and who are pursuing a career- 8132
technical instructional track shall not be required to take 8133
algebra II or advanced computer science, and instead may 8134
complete a career-based pathway mathematics course approved by 8135

the department of education and workforce as an alternative. 8136

For students who choose to take advanced computer science 8137
in lieu of algebra II under division (C)(3) of this section, the 8138
school shall communicate to those students that some 8139
institutions of higher education may require algebra II for the 8140
purpose of college admission. Also, the parent, guardian, or 8141
legal custodian of each student who chooses to take advanced 8142
computer science in lieu of algebra II shall sign and submit to 8143
the school a document containing a statement acknowledging that 8144
not taking algebra II may have an adverse effect on college 8145
admission decisions. 8146

A student may fulfill one unit of mathematics under 8147
division (C)(3) of this section by completing one-half unit of 8148
financial literacy instruction to satisfy the requirement 8149
prescribed under division (C)(9) of this section and one-half 8150
unit of a mathematics course. The one-half unit course in 8151
mathematics shall not be in algebra II, or its equivalent, or a 8152
course for which the department requires an end-of-course 8153
examination under section 3301.0712 of the Revised Code. 8154

Students who choose to take one unit of advanced computer 8155
science in lieu of algebra II, as described in division (C)(3) 8156
of this section, shall not be permitted to complete one-half 8157
unit of financial literacy instruction to satisfy the 8158
mathematics unit requirements of that division. Instead, those 8159
students shall be required to complete the one-half unit of 8160
financial literacy instruction under division (C)(8) of this 8161
section. 8162

(4) Physical education, one-half unit; 8163

(5) Science, three units with inquiry-based laboratory 8164

experience that engages students in asking valid scientific 8165
questions and gathering and analyzing information, which shall 8166
include the following, or their equivalent: 8167

(a) Physical sciences, one unit; 8168

(b) Life sciences, one unit; 8169

(c) Advanced study in one or more of the following 8170
sciences, one unit: 8171

(i) Chemistry, physics, or other physical science; 8172

(ii) Advanced biology or other life science; 8173

(iii) Astronomy, physical geology, or other earth or space 8174
science; 8175

(iv) Computer science. 8176

No student shall substitute a computer science course for 8177
a life sciences or biology course under division (C) (5) of this 8178
section. 8179

(6) History and government, one unit, which shall comply 8180
with division (M) of this section and shall include both of the 8181
following: 8182

(a) American history, one-half unit; 8183

(b) American government, one-half unit. 8184

(7) Social studies, two units. 8185

Beginning with students who enter ninth grade for the 8186
first time on or after July 1, 2017, the two units of 8187
instruction prescribed by division (C) (7) of this section shall 8188
include at least one-half unit of instruction in the study of 8189
world history and civilizations. 8190

(8) Five units consisting of one or any combination of 8191
foreign language, fine arts, business, career-technical 8192
education, family and consumer sciences, technology which may 8193
include computer science, agricultural education, a junior 8194
reserve officer training corps (JROTC) program approved by the 8195
congress of the United States under title 10 of the United 8196
States Code, or English language arts, mathematics, science, or 8197
social studies courses not otherwise required under division (C) 8198
of this section. 8199

One-half unit of instruction under division (C) (8) of this 8200
section may be instruction in financial literacy to satisfy the 8201
requirement under division (C) (9) of this section. 8202

(9) (a) Except as provided in division (C) (9) (b) of this 8203
section, for students who enter ninth grade for the first time 8204
on or after July 1, 2022, financial literacy, one-half unit. 8205
Each student shall elect to complete the one-half unit of 8206
instruction in financial literacy either in lieu of one-half 8207
unit of instruction in mathematics under division (C) (3) of this 8208
section or an elective under division (C) (8) of this section. A 8209
student may fulfill the financial literacy instruction 8210
requirement under division (C) (9) of this section through the 8211
successful completion of an advanced placement course in 8212
microeconomics or macroeconomics. 8213

(b) A student attending a nonpublic school accredited 8214
through the independent schools association of the central 8215
states or any other chartered nonpublic school shall not be 8216
required to complete the one-half unit of financial literacy 8217
instruction prescribed in division (C) (9) (a) of this section, 8218
unless that student is attending the school under a state 8219
scholarship program as defined in section 3301.0711 of the 8220

Revised Code. 8221

The study and instruction of financial literacy required 8222
under division (C) (9) of this section shall align with the 8223
academic content standards for financial literacy and 8224
entrepreneurship adopted under division (A) (2) of section 8225
3301.079 of the Revised Code. The instruction provided under an 8226
advanced placement course in microeconomics or macroeconomics 8227
shall be considered to be aligned with those academic content 8228
standards. In developing the curriculum for the study and 8229
instruction of financial literacy, schools may use available 8230
public-private partnerships and resources and materials that 8231
exist in business, industry, and through the centers for 8232
economics education at institutions of higher education. 8233

Ohioans must be prepared to apply increased knowledge and 8234
skills in the workplace and to adapt their knowledge and skills 8235
quickly to meet the rapidly changing conditions of the twenty- 8236
first century. National studies indicate that all high school 8237
graduates need the same academic foundation, regardless of the 8238
opportunities they pursue after graduation. The goal of Ohio's 8239
system of elementary and secondary education is to prepare all 8240
students for and seamlessly connect all students to success in 8241
life beyond high school graduation, regardless of whether the 8242
next step is entering the workforce, beginning an 8243
apprenticeship, engaging in post-secondary training, serving in 8244
the military, or pursuing a college degree. 8245

The requirements for graduation prescribed in division (C) 8246
of this section are the standard expectation for all students 8247
entering ninth grade for the first time at a public or chartered 8248
nonpublic high school on or after July 1, 2010. A student may 8249
satisfy this expectation through a variety of methods, 8250

including, but not limited to, integrated, applied, career- 8251
technical, and traditional coursework. 8252

Stronger coordination between high schools and 8253
institutions of higher education is necessary to prepare 8254
students for more challenging academic endeavors and to lessen 8255
the need for academic remediation in college, thereby reducing 8256
the costs of higher education for Ohio's students, families, and 8257
the state. The department and the chancellor of higher education 8258
shall develop policies to ensure that only in rare instances 8259
will students who complete the requirements for graduation 8260
prescribed in division (C) of this section require academic 8261
remediation after high school. 8262

School districts, community schools, and chartered 8263
nonpublic schools shall integrate technology into learning 8264
experiences across the curriculum in order to maximize 8265
efficiency, enhance learning, and prepare students for success 8266
in the technology-driven twenty-first century. Districts and 8267
schools shall use distance and web-based course delivery as a 8268
method of providing or augmenting all instruction required under 8269
this division, including laboratory experience in science. 8270
Districts and schools shall utilize technology access and 8271
electronic learning opportunities provided by the broadcast 8272
educational media commission, chancellor, the Ohio learning 8273
network, education technology centers, public television 8274
stations, and other public and private providers. 8275

(D) Except as provided in division (E) of this section, a 8276
student who enters ninth grade on or after July 1, 2010, and 8277
before July 1, 2016, may qualify for graduation from a public or 8278
chartered nonpublic high school even though the student has not 8279
completed the requirements for graduation prescribed in division 8280

(C) of this section if all of the following conditions are 8281
satisfied: 8282

(1) During the student's third year of attending high 8283
school, as determined by the school, the student and the 8284
student's parent, guardian, or custodian sign and file with the 8285
school a written statement asserting the parent's, guardian's, 8286
or custodian's consent to the student's graduating without 8287
completing the requirements for graduation prescribed in 8288
division (C) of this section and acknowledging that one 8289
consequence of not completing those requirements is 8290
ineligibility to enroll in most state universities in Ohio 8291
without further coursework. 8292

(2) The student and parent, guardian, or custodian fulfill 8293
any procedural requirements the school stipulates to ensure the 8294
student's and parent's, guardian's, or custodian's informed 8295
consent and to facilitate orderly filing of statements under 8296
division (D)(1) of this section. Annually, each district or 8297
school shall notify the department of the number of students who 8298
choose to qualify for graduation under division (D) of this 8299
section and the number of students who complete the student's 8300
success plan and graduate from high school. 8301

(3) The student and the student's parent, guardian, or 8302
custodian and a representative of the student's high school 8303
jointly develop a student success plan for the student in the 8304
manner described in division (C)(1) of section 3313.6020 of the 8305
Revised Code that specifies the student matriculating to a two- 8306
year degree program, acquiring a business and industry- 8307
recognized credential, or entering an apprenticeship. 8308

(4) The student's high school provides counseling and 8309
support for the student related to the plan developed under 8310

division (D) (3) of this section during the remainder of the 8311
student's high school experience. 8312

(5) (a) Except as provided in division (D) (5) (b) of this 8313
section, the student successfully completes, at a minimum, the 8314
curriculum prescribed in division (B) of this section. 8315

(b) Beginning with students who enter ninth grade for the 8316
first time on or after July 1, 2014, a student shall be required 8317
to complete successfully, at the minimum, the curriculum 8318
prescribed in division (B) of this section, except as follows: 8319

(i) Mathematics, four units, one unit which shall be one 8320
of the following: 8321

(I) Probability and statistics; 8322

(II) Computer science; 8323

(III) Applied mathematics or quantitative reasoning; 8324

(IV) Any other course approved by the department using 8325
standards established by the superintendent not later than 8326
October 1, 2014. 8327

(ii) Elective units, five units; 8328

(iii) Science, three units as prescribed by division (B) 8329
of this section which shall include inquiry-based laboratory 8330
experience that engages students in asking valid scientific 8331
questions and gathering and analyzing information. 8332

(E) Each school district and chartered nonpublic school 8333
retains the authority to require an even more challenging 8334
minimum curriculum for high school graduation than specified in 8335
division (B) or (C) of this section. A school district board of 8336
education, through the adoption of a resolution, or the 8337

governing authority of a chartered nonpublic school may 8338
stipulate any of the following: 8339

(1) A minimum high school curriculum that requires more 8340
than twenty units of academic credit to graduate; 8341

(2) An exception to the district's or school's minimum 8342
high school curriculum that is comparable to the exception 8343
provided in division (D) of this section but with additional 8344
requirements, which may include a requirement that the student 8345
successfully complete more than the minimum curriculum 8346
prescribed in division (B) of this section; 8347

(3) That no exception comparable to that provided in 8348
division (D) of this section is available. 8349

If a school district or chartered nonpublic school 8350
requires a foreign language as an additional graduation 8351
requirement under division (E) of this section, a student may 8352
apply one unit of instruction in computer coding to satisfy one 8353
unit of foreign language. If a student applies more than one 8354
computer coding course to satisfy the foreign language 8355
requirement, the courses shall be sequential and progressively 8356
more difficult. 8357

(F) A student enrolled in a dropout prevention and 8358
recovery program, which program has received a waiver from the 8359
department, may qualify for graduation from high school by 8360
successfully completing a competency-based instructional program 8361
administered by the dropout prevention and recovery program in 8362
lieu of completing the requirements for graduation prescribed in 8363
division (C) of this section. The department shall grant a 8364
waiver to a dropout prevention and recovery program, within 8365
sixty days after the program applies for the waiver, if the 8366

program meets all of the following conditions: 8367

(1) The program serves only students not younger than 8368
sixteen years of age and not older than twenty-one years of age. 8369

(2) The program enrolls students who, at the time of their 8370
initial enrollment, either, or both, are at least one grade 8371
level behind their cohort age groups or experience crises that 8372
significantly interfere with their academic progress such that 8373
they are prevented from continuing their traditional programs. 8374

(3) The program requires students to attain at least the 8375
applicable score designated for each of the assessments 8376
~~prescribed under division (B) (1) of section 3301.0710 of the~~ 8377
~~Revised Code~~ or, to the extent prescribed by rule of the 8378
department under division (D) (5) of section 3301.0712 of the 8379
Revised Code, under division (B) (2) of that section. 8380

(4) The program develops a student success plan for the 8381
student in the manner described in division (C) (1) of section 8382
3313.6020 of the Revised Code that specifies the student's 8383
matriculating to a two-year degree program, acquiring a business 8384
and industry-recognized credential, or entering an 8385
apprenticeship. 8386

(5) The program provides counseling and support for the 8387
student related to the plan developed under division (F) (4) of 8388
this section during the remainder of the student's high school 8389
experience. 8390

(6) The program requires the student and the student's 8391
parent, guardian, or custodian to sign and file, in accordance 8392
with procedural requirements stipulated by the program, a 8393
written statement asserting the parent's, guardian's, or 8394
custodian's consent to the student's graduating without 8395

completing the requirements for graduation prescribed in 8396
division (C) of this section and acknowledging that one 8397
consequence of not completing those requirements is 8398
ineligibility to enroll in most state universities in Ohio 8399
without further coursework. 8400

(7) Prior to receiving the waiver, the program has 8401
submitted to the department an instructional plan that 8402
demonstrates how the academic content standards adopted by the 8403
department under section 3301.079 of the Revised Code will be 8404
taught and assessed. 8405

(8) Prior to receiving the waiver, the program has 8406
submitted to the department a policy on career advising that 8407
satisfies the requirements of section 3313.6020 of the Revised 8408
Code, with an emphasis on how every student will receive career 8409
advising. 8410

(9) Prior to receiving the waiver, the program has 8411
submitted to the department a written agreement outlining the 8412
future cooperation between the program and any combination of 8413
local job training, postsecondary education, nonprofit, and 8414
health and social service organizations to provide services for 8415
students in the program and their families. 8416

Divisions (F) (8) and (9) of this section apply only to 8417
waivers granted on or after July 1, 2015. 8418

If the department does not act either to grant the waiver 8419
or to reject the program application for the waiver within sixty 8420
days as required under this section, the waiver shall be 8421
considered to be granted. 8422

(G) Every high school may permit students below the ninth 8423
grade to take advanced work. If a high school so permits, it 8424

shall award high school credit for successful completion of the 8425
advanced work and shall count such advanced work toward the 8426
graduation requirements of division (B) or (C) of this section 8427
if the advanced work was both: 8428

(1) Taught by a person who possesses a license or 8429
certificate issued under section 3301.071, 3319.22, or 3319.222 8430
of the Revised Code that is valid for teaching high school; 8431

(2) Designated by the board of education of the city, 8432
local, or exempted village school district, the board of the 8433
cooperative education school district, or the governing 8434
authority of the chartered nonpublic school as meeting the high 8435
school curriculum requirements. 8436

Each high school shall record on the student's high school 8437
transcript all high school credit awarded under division (G) of 8438
this section. In addition, if the student completed a seventh- 8439
or eighth-grade fine arts course described in division (K) of 8440
this section and the course qualified for high school credit 8441
under that division, the high school shall record that course on 8442
the student's high school transcript. 8443

(H) The department shall make its individual academic 8444
career plan available through its Ohio career information system 8445
web site for districts and schools to use as a tool for 8446
communicating with and providing guidance to students and 8447
families in selecting high school courses. 8448

(I) A school district or chartered nonpublic school may 8449
integrate academic content in a subject area for which the 8450
department has adopted standards under section 3301.079 of the 8451
Revised Code into a course in a different subject area, 8452
including a career-technical education course, in accordance 8453

with guidance for integrated coursework developed by the 8454
department. Upon successful completion of an integrated course, 8455
a student may receive credit for both subject areas that were 8456
integrated into the course. Units earned for subject area 8457
content delivered through integrated academic and career- 8458
technical instruction are eligible to meet the graduation 8459
requirements of division (B) or (C) of this section. 8460

For purposes of meeting graduation requirements, if an 8461
end-of-course examination has been prescribed under section 8462
3301.0712 of the Revised Code for the subject area delivered 8463
through integrated instruction, the school district or school 8464
may administer the related subject area examinations upon the 8465
student's completion of the integrated course. 8466

Nothing in division (I) of this section shall be construed 8467
to excuse any school district, chartered nonpublic school, or 8468
student from any requirement in the Revised Code related to 8469
curriculum, assessments, or the awarding of a high school 8470
diploma. 8471

(J) (1) The department, in consultation with the 8472
chancellor, shall adopt a statewide plan implementing methods 8473
for students to earn units of high school credit based on a 8474
demonstration of subject area competency, instead of or in 8475
combination with completing hours of classroom instruction. The 8476
plan shall include a standard method for recording demonstrated 8477
proficiency on high school transcripts. Each school district and 8478
community school shall comply with the department's plan adopted 8479
under this division and award units of high school credit in 8480
accordance with the plan. The department may adopt existing 8481
methods for earning high school credit based on a demonstration 8482
of subject area competency as necessary prior to the 2009-2010 8483

school year. 8484

(2) The department shall update the statewide plan adopted 8485
pursuant to division (J)(1) of this section to also include 8486
methods for students enrolled in seventh and eighth grade to 8487
meet curriculum requirements based on a demonstration of subject 8488
area competency, instead of or in combination with completing 8489
hours of classroom instruction. Beginning with the 2017-2018 8490
school year, each school district and community school also 8491
shall comply with the updated plan adopted pursuant to this 8492
division and permit students enrolled in seventh and eighth 8493
grade to meet curriculum requirements based on subject area 8494
competency in accordance with the plan. 8495

(3) The department shall develop a framework for school 8496
districts and community schools to use in granting units of high 8497
school credit to students who demonstrate subject area 8498
competency through work-based learning experiences, internships, 8499
or cooperative education. Beginning with the 2018-2019 school 8500
year, each district and community school shall comply with the 8501
framework. Each district and community school also shall review 8502
any policy it has adopted regarding the demonstration of subject 8503
area competency to identify ways to incorporate work-based 8504
learning experiences, internships, and cooperative education 8505
into the policy in order to increase student engagement and 8506
opportunities to earn units of high school credit. 8507

(K) This division does not apply to students who qualify 8508
for graduation from high school under division (D) or (F) of 8509
this section, or to students pursuing a career-technical 8510
instructional track as determined by the school district board 8511
of education or the chartered nonpublic school's governing 8512
authority. Nevertheless, the general assembly encourages such 8513

students to consider enrolling in a fine arts course as an 8514
elective. 8515

Beginning with students who enter ninth grade for the 8516
first time on or after July 1, 2010, each student enrolled in a 8517
public or chartered nonpublic high school shall complete two 8518
semesters or the equivalent of fine arts to graduate from high 8519
school. The coursework may be completed in any of grades seven 8520
to twelve. Each student who completes a fine arts course in 8521
grade seven or eight may elect to count that course toward the 8522
five units of electives required for graduation under division 8523
(C) (8) of this section, if the course satisfied the requirements 8524
of division (G) of this section. In that case, the high school 8525
shall award the student high school credit for the course and 8526
count the course toward the five units required under division 8527
(C) (8) of this section. If the course in grade seven or eight 8528
did not satisfy the requirements of division (G) of this 8529
section, the high school shall not award the student high school 8530
credit for the course but shall count the course toward the two 8531
semesters or the equivalent of fine arts required by this 8532
division. 8533

(L) Notwithstanding anything to the contrary in this 8534
section, the board of education of each school district and the 8535
governing authority of each chartered nonpublic school may adopt 8536
a policy to excuse from the high school physical education 8537
requirement each student who, during high school, has 8538
participated in interscholastic athletics, marching band, show 8539
choir, or cheerleading for at least two full seasons or in the 8540
junior reserve officer training corps for at least two full 8541
school years. If the board or authority adopts such a policy, 8542
the board or authority shall not require the student to complete 8543
any physical education course as a condition to graduate. 8544

However, the student shall be required to complete one-half 8545
unit, consisting of at least sixty hours of instruction, in 8546
another course of study. In the case of a student who has 8547
participated in the junior reserve officer training corps for at 8548
least two full school years, credit received for that 8549
participation may be used to satisfy the requirement to complete 8550
one-half unit in another course of study. 8551

(M) It is important that high school students learn and 8552
understand United States history and the governments of both the 8553
United States and the state of Ohio. Therefore, beginning with 8554
students who enter ninth grade for the first time on or after 8555
July 1, 2012, the study of American history and American 8556
government required by divisions (B) (6) and (C) (6) of this 8557
section shall include the study of all of the following 8558
documents: 8559

(1) The Declaration of Independence; 8560

(2) The Northwest Ordinance; 8561

(3) The Constitution of the United States with emphasis on 8562
the Bill of Rights; 8563

(4) The Ohio Constitution. 8564

The study of each of the documents prescribed in divisions 8565
(M) (1) to (4) of this section shall include study of that 8566
document in its original context. 8567

The study of American history and government required by 8568
divisions (B) (6) and (C) (6) of this section shall include the 8569
historical evidence of the role of documents such as the 8570
Federalist Papers and the Anti-Federalist Papers to firmly 8571
establish the historical background leading to the establishment 8572
of the provisions of the Constitution and Bill of Rights. 8573

(N) A student may apply one unit of instruction in 8574
computer science to satisfy one unit of mathematics or one unit 8575
of science under division (C) of this section as the student 8576
chooses, regardless of the field of certification of the teacher 8577
who teaches the course, so long as that teacher meets the 8578
licensure requirements prescribed by section 3319.236 of the 8579
Revised Code and, prior to teaching the course, completes a 8580
professional development program determined to be appropriate by 8581
the district board. 8582

If a student applies more than one computer science course 8583
to satisfy curriculum requirements under that division, the 8584
courses shall be sequential and progressively more difficult or 8585
cover different subject areas within computer science. 8586

(O) Notwithstanding anything to the contrary in this 8587
section, the board of education of each school district and the 8588
governing authority of each chartered nonpublic school may adopt 8589
a policy to excuse from the financial literacy instruction 8590
requirement under division (C) (9) of this section each student 8591
who, during high school, participates in a financial literacy 8592
program offered through a student branch, as defined in section 8593
1733.04 of the Revised Code, or by a bank, as defined in section 8594
1101.01 of the Revised Code. The policy shall require the 8595
financial literacy program to meet or exceed the academic 8596
content standards and model curriculum for financial literacy 8597
and entrepreneurship instruction adopted under section 3301.079 8598
of the Revised Code. The policy shall require a student to 8599
participate in the program for the equivalent of at least one- 8600
half unit of instruction to qualify for an exemption under this 8601
division. 8602

Not later than July 1, 2026, the department shall develop 8603

and post on its web site a model policy and guidelines for 8604
districts and schools to use in developing a policy under this 8605
division. 8606

Sec. 3313.6026. (A) As used in this section, "school 8607
governing authority" means any of the following: 8608

(1) The governing authority of a community school 8609
established under Chapter 3314. of the Revised Code; 8610

(2) The governing body of a STEM school established under 8611
Chapter 3326. of the Revised Code; 8612

~~(3) The board of trustees of a college-preparatory 8613
boarding school established under Chapter 3328. of the Revised 8614
Code;— 8615~~

~~(4) The governing authority of a chartered nonpublic 8616
school. 8617~~

(B) Each school district board of education and each 8618
school governing authority that operates a high school shall 8619
enter into a data sharing agreement with the chancellor of 8620
higher education for the purposes of operating the free 8621
application for federal student aid data system established 8622
under section 3333.301 of the Revised Code. Each school district 8623
or school shall provide principals and school counselors with 8624
access to the data system to assist with efforts to support and 8625
encourage students to complete the free application for federal 8626
student aid form. 8627

Sec. 3313.6028. (A) (1) As used in Title XXXIII of the 8628
Revised Code, "science of reading" means an interdisciplinary 8629
body of scientific evidence that: 8630

(a) Informs how students learn to read and write 8631

proficiently; 8632

(b) Explains why some students have difficulty with 8633
reading and writing; 8634

(c) Indicates that all students benefit from explicit and 8635
systematic instruction in phonemic awareness, phonics, 8636
vocabulary, fluency, comprehension, and writing to become 8637
effective readers; 8638

(d) Does not rely on any model of teaching students to 8639
read based on meaning, structure and syntax, and visual cues, 8640
including a three-cueing approach. 8641

(2) As used in this section, "three-cueing approach" means 8642
any model of teaching students to read based on meaning, 8643
structure and syntax, and visual cues. 8644

(B) The department of education and workforce shall 8645
establish a list of high-quality core curriculum and 8646
instructional materials in English language arts, and a list of 8647
evidence-based reading intervention programs, that are aligned 8648
with the science of reading and strategies for effective 8649
literacy instruction. 8650

(C) Beginning not later than the 2024-2025 school year, 8651
each school district, community school established under Chapter 8652
3314. of the Revised Code, and STEM school established under 8653
Chapter 3326. of the Revised Code, shall use core curriculum and 8654
instructional materials in English language arts in each of 8655
grades pre-kindergarten to five and evidence-based reading 8656
intervention programs in each of grades pre-kindergarten to 8657
twelve only from the lists established under division (B) of 8658
this section. Except as provided in division (D) of this 8659
section, no district or school shall use any core curriculum, 8660

instructional materials, or intervention program in grades pre- 8661
kindergarten to five that use the three-cueing approach to teach 8662
students to read. 8663

(D) A district or school may apply to the department for a 8664
waiver on an individual student basis to use curriculum, 8665
instructional materials, or an intervention program in grades 8666
pre-kindergarten through five that uses the three-cueing 8667
approach to teach students to read, except as follows: 8668

(1) No student for whom a reading improvement and 8669
monitoring plan has been developed under division (C) of section 8670
3313.608 of the Revised Code shall be eligible for a waiver. 8671

(2) If a student has an individualized education program 8672
that explicitly indicates the three-cueing approach is 8673
appropriate for the student's learning needs, the student shall 8674
not be required to have a waiver. 8675

In determining whether to approve a waiver requested under 8676
this section, the department shall consider the performance of 8677
the student's district or school on the state report card issued 8678
under section 3302.03 of the Revised Code, including on the 8679
early literacy component prescribed under ~~division (D) (3) (c) of~~ 8680
that section. 8681

(E) (1) The department shall identify vendors that provide 8682
professional development to educators, including pre-service 8683
teachers and faculty employed by educator preparation programs, 8684
on the use of high-quality core curriculum and instructional 8685
materials and reading intervention programs on the lists 8686
established under division (B) of this section. 8687

(2) A professional development committee established under 8688
section 3319.22 of the Revised Code shall qualify any completed 8689

professional development coursework provided by a vendor 8690
described in division (E) (1) of this section to count towards 8691
professional development coursework requirements for teacher 8692
licensure renewal. 8693

(3) A professional development committee shall permit a 8694
teacher to apply any hours earned over the minimum amount of 8695
hours required for professional development coursework for 8696
teacher licensure renewal under division (E) (2) of this section 8697
to the next renewal period for that license. 8698

Sec. 3313.61. (A) A diploma shall be granted by the board 8699
of education of any city, exempted village, or local school 8700
district that operates a high school to any person to whom all 8701
of the following apply: 8702

(1) The person has successfully completed the curriculum 8703
in any high school or the individualized education program 8704
developed for the person by any high school pursuant to section 8705
3323.08 of the Revised Code, or has qualified under division (D) 8706
or (F) of section 3313.603 of the Revised Code, provided that no 8707
school district shall require a student to remain in school for 8708
any specific number of semesters or other terms if the student 8709
completes the required curriculum early; 8710

(2) Subject to section 3313.614 of the Revised Code, the 8711
person has met the assessment ~~requirements of division (A) (2) (a)~~ 8712
~~or (b) of this section, as applicable.~~ 8713

~~(a) If the person entered the ninth grade prior to July 1,~~ 8714
~~2014, the person either:~~ 8715

~~(i) Has attained at least the applicable scores designated~~ 8716
~~under division (B) (1) of section 3301.0710 of the Revised Code~~ 8717
~~on all the assessments required by that division unless the~~ 8718

~~person was excused from taking any such assessment pursuant to~~ 8719
~~section 3313.532 of the Revised Code or unless division (H) or~~ 8720
~~(L) of this section applies to the person;~~ 8721

~~(ii) Has satisfied the alternative conditions prescribed~~ 8722
~~in section 3313.615 of the Revised Code.~~ 8723

~~(b) If the person entered the ninth grade on or after July~~ 8724
~~1, 2014, the person has met the requirement prescribed by~~ 8725
section 3313.618 of the Revised Code, except to the extent that 8726
the person is excused from an assessment prescribed by that 8727
section pursuant to section 3313.532 of the Revised Code or 8728
division ~~(H)~~(G) or ~~(I)~~(K) of this section. 8729

(3) The person is not eligible to receive an honors 8730
diploma granted pursuant to division (B) of this section. 8731

Except as provided in divisions ~~(C)~~, ~~(E)~~(D), ~~(J)~~(I), and 8732
~~(I)~~(K) of this section, no diploma shall be granted under this 8733
division to anyone except as provided under this division. 8734

(B) In lieu of a diploma granted under division (A) of 8735
this section, an honors diploma shall be granted, in accordance 8736
with rules of the department of education and workforce, by any 8737
such district board to anyone who accomplishes all of the 8738
following: 8739

(1) Successfully completes the curriculum in any high 8740
school or the individualized education program developed for the 8741
person by any high school pursuant to section 3323.08 of the 8742
Revised Code; 8743

(2) Subject to section 3313.614 of the Revised Code, has 8744
met the assessment ~~requirements of division (B) (2) (a) or (b) of~~ 8745
~~this section, as applicable.~~ 8746

~~(a) If the person entered the ninth grade prior to July 1, 2014, the person either:—~~ 8747
8748

~~(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division;—~~ 8749
8750
8751

~~(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.—~~ 8752
8753

~~(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed under section 3313.618 of the Revised Code.~~ 8754
8755
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(3) Has met additional criteria established by the department for the granting of such a diploma. 8757
8758

An honors diploma shall not be granted to a student who is subject to the requirements prescribed in division (C) of section 3313.603 of the Revised Code but elects the option of division (D) or (F) of that section. Except as provided in divisions ~~(C), (E), (D)~~ and ~~(J)~~ (I) of this section, no honors diploma shall be granted to anyone failing to comply with this division and no more than one honors diploma shall be granted to any student under this division. 8759
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The department shall adopt rules prescribing the granting of honors diplomas under this division. These rules may prescribe the granting of honors diplomas that recognize a student's achievement as a whole or that recognize a student's achievement in one or more specific subjects or both. The rules may prescribe the granting of an honors diploma recognizing technical expertise for a career-technical student. In any case, the rules shall designate two or more criteria for the granting of each type of honors diploma the board establishes under this 8767
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division and the number of such criteria that must be met for 8776
the granting of that type of diploma. The number of such 8777
criteria for any type of honors diploma shall be at least one 8778
less than the total number of criteria designated for that type 8779
and no one or more particular criteria shall be required of all 8780
persons who are to be granted that type of diploma. 8781

~~(C) Any district board administering any of the 8782
assessments required by section 3301.0710 of the Revised Code to 8783
any person requesting to take such assessment pursuant to 8784
division (B) (8) (b) of section 3301.0711 of the Revised Code 8785
shall award a diploma to such person if the person attains at 8786
least the applicable scores designated under division (B) (1) of 8787
section 3301.0710 of the Revised Code on all the assessments 8788
administered and if the person has previously attained the 8789
applicable scores on all the other assessments required by 8790
division (B) (1) of that section or has been exempted or excused 8791
from attaining the applicable score on any such assessment 8792
pursuant to division (H) or (L) of this section or from taking 8793
any such assessment pursuant to section 3313.532 of the Revised 8794
Code.— 8795~~

~~(D)~~ Each diploma awarded under this section shall be 8796
signed by the president and treasurer of the issuing board, the 8797
superintendent of schools, and the principal of the high school. 8798
Each diploma shall bear the date of its issue, be in such form 8799
as the district board prescribes, and be paid for out of the 8800
district's general fund. 8801

~~(E)~~ (D) A person who is a resident of Ohio and is eligible 8802
under the minimum standards of the director of education and 8803
workforce to receive a high school diploma based in whole or in 8804
part on credits earned while an inmate of a correctional 8805

institution operated by the state or any political subdivision 8806
thereof, shall be granted such diploma by the correctional 8807
institution operating the programs in which such credits were 8808
earned, and by the board of education of the school district in 8809
which the inmate resided immediately prior to the inmate's 8810
placement in the institution. The diploma granted by the 8811
correctional institution shall be signed by the director of the 8812
institution, and by the person serving as principal of the 8813
institution's high school and shall bear the date of issue. 8814

~~(F)~~ (E) Persons who are not residents of Ohio but who are 8815
inmates of correctional institutions operated by the state or 8816
any political subdivision thereof, and who are eligible under 8817
the minimum standards of the director to receive a high school 8818
diploma based in whole or in part on credits earned while an 8819
inmate of the correctional institution, shall be granted a 8820
diploma by the correctional institution offering the program in 8821
which the credits were earned. The diploma granted by the 8822
correctional institution shall be signed by the director of the 8823
institution and by the person serving as principal of the 8824
institution's high school and shall bear the date of issue. 8825

~~(G)~~ (F) The department shall provide by rule for the 8826
administration of the assessments required by sections 3301.0710 8827
and 3301.0712 of the Revised Code to inmates of correctional 8828
institutions. 8829

~~(H)~~ (G) Any person to whom all of the following apply 8830
shall be exempted from attaining the applicable score on ~~the~~ 8831
~~assessment in social studies designated under division (B)(1) of~~ 8832
~~section 3301.0710 of the Revised Code,~~ any American history end- 8833
of-course examination and any American government end-of-course 8834
examination required under division (B) of section 3301.0712 of 8835

the Revised Code if such an exemption is prescribed by rule of 8836
the department under division (D) (3) of section 3301.0712 of the 8837
Revised Code, ~~or the test in citizenship designated under former~~ 8838
~~division (B) of section 3301.0710 of the Revised Code as it~~ 8839
~~existed prior to September 11, 2001:~~ 8840

(1) The person is not a citizen of the United States; 8841

(2) The person is not a permanent resident of the United 8842
States; 8843

(3) The person indicates no intention to reside in the 8844
United States after the completion of high school. 8845

~~(I)~~ (H) Notwithstanding division (D) of section 3311.19 and 8846
division (D) of section 3311.52 of the Revised Code, this 8847
section and section 3313.611 of the Revised Code do not apply to 8848
the board of education of any joint vocational school district 8849
or any cooperative education school district established 8850
pursuant to divisions (A) to (C) of section 3311.52 of the 8851
Revised Code. 8852

~~(J)~~ (I) Upon receipt of a notice under division (D) of 8853
section 3325.08 ~~or division (D) of section 3328.25~~ of the 8854
Revised Code that a student has received a diploma under ~~either~~ 8855
that section, the board of education receiving the notice may 8856
grant a high school diploma under this section to the student, 8857
except that such board shall grant the student a diploma if the 8858
student meets the graduation requirements that the student would 8859
otherwise have had to meet to receive a diploma from the 8860
district. The diploma granted under this section shall be of the 8861
same type the notice indicates the student received under 8862
section 3325.08 ~~or 3328.25~~ of the Revised Code. 8863

~~(K)~~ (J) As used in this division, "English learner" has the 8864

same meaning as in section 3301.0731 of the Revised Code. 8865

Notwithstanding division (C) (3) of section 3301.0711 of 8866
the Revised Code, no English learner who has not ~~either attained~~ 8867
~~the applicable scores designated under division (B) (1) of~~ 8868
~~section 3301.0710 of the Revised Code on all the assessments~~ 8869
~~required by that division, or~~ met the requirement prescribed by 8870
section 3313.618 of the Revised Code, shall be awarded a diploma 8871
under this section. 8872

~~(L) (1)~~ (K) (1) Any student described by division (A) (1) of 8873
this section who is subject to divisions (A) (1) to (3) of 8874
section 3313.618 of the Revised Code may be awarded a diploma 8875
without meeting the requirements prescribed by those divisions 8876
provided an individualized education program specifically 8877
exempts the student from meeting such requirement. This division 8878
does not negate the requirement for a student to take the 8879
assessments prescribed by section 3301.0710 or under division 8880
(B) of section 3301.0712 of the Revised Code, or alternate 8881
assessments required by division (C) (1) of section 3301.0711 of 8882
the Revised Code, for the purpose of assessing student progress 8883
as required by federal law. 8884

(2) Any student described by division (A) (1) of this 8885
section who is subject to division (B) of section 3313.618 of 8886
the Revised Code may be awarded a diploma without meeting the 8887
requirement prescribed by division (B) (1) of that section 8888
provided the student's individualized education program 8889
specifically exempts the student from meeting that requirement 8890
and either division ~~(L) (2) (a)~~ (K) (2) (a) or (b) of this section 8891
applies to the student, as follows: 8892

(a) (i) The student took an alternate assessment in 8893
mathematics and English language arts administered to the 8894

student in accordance with division (C) (1) of section 3301.0711 8895
of the Revised Code and failed to attain a score established by 8896
the department on one or both assessments. 8897

(ii) The school district offered remedial support to the 8898
student in each subject area in which the student did not attain 8899
the established score and the student received that support. 8900

(iii) The student retook each alternate assessment in 8901
which the student did not attain the established score and the 8902
student did not attain the established score on the retake 8903
assessment. 8904

(b) (i) The student took the Algebra I and English language 8905
arts II end-of-course examinations and failed to attain the 8906
competency score as determined under division ~~(B) (10)~~ (B) (9) of 8907
section 3301.0712 of the Revised Code on one or both 8908
examinations. 8909

(ii) The school district offered remedial support to the 8910
student in each subject area in which the student did not attain 8911
the competency score and the student received that support. 8912

(iii) The student retook each examination in which the 8913
student did not attain the competency score and the student did 8914
not attain the competency score on the retake examination. 8915

Sec. 3313.611. (A) The department of education and 8916
workforce shall adopt, by rule, standards for awarding high 8917
school credit equivalent to credit for completion of high school 8918
academic and vocational education courses to applicants for 8919
diplomas under this section. The standards may permit high 8920
school credit to be granted to an applicant for any of the 8921
following: 8922

(1) Work experiences or experiences as a volunteer; 8923

(2) Completion of academic, vocational, or self- 8924
improvement courses offered to persons over the age of twenty- 8925
one by a chartered public or nonpublic school; 8926

(3) Completion of academic, vocational, or self- 8927
improvement courses offered by an organization, individual, or 8928
educational institution other than a chartered public or 8929
nonpublic school; 8930

(4) Other life experiences considered by the board to 8931
provide knowledge and learning experiences comparable to that 8932
gained in a classroom setting. 8933

(B) The board of education of any city, exempted village, 8934
or local school district that operates a high school shall grant 8935
a diploma of adult education to any applicant if all of the 8936
following apply: 8937

(1) The applicant is a resident of the district; 8938

(2) The applicant is over the age of twenty-one and has 8939
not been issued a diploma as provided in section 3313.61 of the 8940
Revised Code; 8941

(3) Subject to section 3313.614 of the Revised Code, the 8942
applicant has met the assessment ~~requirements of division (B) (3)~~ 8943
~~(a) or (b) of this section, as applicable.~~ 8944

~~(a) Prior to July 1, 2014, the applicant either:~~ 8945

~~(i) Has attained the applicable scores designated under 8946
division (B) (1) of section 3301.0710 of the Revised Code on all 8947
of the assessments required by that division or was excused or 8948
exempted from any such assessment pursuant to section 3313.532- 8949
or was exempted from attaining the applicable score on any such 8950
assessment pursuant to division (H) or (L) of section 3313.61 of 8951~~

~~the Revised Code;~~ 8952

~~(ii) Has satisfied the alternative conditions prescribed~~ 8953
~~in section 3313.615 of the Revised Code.~~ 8954

~~(b) On or after July 1, 2014, has met the requirement~~ 8955
prescribed by section 3313.618 of the Revised Code, except and 8956
only to the extent that the applicant is excused from some 8957
portion of that section pursuant to section 3313.532 of the 8958
Revised Code or division ~~(H)~~ (G) or ~~(L)~~ (K) of section 3313.61 of 8959
the Revised Code. 8960

(4) The district board determines, in accordance with the 8961
standards adopted under division (A) of this section, that the 8962
applicant has attained sufficient high school credits, including 8963
equivalent credits awarded under such standards, to qualify as 8964
having successfully completed the curriculum required by the 8965
district for graduation. 8966

(C) If a district board determines that an applicant is 8967
not eligible for a diploma under division (B) of this section, 8968
it shall inform the applicant of the reason the applicant is 8969
ineligible and shall provide a list of any courses required for 8970
the diploma for which the applicant has not received credit. An 8971
applicant may reapply for a diploma under this section at any 8972
time. 8973

(D) If a district board awards an adult education diploma 8974
under this section, the president and treasurer of the board and 8975
the superintendent of schools shall sign it. Each diploma shall 8976
bear the date of its issuance, be in such form as the district 8977
board prescribes, and be paid for from the district's general 8978
fund, except that the department may by rule prescribe standard 8979
language to be included on each diploma. 8980

(E) As used in this division, "English learner" has the 8981
same meaning as in section 3301.0731 of the Revised Code. 8982

Notwithstanding division (C) (3) of section 3301.0711 of 8983
the Revised Code, no English learner who ~~has not either attained~~ 8984
~~the applicable scores designated under division (B) (1) of~~ 8985
~~section 3301.0710 of the Revised Code on all the assessments~~ 8986
~~required by that division, or~~ has not met the requirement 8987
prescribed by section 3313.618 of the Revised Code, shall be 8988
awarded a diploma under this section. 8989

Sec. 3313.612. (A) No nonpublic school chartered by the 8990
director of education and workforce shall grant a high school 8991
diploma to any person unless, subject to section 3313.614 of the 8992
Revised Code, the person has met the assessment ~~requirements of~~ 8993
~~division (A) (1) or (2) of this section, as applicable.~~ 8994

~~(1) If the person entered the ninth grade prior to July 1,~~ 8995
~~2014, the person has attained at least the applicable scores~~ 8996
~~designated under division (B) (1) of section 3301.0710 of the~~ 8997
~~Revised Code on all the assessments required by that division,~~ 8998
~~or has satisfied the alternative conditions prescribed in~~ 8999
~~section 3313.615 of the Revised Code.~~ 9000

~~(2) If the person entered the ninth grade on or after July~~ 9001
~~1, 2014, the person has met the requirement prescribed by~~ 9002
section 3313.618 or 3313.619 of the Revised Code. 9003

(B) This section does not apply to any of the following: 9004

(1) Any person with regard to any assessment from which 9005
the person was excused pursuant to division (C) (1) (c) of section 9006
3301.0711 of the Revised Code; 9007

(2) Except as provided in division (B) (4) of this section, 9008
any person who attends a nonpublic school accredited through the 9009

independent schools association of the central states, except 9010
for a student attending the school under a state scholarship 9011
program as defined in section 3301.0711 of the Revised Code; 9012

(3) Any person with regard to ~~the social studies~~ 9013
~~assessment under division (B) (1) of section 3301.0710 of the~~ 9014
~~Revised Code,~~ any American history end-of-course examination and 9015
any American government end-of-course examination required under 9016
division (B) of section 3301.0712 of the Revised Code if such an 9017
exemption is prescribed by rule of the department of education 9018
and workforce under division (D) (3) of section 3301.0712 of the 9019
Revised Code, ~~or the citizenship test under former division (B)~~ 9020
~~of section 3301.0710 of the Revised Code as it existed prior to~~ 9021
~~September 11, 2001,~~ if all of the following apply: 9022

(a) The person is not a citizen of the United States; 9023

(b) The person is not a permanent resident of the United 9024
States; 9025

(c) The person indicates no intention to reside in the 9026
United States after completion of high school. 9027

(4) Any person who attends a chartered nonpublic school 9028
that satisfies the requirements of division (L) (4) of section 9029
3301.0711 of the Revised Code. In the case of such a student, 9030
the student's chartered nonpublic school shall determine the 9031
student's eligibility for graduation based on the standards of 9032
the school's accrediting body. 9033

(C) As used in this division, "English learner" has the 9034
same meaning as in section 3301.0731 of the Revised Code. 9035

Notwithstanding division (C) (3) of section 3301.0711 of 9036
the Revised Code, no English learner who has not ~~either attained~~ 9037
~~the applicable scores designated under division (B) (1) of~~ 9038

~~section 3301.0710 of the Revised Code on all the assessments~~ 9039
~~required by that division, or~~ met the requirement prescribed by 9040
section 3313.618 or 3313.619 of the Revised Code, shall be 9041
awarded a diploma under this section. 9042

(D) The department shall not impose additional 9043
requirements or assessments for the granting of a high school 9044
diploma under this section that are not prescribed by this 9045
section. 9046

(E) The department shall furnish the assessment 9047
administered by a nonpublic school pursuant to division (B)(1) 9048
of section 3301.0712 of the Revised Code. 9049

Sec. 3313.614. (A) As used in this section, a person 9050
"fulfills the curriculum requirement for a diploma" at the time 9051
one of the following conditions is satisfied: 9052

(1) The person successfully completes the high school 9053
curriculum of a school district, a community school, a chartered 9054
nonpublic school, or a correctional institution. 9055

(2) The person successfully completes the individualized 9056
education program developed for the person under section 3323.08 9057
of the Revised Code. 9058

(3) A board of education issues its determination under 9059
section 3313.611 of the Revised Code that the person qualifies 9060
as having successfully completed the curriculum required by the 9061
district. 9062

(B) This division specifies the assessment requirements 9063
that must be fulfilled as a condition toward granting high 9064
school diplomas under sections 3313.61, 3313.611, 3313.612, and 9065
3325.08 of the Revised Code. 9066

~~(1) A person who fulfills the curriculum requirement for a diploma before September 15, 2000, is not required to pass any proficiency test or achievement test in science as a condition to receiving a diploma.~~

~~(2) A person who began ninth grade for the first time prior to July 1, 2003, is not required to pass the Ohio graduation test prescribed under division (B) (1) of section 3301.0710 or any assessment prescribed under division (B) (2) of that section in any subject as a condition to receiving a diploma once the person has passed the ninth grade proficiency test in the same subject, so long as the person passed the ninth grade proficiency test prior to September 15, 2008. However, any such person who passes the Ohio graduation test in any subject prior to passing the ninth grade proficiency test in the same subject shall be deemed to have passed the ninth grade proficiency test in that subject as a condition to receiving a diploma. For this purpose, the ninth grade proficiency test in citizenship substitutes for the Ohio graduation test in social studies. If a person began ninth grade prior to July 1, 2003, but does not pass a ninth grade proficiency test or the Ohio graduation test in a particular subject before September 15, 2008, and passage of a test in that subject is a condition for the person to receive a diploma, the person must pass the Ohio graduation test instead of the ninth grade proficiency test in that subject to receive a diploma.~~

~~(3) (a) Except as provided in division (B) (3) (b) of this section, a person who begins ninth grade for the first time on or after July 1, 2003, in a school district, community school, or chartered nonpublic school is not eligible to receive a diploma based on passage of ninth grade proficiency tests. Each such person who begins ninth grade prior to July 1, 2014, must~~

~~pass Ohio graduation tests to meet the assessment requirements applicable to that person as a condition to receiving a diploma or satisfy one of the conditions prescribed in division (B) (3) (b) of this section.~~ 9098
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~~(b) A person who began ninth grade for the first time prior to July 1, 2014, shall be eligible to receive a diploma if the person meets the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code.~~ 9102
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~~(c) A person who began ninth grade for the first time prior to July 1, 2014, and who has not attained at least the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments required by that division shall be eligible to receive a diploma if the person meets the requirement prescribed by rule of the department of education and workforce as prescribed under division (B) (3) (d) of this section.~~ 9106
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~~(d) The department shall adopt rules prescribing the manner in which a person who began ninth grade for the first time prior to July 1, 2014, may be eligible for a high school diploma by combining the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code and the requirement to attain at least the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on the assessments required by that division. The rules shall ensure that the combined requirements require a demonstration of mastery that is equivalent or greater to the expectations of the assessments prescribed by division (B) (1) of section 3301.0710 of the Revised Code. The rules shall include the following:~~ 9114
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~~(i) The date by which a person who began ninth grade for the first time prior to July 1, 2014, may be eligible for a high~~ 9126
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school diploma under division (B) (3) (c) of this section;	9128
(ii) Methods of replacing individual assessments	9129
prescribed by division (B) (1) of section 3301.0710 of the	9130
Revised Code;	9131
(iii) Methods of integrating the pathways prescribed by	9132
division (A) of section 3313.618 or section 3313.619 of the	9133
Revised Code.	9134
(4) Except as provided in division (B) (3) (b) of this	9135
section, a <u>A</u> person who begins ninth grade on or after July 1,	9136
2014, is not eligible to receive a diploma based on passage of	9137
the Ohio graduation tests. Each such person must meet the	9138
requirement prescribed by section 3313.618 or 3313.619 of the	9139
Revised Code.	9140
(C) This division specifies the curriculum requirement	9141
that shall be completed as a condition toward granting high	9142
school diplomas under sections 3313.61, 3313.611, 3313.612, and	9143
3325.08 of the Revised Code.	9144
(1) A person who is under twenty-two years of age when the	9145
person fulfills the curriculum requirement for a diploma shall	9146
complete the curriculum required by the school district or	9147
school issuing the diploma for the first year that the person	9148
originally enrolled in high school, except for a person who	9149
qualifies for graduation from high school under either division	9150
(D) or (F) of section 3313.603 of the Revised Code.	9151
(2) Once a person fulfills the curriculum requirement for	9152
a diploma, the person is never required, as a condition of	9153
receiving a diploma, to meet any different curriculum	9154
requirements that take effect pending the person's passage of	9155
proficiency tests or achievement tests or assessments, including	9156

changes mandated by section 3313.603 of the Revised Code, the 9157
department, a school district board of education, or a governing 9158
authority of a community school or chartered nonpublic school. 9159

Sec. 3313.618. (A) In addition to the curriculum 9160
requirements specified by the board of education of a school 9161
district or governing authority of a chartered nonpublic school, 9162
each student entering ninth grade for the first time on or after 9163
July 1, 2014, but prior to July 1, 2019, shall satisfy at least 9164
one of the following conditions or the conditions prescribed 9165
under division (B) of this section in order to qualify for a 9166
high school diploma: 9167

(1) Be remediation-free, in accordance with standards 9168
adopted under division (F) of section 3345.061 of the Revised 9169
Code, on each of the nationally standardized assessments in 9170
English, mathematics, and reading; 9171

(2) Attain a score specified under division (B) (5) (c) of 9172
section 3301.0712 of the Revised Code on the end-of-course 9173
examinations prescribed under division (B) of section 3301.0712 9174
of the Revised Code. 9175

(3) Attain a score that demonstrates workforce readiness 9176
and employability on a nationally recognized job skills 9177
assessment selected by the department of education and workforce 9178
under division (F) of section 3301.0712 of the Revised Code and 9179
obtain either an industry-recognized credential or a license 9180
issued by a state agency or board for practice in a vocation 9181
that requires an examination for issuance of that license. 9182

For the purposes of this division, the industry-recognized 9183
credentials and licenses shall be as approved under section 9184
3313.6113 of the Revised Code. 9185

A student may choose to qualify for a high school diploma 9186
by satisfying any of the separate requirements prescribed by 9187
divisions (A) (1) to (3) of this section. If the student's school 9188
district or school does not administer the examination 9189
prescribed by one of those divisions that the student chooses to 9190
take to satisfy the requirements of this section, the school 9191
district or school may require that student to arrange for the 9192
applicable scores to be sent directly to the district or school 9193
by the company or organization that administers the examination. 9194

(B) In addition to the curriculum requirements specified 9195
by the district board or school governing authority, each 9196
student entering ninth grade for the first time on or after July 9197
1, 2019, shall satisfy the following conditions in order to 9198
qualify for a high school diploma: 9199

(1) Attain a competency score as determined under division 9200
~~(B) (10)~~ (B) (9) of section 3301.0712 of the Revised Code on each 9201
of the Algebra I and English language arts II end-of-course 9202
examinations prescribed under division (B) (2) of section 9203
3301.0712 of the Revised Code. 9204

School districts and chartered nonpublic schools shall 9205
offer remedial support to any student who fails to attain a 9206
competency score on one or both of the Algebra I and English 9207
language arts II end-of-course examinations. 9208

Following the first administration of the exam, if a 9209
student fails to attain a competency score on one or both of the 9210
Algebra I and English language arts II end-of-course 9211
examinations that student must retake the respective examination 9212
at least once. 9213

If a student fails to attain a competency score on a 9214

retake examination, the student may demonstrate competency in 9215
the failed subject area through one of the following options: 9216

(a) Earn course credit taken through the college credit 9217
plus program established under Chapter 3365. of the Revised Code 9218
in the failed subject area; 9219

(b) Complete two of the following options, one of which 9220
must be foundational: 9221

(i) Foundational options to demonstrate competency, which 9222
include earning a cumulative score of proficient or higher on 9223
three or more state technical assessments aligned with section 9224
3313.903 of the Revised Code in a single career pathway, 9225
obtaining an industry-recognized credential, or group of 9226
credentials, approved under section 3313.6113 of the Revised 9227
Code that meet the criteria established under that section to 9228
qualify for a high school diploma, obtaining a license approved 9229
under section 3313.6113 of the Revised Code that is issued by a 9230
state agency or board for practice in a vocation that requires 9231
an examination for issuance of that license, completing a pre- 9232
apprenticeship aligned with options established under section 9233
3313.904 of the Revised Code in the student's chosen career 9234
field, completing an apprenticeship registered with the 9235
apprenticeship council established under section 4139.02 of the 9236
Revised Code in the student's chosen career field, or providing 9237
evidence of acceptance into an apprenticeship program after high 9238
school that is restricted to participants eighteen years of age 9239
or older; 9240

(ii) Supporting options to demonstrate competency, which 9241
include completing two hundred fifty hours of a work-based 9242
learning experience with evidence of positive evaluations, 9243
obtaining an OhioMeansJobs-readiness seal under section 9244

3313.6112 of the Revised Code, or attaining a workforce 9245
readiness score, as determined by the department, on the 9246
nationally recognized job skills assessment selected by the 9247
department under division (F) of section 3301.0712 of the 9248
Revised Code. 9249

(c) Provide evidence that the student has enlisted in a 9250
branch of the armed services of the United States as defined in 9251
section 5910.01 of the Revised Code. 9252

(d) Be remediation-free, in accordance with standards 9253
adopted under division (F) of section 3345.061 of the Revised 9254
Code, in the failed subject area on a nationally standardized 9255
assessment prescribed under division (B) (1) of section 3301.0712 9256
of the Revised Code. For English language arts II, a student 9257
must be remediation-free in the subjects of English and reading 9258
on the nationally standardized assessment. 9259

Subject to division ~~(L)~~ ~~(2)~~ (K) (2) of section 3313.61 of the 9260
Revised Code, for any students receiving special education and 9261
related services under Chapter 3323. of the Revised Code, the 9262
individualized education program developed for the student under 9263
that chapter shall specify the manner in which the student will 9264
participate in the assessments administered under this division 9265
or an alternate assessment in accordance with division (C) (1) of 9266
section 3301.0711 of the Revised Code. 9267

(2) Earn at least two of the state diploma seals 9268
prescribed under division (A) of section 3313.6114 of the 9269
Revised Code, at least one of which shall be any of the 9270
following: 9271

(a) The state seal of biliteracy established under section 9272
3313.6111 of the Revised Code; 9273

(b) The OhioMeansJobs-readiness seal established under 9274
section 3313.6112 of the Revised Code; 9275

(c) One of the state diploma seals established under 9276
divisions (C) (1) to (7) of section 3313.6114 of the Revised 9277
Code. 9278

(C) (1) A student who transfers into an Ohio public or 9279
chartered nonpublic high school from another state or enrolls in 9280
such a high school after receiving home education or attending a 9281
nonchartered, nontax-supported school in the previous school 9282
year shall meet the requirements of division (B) or (D) of this 9283
section, as applicable, in order to qualify for a high school 9284
diploma. However, any student subject to division (B) of this 9285
section who transfers or enrolls after the start of the 9286
student's twelfth grade year and fails to attain a competency 9287
score on the Algebra I or English language arts II end-of-course 9288
examination shall not be required to retake the applicable 9289
examination prior to demonstrating competency in the failed 9290
subject area under the options prescribed in divisions (B) (1) (a) 9291
to (d) of this section. 9292

(2) The department shall prescribe standards that allow a 9293
transfer student who, prior to the student's transfer, took an 9294
assessment described in division (B) (1) or (2) of section 9295
3301.0712 or section 3313.619 of the Revised Code to apply the 9296
score from that assessment towards graduation requirements at 9297
the student's new public or chartered nonpublic school. 9298

(D) Notwithstanding division (B) of this section, in 9299
addition to the curriculum requirements specified by the school 9300
governing authority, a chartered nonpublic school student 9301
subject to division (L) (3) (a) (ii) of section 3301.0711 of the 9302
Revised Code entering ninth grade for the first time on or after 9303

July 1, 2019, shall qualify for a high school diploma if the student earns a remediation-free score in the areas of English, mathematics, and reading, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on a nationally standardized assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code. No such student shall be required to take the Algebra I or English language arts II end-of-course examination or earn diploma seals under this section.

(E) The department shall not create or require any additional assessment for the granting of any type of high school diploma other than as prescribed by this section. Except as provided in sections 3313.6111, 3313.6112, and 3313.6114 of the Revised Code, the department or the director of education and workforce shall not create any endorsement or designation that may be affiliated with a high school diploma.

Sec. 3313.6110. (A) A person who has completed the final year of education at home, as authorized under section 3321.042 of the Revised Code, and has successfully fulfilled the high school curriculum applicable to that person may be granted a high school diploma by the person's parent, guardian, or other person having charge or care of a child, as defined in division (A) (1) of section 3321.01 of the Revised Code.

(B) A person who has graduated from a nonchartered nonpublic school in Ohio and who has successfully fulfilled that school's high school curriculum may be granted a high school diploma by the governing authority of that school.

(C) Notwithstanding anything in the Revised Code to the contrary, a diploma granted under this section shall serve as proof of the successful completion of that person's applicable

high school curriculum and satisfactory to fulfill any legal 9334
requirement to show such proof. 9335

(D) For the purposes of an application for employment, a 9336
diploma granted under this section shall be considered proof of 9337
completion of a high school education, regardless of whether the 9338
person to which the diploma was granted participated in the 9339
assessments prescribed by ~~division (A) (1) or (B) (1) or (2) of~~ 9340
~~section~~ sections 3301.0710 and ~~section~~ 3301.0712 of the Revised 9341
Code. 9342

(E) A diploma granted under division (A) of this section 9343
may include a state seal of biliteracy, an OhioMeansJobs- 9344
readiness seal, or a state diploma seal that may be assigned to 9345
the student's diploma, by the parent, guardian, or other person 9346
having charge or care of the student, in the same manner as 9347
prescribed for diplomas and transcripts issued by school 9348
districts and chartered nonpublic schools under sections 9349
3313.6111, 3113.6112, and 3313.6114 of the Revised Code. 9350

Sec. 3313.6111. (A) The department of education and 9351
workforce shall establish the state seal of biliteracy, which 9352
may be attached or affixed to the high school transcript of a 9353
student enrolled in a public or chartered nonpublic school. The 9354
state seal of biliteracy shall demonstrate the attainment of a 9355
high level of proficiency by a graduate of a public or chartered 9356
nonpublic high school in one or more languages in addition to 9357
English, sufficient for meaningful use in college and a career. 9358
The purpose of the state seal of biliteracy shall be to: 9359

- (1) Encourage students to study languages; 9360
- (2) Certify the attainment of biliteracy; 9361
- (3) Provide employers with a method of identifying 9362

individuals with language and biliteracy skills; 9363

(4) Provide institutions of higher education with an 9364
additional method to recognize applicants for admission; 9365

(5) Prepare students with twenty-first century skills; 9366

(6) Recognize the value of foreign language and native 9367
language instruction in public schools; and 9368

(7) Strengthen inter-group relationships, affirm the value 9369
of diversity, and honor the multiple cultures and languages of a 9370
community. 9371

(B) (1) A school district, community school established 9372
under Chapter 3314. of the Revised Code, STEM school established 9373
under Chapter 3326. of the Revised Code, ~~college-preparatory-~~ 9374
~~boarding school established under Chapter 3328. of the Revised-~~ 9375
~~Code,~~ or chartered nonpublic school may attach or affix the 9376
state seal of biliteracy to the transcript of a student enrolled 9377
in the school who meets the requirements prescribed under 9378
division (C) (1) of this section. A district or school shall not 9379
be required to attach or affix the state seal of biliteracy on 9380
the transcript of a student enrolled in the school. 9381

(2) Each school district, community school, STEM school, 9382
~~college-preparatory boarding school,~~ and chartered nonpublic 9383
school shall maintain appropriate records to identify students 9384
who have completed the requirements for earning a state seal of 9385
biliteracy as prescribed under division (C) (1) of this section, 9386
and if the district or school has a policy of attaching or 9387
affixing the state seal of biliteracy to student transcripts, 9388
the district or school shall make the appropriate designation on 9389
the transcript of a student who completes the requirements. 9390

(C) The department shall do the following: 9391

(1) Establish the requirements and criteria for earning a state seal of biliteracy, including assessments of foreign language and English proficiency-;

(2) Prepare and deliver to participating school districts, community schools, STEM schools, ~~college-preparatory boarding schools,~~ and chartered nonpublic schools an appropriate mechanism for assigning a state seal of biliteracy on a student's transcript indicating that the student has been assigned the seal;

(3) Provide any other information it considers necessary for school districts, community schools, STEM schools, ~~college-preparatory boarding schools,~~ and chartered nonpublic schools to participate in the assigning of a state seal of biliteracy;

(4) Adopt rules in accordance with Chapter 119. of the Revised Code to implement the provisions of this section.

(D) A student shall not be charged a fee to be assigned a state seal of biliteracy on their transcript. A student may be required to pay a fee to demonstrate proficiency in a language, including the cost of a standardized test to determine proficiency in a language.

(E) As used in this section, "foreign language" refers to any language other than English, including modern languages, Latin, American sign language, native American languages, and native languages.

Sec. 3313.6112. (A) The department of education and workforce, in consultation with the chancellor of higher education and the governor's office of workforce transformation, shall establish the OhioMeansJobs-readiness seal, which may be attached or affixed to the high school diploma and transcript of

a student enrolled in a public or chartered nonpublic school. 9421

(B) A school district, community school established under 9422
Chapter 3314. of the Revised Code, STEM school established under 9423
Chapter 3326. of the Revised Code, ~~college-preparatory boarding-~~ 9424
~~school established under Chapter 3328. of the Revised Code,~~ or 9425
chartered nonpublic school shall attach or affix the 9426
OhioMeansJobs-readiness seal to the diploma and transcript of a 9427
student enrolled in the school who meets the requirements 9428
prescribed under division (C) (1) of this section. 9429

(C) The department of education and workforce, in 9430
consultation with the chancellor and the governor's office of 9431
workforce transformation, shall do the following: 9432

(1) Establish the requirements and criteria for earning an 9433
OhioMeansJobs-readiness seal, including demonstration of work- 9434
readiness and work ethic competencies such as teamwork, problem- 9435
solving, reliability, punctuality, and computer technology 9436
competency; 9437

(2) Develop a standardized form for students to complete 9438
and have validated prior to graduation by at least three 9439
individuals, each of whom must be an employer, teacher, business 9440
mentor, community leader, faith-based leader, school leader, or 9441
coach of the student; 9442

(3) Prepare and deliver to all school districts, community 9443
schools, STEM schools, ~~college-preparatory boarding schools,~~ and 9444
chartered nonpublic schools an appropriate mechanism for 9445
assigning an OhioMeansJobs-readiness seal on a student's diploma 9446
and transcript indicating that the student has been assigned the 9447
seal; 9448

(4) Provide any other information the department considers 9449

necessary for school districts, community schools, STEM schools, 9450
~~college-preparatory boarding schools,~~ and chartered nonpublic 9451
schools to assign an OhioMeansJobs-readiness seal. 9452

(D) A student shall not be charged a fee to be assigned an 9453
OhioMeansJobs-readiness seal on the student's diploma and 9454
transcript. 9455

Sec. 3313.6113. (A) The director of education and 9456
workforce, in collaboration with the governor's office of 9457
workforce transformation and representatives of business 9458
organizations, shall establish a committee to develop a list of 9459
industry-recognized credentials and licenses that may be used to 9460
qualify for a high school diploma under section 3313.618 of the 9461
Revised Code and shall be used for state report card purposes 9462
under section 3302.03 of the Revised Code. 9463

(B) The committee shall do the following: 9464

(1) Establish criteria for acceptable industry-recognized 9465
credentials and licenses aligned with the in-demand jobs list 9466
published by the department of job and family services and other 9467
relevant demand data; 9468

(2) Review and update the list of industry-recognized 9469
credentials and licenses at least biennially; 9470

(3) Establish the criteria under which a student may use 9471
industry-recognized credentials to help qualify for a high 9472
school diploma under sections 3313.618 and 3313.6114 of the 9473
Revised Code; 9474

(4) Update the list of industry-recognized credentials to 9475
include a driver's license obtained by a student through a 9476
driver education course offered by a school district in 9477
accordance with section 3301.17 of the Revised Code. 9478

(C) For purposes of ~~divisions (B) (2) (d), (C) (2) (e), and~~ 9479
~~(D) (1) (j) (v)~~ division (A) (10) of section 3302.03 of the Revised 9480
Code, the department of education and workforce shall include 9481
only those students who earn an industry-recognized credential, 9482
or group of credentials, that meet the criteria established by 9483
the committee under this section to qualify for a high school 9484
diploma. 9485

Sec. 3313.6114. (A) The department of education and 9486
workforce shall establish a system of state diploma seals for 9487
the purposes of allowing a student to qualify for graduation 9488
under section 3313.618 of the Revised Code. State diploma seals 9489
may be attached or affixed to the high school diploma of a 9490
student enrolled in a public or chartered nonpublic school. The 9491
system of state diploma seals shall consist of all of the 9492
following: 9493

(1) The state seal of biliteracy established under section 9494
3313.6111 of the Revised Code; 9495

(2) The OhioMeansJobs-readiness seal established under 9496
section 3313.6112 of the Revised Code; 9497

(3) The state diploma seals prescribed under division (C) 9498
of this section. 9499

(B) A school district, community school established under 9500
Chapter 3314. of the Revised Code, STEM school established under 9501
Chapter 3326. of the Revised Code, ~~college-preparatory boarding-~~ 9502
~~school established under Chapter 3329. of the Revised Code,~~ or 9503
chartered nonpublic school shall attach or affix the state seals 9504
prescribed under division (C) of this section to the diploma and 9505
transcript of a student enrolled in the district or school who 9506
meets the requirements established under that division. 9507

(C) The department shall establish all of the following 9508
state diploma seals: 9509

(1) An industry-recognized credential seal. A student 9510
shall meet the requirement for this seal by doing either of the 9511
following: 9512

(a) Earning an industry-recognized credential, or group of 9513
credentials, approved under section 3313.6113 of the Revised 9514
Code that meets the criteria established under section 3313.6113 9515
of the Revised Code to qualify for a high school diploma and 9516
aligns to a job that is determined to be in demand in this state 9517
and its regions under section 6301.11 of the Revised Code. 9518

(b) Obtaining a license approved under section 3313.6113 9519
of the Revised Code that is issued by a state agency or board 9520
for practice in a vocation that requires an examination for 9521
issuance of that license. 9522

(2) A college-ready seal. A student shall meet the 9523
requirement for this seal by attaining a score that is 9524
remediation-free, in accordance with standards adopted under 9525
division (F) of section 3345.061 of the Revised Code, on a 9526
nationally standardized assessment prescribed under division (B) 9527
(1) of section 3301.0712 of the Revised Code or by attaining a 9528
passing score, as determined by the department of education and 9529
workforce and aligned with current statewide college-level 9530
examination program scores identified by the chancellor of 9531
higher education, on a college-level examination program 9532
examination. 9533

(3) A military seal. A student shall meet the requirement 9534
for this seal by doing one of the following: 9535

(a) Providing evidence that the student has enlisted in a 9536

branch of the armed services of the United States as defined in 9537
section 5910.01 of the Revised Code; 9538

(b) Participating in a junior reserve officer training 9539
program approved by the congress of the United States under 9540
title 10 of the United States Code; 9541

(c) Providing evidence that the student has accepted a 9542
scholarship to enter the reserve officer training corps; 9543

(d) Providing evidence that the student has been appointed 9544
to a United States military service academy. 9545

(4) A citizenship seal. A student shall meet the 9546
requirement for this seal by doing any of the following: 9547

(a) Demonstrating at least a proficient level of skill as 9548
prescribed under division (B) (5) (a) of section 3301.0712 of the 9549
Revised Code on both the American history and American 9550
government end-of-course examinations prescribed under division 9551
(B) (2) of section 3301.0712 of the Revised Code; 9552

(b) Attaining a score level prescribed under division (B) 9553
(5) (d) of section 3301.0712 of the Revised Code that is at least 9554
the equivalent of a proficient level of skill in appropriate 9555
advanced placement or international baccalaureate examinations 9556
or by attaining a passing score, as determined by the 9557
department, on a college-level examination program examination 9558
in lieu of the American history and American government end-of- 9559
course examinations; 9560

(c) In lieu of the American history and American 9561
government end-of-course examinations, attaining a final course 9562
grade that is the equivalent of a "B" or higher in either: 9563

(i) An American history course and an American government 9564

course that are offered by the student's high school; 9565

(ii) Appropriate courses taken through the college credit 9566
plus program established under Chapter 3365. of the Revised 9567
Code. 9568

(d) In the case of a student who takes an alternate 9569
assessment in accordance with division (C)(1) of section 9570
3301.0711 of the Revised Code, attaining a score established by 9571
the department on the alternate assessment in social studies; 9572

(e) In the case of a student who transfers into an Ohio 9573
public or chartered nonpublic high school from another state or 9574
who enrolls in an Ohio public or chartered nonpublic high school 9575
after receiving home education or attending a nonchartered, 9576
nontax-supported school in the previous school year, attaining a 9577
final course grade that is the equivalent of a "B" or higher in 9578
courses that correspond with the American history and American 9579
government end-of-course examinations and that the student 9580
completed in the state from which the student transferred or 9581
completed while receiving home education or attending a 9582
nonchartered, nontax-supported school. Division (C)(4)(e) of 9583
this section does not apply to any such student with respect to 9584
an American history or American government course for which an 9585
end-of-course examination is associated that the student takes 9586
after enrolling in the high school. 9587

(5) A science seal. A student shall meet the requirement 9588
for this seal by doing any of the following: 9589

(a) Demonstrating at least a proficient level of skill as 9590
prescribed under division (B)(5)(a) of section 3301.0712 of the 9591
Revised Code on the science end-of-course examination prescribed 9592
under division (B)(2) of section 3301.0712 of the Revised Code; 9593

(b) Attaining a score level prescribed under division (B) 9594
(5) (d) of section 3301.0712 of the Revised Code that is at least 9595
the equivalent of a proficient level of skill in an appropriate 9596
advanced placement or international baccalaureate examination or 9597
by attaining a passing score, as determined by the department, 9598
on a college-level examination program examination in lieu of 9599
the science end-of-course examination; 9600

(c) In lieu of the science end-of-course examination, 9601
attaining a final course grade that is the equivalent of a "B" 9602
or higher in either: 9603

(i) A science course listed in divisions (C) (5) (c) (i) to 9604
(iii) of section 3313.603 of the Revised Code that is offered by 9605
the student's high school; 9606

(ii) An appropriate course taken through the college 9607
credit plus program established under Chapter 3365. of the 9608
Revised Code. 9609

(d) In the case of a student who takes an alternate 9610
assessment in accordance with division (C) (1) of section 9611
3301.0711 of the Revised Code, attaining a score established by 9612
the department on the alternate assessment in science; 9613

(e) In the case of a student who transfers into an Ohio 9614
public or chartered nonpublic high school from another state or 9615
enrolls in an Ohio public or chartered nonpublic high school 9616
after receiving home education or attending a nonchartered, 9617
nontax-supported school in the previous school year, attaining a 9618
final course grade that is the equivalent of a "B" or higher in 9619
a course that corresponds with the science end-of-course 9620
examination and that the student completed in the state from 9621
which the student transferred or completed while receiving home 9622

instruction or attending a nonchartered, nontax-supported 9623
school. Division (C) (5) (e) of this section does not apply to any 9624
such student who takes a science course for which an end-of- 9625
course examination is associated after enrolling in the high 9626
school. 9627

(6) An honors diploma seal. A student shall meet the 9628
requirement for this seal by meeting the additional criteria for 9629
an honors diploma under division (B) of section 3313.61 of the 9630
Revised Code. 9631

(7) A technology seal. A student shall meet the 9632
requirement for this seal by doing any of the following: 9633

(a) Subject to division (B) (5) (d) of section 3301.0712 of 9634
the Revised Code, attaining a score level that is at least the 9635
equivalent of a proficient level of skill in an appropriate 9636
advanced placement or international baccalaureate examination or 9637
by attaining a passing score, as determined by the department of 9638
education and workforce and aligned with the current statewide 9639
college-level examination program scores identified by the 9640
chancellor of higher education, on a college-level examination 9641
program examination; 9642

(b) Attaining a final course grade that is the equivalent 9643
of a "B" or higher in an appropriate course taken through the 9644
college credit plus program established under Chapter 3365. of 9645
the Revised Code; 9646

(c) Completing a course offered through the student's 9647
district or school that meets guidelines developed by the 9648
department. However, a district or school shall not be required 9649
to offer a course that meets those guidelines. 9650

(d) In the case of a student who transfers into an Ohio 9651

public or chartered nonpublic high school from another state or 9652
enrolls in an Ohio public or chartered nonpublic high school 9653
after receiving home education or attending a nonchartered, 9654
nontax-supported school in the previous school year, attaining a 9655
final course grade that is the equivalent of a "B" or higher in 9656
an appropriate course, as determined by the district or school, 9657
that the student completed in the state from which the student 9658
transferred or completed while receiving home education or 9659
attending a nonchartered, nontax-supported school. 9660

(8) A community service seal. A student shall meet the 9661
requirement for this seal by completing a community service 9662
project that is aligned with guidelines adopted by the student's 9663
district board or school governing authority. 9664

(9) A fine and performing arts seal. A student shall meet 9665
the requirement for this seal by demonstrating skill in the fine 9666
or performing arts according to an evaluation that is aligned 9667
with guidelines adopted by the student's district board or 9668
school governing authority. 9669

(10) A student engagement seal. A student shall meet the 9670
requirement for this seal by participating in extracurricular 9671
activities such as athletics, clubs, or student government to a 9672
meaningful extent, as determined by guidelines adopted by the 9673
student's district board or school governing authority. 9674

(D) (1) Each district or school shall develop guidelines 9675
for at least one of the state seals prescribed under divisions 9676
(C) (8) to (10) of this section. 9677

(2) For the purposes of determining whether a student who 9678
transfers to a district or school has satisfied the state 9679
diploma seal requirement under division (B) (2) of section 9680

3313.618 of the Revised Code, each district or school shall 9681
recognize a state diploma seal prescribed under divisions (C) (8) 9682
to (10) of this section and earned by a student at another 9683
district or a different public or chartered nonpublic school 9684
regardless of whether the district or school to which the 9685
student transfers has developed guidelines under this section 9686
for that state seal. 9687

(3) In guidelines developed for a state diploma seal 9688
prescribed under divisions (C) (8) to (10) of this section, each 9689
district or school shall include a method to give, to the extent 9690
feasible, a student who transfers into the district or school a 9691
proportional amount of credit for any progress the student was 9692
making toward earning that state seal at the school district or 9693
different public or chartered nonpublic school from which the 9694
student transfers. 9695

(E) Each district or school shall maintain appropriate 9696
records to identify students who have met the requirements 9697
prescribed under division (C) of this section for earning the 9698
state seals established under that division. 9699

(F) The department shall prepare and deliver to each 9700
district or school an appropriate mechanism for assigning a 9701
state diploma seal established under division (C) of this 9702
section. 9703

(G) A student shall not be charged a fee to be assigned a 9704
state seal prescribed under division (C) of this section on the 9705
student's diploma and transcript. 9706

Sec. 3313.64. (A) As used in this section and in section 9707
3313.65 of the Revised Code: 9708

(1) (a) Except as provided in division (A) (1) (b) of this 9709

section, "parent" means either parent, unless the parents have 9710
never been married to each other, are separated or divorced, or 9711
their marriage has been dissolved or annulled, in which case 9712
"parent" means the parent who is the residential parent and 9713
legal custodian of the child. When a child is in the legal 9714
custody of a government agency or a person other than the 9715
child's natural or adoptive parent, "parent" means the parent 9716
with residual parental rights, privileges, and responsibilities. 9717
When a child is in the permanent custody of a government agency 9718
or a person other than the child's natural or adoptive parent, 9719
"parent" means the parent who was divested of parental rights 9720
and responsibilities for the care of the child and the right to 9721
have the child live with the parent and be the legal custodian 9722
of the child and all residual parental rights, privileges, and 9723
responsibilities. 9724

(b) When a child is the subject of a power of attorney 9725
executed under sections 3109.51 to 3109.62 of the Revised Code, 9726
"parent" means the grandparent designated as attorney in fact 9727
under the power of attorney. When a child is the subject of a 9728
caretaker authorization affidavit executed under sections 9729
3109.64 to 3109.73 of the Revised Code, "parent" means the 9730
grandparent that executed the affidavit. 9731

(2) "Legal custody," "permanent custody," and "residual 9732
parental rights, privileges, and responsibilities" have the same 9733
meanings as in section 2151.011 of the Revised Code. 9734

(3) "School district" or "district" means a city, local, 9735
or exempted village school district and excludes any school 9736
operated in an institution maintained by the department of youth 9737
services. 9738

(4) Except as used in division (C) (2) of this section, 9739

"home" means a home, institution, foster home, group home, or 9740
other residential facility in this state that receives and cares 9741
for children, to which any of the following applies: 9742

(a) The home is licensed, certified, or approved for such 9743
purpose by the state or is maintained by the department of youth 9744
services. 9745

(b) The home is operated by a person who is licensed, 9746
certified, or approved by the state to operate the home for such 9747
purpose. 9748

(c) The home accepted the child through a placement by a 9749
person licensed, certified, or approved to place a child in such 9750
a home by the state. 9751

(d) The home is a children's home created under section 9752
5153.21 or 5153.36 of the Revised Code. 9753

(5) "Agency" means all of the following: 9754

(a) A public children services agency; 9755

(b) An organization that holds a certificate issued by the 9756
department of children and youth in accordance with the 9757
requirements of section 5103.03 of the Revised Code and assumes 9758
temporary or permanent custody of children through commitment, 9759
agreement, or surrender, and places children in family homes for 9760
the purpose of adoption; 9761

(c) Comparable agencies of other states or countries that 9762
have complied with applicable requirements of section 2151.39 of 9763
the Revised Code or as applicable, sections 5103.20 to 5103.22 9764
or 5103.23 to 5103.237 of the Revised Code. 9765

(6) A child is placed for adoption if either of the 9766
following occurs: 9767

(a) An agency to which the child has been permanently 9768
committed or surrendered enters into an agreement with a person 9769
pursuant to section 5103.16 of the Revised Code for the care and 9770
adoption of the child. 9771

(b) The child's natural parent places the child pursuant 9772
to section 5103.16 of the Revised Code with a person who will 9773
care for and adopt the child. 9774

(7) "Preschool child with a disability" has the same 9775
meaning as in section 3323.01 of the Revised Code. 9776

(8) "Child," unless otherwise indicated, includes 9777
preschool children with disabilities. 9778

(9) "Active duty" means active duty pursuant to an 9779
executive order of the president of the United States, an act of 9780
the congress of the United States, or section 5919.29 or 5923.21 9781
of the Revised Code. 9782

(B) Except as otherwise provided in section 3321.01 of the 9783
Revised Code for admittance to kindergarten and first grade, a 9784
child who is at least five but under twenty-two years of age and 9785
any preschool child with a disability shall be admitted to 9786
school as provided in this division. 9787

(1) A child shall be admitted to the schools of the school 9788
district in which the child's parent resides. 9789

(2) Except as provided in division (B) (4) of this section 9790
or division (B) of section 2151.362 and section 3317.30 of the 9791
Revised Code, a child who does not reside in the district where 9792
the child's parent resides shall be admitted to the schools of 9793
the district in which the child resides if any of the following 9794
applies: 9795

(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent.	9796 9797 9798
(b) The child resides in a home.	9799
(c) The child requires special education.	9800
(3) A child who is not entitled under division (B) (2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:	9801 9802 9803 9804 9805 9806
(a) The placement for adoption has been terminated.	9807
(b) Another school district is required to admit the child under division (B) (1) of this section.	9808 9809
(4) (a) A child who does not reside in the district where the child's parent resides is not required to be admitted to the schools of the district in which the child resides if both of the following apply:	9810 9811 9812 9813
(i) The child resides in a home, or in a facility similarly licensed in another state, and the child was placed in the home or facility by the child's parent in consultation with, and upon the recommendation of, the Ohio resilience through integrated systems and excellence program for children and youth involved in multiple state systems.	9814 9815 9816 9817 9818 9819
(ii) The home provides education services that meet the minimum education standards under division (D) (2) of section 3301.07 of the Revised Code or, in the case of a facility located in another state, meets substantially similar	9820 9821 9822 9823

requirements of the jurisdiction where the facility is located, 9824
except that the home or facility may provide the child with less 9825
than the minimum number of instructional hours required only as 9826
necessary to accommodate the child's treatment program. 9827

(b) Upon a child's admission to a home pursuant to 9828
division (B) (4) (a) of this section, the home shall notify the 9829
district where the child's parent resides and the district where 9830
the home is located that the home is providing educational 9831
services to the child until the child is discharged. Upon a 9832
child's admission to a facility located in another state 9833
pursuant to division (B) (4) (a) of this section, the facility 9834
shall notify the district where the child's parent resides that 9835
the facility is providing educational services to the child 9836
until the child is discharged. In either case, the district 9837
where the child's parent resides shall continue to enroll the 9838
student as provided in division (C) (5) of this section and shall 9839
excuse the child from attendance until the child is discharged 9840
from the home or facility. 9841

(c) Upon a child's discharge from a home or facility, the 9842
home or facility shall notify the district where the child's 9843
parent resides. The home or facility and the district shall 9844
collaborate on a supportive reentry plan into school for the 9845
child. 9846

Division (B) of this section does not prohibit the board 9847
of education of a school district from placing a child with a 9848
disability who resides in the district in a special education 9849
program outside of the district or its schools in compliance 9850
with Chapter 3323. of the Revised Code. 9851

(C) A district shall not charge tuition for children 9852
admitted under division (B) (1) or (3) of this section. If the 9853

district admits a child under division (B) (2) of this section, 9854
tuition shall be paid to the district that admits the child as 9855
provided in divisions (C) (1) to (3) of this section, unless 9856
division (C) (4) of this section applies to the child: 9857

(1) If the child receives special education in accordance 9858
with Chapter 3323. of the Revised Code, the school district of 9859
residence, as defined in section 3323.01 of the Revised Code, 9860
shall pay tuition for the child in accordance with section 9861
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 9862
regardless of who has custody of the child or whether the child 9863
resides in a home. 9864

(2) For a child that does not receive special education in 9865
accordance with Chapter 3323. of the Revised Code, except as 9866
otherwise provided in division (C) (2) (d) of this section, if the 9867
child is in the permanent or legal custody of a government 9868
agency or person other than the child's parent, tuition shall be 9869
paid by: 9870

(a) The district in which the child's parent resided at 9871
the time the court removed the child from home or at the time 9872
the court vested legal or permanent custody of the child in the 9873
person or government agency, whichever occurred first; 9874

(b) If the parent's residence at the time the court 9875
removed the child from home or placed the child in the legal or 9876
permanent custody of the person or government agency is unknown, 9877
tuition shall be paid by the district in which the child resided 9878
at the time the child was removed from home or placed in legal 9879
or permanent custody, whichever occurred first; 9880

(c) If a school district cannot be established under 9881
division (C) (2) (a) or (b) of this section, tuition shall be paid 9882

by the district determined as required by section 2151.362 of 9883
the Revised Code by the court at the time it vests custody of 9884
the child in the person or government agency; 9885

(d) If at the time the court removed the child from home 9886
or vested legal or permanent custody of the child in the person 9887
or government agency, whichever occurred first, one parent was 9888
in a residential or correctional facility or a juvenile 9889
residential placement and the other parent, if living and not in 9890
such a facility or placement, was not known to reside in this 9891
state, tuition shall be paid by the district determined under 9892
division (D) of section 3313.65 of the Revised Code as the 9893
district required to pay any tuition while the parent was in 9894
such facility or placement; 9895

(e) If the department of education and workforce has 9896
determined, pursuant to division (A) (2) of section 2151.362 of 9897
the Revised Code, that a school district other than the one 9898
named in the court's initial order, or in a prior determination 9899
of the department, is responsible to bear the cost of educating 9900
the child, the district so determined shall be responsible for 9901
that cost. 9902

(3) If the child is not in the permanent or legal custody 9903
of a government agency or person other than the child's parent 9904
and the child resides in a home, tuition shall be paid by one of 9905
the following: 9906

(a) The school district in which the child's parent 9907
resides; 9908

(b) If the child's parent is not a resident of this state, 9909
the home in which the child resides. 9910

(4) Division (C) (4) of this section applies to any child 9911

who is admitted to a school district under division (B) (2) of 9912
this section, resides in a home that is not a foster home, a 9913
home maintained by the department of youth services, a detention 9914
facility established under section 2152.41 of the Revised Code, 9915
or a juvenile facility established under section 2151.65 of the 9916
Revised Code, and receives educational services at the home or 9917
facility in which the child resides pursuant to a contract 9918
between the home or facility and the school district providing 9919
those services. 9920

If a child to whom division (C) (4) of this section applies 9921
is a special education student, a district may choose whether to 9922
receive a tuition payment for that child under division (C) (4) 9923
of this section or to receive a payment for that child under 9924
section 3323.14 of the Revised Code. If a district chooses to 9925
receive a payment for that child under section 3323.14 of the 9926
Revised Code, it shall not receive a tuition payment for that 9927
child under division (C) (4) of this section. 9928

If a child to whom division (C) (4) of this section applies 9929
is not a special education student, a district shall receive a 9930
tuition payment for that child under division (C) (4) of this 9931
section. 9932

In the case of a child to which division (C) (4) of this 9933
section applies, the total educational cost to be paid for the 9934
child shall be determined by a formula approved by the 9935
department of education and workforce, which formula shall be 9936
designed to calculate a per diem cost for the educational 9937
services provided to the child for each day the child is served 9938
and shall reflect the total actual cost incurred in providing 9939
those services. The department shall certify the total 9940
educational cost to be paid for the child to both the school 9941

district providing the educational services and, if different, 9942
the school district that is responsible to pay tuition for the 9943
child. The department shall deduct the certified amount from the 9944
state basic aid funds payable under Chapter 3317. of the Revised 9945
Code to the district responsible to pay tuition and shall pay 9946
that amount to the district providing the educational services 9947
to the child. 9948

(5) In the case of a child to whom division (B) (4) of this 9949
section applies, and except as otherwise provided in division 9950
(C) (5) (f) of this section, tuition shall be paid to the home or 9951
facility for educational services provided to the child by the 9952
school district in which the child's parent resides according to 9953
the following: 9954

(a) The total educational cost to be paid for the child 9955
shall be determined by a formula approved by the department of 9956
education and workforce. The department shall design the formula 9957
to calculate a per diem cost for the educational services 9958
provided to the child for each day the child is served and shall 9959
reflect the total actual cost incurred in providing those 9960
services. The department shall certify the total educational 9961
cost to be paid for the child to both the home or facility 9962
providing the educational services and the district that is 9963
responsible to pay the tuition for the child. The department 9964
shall deduct the certified amount from the state basic aid funds 9965
payable under Chapter 3317. of the Revised Code to the district 9966
responsible to pay tuition and shall pay that amount to the home 9967
or facility providing the educational services to the child. 9968

(b) The district responsible to pay tuition shall continue 9969
to report the child in its enrollment for purposes of section 9970
3317.03 of the Revised Code. 9971

(c) If the parent's residence changes to a different 9972
school district while the child resides in the home or facility, 9973
the department of education and workforce may re-determine the 9974
school district responsible for tuition based on evidence 9975
provided by the district currently responsible for tuition. 9976

(d) Upon a child's discharge from the home or facility, 9977
the home or facility shall immediately notify the district where 9978
the child's parent resides and the department of education and 9979
workforce. The notification shall include a certified transcript 9980
of all coursework completed by the child while residing in the 9981
home or facility. The district where the child's parent resides 9982
shall accept all coursework completed by the child while in the 9983
home or facility and shall award credit for that coursework in 9984
accordance with district policy. 9985

(e) Following discharge from the home or facility and 9986
return to the parent's residence, high school students shall 9987
meet requirements under section 3313.618 of the Revised Code in 9988
order to qualify for a high school diploma that are no more 9989
stringent than those that apply to students who enroll into an 9990
Ohio public or chartered nonpublic high school after receiving a 9991
home education under section 3321.042 of the Revised Code. 9992

(f) If the child is provided educational services by a 9993
chartered nonpublic school while residing in a home and the 9994
child has been awarded a scholarship under a state scholarship 9995
program, as defined in section 3301.0711 of the Revised Code, no 9996
school district shall be responsible for paying tuition under 9997
division (C) (5) of this section. 9998

(D) Tuition required to be paid under divisions (C) (2) and 9999
(3) (a) of this section shall be computed in accordance with 10000
section 3317.08 of the Revised Code. Tuition required to be paid 10001

under division (C) (3) (b) of this section shall be computed in 10002
accordance with section 3317.081 of the Revised Code. If a home 10003
fails to pay the tuition required by division (C) (3) (b) of this 10004
section, the board of education providing the education may 10005
recover in a civil action the tuition and the expenses incurred 10006
in prosecuting the action, including court costs and reasonable 10007
attorney's fees. If the prosecuting attorney or city director of 10008
law represents the board in such action, costs and reasonable 10009
attorney's fees awarded by the court, based upon the prosecuting 10010
attorney's, director's, or one of their designee's time spent 10011
preparing and presenting the case, shall be deposited in the 10012
county or city general fund. 10013

(E) A board of education may enroll a child free of any 10014
tuition obligation for a period not to exceed sixty days, on the 10015
sworn statement of an adult resident of the district that the 10016
resident has initiated legal proceedings for custody of the 10017
child. 10018

(F) In the case of any individual entitled to attend 10019
school under this division, no tuition shall be charged by the 10020
school district of attendance and no other school district shall 10021
be required to pay tuition for the individual's attendance. 10022
Notwithstanding division (B), (C), or (E) of this section: 10023

(1) All persons at least eighteen but under twenty-two 10024
years of age who live apart from their parents, support 10025
themselves by their own labor, and have not successfully 10026
completed the high school curriculum or the individualized 10027
education program developed for the person by the high school 10028
pursuant to section 3323.08 of the Revised Code, are entitled to 10029
attend school in the district in which they reside. 10030

(2) Any child under eighteen years of age who is married 10031

is entitled to attend school in the child's district of 10032
residence. 10033

(3) A child is entitled to attend school in the district 10034
in which either of the child's parents is employed if the child 10035
has a medical condition that may require emergency medical 10036
attention. The parent of a child entitled to attend school under 10037
division (F)(3) of this section shall submit to the board of 10038
education of the district in which the parent is employed a 10039
statement from the child's physician, certified nurse-midwife, 10040
clinical nurse specialist, or certified nurse practitioner 10041
certifying that the child's medical condition may require 10042
emergency medical attention. The statement shall be supported by 10043
such other evidence as the board may require. 10044

(4) Any child residing with a person other than the 10045
child's parent is entitled, for a period not to exceed twelve 10046
months, to attend school in the district in which that person 10047
resides if the child's parent files an affidavit with the 10048
superintendent of the district in which the person with whom the 10049
child is living resides stating all of the following: 10050

(a) That the parent is serving outside of the state in the 10051
armed services of the United States; 10052

(b) That the parent intends to reside in the district upon 10053
returning to this state; 10054

(c) The name and address of the person with whom the child 10055
is living while the parent is outside the state. 10056

(5) Any child under the age of twenty-two years who, after 10057
the death of a parent, resides in a school district other than 10058
the district in which the child attended school at the time of 10059
the parent's death is entitled to continue to attend school in 10060

the district in which the child attended school at the time of 10061
the parent's death for the remainder of the school year, subject 10062
to approval of that district board. 10063

(6) A child under the age of twenty-two years who resides 10064
with a parent who is having a new house built in a school 10065
district outside the district where the parent is residing is 10066
entitled to attend school for a period of time in the district 10067
where the new house is being built. In order to be entitled to 10068
such attendance, the parent shall provide the district 10069
superintendent with the following: 10070

(a) A sworn statement explaining the situation, revealing 10071
the location of the house being built, and stating the parent's 10072
intention to reside there upon its completion; 10073

(b) A statement from the builder confirming that a new 10074
house is being built for the parent and that the house is at the 10075
location indicated in the parent's statement. 10076

(7) A child under the age of twenty-two years residing 10077
with a parent who has a contract to purchase a house in a school 10078
district outside the district where the parent is residing and 10079
who is waiting upon the date of closing of the mortgage loan for 10080
the purchase of such house is entitled to attend school for a 10081
period of time in the district where the house is being 10082
purchased. In order to be entitled to such attendance, the 10083
parent shall provide the district superintendent with the 10084
following: 10085

(a) A sworn statement explaining the situation, revealing 10086
the location of the house being purchased, and stating the 10087
parent's intent to reside there; 10088

(b) A statement from a real estate broker or bank officer 10089

confirming that the parent has a contract to purchase the house, 10090
that the parent is waiting upon the date of closing of the 10091
mortgage loan, and that the house is at the location indicated 10092
in the parent's statement. 10093

The district superintendent shall establish a period of 10094
time not to exceed ninety days during which the child entitled 10095
to attend school under division (F) (6) or (7) of this section 10096
may attend without tuition obligation. A student attending a 10097
school under division (F) (6) or (7) of this section shall be 10098
eligible to participate in interscholastic athletics under the 10099
auspices of that school, provided the board of education of the 10100
school district where the student's parent resides, by a formal 10101
action, releases the student to participate in interscholastic 10102
athletics at the school where the student is attending, and 10103
provided the student receives any authorization required by a 10104
public agency or private organization of which the school 10105
district is a member exercising authority over interscholastic 10106
sports. 10107

(8) A child whose parent is a full-time employee of a 10108
city, local, or exempted village school district, or of an 10109
educational service center, may be admitted to the schools of 10110
the district where the child's parent is employed, or in the 10111
case of a child whose parent is employed by an educational 10112
service center, in the district that serves the location where 10113
the parent's job is primarily located, provided the district 10114
board of education establishes such an admission policy by 10115
resolution adopted by a majority of its members. Any such policy 10116
shall take effect on the first day of the school year and the 10117
effective date of any amendment or repeal may not be prior to 10118
the first day of the subsequent school year. The policy shall be 10119
uniformly applied to all such children and shall provide for the 10120

admission of any such child upon request of the parent. No child 10121
may be admitted under this policy after the first day of classes 10122
of any school year. 10123

(9) A child who is with the child's parent under the care 10124
of a shelter for victims of domestic violence, as defined in 10125
section 3113.33 of the Revised Code, is entitled to attend 10126
school free in the district in which the child is with the 10127
child's parent, and no other school district shall be required 10128
to pay tuition for the child's attendance in that school 10129
district. 10130

The enrollment of a child in a school district under this 10131
division shall not be denied due to a delay in the school 10132
district's receipt of any records required under section 10133
3313.672 of the Revised Code or any other records required for 10134
enrollment. Any days of attendance and any credits earned by a 10135
child while enrolled in a school district under this division 10136
shall be transferred to and accepted by any school district in 10137
which the child subsequently enrolls. The department of 10138
education and workforce shall adopt rules to ensure compliance 10139
with this division. 10140

(10) Any child under the age of twenty-two years whose 10141
parent has moved out of the school district after the 10142
commencement of classes in the child's senior year of high 10143
school is entitled, subject to the approval of that district 10144
board, to attend school in the district in which the child 10145
attended school at the time of the parental move for the 10146
remainder of the school year and for one additional semester or 10147
equivalent term. A district board may also adopt a policy 10148
specifying extenuating circumstances under which a student may 10149
continue to attend school under division (F) (10) of this section 10150

for an additional period of time in order to successfully 10151
complete the high school curriculum for the individualized 10152
education program developed for the student by the high school 10153
pursuant to section 3323.08 of the Revised Code. 10154

(11) As used in this division, "grandparent" means a 10155
parent of a parent of a child. A child under the age of twenty- 10156
two years who is in the custody of the child's parent, resides 10157
with a grandparent, and does not require special education is 10158
entitled to attend the schools of the district in which the 10159
child's grandparent resides, provided that, prior to such 10160
attendance in any school year, the board of education of the 10161
school district in which the child's grandparent resides and the 10162
board of education of the school district in which the child's 10163
parent resides enter into a written agreement specifying that 10164
good cause exists for such attendance, describing the nature of 10165
this good cause, and consenting to such attendance. 10166

In lieu of a consent form signed by a parent, a board of 10167
education may request the grandparent of a child attending 10168
school in the district in which the grandparent resides pursuant 10169
to division (F)(11) of this section to complete any consent form 10170
required by the district, including any authorization required 10171
by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the 10172
Revised Code. Upon request, the grandparent shall complete any 10173
consent form required by the district. A school district shall 10174
not incur any liability solely because of its receipt of a 10175
consent form from a grandparent in lieu of a parent. 10176

Division (F)(11) of this section does not create, and 10177
shall not be construed as creating, a new cause of action or 10178
substantive legal right against a school district, a member of a 10179
board of education, or an employee of a school district. This 10180

section does not affect, and shall not be construed as 10181
affecting, any immunities from defenses to tort liability 10182
created or recognized by Chapter 2744. of the Revised Code for a 10183
school district, member, or employee. 10184

(12) A child under the age of twenty-two years is entitled 10185
to attend school in a school district other than the district in 10186
which the child is entitled to attend school under division (B), 10187
(C), or (E) of this section provided that, prior to such 10188
attendance in any school year, both of the following occur: 10189

(a) The superintendent of the district in which the child 10190
is entitled to attend school under division (B), (C), or (E) of 10191
this section contacts the superintendent of another district for 10192
purposes of this division; 10193

(b) The superintendents of both districts enter into a 10194
written agreement that consents to the attendance and specifies 10195
that the purpose of such attendance is to protect the student's 10196
physical or mental well-being or to deal with other extenuating 10197
circumstances deemed appropriate by the superintendents. 10198

While an agreement is in effect under this division for a 10199
student who is not receiving special education under Chapter 10200
3323. of the Revised Code and notwithstanding Chapter 3327. of 10201
the Revised Code, the board of education of neither school 10202
district involved in the agreement is required to provide 10203
transportation for the student to and from the school where the 10204
student attends. 10205

A student attending a school of a district pursuant to 10206
this division shall be allowed to participate in all student 10207
activities, including interscholastic athletics, at the school 10208
where the student is attending on the same basis as any student 10209

who has always attended the schools of that district while of 10210
compulsory school age. 10211

(13) All school districts shall comply with the "McKinney- 10212
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 10213
the education of homeless children. Each city, local, and 10214
exempted village school district shall comply with the 10215
requirements of that act governing the provision of a free, 10216
appropriate public education, including public preschool, to 10217
each homeless child. 10218

When a child loses permanent housing and becomes a 10219
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 10220
child who is such a homeless person changes temporary living 10221
arrangements, the child's parent or guardian shall have the 10222
option of enrolling the child in either of the following: 10223

(a) The child's school of origin, as defined in 42 10224
U.S.C.A. 11432(g) (3) (C); 10225

(b) The school that is operated by the school district in 10226
which the shelter where the child currently resides is located 10227
and that serves the geographic area in which the shelter is 10228
located. 10229

(14) A child under the age of twenty-two years who resides 10230
with a person other than the child's parent is entitled to 10231
attend school in the school district in which that person 10232
resides if both of the following apply: 10233

(a) That person has been appointed, through a military 10234
power of attorney executed under section 574(a) of the "National 10235
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 10236
(1993), 10 U.S.C. 1044b, or through a comparable document 10237
necessary to complete a family care plan, as the parent's agent 10238

for the care, custody, and control of the child while the parent 10239
is on active duty as a member of the national guard or a reserve 10240
unit of the armed forces of the United States or because the 10241
parent is a member of the armed forces of the United States and 10242
is on a duty assignment away from the parent's residence. 10243

(b) The military power of attorney or comparable document 10244
includes at least the authority to enroll the child in school. 10245

The entitlement to attend school in the district in which 10246
the parent's agent under the military power of attorney or 10247
comparable document resides applies until the end of the school 10248
year in which the military power of attorney or comparable 10249
document expires. 10250

(G) A board of education, after approving admission, may 10251
waive tuition for students who will temporarily reside in the 10252
district and who are either of the following: 10253

(1) Residents or domiciliaries of a foreign nation who 10254
request admission as foreign exchange students; 10255

(2) Residents or domiciliaries of the United States but 10256
not of Ohio who request admission as participants in an exchange 10257
program operated by a student exchange organization. 10258

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 10259
3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 10260
attend school or participate in a special education program in a 10261
school district other than in the district where the child is 10262
entitled to attend school under division (B) of this section. 10263

(I) (1) Notwithstanding anything to the contrary in this 10264
section or section 3313.65 of the Revised Code, a child under 10265
twenty-two years of age may attend school in the school district 10266
in which the child, at the end of the first full week of October 10267

of the school year, was entitled to attend school as otherwise 10268
provided under this section or section 3313.65 of the Revised 10269
Code, if at that time the child was enrolled in the schools of 10270
the district but since that time the child or the child's parent 10271
has relocated to a new address located outside of that school 10272
district and within the same county as the child's or parent's 10273
address immediately prior to the relocation. The child may 10274
continue to attend school in the district, and at the school to 10275
which the child was assigned at the end of the first full week 10276
of October of the current school year, for the balance of the 10277
school year. Division (I)(1) of this section applies only if 10278
both of the following conditions are satisfied: 10279

(a) The board of education of the school district in which 10280
the child was entitled to attend school at the end of the first 10281
full week in October and of the district to which the child or 10282
child's parent has relocated each has adopted a policy to enroll 10283
children described in division (I)(1) of this section. 10284

(b) The child's parent provides written notification of 10285
the relocation outside of the school district to the 10286
superintendent of each of the two school districts. 10287

(2) At the beginning of the school year following the 10288
school year in which the child or the child's parent relocated 10289
outside of the school district as described in division (I)(1) 10290
of this section, the child is not entitled to attend school in 10291
the school district under that division. 10292

(3) Any person or entity owing tuition to the school 10293
district on behalf of the child at the end of the first full 10294
week in October, as provided in division (C) of this section, 10295
shall continue to owe such tuition to the district for the 10296
child's attendance under division (I)(1) of this section for the 10297

lesser of the balance of the school year or the balance of the 10298
time that the child attends school in the district under 10299
division (I) (1) of this section. 10300

(4) A pupil who may attend school in the district under 10301
division (I) (1) of this section shall be entitled to 10302
transportation services pursuant to an agreement between the 10303
district and the district in which the child or child's parent 10304
has relocated unless the districts have not entered into such 10305
agreement, in which case the child shall be entitled to 10306
transportation services in the same manner as a pupil attending 10307
school in the district under interdistrict open enrollment as 10308
described in division (E) of section 3313.981 of the Revised 10309
Code, regardless of whether the district has adopted an open 10310
enrollment policy as described in division (B) (1) (b) or (c) of 10311
section 3313.98 of the Revised Code. 10312

(J) This division does not apply to a child receiving 10313
special education. 10314

A school district required to pay tuition pursuant to 10315
division (C) (2) or (3) of this section or section 3313.65 of the 10316
Revised Code shall have an amount deducted under division (C) of 10317
section 3317.023 of the Revised Code equal to its own tuition 10318
rate for the same period of attendance. A school district 10319
entitled to receive tuition pursuant to division (C) (2) or (3) 10320
of this section or section 3313.65 of the Revised Code shall 10321
have an amount credited under division (C) of section 3317.023 10322
of the Revised Code equal to its own tuition rate for the same 10323
period of attendance. If the tuition rate credited to the 10324
district of attendance exceeds the rate deducted from the 10325
district required to pay tuition, the department of education 10326
and workforce shall pay the district of attendance the 10327

difference from amounts deducted from all districts' payments 10328
under division (C) of section 3317.023 of the Revised Code but 10329
not credited to other school districts under such division and 10330
from appropriations made for such purpose. The treasurer of each 10331
school district shall, by the fifteenth day of January and July, 10332
furnish the director of education and workforce a report of the 10333
names of each child who attended the district's schools under 10334
divisions (C) (2) and (3) of this section or section 3313.65 of 10335
the Revised Code during the preceding six calendar months, the 10336
duration of the attendance of those children, the school 10337
district responsible for tuition on behalf of the child, and any 10338
other information that the director requires. 10339

Upon receipt of the report the director, pursuant to 10340
division (C) of section 3317.023 of the Revised Code, shall 10341
deduct each district's tuition obligations under divisions (C) 10342
(2) and (3) of this section or section 3313.65 of the Revised 10343
Code and pay to the district of attendance that amount plus any 10344
amount required to be paid by the state. 10345

(K) In the event of a disagreement, the director of 10346
education and workforce shall determine the school district in 10347
which the parent resides. 10348

(L) Nothing in this section requires or authorizes, or 10349
shall be construed to require or authorize, the admission to a 10350
public school in this state of a pupil who has been permanently 10351
excluded from public school attendance by the director pursuant 10352
to sections 3301.121 and 3313.662 of the Revised Code. 10353

(M) In accordance with division (B) (1) of this section, a 10354
child whose parent is a member of the national guard or a 10355
reserve unit of the armed forces of the United States and is 10356
called to active duty, or a child whose parent is a member of 10357

the armed forces of the United States and is ordered to a 10358
temporary duty assignment outside of the district, may continue 10359
to attend school in the district in which the child's parent 10360
lived before being called to active duty or ordered to a 10361
temporary duty assignment outside of the district, as long as 10362
the child's parent continues to be a resident of that district, 10363
and regardless of where the child lives as a result of the 10364
parent's active duty status or temporary duty assignment. 10365
However, the district is not responsible for providing 10366
transportation for the child if the child lives outside of the 10367
district as a result of the parent's active duty status or 10368
temporary duty assignment. 10369

Sec. 3313.661. (A) Subject to the limitations set forth in 10370
section 3313.668 of the Revised Code, the board of education of 10371
each city, exempted village, and local school district shall 10372
adopt a policy regarding suspension, expulsion, removal, and 10373
permanent exclusion that specifies the types of misconduct for 10374
which a pupil may be suspended, expelled, or removed. The types 10375
of misconduct may include misconduct by a pupil that occurs off 10376
of property owned or controlled by the district but that is 10377
connected to activities or incidents that have occurred on 10378
property owned or controlled by that district and misconduct by 10379
a pupil that, regardless of where it occurs, is directed at a 10380
district official or employee, or the property of such official 10381
or employee. The policy shall specify the reasons for which the 10382
superintendent of the district may reduce the expulsion 10383
requirement in division (B) (2) of section 3313.66 of the Revised 10384
Code. If a board of education adopts a resolution pursuant to 10385
division (B) (3) of section 3313.66 of the Revised Code, the 10386
policy shall define the term "knife capable of causing serious 10387
bodily injury" or "firearm," as applicable, for purposes of 10388

expulsion under that resolution and shall specify any reasons 10389
for which the superintendent of the district may reduce any 10390
required expulsion period on a case-by-case basis. If a board of 10391
education adopts a resolution pursuant to division (B) (4), (5), 10392
or (6) of section 3313.66 of the Revised Code, the policy shall 10393
specify any reasons for which the superintendent of the district 10394
may reduce any expulsion period on a case-by-case basis. The 10395
policy also shall set forth the acts listed in section 3313.662 10396
of the Revised Code for which a pupil may be permanently 10397
excluded. 10398

The policy adopted under this division shall specify the 10399
date and manner by which a pupil or a pupil's parent, guardian, 10400
or custodian may notify the board of the pupil's, parent's, 10401
guardian's, or custodian's intent to appeal an expulsion or 10402
suspension to the board or its designee pursuant to division (E) 10403
of section 3313.66 of the Revised Code. In the case of any 10404
expulsion, the policy shall not specify a date that is less than 10405
fourteen days after the date of the notice provided to the pupil 10406
or the pupil's parent, guardian, or custodian under division (D) 10407
of that section. 10408

A copy of the policy shall be posted in a central location 10409
in the school or on the district's web site and made available 10410
to pupils upon request. No pupil shall be suspended, expelled, 10411
or removed except in accordance with the policy adopted by the 10412
board of education of the school district in which the pupil 10413
attends school, and no pupil shall be permanently excluded 10414
except in accordance with sections 3301.121 and 3313.662 of the 10415
Revised Code. 10416

(B) A board of education may establish a program and adopt 10417
guidelines under which a superintendent may require a pupil to 10418

perform community service in conjunction with a suspension or 10419
expulsion imposed under section 3313.66 of the Revised Code or 10420
in place of a suspension or expulsion imposed under section 10421
3313.66 of the Revised Code except for an expulsion imposed 10422
pursuant to division (B)(2) of that section. If a board adopts 10423
guidelines under this division, they shall permit, except with 10424
regard to an expulsion pursuant to division (B)(2) of section 10425
3313.66 of the Revised Code, a superintendent to impose a 10426
community service requirement beyond the end of the school year 10427
in lieu of applying an expulsion into the following school year. 10428
Any guidelines adopted shall be included in the policy adopted 10429
under this section. 10430

(C) The written policy of each board of education that is 10431
adopted pursuant to section 3313.20 of the Revised Code shall be 10432
posted in a central location in each school that is subject to 10433
the policy and shall be made available to pupils upon request. 10434

(D) Except as described in division (B) of section 10435
3313.668 of the Revised Code, any policy, program, or guideline 10436
adopted by a board of education under this section with regard 10437
to suspensions or expulsions pursuant to division (A) or (B) of 10438
section 3313.66 of the Revised Code shall apply to any student, 10439
whether or not the student is enrolled in the district, 10440
attending or otherwise participating in any curricular program 10441
provided in a school operated by the board or provided on any 10442
other property owned or controlled by the board. 10443

(E) If a board of education adopts a resolution pursuant 10444
to division (B)(6) of section 3313.66 of the Revised Code, the 10445
board shall establish guidelines for appropriate conditions that 10446
the superintendent may develop pursuant to division (B)(6) of 10447
section 3313.66 of the Revised Code. 10448

(F) The district superintendent shall develop a list of 10449
alternative educational options for pupils who are expelled 10450
under division (B) (6) of section 3313.66 of the Revised Code. 10451

(G) As used in this section, "permanently exclude" and 10452
"permanent exclusion" have the same meanings as in section 10453
3313.662 of the Revised Code. 10454

Sec. 3313.663. (A) The board of education of a city, 10455
exempted village, local, joint vocational, or cooperative 10456
education school district may adopt a policy requiring the 10457
parent or guardian of any student who is suspended or expelled 10458
by the district under section 3313.66 of the Revised Code to 10459
attend a parental education or training program provided by the 10460
district. 10461

(B) The board of education of a city, exempted village, 10462
local, joint vocational, or cooperative education school 10463
district may adopt a policy requiring the parent or guardian of 10464
any student of the district who is truant or habitually absent 10465
from school to attend a parental education or training program 10466
provided by the district. The policy shall specify what 10467
constitutes truancy and habitual absence for purposes of the 10468
policy. 10469

(C) If a board of education adopts a policy under this 10470
section, the board shall post the policy in a central location 10471
in each school building of the district or on the district's web 10472
site and make it available to students and their parents or 10473
guardians upon request. 10474

Sec. 3313.664. The board of education of a city, exempted 10475
village, local, joint vocational, or cooperative education 10476
school district may adopt a policy authorizing the district 10477

superintendent, other district administrative personnel, or 10478
personnel employed by the district to direct, supervise, or 10479
coach a pupil activity program as provided in the policy to 10480
prohibit a student from participating in any particular or all 10481
extracurricular activities of the district or a school of the 10482
district for a period of time as provided in the policy. If a 10483
board of education adopts a policy under this section, the board 10484
shall post the policy in a central location in each school 10485
building of the district or on the district's web site and make 10486
it available to students upon request. 10487

Sec. 3313.6611. Each local, city, exempted village, joint 10488
vocational school district, community school established under 10489
Chapter 3314., and STEM school established under Chapter 3326.~~7~~ 10490
~~and college-preparatory boarding school established under~~ 10491
~~Chapter 3328.~~ of the Revised Code may designate a student-led 10492
violence prevention club for each school building in the 10493
district or school serving grades six through twelve. If 10494
created, each club shall do the following: 10495

(A) Be open to all members of the student body; 10496

(B) Have at least one identified adult advisor; 10497

(C) Implement and sustain suicide and violence prevention 10498
and social inclusion training and awareness activities in a 10499
manner consistent with section 3301.221 of the Revised Code; 10500

(D) Foster opportunities for student leadership 10501
development. 10502

Sec. 3313.7112. (A) As used in this section: 10503

(1) "Board of education" means a board of education of a 10504
city, local, exempted village, or joint vocational school 10505
district. 10506

(2) "Governing authority" means a governing authority of a chartered nonpublic school.	10507 10508
(3) "Licensed health care professional" means any of the following:	10509 10510
(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	10511 10512 10513
(b) A registered nurse, advanced practice registered nurse, or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	10514 10515 10516
(c) A physician assistant licensed under Chapter 4730. of the Revised Code.	10517 10518
(4) "Local health department" means a department operated by a board of health of a city or general health district or the authority having the duties of a board of health as described in section 3709.05 of the Revised Code.	10519 10520 10521 10522
(5) "School employee" or "employee" means either of the following:	10523 10524
(a) A person employed by a board of education or governing authority;	10525 10526
(b) A licensed health care professional employed by or under contract with a local health department who is assigned to a school in a city, local, exempted village, or joint vocational school district or a chartered nonpublic school.	10527 10528 10529 10530
(6) "Treating practitioner" means any of the following who has primary responsibility for treating a student's diabetes and has been identified as such by the student's parent, guardian, or other person having care or charge of the student or, if the	10531 10532 10533 10534

student is at least eighteen years of age, by the student: 10535

(a) A physician authorized under Chapter 4731. of the 10536
Revised Code to practice medicine and surgery or osteopathic 10537
medicine and surgery; 10538

(b) An advanced practice registered nurse who holds a 10539
current, valid license to practice nursing as an advanced 10540
practice registered nurse issued under Chapter 4723. of the 10541
Revised Code and is designated as a clinical nurse specialist or 10542
certified nurse practitioner in accordance with section 4723.42 10543
of the Revised Code; 10544

(c) A physician assistant who holds a license issued under 10545
Chapter 4730. of the Revised Code, holds a valid prescriber 10546
number issued by the state medical board, and has been granted 10547
physician-delegated prescriptive authority. 10548

(7) "504 plan" means a plan based on an evaluation 10549
conducted in accordance with section 504 of the "Rehabilitation 10550
Act of 1973," 29 U.S.C. 794, as amended. 10551

(B) (1) Each board of education or governing authority 10552
shall ensure that each student enrolled in the school district 10553
or chartered nonpublic school who has diabetes receives 10554
appropriate and needed diabetes care in accordance with an order 10555
signed by the student's treating practitioner. The diabetes care 10556
to be provided includes any of the following: 10557

(a) Checking and recording blood glucose levels and ketone 10558
levels or assisting the student with checking and recording 10559
these levels; 10560

(b) Responding to blood glucose levels that are outside of 10561
the student's target range; 10562

(c) In the case of severe hypoglycemia, administering glucagon and other emergency treatments as prescribed;	10563 10564
(d) Administering insulin or assisting the student in self-administering insulin through the insulin delivery system the student uses;	10565 10566 10567
(e) Providing oral diabetes medications;	10568
(f) Understanding recommended schedules and food intake for meals and snacks in order to calculate medication dosages pursuant to the order of the student's treating practitioner;	10569 10570 10571
(g) Following the treating practitioner's instructions regarding meals, snacks, and physical activity;	10572 10573
(h) Administering diabetes medication, as long as the conditions prescribed in division (C) of this section are satisfied.	10574 10575 10576
(2) Not later than fourteen days after receipt of an order signed by the treating practitioner of a student with diabetes, the board of education or governing authority shall inform the student's parent, guardian, or other person having care or charge of the student that the student may be entitled to a 504 plan regarding the student's diabetes. The department of education and workforce shall develop a 504 plan information sheet for use by a board of education or governing authority when informing a student's parent, guardian, or other person having care or charge of the student that the student may be entitled to a 504 plan regarding the student's diabetes.	10577 10578 10579 10580 10581 10582 10583 10584 10585 10586 10587
(C) Notwithstanding division (B) of section 3313.713 of the Revised Code or any other provision of the Revised Code, diabetes medication may be administered under this section by a school nurse or, in the absence of a school nurse, a school	10588 10589 10590 10591

employee who is trained in diabetes care under division (E) of 10592
this section. Medication administration may be provided under 10593
this section only when the conditions prescribed in division (C) 10594
of section 3313.713 of the Revised Code are satisfied. 10595

Notwithstanding division (D) of section 3313.713 of the 10596
Revised Code, medication that is to be administered under this 10597
section may be kept in an easily accessible location. 10598

(D) (1) The department of education and workforce shall 10599
adopt nationally recognized guidelines, as determined by the 10600
department, for the training of school employees in diabetes 10601
care for students. In doing so, the department shall consult 10602
with the department of health, the American diabetes 10603
association, and the Ohio school nurses association. The 10604
department may consult with any other organizations as 10605
determined appropriate by the department. 10606

(2) The guidelines shall address all of the following 10607
issues: 10608

(a) Recognizing the symptoms of hypoglycemia and 10609
hyperglycemia; 10610

(b) The appropriate treatment for a student who exhibits 10611
the symptoms of hypoglycemia or hyperglycemia; 10612

(c) Recognizing situations that require the provision of 10613
emergency medical assistance to a student; 10614

(d) Understanding the appropriate treatment for a student, 10615
based on an order issued by the student's treating practitioner, 10616
if the student's blood glucose level is not within the target 10617
range indicated by the order; 10618

(e) Understanding the instructions in an order issued by a 10619

student's treating practitioner concerning necessary 10620
medications; 10621

(f) Performing blood glucose and ketone tests for a 10622
student in accordance with an order issued by the student's 10623
treating practitioner and recording the results of those tests; 10624

(g) Administering insulin, glucagon, or other medication 10625
to a student in accordance with an order issued by the student's 10626
treating practitioner and recording the results of the 10627
administration; 10628

(h) Understanding the relationship between the diet 10629
recommended in an order issued by a student's treating 10630
practitioner and actions that may be taken if the recommended 10631
diet is not followed. 10632

(E) (1) To ensure that a student with diabetes receives the 10633
diabetes care specified in division (B) of this section, a board 10634
of education or governing authority may provide training that 10635
complies with the guidelines developed under division (D) of 10636
this section to a school employee at each school attended by a 10637
student with diabetes. With respect to any training provided, 10638
all of the following apply: 10639

(a) The training shall be coordinated by a school nurse 10640
or, if the school does not employ a school nurse, a licensed 10641
health care professional with expertise in diabetes who is 10642
approved by the school to provide the training. 10643

(b) The training shall take place prior to the beginning 10644
of each school year or, as needed, not later than fourteen days 10645
after receipt by the board of education or governing authority 10646
of an order signed by the treating practitioner of a student 10647
with diabetes. 10648

(c) On completion of the training, the board of education
or governing authority, in a manner it determines, shall
determine whether each employee trained is competent to provide
diabetes care.

(d) The school nurse or approved licensed health care
professional with expertise in diabetes care shall promptly
provide all necessary follow-up training and supervision to an
employee who receives training.

(2) The principal of a school attended by a student with
diabetes or another school official authorized to act on behalf
of the principal may distribute a written notice to each
employee containing all of the following:

(a) A statement that the school is required to provide
diabetes care to a student with diabetes and is seeking
employees who are willing to be trained to provide that care;

(b) A description of the tasks to be performed;

(c) A statement that participation is voluntary and that
the school district or governing authority will not take action
against an employee who does not agree to provide diabetes care;

(d) A statement that training will be provided by a
licensed health care professional to an employee who agrees to
provide care;

(e) A statement that a trained employee is immune from
liability under division (J) of this section;

(f) The name of the individual who should be contacted if
an employee is interested in providing diabetes care.

(3) No employee of a board of education or governing
authority shall be subject to a penalty or disciplinary action

under school or district policies for refusing to volunteer to
be trained in diabetes care. 10677
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(4) No board or governing authority shall discourage 10679
employees from agreeing to provide diabetes care under this 10680
section. 10681

(F) A board of education or governing authority may 10682
provide training in the recognition of hypoglycemia and 10683
hyperglycemia and actions to take in response to emergency 10684
situations involving these conditions to both of the following: 10685

(1) A school employee who has primary responsibility for 10686
supervising a student with diabetes during some portion of the 10687
school day; 10688

(2) A bus driver employed by a school district or 10689
chartered nonpublic school responsible for the transportation of 10690
a student with diabetes. 10691

(G) A student with diabetes shall be permitted to attend 10692
the school the student would otherwise attend if the student did 10693
not have diabetes and the diabetes care specified in division 10694
(B) of this section shall be provided at the school. A board of 10695
education or governing authority shall not restrict a student 10696
who has diabetes from attending the school on the basis that the 10697
student has diabetes, that the school does not have a full-time 10698
school nurse, or that the school does not have an employee 10699
trained in diabetes care. The school shall not require or 10700
pressure a parent, guardian, or other person having care or 10701
charge of a student to provide diabetes care for the student 10702
with diabetes at school or school-related activities. 10703

(H) (1) Notwithstanding section 3313.713 of the Revised 10704
Code or any policy adopted under that section and except as 10705

provided in division (H) (2) of this section, on written request 10706
of the parent, guardian, or other person having care or charge 10707
of a student and authorization by the student's treating 10708
practitioner, a student with diabetes shall be permitted during 10709
regular school hours and school-sponsored activities to attend 10710
to the care and management of the student's diabetes in 10711
accordance with the order issued by the student's treating 10712
practitioner if the student's treating practitioner determines 10713
that the student is capable of performing diabetes care tasks. 10714
The student shall be permitted to perform diabetes care tasks in 10715
a classroom, in any area of the school or school grounds, and at 10716
any school-related activity, and to possess on the student's 10717
self at all times all necessary supplies and equipment to 10718
perform these tasks. If the student or the parent, guardian, or 10719
other person having care or charge of the student so requests, 10720
the student shall have access to a private area for performing 10721
diabetes care tasks. 10722

(2) If the student performs any diabetes care tasks or 10723
uses medical equipment for purposes other than the student's own 10724
care, the board of education or governing authority may revoke 10725
the student's permission to attend to the care and management of 10726
the student's diabetes. 10727

(I) (1) Notwithstanding any other provision of the Revised 10728
Code to the contrary, a licensed health care professional shall 10729
be permitted to provide training to a school employee under 10730
division (E) of this section or to supervise the employee in 10731
performing diabetes care tasks. 10732

(2) Nothing in this section diminishes the rights of 10733
eligible students or the obligations of school districts or 10734
governing authorities under the "Individuals with Disabilities 10735

Education Act," 20 U.S.C. 1400 et seq., section 504 of the 10736
"Rehabilitation Act," 29 U.S.C. 794, or the "Americans with 10737
Disabilities Act," 42 U.S.C. 12101 et seq. 10738

(J) (1) A school or school district, a member of a board or 10739
governing authority, or a district or school employee is not 10740
liable in damages in a civil action for injury, death, or loss 10741
to person or property allegedly arising from providing care or 10742
performing duties under this section unless the act or omission 10743
constitutes willful or wanton misconduct. 10744

This section does not eliminate, limit, or reduce any 10745
other immunity or defense that a school or school district, 10746
member of a board of education or governing authority, or 10747
district or school employee may be entitled to under Chapter 10748
2744. or any other provision of the Revised Code or under the 10749
common law of this state. 10750

(2) A school employee shall not be subject to disciplinary 10751
action under school or district policies for providing care or 10752
performing duties under this section. 10753

(3) A school nurse or other licensed health care 10754
professional shall be immune from disciplinary action by the 10755
board of nursing or any other regulatory board for providing 10756
care or performing duties under this section if the care 10757
provided or duties performed are consistent with applicable 10758
professional standards. 10759

~~(K) (1) Not later than the last day of December of each 10760
year, a board of education or governing authority shall report 10761
to the department of education and workforce both of the 10762
following: 10763~~

~~(a) The number of students with diabetes enrolled in the 10764~~

~~school district or chartered nonpublic school during the
previous school year;~~ 10765
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~~(b) The number of errors associated with the
administration of diabetes medication to students with diabetes
during the previous school year.~~ 10767
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~~(2) Not later than the last day of March of each year, the
department shall issue a report summarizing the information
received by the department under division (K) (1) of this section
for the previous school year. The department shall make the
report available on its internet web site.~~ 10770
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Sec. 3313.7118. ~~Each public school, as defined in section
3301.28 of the Revised Code, school district, other public
school as defined in section 3301.0711 of the Revised Code,
educational service center, and chartered nonpublic school that
serves elementary school students shall provide either an
electronic or paper copy of the informational materials
described in section 3707.61 of the Revised Code to each
student's parent or guardian on the student's enrollment in
elementary school.~~ 10775
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Sec. 3313.753. (A) As used in this section: 10784

(1) "Electronic communications device" means any device 10785
that is powered by batteries or electricity and that is capable 10786
of receiving, transmitting, or receiving and transmitting 10787
communications between two or more persons or a communication 10788
from or to a person. 10789

(2) "School" means any school that is operated by a board 10790
of education of a city, local, exempted village, or joint 10791
vocational school district. 10792

(3) "School building" means any building in which any of 10793

the instruction, extracurricular activities, or training 10794
provided by a school is conducted. 10795

(4) "School grounds or premises" means either of the 10796
following: 10797

(a) The parcel of real property on which any school 10798
building is situated; 10799

(b) Any other parcel of real property that is owned or 10800
leased by a board of education and on which some of the 10801
instruction, extracurricular activities, or training of the 10802
school is conducted. 10803

(B) The board of education of any city, exempted village, 10804
local, joint vocational, or cooperative education school 10805
district may adopt a policy prohibiting students from carrying 10806
an electronic communications device in any school building or on 10807
any school grounds or premises of the district. The policy may 10808
provide for exceptions to this prohibition as specified in the 10809
policy. The policy shall specify any disciplinary measures that 10810
will be taken for violation of this prohibition. 10811

If a board of education adopts a policy under this 10812
division, the board shall post the policy in a central location 10813
in each school building or on the district's web site and make 10814
it available to students and parents upon request. 10815

(C) (1) Not later than January 1, 2026, each school 10816
district board of education shall adopt a policy governing the 10817
use of cellular telephones by students during school hours. The 10818
policy shall prohibit all cellular telephone use by students 10819
during the instructional day, except as described in division 10820
(C) (2) of this section or if permitted under the building's 10821
comprehensive emergency management plan adopted under section 10822

5502.262 of the Revised Code. 10823

(2) If determined appropriate by the district board, or if 10824
included in a student's individualized education program 10825
developed under Chapter 3323. of the Revised Code or plan 10826
developed under section 504 of the "Rehabilitation Act of 1973," 10827
29 U.S.C. 794, students may use cellular telephones or other 10828
electronic communications devices for student learning or to 10829
monitor or address a health concern. 10830

A district board shall permit a student to use a cellular 10831
telephone or other electronic communications device to monitor 10832
or address a health concern if the board receives a written 10833
statement from the student's physician requiring such use. 10834

(D) Any district board that adopts a policy that prohibits 10835
all cellular telephone use by students shall be considered to 10836
have met the requirements in division (C) of this section. 10837

(E) Any district board that adopts a policy that meets the 10838
requirements prescribed in division (C) of this section prior to 10839
~~the effective date of this amendment~~ September 30, 2025, shall be 10840
considered to have met the requirement to adopt a policy under 10841
this section. 10842

(F) Each district board that adopts a policy under this 10843
section after ~~the effective date of this amendment~~ September 30, 10844
2025, shall do so at a public meeting of the board. 10845

(G) Each district board shall make any policy it adopts 10846
under this section publicly available and post it prominently on 10847
its publicly accessible web site, if it has one. 10848

Sec. 3313.814. (A) As used in this section and sections 10849
3313.816 and 3313.817 of the Revised Code: 10850

(1) "A la carte item" means an individually priced food or beverage item that is available for sale to students through any of the following:

(a) A school food service program;

(b) A vending machine located on school property;

(c) A store operated by the school, a student association, or other school-sponsored organization.

"A la carte item" does not include any food or beverage item available for sale in connection with a school-sponsored fundraiser held outside of the regular school day, any other school-sponsored event held outside of the regular school day, or an interscholastic athletic event. "A la carte item" also does not include any food or beverage item that is part of a reimbursable meal and that is available for sale as an individually priced item in a serving portion of the same size as in the reimbursable meal, regardless of whether the food or beverage item is included in the reimbursable meal served on a particular school day.

(2) "Added sweeteners" means any additives that enhance the sweetness of a beverage, including processed sugar. "Added sweeteners" do not include any natural sugars found in fruit juices that are a component of the beverage.

(3) "Extended school day" means the period before and after the regular school day during which students participate in school-sponsored extracurricular activities, latchkey programs as defined in section 3313.207 of the Revised Code, or other academic or enrichment programs.

(4) "Regular school day" means the period each school day between the designated arrival time for students and the end of

the final instructional period. 10880

(5) "Reimbursable meal" means a meal that is provided to 10881
students through a school breakfast or lunch program established 10882
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 10883
U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 10884
80 Stat. 885, 42 U.S.C. 1771, as amended, and that meets the 10885
criteria for reimbursement established by the United States 10886
department of agriculture. 10887

(6) "School food service program" means a school food 10888
service program operated under section 3313.81 or 3313.813 of 10889
the Revised Code. 10890

(B) Each school district board of education and each 10891
chartered nonpublic school governing authority shall adopt and 10892
enforce nutrition standards governing the types of food and 10893
beverages that may be sold on the premises of its schools, and 10894
specifying the time and place each type of food or beverage may 10895
be sold. 10896

(1) In adopting the standards, the board or governing 10897
authority shall do all of the following: 10898

(a) Consider the nutritional value of each food or 10899
beverage; 10900

(b) Consult with a dietitian licensed under Chapter 4759. 10901
of the Revised Code, a dietetic technician registered by the 10902
commission on dietetic registration, or a school nutrition 10903
specialist certified or credentialed by the school nutrition 10904
association. The person with whom the board or governing 10905
authority consults may be an employee of the board or governing 10906
authority, a person contracted by the board or governing 10907
authority, or a volunteer, provided the person meets the 10908

requirements of this division. 10909

(c) Consult the dietary guidelines for Americans jointly 10910
developed by the United States department of agriculture and the 10911
United States department of health and human services and, to 10912
the maximum extent possible, incorporate the guidelines into the 10913
standards. 10914

(2) No food or beverage may be sold on any school premises 10915
except in accordance with the standards adopted by the board or 10916
governing authority. 10917

(3) The standards shall comply with sections 3313.816 and 10918
3313.817 of the Revised Code, but nothing in this section shall 10919
prohibit the standards from being more restrictive than 10920
otherwise required by those sections. 10921

(C) The nutrition standards adopted under this section 10922
shall prohibit the placement of vending machines in any 10923
classroom where students are provided instruction, unless the 10924
classroom also is used to serve students meals. This division 10925
does not apply to vending machines that sell only milk, 10926
reimbursable meals, or food and beverage items that are part of 10927
a reimbursable meal and are available for sale as individually 10928
priced items in serving portions of the same size as in the 10929
reimbursable meal. 10930

(D) Each board or governing authority shall designate 10931
staff to be responsible for ensuring that the school district or 10932
school meets the nutrition standards adopted under this section. 10933
The staff shall prepare an annual report regarding the 10934
district's or school's compliance with the standards ~~and include~~ 10935
~~it in the report to the department of education and workforce~~ 10936
~~prescribed in section 3301.68 of the Revised Code.~~ The board or 10937

governing authority annually shall schedule a presentation on 10938
the nutrition standards report at one of its regular meetings. 10939
Each district or school shall make copies of the nutrition 10940
standards report available to the public upon request. 10941

(E) The department of education and workforce shall 10942
formulate and adopt guidelines, which boards of education and 10943
chartered nonpublic schools may follow in enforcing and 10944
implementing this section. 10945

Sec. 3314.016. This section applies to any entity that 10946
sponsors a community school, regardless of whether section 10947
3314.021 or 3314.027 of the Revised Code exempts the entity from 10948
the requirement to be approved for sponsorship under divisions 10949
(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 10950
office of Ohio school sponsorship established under section 10951
3314.029 of the Revised Code shall be rated under division (B) 10952
of this section, but divisions (A) and (C) of this section do 10953
not apply to the office. 10954

(A) An entity that sponsors a community school shall be 10955
permitted to enter into contracts under section 3314.03 of the 10956
Revised Code to sponsor additional community schools only if the 10957
entity meets all of the following criteria: 10958

(1) The entity is in compliance with all provisions of 10959
this chapter requiring sponsors of community schools to report 10960
data or information to the department of education and 10961
workforce. 10962

(2) The entity is not rated as "ineffective" under 10963
division (B) (5) of this section. 10964

(3) Except as set forth in sections 3314.021 and 3314.027 10965
of the Revised Code, the entity has received approval from and 10966

entered into an agreement with the department pursuant to 10967
section 3314.015 of the Revised Code. 10968

(B)(1) The department shall develop and implement an 10969
evaluation system that annually rates and assigns an overall 10970
rating to each entity that sponsors a community school. The 10971
department, not later than the first day of February of each 10972
year, shall post on the department's web site the framework for 10973
the evaluation system, including technical documentation that 10974
the department intends to use to rate sponsors for the next 10975
school year. The department shall solicit public comment on the 10976
evaluation system for thirty consecutive days. Not later than 10977
the first day of April of each year, the department shall 10978
compile and post on the department's web site all public 10979
comments that were received during the public comment period. 10980
The evaluation system shall be posted on the department's web 10981
site by the fifteenth day of July of each school year. Any 10982
changes to the evaluation system after that date shall take 10983
effect the following year. The evaluation system shall be based 10984
on the following components: 10985

(a) Academic performance of students enrolled in community 10986
schools sponsored by the same entity. The academic performance 10987
component shall be derived from the performance measures 10988
prescribed for the state report cards under section 3302.03 or 10989
3314.017 of the Revised Code, and shall be based on the 10990
performance of the schools for the school year for which the 10991
evaluation is conducted. In addition to the academic performance 10992
for a specific school year, the academic performance component 10993
shall also include year-to-year changes in the overall sponsor 10994
portfolio. For a community school for which no graded 10995
performance measures are applicable or available, the department 10996
shall use nonreport card performance measures specified in the 10997

contract between the community school and the sponsor under 10998
division (A) (4) of section 3314.03 of the Revised Code. 10999

(b) Adherence by a sponsor to the quality practices 11000
prescribed by the department under division (B) (3) of this 11001
section. 11002

(c) Compliance with all applicable laws and administrative 11003
rules by an entity that sponsors a community school. 11004

Under the evaluation system prescribed under division (B) 11005
(1) of this section, the department shall not assign an overall 11006
rating of "ineffective" or lower to an entity that sponsors a 11007
community school solely because that entity received no points 11008
on one of the components prescribed under that division. 11009

(2) In calculating an academic performance component, the 11010
department shall exclude all community schools that have been in 11011
operation for not more than two full school years, all community 11012
schools whose contracts were not renewed or terminated by the 11013
sponsor pursuant to section 3314.07 of the Revised Code before 11014
the evaluation, and all community schools described in division 11015
(B) (2) of section 3314.35 of the Revised Code. However, the 11016
academic performance of the community schools described in 11017
division (B) (2) of section 3314.35 of the Revised Code shall be 11018
reported, but shall not be used as a factor when determining a 11019
sponsoring entity's rating under this section. 11020

(3) The department, in consultation with entities that 11021
sponsor community schools, shall prescribe quality practices for 11022
community school sponsors and develop an instrument to measure 11023
adherence to those quality practices. The quality practices 11024
shall be based on standards developed by the national 11025
association of charter school authorizers or any other 11026

nationally organized community school organization. 11027

(4) The director of education and workforce shall adopt 11028
rules in accordance with Chapter 119. of the Revised Code 11029
prescribing standards for measuring compliance with applicable 11030
laws and rules under division (B) (1) (c) of this section. 11031

(5) The department annually shall rate all entities that 11032
sponsor community schools as either "exemplary," "effective," 11033
"ineffective," or "poor," based on the components prescribed by 11034
division (B) of this section, where each component is weighted 11035
equally. A separate rating shall be given by the department for 11036
each component of the evaluation system. 11037

The department shall publish the ratings between the first 11038
day of October and the fifteenth day of November. 11039

Prior to the publication of the final ratings, the 11040
department shall designate and provide notice of a period of at 11041
least ten business days during which each sponsor may review the 11042
information used by the department to determine the sponsor's 11043
rating on the components prescribed by division (B) (1) of this 11044
section. If the sponsor believes there is an error in the 11045
department's evaluation, the sponsor may request adjustments to 11046
the rating of any of those components based on documentation 11047
previously submitted as part of an evaluation. The sponsor shall 11048
provide to the department any necessary evidence or information 11049
to support the requested adjustments. The department shall 11050
review the evidence and information, determine whether an 11051
adjustment is valid, and promptly notify the sponsor of its 11052
determination and reasons. If any adjustments to the data could 11053
result in a change to the rating on the applicable component or 11054
to the overall rating, the department shall recalculate the 11055
ratings prior to publication. 11056

The department shall provide training on an annual basis 11057
regarding the evaluation system prescribed under this section. 11058
The training shall, at a minimum, describe methodology, 11059
timelines, and data required for the evaluation system. The 11060
first training session shall occur not later than March 2, 2016. 11061
Beginning in 2018, the training shall be made available to each 11062
entity that sponsors a community school by the fifteenth day of 11063
July of each year and shall include guidance on any changes made 11064
to the evaluation system. 11065

(6) (a) Entities with an overall rating of "exemplary" may 11066
take advantage of the following incentives: 11067

(i) Renewal of the written agreement with the department, 11068
not to exceed ten years, provided that the entity consents to 11069
continued evaluation of adherence to quality practices as 11070
described in division (B) (1) (b) of this section; 11071

(ii) The ability to extend the term of the contract 11072
between the sponsoring entity and the community school beyond 11073
the term described in the written agreement with the department; 11074

(iii) An exemption from the preliminary agreement and 11075
contract adoption and execution deadline requirements prescribed 11076
in division (D) of section 3314.02 of the Revised Code; 11077

(iv) An exemption from the automatic contract expiration 11078
requirement, should a new community school fail to open by the 11079
thirtieth day of September of the calendar year in which the 11080
community school contract is executed; 11081

(v) No limit on the number of community schools the entity 11082
may sponsor; 11083

(vi) No territorial restrictions on sponsorship. 11084

An entity may continue to sponsor any community schools 11085
with which it entered into agreements under division (B) (6) (a) 11086
(v) or (vi) of this section while rated "exemplary," 11087
notwithstanding the fact that the entity later receives a lower 11088
overall rating. 11089

(b) Entities with an overall rating of "exemplary" shall 11090
not be evaluated by the department for five full school years 11091
following the school year for which the entity received the 11092
"exemplary" rating. Entities with an overall rating of 11093
"effective" shall not be evaluated by the department for three 11094
full school years following the school year for which the entity 11095
received the "effective" rating. 11096

(c) (i) Entities that receive an overall rating of 11097
"ineffective" shall be prohibited from sponsoring any new or 11098
additional community schools during the time in which the 11099
sponsor is rated as "ineffective" and shall be subject to a 11100
quality improvement plan based on correcting the deficiencies 11101
that led to the "ineffective" rating, with timelines and 11102
benchmarks that have been established by the department. 11103

(ii) Entities that receive an overall rating of 11104
"ineffective" on their three most recent ratings shall have all 11105
sponsorship authority revoked. Within thirty days after 11106
receiving its third rating of "ineffective," the entity may 11107
appeal the revocation of its sponsorship authority to the 11108
director, who shall appoint an independent hearing officer to 11109
conduct a hearing in accordance with Chapter 119. of the Revised 11110
Code. The hearing shall be conducted within thirty days after 11111
receipt of the notice of appeal. Within forty-five days after 11112
the hearing is completed, the director shall determine whether 11113
the revocation is appropriate based on the hearing conducted by 11114

the independent hearing officer, and if determined appropriate, 11115
the revocation shall be confirmed. 11116

(d) Entities that receive an overall rating of "poor" 11117
shall have all sponsorship authority revoked. Within thirty days 11118
after receiving a rating of "poor," the entity may appeal the 11119
revocation of its sponsorship authority to the director, who 11120
shall appoint an independent hearing officer to conduct a 11121
hearing in accordance with Chapter 119. of the Revised Code. The 11122
hearing shall be conducted within thirty days after receipt of 11123
the notice of appeal. Within forty-five days after the hearing 11124
is completed, the director shall determine whether the 11125
revocation is appropriate based on the hearing conducted by the 11126
independent hearing officer, and if determined appropriate, the 11127
revocation shall be confirmed. 11128

(7) For the 2014-2015 school year and each school year 11129
thereafter, student academic performance prescribed under 11130
division (B)(1)(a) of this section shall include student 11131
academic performance data from dropout prevention and recovery 11132
community schools. 11133

(8) The department shall publish annually academic 11134
performance data for each sponsor in accordance with division 11135
(B)(1)(a) of this section, regardless of whether the sponsor is 11136
being evaluated under this section for that school year. 11137

(C) If the governing authority of a community school 11138
enters into a contract with a sponsor prior to the date on which 11139
the sponsor is prohibited from sponsoring additional schools 11140
under division (A) of this section and the school has not opened 11141
for operation as of that date, that contract shall be void and 11142
the school shall not open until the governing authority secures 11143
a new sponsor by entering into a contract with the new sponsor 11144

under section 3314.03 of the Revised Code. However, the 11145
department's office of Ohio school sponsorship, established 11146
under section 3314.029 of the Revised Code, may assume the 11147
sponsorship of the school until the earlier of the expiration of 11148
two school years or until a new sponsor is secured by the 11149
school's governing authority. A community school sponsored by 11150
the department under this division shall not be included when 11151
calculating the maximum number of directly authorized community 11152
schools permitted under division (A) (3) of section 3314.029 of 11153
the Revised Code. 11154

(D) When an entity's authority to sponsor schools is 11155
revoked pursuant to division (B) (6) (c) or (d) of this section, 11156
the office of Ohio school sponsorship shall assume sponsorship 11157
of any schools with which the original sponsor has contracted 11158
for the remainder of that school year. The office may continue 11159
sponsoring those schools until the earlier of: 11160

(1) The expiration of two school years from the time that 11161
sponsorship is revoked; 11162

(2) When a new sponsor is secured by the governing 11163
authority pursuant to division (C) (1) of section 3314.02 of the 11164
Revised Code. 11165

Any community school sponsored under this division shall 11166
not be counted for purposes of directly authorized community 11167
schools under division (A) (3) of section 3314.029 of the Revised 11168
Code. 11169

~~(E) The department shall recalculate the rating for the 11170
2017-2018 school year for each sponsor of a community school 11171
that receives recalculated ratings pursuant to division (I) of 11172
section 3314.017 of the Revised Code. 11173~~

Sec. 3314.017. (A) The department of education and 11174
workforce shall prescribe by rules, adopted in accordance with 11175
Chapter 119. of the Revised Code, an academic performance rating 11176
and report card system that satisfies the requirements of this 11177
section for dropout prevention and recovery community schools, 11178
to be used in lieu of the system prescribed under sections 11179
3302.03 and 3314.012 of the Revised Code beginning with the 11180
2012-2013 school year. Each such school shall comply with the 11181
testing and reporting requirements of the system as prescribed 11182
by the department. 11183

(B) Nothing in this section shall at any time relieve a 11184
school from its obligations under the "No Child Left Behind Act 11185
of 2001" to make "adequate yearly progress," as both that act 11186
and that term are defined in section 3302.01 of the Revised 11187
Code, or a school's amenability to the provisions of section 11188
3302.04 or 3302.041 of the Revised Code. The department shall 11189
continue to report each school's performance as required by the 11190
act and to enforce applicable sanctions under section 3302.04 or 11191
3302.041 of the Revised Code. 11192

(C) The rules adopted by the department shall prescribe 11193
the following performance indicators for the rating and report 11194
card system required by this section: 11195

(1) Graduation rate for each of the following student 11196
cohorts: 11197

(a) The number of students who graduate in four years or 11198
less with a regular high school diploma divided by the number of 11199
students who form the adjusted cohort for the graduating class; 11200

(b) The number of students who graduate in five years with 11201
a regular high school diploma divided by the number of students 11202

who form the adjusted cohort for the four-year graduation rate;	11203
(c) The number of students who graduate in six years with	11204
a regular high school diploma divided by the number of students	11205
who form the adjusted cohort for the four-year graduation rate;	11206
(d) The number of students who graduate in seven years	11207
with a regular high school diploma divided by the number of	11208
students who form the adjusted cohort for the four-year	11209
graduation rate;	11210
(e) The number of students who graduate in eight years	11211
with a regular high school diploma divided by the number of	11212
students who form the adjusted cohort for the four-year	11213
graduation rate.	11214
(2) The percentage of twelfth-grade students currently	11215
enrolled in the school who have attained the designated passing	11216
score on all of the state high school achievement assessments	11217
required under division (B) (1) of section 3301.0710 of the	11218
Revised Code or the cumulative performance score on the end-of-	11219
course examinations prescribed under division (B) (2) of section	11220
3301.0712 of the Revised Code, whichever applies, and other	11221
students enrolled in the school, regardless of grade level, who	11222
are within three months of their twenty-second birthday and have	11223
attained the designated passing score on all of the state high-	11224
school achievement assessments or the cumulative performance	11225
score on the end-of-course examinations, whichever applies, by	11226
their twenty-second birthday;	11227
(3) Annual measurable objectives as defined in section	11228
3302.01 of the Revised Code;	11229
(4) Growth in student achievement in reading, or	11230
mathematics, or both as measured by separate nationally norm-	11231

referenced assessments that have developed appropriate standards 11232
for students enrolled in dropout prevention and recovery 11233
programs, adopted or approved by the department. 11234

(D) (1) The department's rules shall prescribe the expected 11235
performance levels and benchmarks for each of the indicators 11236
prescribed by division (C) of this section based on the data 11237
gathered by the department under division ~~(G)~~(F) of this section 11238
and simulations created by the department. Based on a school's 11239
level of attainment or nonattainment of the expected performance 11240
levels and benchmarks for each of the indicators, the department 11241
shall rate each school in one of the following categories: 11242

(a) Exceeds standards; 11243

(b) Meets standards; 11244

(c) Does not meet standards. 11245

(2) The department's rules shall establish all of the 11246
following: 11247

(a) Performance levels and benchmarks for the indicators 11248
described in divisions (C) (1) to (3) of this section; 11249

(b) Both of the following: 11250

(i) Performance levels and benchmarks for the indicator 11251
described in division (C) (4) of this section; 11252

(ii) Standards for awarding a dropout prevention and 11253
recovery community school an overall designation, which shall be 11254
calculated as follows: 11255

(I) Thirty per cent of the score shall be based on the 11256
indicators described in division (C) (1) of this section that are 11257
applicable to the school year for which the overall designation 11258

is granted. 11259

(II) Thirty per cent of the score shall be based on the 11260
indicators described in division (C) (4) of this section. 11261

(III) Twenty per cent of the score shall be based on the 11262
indicators described in division (C) (2) of this section. 11263

(IV) Twenty per cent of the score shall be based on the 11264
indicators described in division (C) (3) of this section. 11265

(3) If both of the indicators described in divisions (C) 11266
(1) and (2) of this section improve by ten per cent for two 11267
consecutive years, a school shall be rated not less than "meets 11268
standards." 11269

The rating and the relevant performance data for each 11270
school shall be posted on the department's web site, and a copy 11271
of the rating and data shall be provided to the governing 11272
authority of the community school. 11273

(E) The department annually shall issue a report card for 11274
each dropout prevention and recovery community school that 11275
includes all of the following performance measures, including a 11276
performance rating for each measure as described in divisions 11277
(D) (1) (a) to (c) of this section: 11278

(1) The graduation rates as described in division (C) (1) 11279
of this section; 11280

(2) The percentage of twelfth-grade students and other 11281
students who have attained a designated passing score on high 11282
school achievement assessments as described in division (C) (2) 11283
of this section; 11284

(3) Annual measurable objectives described in division (C) 11285
(3) of this section, including a performance rating as described 11286

in divisions (D) (1) (a) to (c) of this section; 11287

(4) Growth in annual student achievement in reading and 11288
mathematics as described in division (C) (4) of this section; 11289

(5) An overall performance designation for the school 11290
calculated under rules adopted under division (D) (2) of this 11291
section. 11292

The department shall also include student outcome data, 11293
including postsecondary credit earned, nationally recognized 11294
career or technical certification, military enlistment, job 11295
placement, attendance rate, and progress on closing achievement 11296
gaps for each school. This information shall not be included in 11297
the calculation of a school's performance rating. 11298

~~(F) Not later than the thirty-first day of July of each 11299
year, the department shall submit preliminary report card data 11300
for overall academic performance for each performance measure 11301
prescribed in division (E) of this section for each community 11302
school to which this section applies. 11303~~

~~(G)~~ For the purposes of prescribing performance levels and 11304
benchmarks under division (D) of this section, the department 11305
shall gather and analyze data from prior school years for each 11306
dropout prevention and recovery community school. Each such 11307
school shall cooperate with the department. The department shall 11308
consult with stakeholder groups in performing its duties under 11309
this division. 11310

~~(H)~~ (G) The department shall review the performance levels 11311
and benchmarks for performance indicators in the report card 11312
issued under this section and may revise them based on the data 11313
collected under division ~~(G)~~ (F) of this section. 11314

~~(I) For the purposes of division (F) of section 3314.351 11315~~

~~of the Revised Code, the department shall recalculate the ratings for each school under division (E) (3) of this section for the 2017-2018 school year and calculate the ratings under that division for the 2018-2019 school year using the indicators prescribed by division (C) of this section, as it exists on and after July 18, 2019.~~

Sec. 3314.02. (A) As used in this chapter: 11322

(1) "Sponsor" means the board of education of a school district or the governing board of an educational service center that agrees to the conversion of all or part of a school or building under division (B) of this section, or an entity listed in division (C) (1) of this section, which has been approved by the department of education and workforce to sponsor community schools or is exempted by section 3314.021 or 3314.027 of the Revised Code from obtaining approval, and with which the governing authority of a community school enters into a contract under section 3314.03 of the Revised Code. 11323
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(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly. 11333
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~~(3) "Challenged school district" means any of the following:~~ 11337
11338

~~(a) A school district that is part of the pilot project area;~~ 11339
11340

~~(b) A school district that meets one of the following conditions:~~ 11341
11342

~~(i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section~~ 11343
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~~3302.03 of the Revised Code, as that section existed prior to
March 22, 2013;~~ 11345
11346

~~(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and
2015-2016 school years, the district received a grade of "D" or
"F" for the performance index score and a grade of "F" for the
value-added progress dimension under section 3302.03 of the
Revised Code;~~ 11347
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~~(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020,
and 2020-2021 school years, the district has received an overall
grade of "D" or "F" under division (C) (3) of section 3302.03 of
the Revised Code, or, for at least two of the three most recent
school years, the district received a grade of "F" for the
value-added progress dimension under division (C) (1) (c) of that
section;~~ 11352
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~~(iv) For the 2021-2022 school year and for any school year
thereafter, the district has received an overall performance
rating of less than three stars under division (D) (3) of section
3302.03 of the Revised Code, or, for at least two of the three
most recent school years, the district received one star for
progress under division (D) (3) (c) of that section.~~ 11359
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~~(c) A big eight school district;~~ 11365

~~(d) A school district ranked in the lowest five per cent
of school districts according to performance index score under
section 3302.21 of the Revised Code.~~ 11366
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~~(4) "Big eight school district" means a school district
that for fiscal year 1997 had both of the following:~~ 11369
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~~(a) A percentage of children residing in the district and
participating in the predecessor of Ohio works first greater
than thirty per cent, as reported pursuant to section 3317.10 of~~ 11371
11372
11373

the Revised Code; 11374

(b) An average daily membership greater than twelve 11375
thousand, as reported pursuant to former division (A) of section 11376
3317.03 of the Revised Code. 11377

~~(5)~~(4) "New start-up school" means a community school 11378
other than one created by converting all or part of an existing 11379
public school or educational service center building, as 11380
designated in the school's contract pursuant to division (A)(17) 11381
of section 3314.03 of the Revised Code. 11382

~~(6)~~(5) "Urban school district" means one of the state's 11383
twenty-one urban school districts as defined in division (O) of 11384
section 3317.02 of the Revised Code as that section existed 11385
prior to July 1, 1998. 11386

~~(7)~~(6) "Internet- or computer-based community school" 11387
means a community school established under this chapter in which 11388
the enrolled students work primarily from their residences on 11389
assignments in nonclassroom-based learning opportunities 11390
provided via an internet- or other computer-based instructional 11391
method that does not rely on regular classroom instruction or 11392
via comprehensive instructional methods that include internet- 11393
based, other computer-based, and noncomputer-based learning 11394
opportunities unless a student receives career-technical 11395
education under section 3314.086 of the Revised Code. 11396

A community school that operates mainly as an internet- or 11397
computer-based community school and provides career-technical 11398
education under section 3314.086 of the Revised Code shall be 11399
considered an internet- or computer-based community school, even 11400
if it provides some classroom-based instruction, so long as it 11401
provides instruction via the methods described in this division. 11402

~~(8)~~(7) "Operator" or "management company" means either of 11403
the following: 11404

(a) An individual or organization that manages the daily 11405
operations of a community school pursuant to a contract between 11406
the operator or management company and the school's governing 11407
authority; 11408

(b) A nonprofit organization that provides programmatic 11409
oversight and support to a community school under a contract 11410
with the school's governing authority and that retains the right 11411
to terminate its affiliation with the school if the school fails 11412
to meet the organization's quality standards. 11413

~~(9)~~(8) "Alliance municipal school district" has the same 11414
meaning as in section 3311.86 of the Revised Code. 11415

~~(10)~~(9) "Dropout prevention and recovery community school" 11416
means a community school that enrolls only students who are at 11417
least fourteen years of age and not older than twenty-one years 11418
of age and who, at the time of their initial enrollment, are at 11419
least one grade level behind their cohort age groups or 11420
experience crises that significantly interfere with their 11421
academic progress such that they are prevented from continuing 11422
their traditional educational programs. 11423

(B) (1) Any person or group of individuals may initially 11424
propose under this division the conversion of all or a portion 11425
of a public school to a community school. The proposal shall be 11426
made to the board of education of the city, local, exempted 11427
village, or joint vocational school district in which the public 11428
school is proposed to be converted. 11429

(2) Any person or group of individuals may initially 11430
propose under this division the conversion of all or a portion 11431

of a building operated by an educational service center to a 11432
community school. The proposal shall be made to the governing 11433
board of the service center. 11434

On or after July 1, 2017, except as provided in section 11435
3314.027 of the Revised Code, any educational service center 11436
that sponsors a community school shall be approved by and enter 11437
into a written agreement with the department as described in 11438
section 3314.015 of the Revised Code. 11439

(3) Upon receipt of a proposal, and after an agreement has 11440
been entered into pursuant to section 3314.015 of the Revised 11441
Code, a board may enter into a preliminary agreement with the 11442
person or group proposing the conversion of the public school or 11443
service center building, indicating the intention of the board 11444
to support the conversion to a community school. A proposing 11445
person or group that has a preliminary agreement under this 11446
division may proceed to finalize plans for the school, establish 11447
a governing authority for the school, and negotiate a contract 11448
with the board. Provided the proposing person or group adheres 11449
to the preliminary agreement and all provisions of this chapter, 11450
the board shall negotiate in good faith to enter into a contract 11451
in accordance with section 3314.03 of the Revised Code and 11452
division (C) of this section. 11453

(4) The sponsor of a conversion community school proposed 11454
to open in an alliance municipal school district shall be 11455
subject to approval by the department of education and workforce 11456
for sponsorship of that school using the criteria established 11457
under division (A) of section 3311.87 of the Revised Code. 11458

Division (B) (4) of this section does not apply to a 11459
sponsor that, on or before September 29, 2015, was exempted 11460
under section 3314.021 or 3314.027 of the Revised Code from the 11461

requirement to be approved for sponsorship under divisions (A) 11462
(2) and (B) (1) of section 3314.015 of the Revised Code. 11463

(5) A school established in accordance with division (B) 11464
of this section that later enters into a sponsorship contract 11465
with an entity that is not a school district or educational 11466
service center shall, at the time of entering into the new 11467
contract, be deemed a community school established in accordance 11468
with division (C) of this section. 11469

(C) (1) Provided all other conditions of sponsorship and 11470
governance are satisfied, any person or group of individuals may 11471
propose under this division the establishment of a new start-up 11472
school regardless of the school's proposed location. The 11473
proposal may be made to any of the following entities: 11474

(a) The board of education of the district in which the 11475
school is proposed to be located; 11476

(b) The board of education of any joint vocational school 11477
district with territory in the county in which is located the 11478
majority of the territory of the district in which the school is 11479
proposed to be located; 11480

(c) The board of education of any other city, local, or 11481
exempted village school district having territory in the same 11482
county where the district in which the school is proposed to be 11483
located has the major portion of its territory; 11484

(d) The governing board of any educational service center, 11485
regardless of the location of the proposed school, may sponsor a 11486
new start-up school if all of the following are satisfied: 11487

(i) If applicable, it satisfies the requirements of 11488
division (E) of section 3311.86 of the Revised Code; 11489

- (ii) It is approved to do so by the department; 11490
- (iii) It enters into an agreement with the department 11491
under section 3314.015 of the Revised Code. 11492
- (e) A sponsoring authority designated by the board of 11493
trustees of any of the thirteen state universities listed in 11494
section 3345.011 of the Revised Code or the board of trustees 11495
itself as long as a mission of the proposed school to be 11496
specified in the contract under division (A) (2) of section 11497
3314.03 of the Revised Code and as approved by the department 11498
under division (B) (3) of section 3314.015 of the Revised Code 11499
will be the practical demonstration of teaching methods, 11500
educational technology, or other teaching practices that are 11501
included in the curriculum of the university's teacher 11502
preparation program approved by the chancellor of higher 11503
education; 11504
- (f) Any qualified tax-exempt entity under section 501(c) 11505
(3) of the Internal Revenue Code as long as all of the following 11506
conditions are satisfied: 11507
- (i) The entity has been in operation for at least five 11508
years prior to applying to be a community school sponsor. 11509
- (ii) The entity has assets of at least five hundred 11510
thousand dollars and a demonstrated record of financial 11511
responsibility. 11512
- (iii) The department has determined that the entity is an 11513
education-oriented entity under division (B) (4) of section 11514
3314.015 of the Revised Code and the entity has a demonstrated 11515
record of successful implementation of educational programs. 11516
- (iv) The entity is not a community school. 11517

(g) The mayor of a city in which the majority of the territory of a school district to which section 3311.60 of the Revised Code applies is located, regardless of whether that district has created the position of independent auditor as prescribed by that section. The mayor's sponsorship authority under this division is limited to community schools that are located in that school district. Such mayor may sponsor community schools only with the approval of the city council of that city, after establishing standards with which community schools sponsored by the mayor must comply, and after entering into a sponsor agreement with the department as prescribed under section 3314.015 of the Revised Code. The mayor shall establish the standards for community schools sponsored by the mayor not later than one hundred eighty days after July 15, 2013, and shall submit them to the department upon their establishment. The department shall approve the mayor to sponsor community schools in the district, upon receipt of an application by the mayor to do so. Not later than ninety days after the department's approval of the mayor as a community school sponsor, the department shall enter into the sponsor agreement with the mayor.

Any entity described in division (C)(1) of this section may enter into a preliminary agreement pursuant to division (C)(2) of this section with the proposing person or group, provided that entity has been approved by and entered into a written agreement with the department pursuant to section 3314.015 of the Revised Code.

(2) A preliminary agreement indicates the intention of an entity described in division (C)(1) of this section to sponsor the community school. A proposing person or group that has such a preliminary agreement may proceed to finalize plans for the

school, establish a governing authority as described in division 11549
(E) of this section for the school, and negotiate a contract 11550
with the entity. Provided the proposing person or group adheres 11551
to the preliminary agreement and all provisions of this chapter, 11552
the entity shall negotiate in good faith to enter into a 11553
contract in accordance with section 3314.03 of the Revised Code. 11554

~~(3) A new start-up school that is established in a school-~~ 11555
~~district described in either division (A) (3) (b) or (d) of this~~ 11556
~~section may continue in existence once the school district no-~~ 11557
~~longer meets the conditions described in either division,~~ 11558
~~provided there is a valid contract between the school and a~~ 11559
~~sponsor.~~ 11560

~~(4)~~ A copy of every preliminary agreement entered into 11561
under this division shall be filed with the director of 11562
education and workforce. 11563

(D) A majority vote of the board of a sponsoring entity 11564
and a majority vote of the members of the governing authority of 11565
a community school shall be required to adopt a contract and 11566
convert the public school or educational service center building 11567
to a community school or establish the new start-up school. 11568
Beginning September 29, 2005, adoption of the contract shall 11569
occur not later than the fifteenth day of March, and signing of 11570
the contract shall occur not later than the fifteenth day of 11571
May, prior to the school year in which the school will open. The 11572
governing authority shall notify the department of education and 11573
workforce when the contract has been signed. Subject to sections 11574
3314.013 and 3314.016 of the Revised Code, an unlimited number 11575
of community schools may be established in any school district 11576
provided that a contract is entered into for each community 11577
school pursuant to this chapter. 11578

(E) (1) As used in this division, "immediate relatives" are 11579
limited to spouses, children, parents, grandparents, and 11580
siblings, as well as in-laws residing in the same household as 11581
the person serving on the governing authority. 11582

Each new start-up community school established under this 11583
chapter shall be under the direction of a governing authority 11584
which shall consist of a board of not less than five 11585
individuals. 11586

(2) (a) No person shall serve on the governing authority or 11587
operate the community school under contract with the governing 11588
authority under any of the following circumstances: 11589

(i) The person owes the state any money or is in a dispute 11590
over whether the person owes the state any money concerning the 11591
operation of a community school that has closed. 11592

(ii) The person would otherwise be subject to division (B) 11593
of section 3319.31 of the Revised Code with respect to refusal, 11594
limitation, or revocation of a license to teach, if the person 11595
were a licensed educator. 11596

(iii) The person has pleaded guilty to or been convicted 11597
of theft in office under section 2921.41 of the Revised Code, or 11598
has pleaded guilty to or been convicted of a substantially 11599
similar offense in another state. 11600

(b) No person shall serve on the governing authority or 11601
engage in the financial day-to-day management of the community 11602
school under contract with the governing authority unless and 11603
until that person has submitted to a criminal records check in 11604
the manner prescribed by section 3319.39 of the Revised Code. 11605

(c) Each sponsor of a community school shall annually 11606
verify that a finding for recovery has not been issued by the 11607

auditor of state against any individual or individuals who 11608
propose to create a community school or any member of the 11609
governing authority, the operator, or any employee of each 11610
community school with responsibility for fiscal operations or 11611
authorization to expend money on behalf of the school. 11612

(3) No person shall serve on the governing authorities of 11613
more than five start-up community schools at the same time 11614
unless both of the following apply: 11615

(a) The person serves in a volunteer capacity and receives 11616
no compensation under division (E) (5) of this section from any 11617
governing authority on which the person serves. 11618

(b) For any school that has an operator, the operator is a 11619
nonprofit organization. 11620

(4) (a) For a community school established under this 11621
chapter that is not sponsored by a school district or an 11622
educational service center, no present or former member, or 11623
immediate relative of a present or former member, of the 11624
governing authority shall be an owner, employee, or consultant 11625
of the community school's sponsor or operator, unless at least 11626
one year has elapsed since the conclusion of the person's 11627
membership on the governing authority. 11628

(b) For a community school established under this chapter 11629
that is sponsored by a school district or an educational service 11630
center, no present or former member, or immediate relative of a 11631
present or former member, of the governing authority shall: 11632

(i) Be an officer of the district board or service center 11633
governing board that serves as the community school's sponsor, 11634
unless at least one year has elapsed since the conclusion of the 11635
person's membership on the governing authority; 11636

(ii) Serve as an employee of, or a consultant for, the 11637
department, division, or section of the sponsoring district or 11638
service center that is directly responsible for sponsoring 11639
community schools, or have supervisory authority over such a 11640
department, division, or section, unless at least one year has 11641
elapsed since the conclusion of the person's membership on the 11642
governing authority. 11643

(5) The governing authority of a start-up or conversion 11644
community school may provide by resolution for the compensation 11645
of its members. However, no individual who serves on the 11646
governing authority of a start-up or conversion community school 11647
shall be compensated more than one hundred twenty-five dollars 11648
per meeting of that governing authority and no such individual 11649
shall be compensated more than a total amount of five thousand 11650
dollars per year for all governing authorities upon which the 11651
individual serves. Each member of the governing authority may be 11652
paid compensation for attendance at an approved training 11653
program, provided that such compensation shall not exceed sixty 11654
dollars a day for attendance at a training program three hours 11655
or less in length and one hundred twenty-five dollars a day for 11656
attendance at a training program longer than three hours in 11657
length. 11658

(6) No person who is the employee of a school district or 11659
educational service center shall serve on the governing 11660
authority of any community school sponsored by that school 11661
district or service center. 11662

(7) Each member of the governing authority of a community 11663
school shall annually file a disclosure statement setting forth 11664
the names of any immediate relatives or business associates 11665
employed by any of the following within the previous three 11666

years: 11667

(a) The sponsor or operator of that community school; 11668

(b) A school district or educational service center that 11669
has contracted with that community school; 11670

(c) A vendor that is or has engaged in business with that 11671
community school. 11672

(8) No person who is a member of a school district board 11673
of education shall serve on the governing authority of any 11674
community school. 11675

(F) (1) A new start-up school that is established prior to 11676
August 15, 2003, in an urban school district that is not also a 11677
big-eight school district may continue to operate after that 11678
date and the contract between the school's governing authority 11679
and the school's sponsor may be renewed, as provided under this 11680
chapter, after that date. 11681

(2) A community school that was established prior to June 11682
29, 1999, and is located in a county contiguous to the pilot 11683
project area and in a school district that was not a challenged 11684
school district, as that term was defined in this section prior 11685
to the effective date of this amendment, may continue to operate 11686
after that date, provided the school complies with all 11687
provisions of this chapter. The contract between the school's 11688
governing authority and the school's sponsor may be renewed. 11689

(3) Any educational service center that, on June 30, 2007, 11690
sponsors a community school that is not located in a county 11691
within the territory of the service center or in a county 11692
contiguous to such county may continue to sponsor that community 11693
school on and after June 30, 2007, and may renew its contract 11694
with the school. 11695

(4) The department of education and workforce shall not 11696
restrict the establishment of a new start-up community school to 11697
those located in a challenged school district, as that term was 11698
defined in this section prior to the effective date of this 11699
amendment, as was required by this section prior to September 11700
30, 2021. 11701

Sec. 3314.031. (A) ~~Beginning March 31, 2016, the~~ The 11702
department shall do the following: 11703

(1) Maintain and annually publish an accurate record of 11704
the names and identifying information of all entities that have 11705
entered into a contract with the governing authority of a 11706
community school to manage or operate that school; 11707

(2) Receive from the governing authority of each community 11708
school a copy of the contract between a governing authority and 11709
its operator. A copy of each contract shall be made available on 11710
the department's web site. 11711

(B) Not later than November 15, 2016, and not later than 11712
the fifteenth day of November for each year thereafter, the 11713
department shall develop and publish an annual performance 11714
report for all operators of community schools in the state based 11715
on their performance for the previous school year. The report 11716
shall be made available on the department's web site. 11717

(C) The department shall include the performance report 11718
obtained pursuant to division (B) of this section in the 11719
department's annual report required by division (A) (4) of 11720
section 3314.015 of the Revised Code. 11721

(D) For purposes of this section, "operator" has the same 11722
meaning as in ~~division (A) (8) of~~ section 3314.02 of the Revised 11723
Code. 11724

Sec. 3314.034. (A) Subject to division (B) of this 11725
section, and except as described in division (E) of this 11726
section, any community school to which either of the following 11727
conditions apply shall be prohibited from entering into a 11728
contract with a new sponsor: 11729

(1) The community school has received, on the most recent 11730
report card issued for that school under section 3302.03 of the 11731
Revised Code, ~~either of the following:~~ 11732

~~(a) A grade of "D" or "F" for the performance index score, 11733
under division (C) (1) (b) of section 3302.03 of the Revised Code, 11734
and an overall grade of "D" or "F" for the value-added progress- 11735
dimension or another measure of student academic progress if- 11736
adopted by the department of education and workforce, under- 11737
division (C) (1) (e) of that section;~~ 11738

~~(b) A a performance rating of less than three stars for 11739
achievement under division (D) (3) (b) of section 3302.03 of the 11740
Revised Code and a performance rating of less than three stars 11741
for progress under ~~division (D) (3) (c) of that section~~ 3302.03 of 11742
the Revised Code. 11743~~

(2) The community school is a dropout prevention and 11744
recovery community school, and it has received a rating of "does 11745
not meet standards" for the annual student growth measure and 11746
combined graduation rates on the most recent report card issued 11747
for the school under section 3314.017 of the Revised Code. 11748

(B) A community school to which division (A) of this 11749
section applies may enter into a contract with a new sponsor if 11750
all of the following conditions are satisfied: 11751

(1) The proposed sponsor received a rating of "effective" 11752
or higher pursuant to division (B) (5) of section 3314.016 of the 11753

Revised Code on its most recent evaluation conducted according 11754
to that section, or the proposed sponsor is the office of Ohio 11755
school sponsorship established in section 3314.029 of the 11756
Revised Code. 11757

(2) The community school submits a request to enter into a 11758
new contract with a sponsor. 11759

(3) The community school has not submitted a prior request 11760
that was granted. 11761

(4) The department grants the school's request pursuant to 11762
division (C) of this section. 11763

(C)(1) A school shall submit a request to change sponsors 11764
under this section not later than on the fifteenth day of 11765
February of the year in which the school wishes to do so. If a 11766
community school to which division (A)(1) of this section 11767
applies submits a request to the department to enter into a 11768
contract with a new sponsor and a majority of the school's 11769
students are children with disabilities receiving special 11770
education and related services under Chapter 3323. of the 11771
Revised Code, the department shall at least consider the 11772
school's performance as measured against the average performance 11773
of all other community schools that primarily serve children 11774
with disabilities. 11775

(2) The department shall grant or deny the request not 11776
later than thirty days after the department receives it. If the 11777
department denies the request, the community school may submit 11778
an appeal to the director of education and workforce who shall 11779
hold a hearing in accordance with Chapter 119. of the Revised 11780
Code. The community school shall file its notice of appeal to 11781
the director not later than ten days after receiving the 11782

decision from the department. The director shall conduct the 11783
hearing not later than thirty days after receiving the school's 11784
notice of appeal and act upon the determination of the hearing 11785
officer not later than the twenty-fifth day of June of the year 11786
in which the school wishes to change sponsors. 11787

(D) Factors to be considered during a hearing held 11788
pursuant to division (C) of this section include, but are not 11789
limited to, the following: 11790

(1) The school's impact on the students and the community 11791
or communities it serves; 11792

(2) The quality and quantity of academic and 11793
administrative support the school receives from its current 11794
sponsor to help the school to improve; 11795

(3) The sponsor's annual evaluations of the community 11796
school under division (c) (2) of section 3314.03 of the Revised 11797
Code for the previous three years; 11798

(4) The academic performance of the school, taking into 11799
account the demographic information of the students enrolled in 11800
the school; 11801

(5) The academic performance of alternative schools that 11802
serve comparable populations of students as those served by the 11803
community school; 11804

(6) The fiscal stability of the school; 11805

(7) The results of any audits of the school by the auditor 11806
of state; 11807

(8) The length of time the school has been under the 11808
oversight of its current sponsor; 11809

- (9) The number of times the school has changed sponsors prior to the current request; 11810
11811
- (10) Parent and student satisfaction rates as demonstrated by surveys, if available. 11812
11813
- (E) Notwithstanding anything to the contrary in this section, if a community school in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code meets both of the following criteria, the school may enter into a contract with a new sponsor, provided that the new sponsor satisfies the criteria in division (B) (1) of this section: 11814
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11816
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11818
11819
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11821
- (1) The school received, on its most recent report card issued under section 3302.03 of the Revised Code, a performance rating of at least three stars for ~~progress under division (D) (3) (c) of that section.~~ 11822
11823
11824
11825
- (2) As calculated for the most recent school year under section 3302.035 of the Revised Code, the school's performance index score for students with disabilities was higher than the performance index score for students with disabilities of the school district in which the school is located. 11826
11827
11828
11829
11830
- Sec. 3314.35.** (A) Except as provided in division (B) of this section and section 3314.355 of the Revised Code, this section applies to any community school that meets one of the following criteria: 11831
11832
11833
11834
- (1) The school does not offer a grade level higher than three and, for the three most recent school years, satisfies either of the following criteria: 11835
11836
11837
- (a) The school has received a performance rating of one 11838

star for early literacy under ~~division (D) (3) (e) of section~~ 11839
3302.03 of the Revised Code; 11840

(b) The school has received an overall performance rating 11841
of less than two stars under ~~division (D) (3) of section~~ 3302.03 11842
of the Revised Code. 11843

(2) The school offers any of grade levels four to eight 11844
but does not offer a grade level higher than nine and, for the 11845
three most recent school years, satisfies either of the 11846
following criteria: 11847

(a) The school has received a performance rating of one 11848
star for both achievement ~~under division (D) (3) (b) of section~~ 11849
~~3302.03 of the Revised Code and progress under division (D) (3)~~ 11850
~~(e) of that section~~ 3302.03 of the Revised Code; 11851

(b) The school has received an overall performance rating 11852
of less than two stars under ~~division (D) of section~~ 3302.03 of 11853
the Revised Code and a performance rating of one star for 11854
progress under ~~division (D) (3) (e) of that section.~~ 11855

(3) The school offers any of grade levels ten to twelve 11856
and, for the three most recent school years, satisfies either of 11857
the following criteria: 11858

(a) The school has received a performance rating of "one 11859
star" for achievement under ~~division (D) (3) (b) of section~~ 11860
3302.03 of the Revised Code and has not met annual measurable 11861
objectives for gap closing under ~~division (D) (3) (a) of that~~ 11862
section, as determined by the department of education and 11863
workforce; 11864

(b) The school has received an overall performance rating 11865
of less than two stars under ~~division (D) of section~~ 3302.03 of 11866
the Revised Code and a performance rating of one star for 11867

progress under ~~division (D) (1) (b) of~~ that section. 11868

For purposes of division (A) of this section only, the 11869
department shall calculate the value-added progress dimension 11870
for a community school using assessment scores for only those 11871
students to whom the school has administered the achievement 11872
assessments prescribed by section 3301.0710 of the Revised Code 11873
for at least the two most recent school years but using value- 11874
added data from only the most recent school year. 11875

(B) This section does not apply to either of the 11876
following: 11877

(1) Any dropout prevention and recovery community school. 11878
Rather, such schools shall be subject to closure only as 11879
provided in section 3314.351 of the Revised Code. However, prior 11880
to July 1, 2014, a community school in which a majority of the 11881
students are enrolled in a dropout prevention and recovery 11882
program shall be exempt from this section only if it has been 11883
granted a waiver under section 3314.36 of the Revised Code. 11884

(2) Any community school in which a majority of the 11885
enrolled students are children with disabilities receiving 11886
special education and related services in accordance with 11887
Chapter 3323. of the Revised Code. 11888

(C) Any community school to which this section applies 11889
shall permanently close at the conclusion of the school year in 11890
which the school first becomes subject to this section. The 11891
sponsor and governing authority of the school shall comply with 11892
all procedures for closing a community school adopted by the 11893
department under division (E) of section 3314.015 of the Revised 11894
Code. The governing authority of the school shall not enter into 11895
a contract with any other sponsor under section 3314.03 of the 11896

Revised Code after the school closes. 11897

(D) Nothing in this section or in any other provision of 11898
the Revised Code prohibits the sponsor of a community school 11899
from exercising its option not to renew a contract for any 11900
reason or from terminating a contract prior to its expiration 11901
for any of the reasons set forth in section 3314.07 of the 11902
Revised Code. 11903

Sec. 3314.351. (A) This section applies to any dropout 11904
prevention and recovery community school. ~~Except as provided in~~ 11905
~~division (F) of this section, any~~ Any such community school that 11906
has received a designation of "does not meet standards," as 11907
described in division (D) (1) of section 3314.017 of the Revised 11908
Code on the report card issued under that section, for the three 11909
most recent school years shall be subject to closure in 11910
accordance with this section. 11911

(B) Not later than the first day of September in each 11912
school year, the department of education and workforce shall 11913
notify each school subject to closure under this section that 11914
the school must close not later than the thirtieth day of the 11915
following June. 11916

A school so notified shall close as required. 11917

(C) A school that opens on or after July 1, 2014, shall 11918
not be subject to closure under this section for its first two 11919
years of operation. A school that is in operation prior to July 11920
1, 2014, shall not be subject to closure under this section 11921
until after August 31, 2016. 11922

(D) The sponsor and governing authority of the school 11923
shall comply with all procedures for closing a community school 11924
adopted by the department under division (E) of section 3314.015 11925

of the Revised Code. The governing authority of the school shall 11926
not enter into a contract with any other sponsor under section 11927
3314.03 of the Revised Code after the school closes. 11928

(E) Nothing in this section or in any other provision of 11929
the Revised Code prohibits the sponsor of a community school 11930
from exercising its option not to renew a contract for any 11931
reason or from terminating a contract prior to its expiration 11932
for any of the reasons set forth in section 3314.07 of the 11933
Revised Code. 11934

~~(F) Beginning in the 2019-2020 school year, no school 11935
shall be subject to closure under this section based on the 11936
report card issued for that school for the 2017-2018 or 2018- 11937
2019 school year if the school received an overall rating of 11938
"meets standards" or "exceeds standards" for the 2017-2018 or 11939
2018-2019 school year pursuant to division (I) of section 11940
3314.017 of the Revised Code. However, no school permanently 11941
closed under this section prior to the 2019-2020 school year 11942
shall be eligible to reopen based on the calculated or 11943
recalculated ratings under division (I) of section 3314.017 of 11944
the Revised Code. 11945~~

Sec. 3314.353. Each year, the department of education and 11946
workforce shall publish separate lists of the following: 11947

(A) Community schools that have become subject to 11948
permanent closure under section 3314.35 or 3314.351 of the 11949
Revised Code; 11950

(B) Community schools that are at risk of becoming subject 11951
to permanent closure under section 3314.35 or 3314.351 of the 11952
Revised Code if their academic performance, as prescribed in 11953
those sections, does not improve on the next state report cards 11954

issued under section 3302.03 or 3314.017 of the Revised Code. 11955

The department of education and workforce shall not adopt 11956
any rules, enforce any procedures or policies, or otherwise 11957
restrict the establishment or sponsorship of a new start-up 11958
community school based upon whether the school's proposed 11959
location is in a challenged school district, as that term was 11960
defined in section 3314.02 of the Revised Code prior to the 11961
effective date of this amendment. 11962

Sec. 3315.063. No board of education of any city, local, 11963
exempted village, or joint vocational school district shall 11964
expend more than fifteen per cent of the board's annual 11965
operating budget on administrative salaries and benefits and 11966
other costs associated with the district's administrative 11967
offices. 11968

Sec. 3315.42. Sections 3315.40 and 3315.41 of the Revised 11969
Code do not apply to ~~either of the following:~~ 11970

~~(A) A~~ a school district that has received funds for a 11971
project under Chapter 3318. of the Revised Code, so long as the 11972
purchase price to be paid by the board for the state's interest 11973
in the project has not been paid; 11974

~~(B) A school district that has an outstanding loan under~~ 11975
~~section 3313.483 of the Revised Code.~~ 11976

Sec. 3316.03. (A) The existence of a fiscal watch shall be 11977
declared by the auditor of state. The auditor of state may make 11978
a determination on the auditor of state's initiative, or upon 11979
receipt of a written request for such a determination, which may 11980
be filed by the governor, the director of education and 11981
workforce, or a majority of the members of the board of 11982
education of the school district. 11983

(1) The auditor of state shall declare a school district 11984
to be in a state of fiscal watch if the auditor of state 11985
determines that both of the following conditions are satisfied 11986
with respect to the school district: 11987

(a) An operating deficit has been certified for the 11988
current fiscal year by the auditor of state, and the certified 11989
operating deficit exceeds eight per cent of the school 11990
district's general fund revenue for the preceding fiscal year; 11991

(b) A majority of the voting electors have not voted in 11992
favor of levying a tax under section 5705.194, 5705.199, or 11993
5705.21 or Chapter 5748. of the Revised Code that the auditor of 11994
state expects will raise enough additional revenue in the next 11995
succeeding fiscal year that division (A) (1) (a) of this section 11996
will not apply to the district in such next succeeding fiscal 11997
year. 11998

(2) The auditor of state shall declare a school district 11999
to be in a state of fiscal watch if the auditor of state 12000
determines that the school district has outstanding securities 12001
issued under division (A) (4) of section 3316.06 of the Revised 12002
Code, and its financial planning and supervision commission has 12003
been terminated under section 3316.16 of the Revised Code. 12004

(3) The auditor of state shall declare a school district 12005
to be in a state of fiscal watch if both of the following 12006
conditions are satisfied: 12007

(a) The director has reported to the auditor of state that 12008
the director has declared the district under section 3316.031 of 12009
the Revised Code to be under a fiscal caution, has found that 12010
the district has not acted reasonably to eliminate or correct 12011
practices or conditions that prompted the declaration, and has 12012

determined the declaration of a state of fiscal watch necessary 12013
to prevent further fiscal decline; 12014

(b) The auditor of state determines that the decision of 12015
the director is reasonable. 12016

If the auditor of state determines that the decision of 12017
the director is not reasonable, the auditor of state shall 12018
provide the director with a written explanation of that 12019
determination. 12020

(4) The auditor of state may declare a school district to 12021
be in a state of fiscal watch if all of the following conditions 12022
are satisfied: 12023

(a) An operating deficit has been certified for the 12024
current fiscal year by the auditor of state, and the certified 12025
operating deficit exceeds two per cent, but does not exceed 12026
eight per cent, of the school district's general fund revenue 12027
for the preceding fiscal year; 12028

(b) A majority of the voting electors have not voted in 12029
favor of levying a tax under section 5705.194, 5705.199, or 12030
5705.21 or Chapter 5748. of the Revised Code that the auditor of 12031
state expects will raise enough additional revenue in the next 12032
succeeding fiscal year that division (A) (4) (a) of this section 12033
will not apply to the district in the next succeeding fiscal 12034
year; 12035

(c) The auditor of state determines that there is no 12036
reasonable cause for the deficit or that the declaration of 12037
fiscal watch is necessary to prevent further fiscal decline in 12038
the district. 12039

(B) (1) The auditor of state shall issue an order declaring 12040
a school district to be in a state of fiscal emergency if the 12041

auditor of state determines that both of the following 12042
conditions are satisfied with respect to the school district: 12043

(a) An operating deficit has been certified for the 12044
current fiscal year by the auditor of state, and the certified 12045
operating deficit exceeds fifteen per cent of the school 12046
district's general fund revenue for the preceding fiscal year. 12047

(b) A majority of the voting electors have not voted in 12048
favor of levying a tax under section 5705.194, 5705.199, or 12049
5705.21 or Chapter 5748. of the Revised Code that the auditor of 12050
state expects will raise enough additional revenue in the next 12051
succeeding fiscal year that division (B) (1) (a) of this section 12052
will not apply to the district in such next succeeding fiscal 12053
year. 12054

(2) The auditor of state shall issue an order declaring a 12055
school district to be in a state of fiscal emergency if the 12056
school district board fails, pursuant to section 3316.04 of the 12057
Revised Code, to submit a plan acceptable to the director of 12058
education and workforce within one hundred twenty days of the 12059
auditor of state's declaration under division (A) of this 12060
section or an updated plan when one is required by division (C) 12061
of section 3316.04 of the Revised Code; 12062

(3) The auditor of state shall issue an order declaring a 12063
school district to be in a state of fiscal emergency if both of 12064
the following conditions are satisfied: 12065

(a) The director has reported to the auditor of state that 12066
the district is not materially complying with the provisions of 12067
an original or updated plan as approved by the director under 12068
section 3316.04 of the Revised Code, and that the director has 12069
determined the declaration of a state of fiscal emergency 12070

necessary to prevent further fiscal decline; 12071

(b) The auditor of state finds that the determination of 12072
the director is reasonable. 12073

If the auditor of state determines that the decision of 12074
the director is not reasonable, the auditor of state shall 12075
provide the director a written explanation of that 12076
determination. 12077

~~(4) The auditor of state shall issue an order declaring a 12078
school district to be in a state of fiscal emergency if a 12079
declaration of fiscal emergency is required by division (D) of 12080
section 3316.04 of the Revised Code. 12081~~

~~(5) The auditor of state may issue an order declaring a 12082
school district to be in a state of fiscal emergency if all of 12083
the following conditions are satisfied: 12084~~

(a) An operating deficit has been certified for the 12085
current fiscal year by the auditor of state, and the certified 12086
operating deficit exceeds ten per cent, but does not exceed 12087
fifteen per cent, of the school district's general fund revenue 12088
for the preceding fiscal year; 12089

(b) A majority of the voting electors have not voted in 12090
favor of levying a tax under section 5705.194, 5705.199, or 12091
5705.21 or Chapter 5748. of the Revised Code that the auditor of 12092
state expects will raise enough additional revenue in the next 12093
succeeding fiscal year that division ~~(B) (5) (a)~~ (B) (4) (a) of this 12094
section will not apply to the district in the next succeeding 12095
fiscal year; 12096

(c) The auditor of state determines that a declaration of 12097
fiscal emergency is necessary to correct the district's fiscal 12098
problems and to prevent further fiscal decline. 12099

(C) In making the determinations under this section, the auditor of state may use financial reports required under section 117.43 of the Revised Code; tax budgets, certificates of estimated resources and amendments thereof, annual appropriating measures and spending plans, and any other documents or information prepared pursuant to Chapter 5705. of the Revised Code; and any other documents, records, or information available to the auditor of state that indicate the conditions described in divisions (A) and (B) of this section.

(D) The auditor of state shall certify the action taken under division (A) or (B) of this section to the board of education of the school district, the director of budget and management, the mayor or county auditor who could be required to act pursuant to division (B) (1) of section 3316.05 of the Revised Code, and to the director of education and workforce.

(E) A determination by the auditor of state under this section that a fiscal emergency condition does not exist is final and conclusive and not appealable. A determination by the auditor of state under this section that a fiscal emergency exists is final, except that the board of education of the school district affected by such a determination may appeal the determination of the existence of a fiscal emergency condition to the court of appeals having territorial jurisdiction over the school district. The appeal shall be heard expeditiously by the court of appeals and for good cause shown shall take precedence over all other civil matters except earlier matters of the same character. Notice of such appeal must be filed with the auditor of state and such court within thirty days after certification by the auditor of state to the board of education of the school district provided for in division (D) of this section. In such appeal, determinations of the auditor of state shall be presumed

to be valid and the board of education shall have the burden of 12131
proving, by clear and convincing evidence, that each of the 12132
determinations made by the auditor of state as to the existence 12133
of a fiscal emergency condition under this section was in error. 12134
If the board of education fails, upon presentation of its case, 12135
to prove by clear and convincing evidence that each such 12136
determination by the auditor of state was in error, the court 12137
shall dismiss the appeal. The board of education and the auditor 12138
of state may introduce any evidence relevant to the existence or 12139
nonexistence of such fiscal emergency conditions. The pendency 12140
of any such appeal shall not affect or impede the operations of 12141
this chapter; no restraining order, temporary injunction, or 12142
other similar restraint upon actions consistent with this 12143
chapter shall be imposed by the court or any court pending 12144
determination of such appeal; and all things may be done under 12145
this chapter that may be done regardless of the pendency of any 12146
such appeal. Any action taken or contract executed pursuant to 12147
this chapter during the pendency of such appeal is valid and 12148
enforceable among all parties, notwithstanding the decision in 12149
such appeal. If the court of appeals reverses the determination 12150
of the existence of a fiscal emergency condition by the auditor 12151
of state, the determination no longer has any effect, and any 12152
procedures undertaken as a result of the determination shall be 12153
terminated. 12154

Sec. 3316.04. (A) Within sixty days of the auditor's 12155
declaration under division (A) of section 3316.03 of the Revised 12156
Code, the board of education of the school district shall 12157
prepare and submit to the director of education and workforce a 12158
financial plan delineating the steps the board will take to 12159
eliminate the district's current operating deficit and avoid 12160
incurring operating deficits in ensuing years, including the 12161

implementation of spending reductions. The financial plan also shall evaluate the feasibility of entering into shared services agreements with other political subdivisions for the joint exercise of any power, performance of any function, or rendering of any service, if so authorized by statute. The director shall evaluate the initial financial plan, and either approve or disapprove it within thirty calendar days from the date of its submission. If the initial financial plan is disapproved, the director shall recommend modifications that will render the financial plan acceptable. No school district board shall implement a financial plan submitted to the director under this section unless the director has approved the plan.

(B) Upon request of the board of education of a school district declared to be in a state of fiscal watch, the auditor of state and director shall provide technical assistance to the board in resolving the fiscal problems that gave rise to the declaration, including assistance in drafting the board's financial plan.

(C) A financial plan adopted under this section may be amended at any time with the approval of the director. The board of education of the school district shall submit an updated financial plan to the director, for the director's approval, every year that the district is in a state of fiscal watch. The updated plan shall be submitted in a form acceptable to the director. The director shall approve or disapprove each updated plan no later than the anniversary of the date on which the first such plan was approved.

~~(D) A school district that has restructured or refinanced a loan under section 3316.041 of the Revised Code shall be declared to be in a state of fiscal emergency if any of the~~

following occurs:—	12192
(1) An operating deficit is certified for the district	12193
under section 3313.483 of the Revised Code for any year prior to	12194
the repayment of the restructured or refinanced loan;—	12195
(2) The director determines, in consultation with the	12196
auditor of state, that the school district is not satisfactorily	12197
complying with the terms of the financial plan required by this	12198
section;—	12199
(3) The board of education of the school district fails to	12200
submit an updated plan that is acceptable to the director under	12201
division (C) of this section.	12202
Sec. 3316.06. (A) Within one hundred twenty days after the	12203
first meeting of a school district financial planning and	12204
supervision commission, the commission shall adopt a financial	12205
recovery plan regarding the school district for which the	12206
commission was created. During the formulation of the plan, the	12207
commission shall seek appropriate input from the school district	12208
board and from the community. This plan shall contain the	12209
following:	12210
(1) Actions to be taken to:	12211
(a) Eliminate all fiscal emergency conditions declared to	12212
exist pursuant to division (B) of section 3316.03 of the Revised	12213
Code;	12214
(b) Satisfy any judgments, past-due accounts payable, and	12215
all past-due and payable payroll and fringe benefits;	12216
(c) Eliminate the deficits in all deficit funds, except	12217
that any prior year deficits in the capital and maintenance fund	12218
established pursuant to section 3315.18 of the Revised Code	12219

shall be forgiven; 12220

(d) Restore to special funds any moneys from such funds 12221
that were used for purposes not within the purposes of such 12222
funds, or borrowed from such funds by the purchase of debt 12223
obligations of the school district with the moneys of such 12224
funds, or missing from the special funds and not accounted for, 12225
if any; 12226

(e) Balance the budget, avoid future deficits in any 12227
funds, and maintain on a current basis payments of payroll, 12228
fringe benefits, and all accounts; 12229

(f) Avoid any fiscal emergency condition in the future; 12230

(g) Restore the ability of the school district to market 12231
long-term general obligation bonds under provisions of law 12232
applicable to school districts generally. 12233

(2) The management structure that will enable the school 12234
district to take the actions enumerated in division (A) (1) of 12235
this section. The plan shall specify the level of fiscal and 12236
management control that the commission will exercise within the 12237
school district during the period of fiscal emergency, and shall 12238
enumerate respectively, the powers and duties of the commission 12239
and the powers and duties of the school board during that 12240
period. The commission may elect to assume any of the powers and 12241
duties of the school board it considers necessary, including all 12242
powers related to personnel, curriculum, and legal issues in 12243
order to successfully implement the actions described in 12244
division (A) (1) of this section. 12245

(3) The target dates for the commencement, progress upon, 12246
and completion of the actions enumerated in division (A) (1) of 12247
this section and a reasonable period of time expected to be 12248

required to implement the plan. The commission shall prepare a 12249
reasonable time schedule for progress toward and achievement of 12250
the requirements for the plan, and the plan shall be consistent 12251
with that time schedule. 12252

(4) The amount and purpose of any issue of debt 12253
obligations that will be issued, together with assurances that 12254
any such debt obligations that will be issued will not exceed 12255
debt limits supported by appropriate certifications by the 12256
fiscal officer of the school district and the county auditor. If 12257
the commission considers it necessary in order to maintain or 12258
improve educational opportunities of pupils in the school 12259
district, the plan may include a proposal to restructure or 12260
refinance outstanding debt obligations incurred by the board 12261
~~under section 3313.483 of the Revised Code~~ contingent upon the 12262
approval, during the period of the fiscal emergency, by district 12263
voters of a tax levied under section 718.09, 718.10, 5705.194, 12264
5705.21, 5748.02, 5748.08, or 5748.09 of the Revised Code that 12265
is not a renewal levy, or a levy under section 5705.199 of the 12266
Revised Code, and that will provide new operating revenue. 12267
Notwithstanding any provision of Chapter 133. ~~or sections~~ 12268
~~3313.483 to 3313.4810~~ of the Revised Code, following the 12269
required approval of the district voters and with the approval 12270
of the commission, the school district may issue securities to 12271
evidence the restructuring or refinancing. Those securities may 12272
extend the original period for repayment, not to exceed ten 12273
years, and may alter the frequency and amount of repayments, 12274
interest or other financing charges, and other terms of 12275
agreements under which the debt originally was contracted, at 12276
the discretion of the commission, ~~provided that any loans~~ 12277
~~received pursuant to section 3313.483 of the Revised Code shall~~ 12278
~~be paid from funds the district would otherwise receive under~~ 12279

~~Chapter 3317. of the Revised Code, as required under division~~ 12280
~~(E) (3) of section 3313.483 of the Revised Code.~~ 12281
The securities 12282
issued for the purpose of restructuring or refinancing the debt 12283
shall be repaid in equal payments and at equal intervals over 12284
the term of the debt and are not eligible to be included in any 12285
subsequent proposal for the purpose of restructuring or 12286
refinancing debt under this section.

(5) An evaluation of the feasibility of entering into 12287
shared services agreements with other political subdivisions for 12288
the joint exercise of any power, performance of any function, or 12289
rendering of any service, if so authorized by statute. 12290

(B) Any financial recovery plan may be amended subsequent 12291
to its adoption. Each financial recovery plan shall be updated 12292
annually. 12293

(C) Each school district financial planning and 12294
supervision commission shall submit the financial recovery plan 12295
it adopts or updates under this section to the director of 12296
education and workforce for approval immediately following its 12297
adoption or updating. The director shall evaluate the plan and 12298
either approve or disapprove it within thirty calendar days from 12299
the date of its submission. If the plan is disapproved, the 12300
director shall recommend modifications that will render it 12301
acceptable. No financial planning and supervision commission 12302
shall implement a financial recovery plan that is adopted or 12303
updated on or after April 10, 2001, unless the director has 12304
approved it. 12305

Sec. 3316.14. (A) No debt obligation, ~~including any debt~~ 12306
~~incurred pursuant to section 3313.483 of the Revised Code,~~ 12307
may be issued or incurred by the school district, whether purchased 12308
by the school district or by others, except with the prior 12309

approval of the school district financial planning and 12310
supervision commission. 12311

(B) The commission shall disapprove the issuance of debt 12312
obligations upon a determination that, in its judgment, such 12313
action would impede the purposes of a financial recovery plan 12314
under this chapter or be inconsistent with this chapter or the 12315
plan. 12316

(C) The commission shall not approve the issuance of debt 12317
obligations unless: 12318

(1) The resolution authorizing their issuance, the 12319
resolution providing for their award, and every document forming 12320
part of the contract with the purchasers of such debt 12321
obligations from the school district is approved by the 12322
commission. 12323

(2) The resolution authorizing the debt obligations 12324
contains a covenant to the effect that the school district will 12325
comply with all provisions of this chapter, with the orders, 12326
directions, and requests of the commission and the auditor of 12327
state under this chapter, and with the financial recovery plan. 12328
The commission may prescribe the form of the covenant. 12329

(3) The school district, at the time of such approval, is 12330
in compliance with this chapter. 12331

(D) The commission shall not approve the issuance of a 12332
debt obligation if the issuance would cause the school district 12333
to exceed debt limits. 12334

(E) For purposes of the validity of debt obligations 12335
approved by the commission and delivered to and paid for by a 12336
purchaser other than the school district, but for no other 12337
purposes of this chapter, such approval shall be conclusive as 12338

to compliance with this section, unless the approval is 12339
withdrawn by the commission prior to the delivery and payment. 12340

Sec. 3317.02. As used in this chapter: 12341

(A) "Alternative school" has the same meaning as in 12342
section 3313.974 of the Revised Code. 12343

(B) "Autism scholarship unit" means a unit that consists 12344
of all of the students for whom autism scholarships are awarded 12345
under section 3310.41 of the Revised Code. 12346

(C) For fiscal years 2026 and 2027, a district's "base 12347
cost enrolled ADM" for a fiscal year means the greater of the 12348
following: 12349

(1) The district's enrolled ADM for the previous fiscal 12350
year; 12351

(2) The average of the district's enrolled ADM for the 12352
previous three fiscal years. 12353

(D) (1) "Base cost per pupil" means the following for a 12354
city, local, or exempted village school district: 12355

(a) For fiscal years 2026 and 2027, the aggregate base 12356
cost calculated for that district for that fiscal year under 12357
section 3317.011 of the Revised Code divided by the district's 12358
base cost enrolled ADM for that fiscal year; 12359

(b) For fiscal year 2028 and each fiscal year thereafter, 12360
an amount calculated in a manner determined by the general 12361
assembly. 12362

(2) "Base cost per pupil" means the following for a joint 12363
vocational school district: 12364

(a) For fiscal years 2026 and 2027, the aggregate base 12365

cost calculated for that district for that fiscal year under 12366
section 3317.012 of the Revised Code divided by the district's 12367
base cost enrolled ADM for that fiscal year; 12368

(b) For fiscal year 2028 and each fiscal year thereafter, 12369
an amount calculated in a manner determined by the general 12370
assembly. 12371

(E) (1) "Category one career-technical education ADM" means 12372
the enrollment of students during the school year on a full-time 12373
equivalency basis in career-technical education programs 12374
described in division (A) (1) of section 3317.014 of the Revised 12375
Code and, in the case of a funding unit that is a city, local, 12376
exempted village, or joint vocational school district, certified 12377
under division (B) (11) or (D) (2) (h) of section 3317.03 of the 12378
Revised Code or, in the case of the community and STEM school 12379
unit, reported by all community and STEM schools statewide under 12380
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 12381
and division (D) of section 3326.32 of the Revised Code. 12382

(2) "Category two career-technical education ADM" means 12383
the enrollment of students during the school year on a full-time 12384
equivalency basis in career-technical education programs 12385
described in division (A) (2) of section 3317.014 of the Revised 12386
Code and, in the case of a funding unit that is a city, local, 12387
exempted village, or joint vocational school district, certified 12388
under division (B) (12) or (D) (2) (i) of section 3317.03 of the 12389
Revised Code or, in the case of the community and STEM school 12390
unit, reported by all community and STEM schools statewide under 12391
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 12392
and division (D) of section 3326.32 of the Revised Code. 12393

(3) "Category three career-technical education ADM" means 12394
the enrollment of students during the school year on a full-time 12395

equivalency basis in career-technical education programs 12396
described in division (A) (3) of section 3317.014 of the Revised 12397
Code and, in the case of a funding unit that is a city, local, 12398
exempted village, or joint vocational school district, certified 12399
under division (B) (13) or (D) (2) (j) of section 3317.03 of the 12400
Revised Code or, in the case of the community and STEM school 12401
unit, reported by all community and STEM schools statewide under 12402
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 12403
and division (D) of section 3326.32 of the Revised Code. 12404

(4) "Category four career-technical education ADM" means 12405
the enrollment of students during the school year on a full-time 12406
equivalency basis in career-technical education programs 12407
described in division (A) (4) of section 3317.014 of the Revised 12408
Code and, in the case of a funding unit that is a city, local, 12409
exempted village, or joint vocational school district, certified 12410
under division (B) (14) or (D) (2) (k) of section 3317.03 of the 12411
Revised Code or, in the case of the community and STEM school 12412
unit, reported by all community and STEM schools statewide under 12413
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 12414
and division (D) of section 3326.32 of the Revised Code. 12415

(5) "Category five career-technical education ADM" means 12416
the enrollment of students during the school year on a full-time 12417
equivalency basis in career-technical education programs 12418
described in division (A) (5) of section 3317.014 of the Revised 12419
Code and, in the case of a funding unit that is a city, local, 12420
exempted village, or joint vocational school district, certified 12421
under division (B) (15) or (D) (2) (l) of section 3317.03 of the 12422
Revised Code or, in the case of the community and STEM school 12423
unit, reported by all community and STEM schools statewide under 12424
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 12425
and division (D) of section 3326.32 of the Revised Code. 12426

(F) (1) "Category one English learner ADM" means the full-time equivalent number of English learners described in division (A) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (16) or (D) (2) (m) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B) (6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(2) "Category two English learner ADM" means the full-time equivalent number of English learners described in division (B) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (17) or (D) (2) (n) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B) (6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(3) "Category three English learner ADM" means the full-time equivalent number of English learners described in division (C) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (18) or (D) (2) (o) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B) (6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(G) (1) "Category one special education ADM" means the 12457
full-time equivalent number of children with disabilities 12458
receiving special education services for the disability 12459
specified in division (A) of section 3317.013 of the Revised 12460
Code and, in the case of a funding unit that is a city, local, 12461
exempted village, or joint vocational school district, certified 12462
under division (B) (5) or (D) (2) (b) of section 3317.03 of the 12463
Revised Code or, in the case of the community and STEM school 12464
unit, reported by all community and STEM schools statewide under 12465
division (B) (3) of section 3314.08 of the Revised Code and 12466
division (C) of section 3326.32 of the Revised Code. 12467

(2) "Category two special education ADM" means the full- 12468
time equivalent number of children with disabilities receiving 12469
special education services for those disabilities specified in 12470
division (B) of section 3317.013 of the Revised Code and, in the 12471
case of a funding unit that is a city, local, exempted village, 12472
or joint vocational school district, certified under division 12473
(B) (6) or (D) (2) (c) of section 3317.03 of the Revised Code or, 12474
in the case of the community and STEM school unit, reported by 12475
all community and STEM schools statewide under division (B) (3) 12476
of section 3314.08 of the Revised Code and division (C) of 12477
section 3326.32 of the Revised Code. 12478

(3) "Category three special education ADM" means the full- 12479
time equivalent number of students receiving special education 12480
services for those disabilities specified in division (C) of 12481
section 3317.013 of the Revised Code, and, in the case of a 12482
funding unit that is a city, local, exempted village, or joint 12483
vocational school district, certified under division (B) (7) or 12484
(D) (2) (d) of section 3317.03 of the Revised Code or, in the case 12485
of the community and STEM school unit, reported by all community 12486
and STEM schools statewide under division (B) (3) of section 12487

3314.08 of the Revised Code and division (C) of section 3326.32 12488
of the Revised Code. 12489

(4) "Category four special education ADM" means the full- 12490
time equivalent number of students receiving special education 12491
services for those disabilities specified in division (D) of 12492
section 3317.013 of the Revised Code and, in the case of a 12493
funding unit that is a city, local, exempted village, or joint 12494
vocational school district, certified under division (B) (8) or 12495
(D) (2) (e) of section 3317.03 of the Revised Code or, in the case 12496
of the community and STEM school unit, reported by all community 12497
and STEM schools statewide under division (B) (3) of section 12498
3314.08 of the Revised Code and division (C) of section 3326.32 12499
of the Revised Code. 12500

(5) "Category five special education ADM" means the full- 12501
time equivalent number of students receiving special education 12502
services for the disabilities specified in division (E) of 12503
section 3317.013 of the Revised Code and, in the case of a 12504
funding unit that is a city, local, exempted village, or joint 12505
vocational school district, certified under division (B) (9) or 12506
(D) (2) (f) of section 3317.03 of the Revised Code or, in the case 12507
of the community and STEM school unit, reported by all community 12508
and STEM schools statewide under division (B) (3) of section 12509
3314.08 of the Revised Code and division (C) of section 3326.32 12510
of the Revised Code. 12511

(6) "Category six special education ADM" means the full- 12512
time equivalent number of students receiving special education 12513
services for the disabilities specified in division (F) of 12514
section 3317.013 of the Revised Code and, in the case of a 12515
funding unit that is a city, local, exempted village, or joint 12516
vocational school district certified under division (B) (10) or 12517

(D) (2) (g) of section 3317.03 of the Revised Code or, in the case 12518
of the community and STEM school unit, reported by all community 12519
and STEM schools statewide under division (B) (3) of section 12520
3314.08 of the Revised Code and division (C) of section 3326.32 12521
of the Revised Code. 12522

(H) "Community and STEM school unit" means a unit that 12523
consists of all of the students enrolled in community schools 12524
established under Chapter 3314. of the Revised Code and science, 12525
technology, engineering, and mathematics schools established 12526
under Chapter 3326. of the Revised Code. 12527

(I) (1) "Economically disadvantaged index for a school 12528
district" means the following: 12529

(a) For fiscal years 2026 and 2027, the square of the 12530
quotient of that district's percentage of students in its 12531
enrolled ADM who are identified as economically disadvantaged as 12532
defined by the department of education and workforce, divided by 12533
the percentage of students in the statewide ADM identified as 12534
economically disadvantaged. For purposes of this calculation: 12535

(i) For a city, local, or exempted village school 12536
district, the "statewide ADM" equals the sum of the following: 12537

(I) The enrolled ADM for all city, local, and exempted 12538
village school districts combined; 12539

(II) The statewide enrollment of students in community 12540
schools established under Chapter 3314. of the Revised Code; 12541

(III) The statewide enrollment of students in science, 12542
technology, engineering, and mathematics schools established 12543
under Chapter 3326. of the Revised Code. 12544

(ii) For a joint vocational school district, the 12545

"statewide ADM" equals the sum of the enrolled ADM for all joint vocational school districts combined. 12546
12547

(b) For fiscal year 2028 and each fiscal year thereafter, 12548
an index calculated in a manner determined by the general 12549
assembly. 12550

(2) "Economically disadvantaged index for a community or STEM school" means the following: 12551
12552

(a) For fiscal years 2026 and 2027, the square of the 12553
quotient of the percentage of students enrolled in the school 12554
who are identified as economically disadvantaged as defined by 12555
the department, divided by the percentage of students in the 12556
statewide ADM identified as economically disadvantaged. For 12557
purposes of this calculation, the "statewide ADM" equals the 12558
"statewide ADM" for city, local, and exempted village school 12559
districts described in division (I) (1) (a) (i) of this section. 12560

(b) For fiscal year 2028 and each fiscal year thereafter, 12561
an index calculated in a manner determined by the general 12562
assembly. 12563

(J) "Educational choice scholarship unit" means a unit 12564
that consists of all of the students for whom educational choice 12565
scholarships are awarded under sections 3310.03 and 3310.032 of 12566
the Revised Code. 12567

(K) "Enrolled ADM" means the following: 12568

(1) For a city, local, or exempted village school 12569
district, the enrollment reported under division (A) of section 12570
3317.03 of the Revised Code, as verified by the department and 12571
adjusted if so ordered under division (K) of that section, and 12572
as further adjusted by the department, as follows: 12573

(a) Add the students described in division (A) (1) (b) of section 3317.03 of the Revised Code;	12574 12575
(b) Subtract the students counted under divisions (A) (2) (a), (b), (d), (g), (h), <u>and (i)</u> , and (j) of section 3317.03 of the Revised Code;	12576 12577 12578
(c) Count only twenty per cent of the number of joint vocational school district students counted under division (A) (3) of section 3317.03 of the Revised Code;	12579 12580 12581
(d) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact;	12582 12583 12584 12585
(e) Add twenty per cent of the number of students described in division (A) (1) (b) of section 3317.03 of the Revised Code who enroll in a joint vocational school district or under a career-technical education compact.	12586 12587 12588 12589
(2) For a joint vocational school district, the final number verified by the department, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section, and as further adjusted by the department by adding the students described in division (D) (1) (b) of section 3317.03 of the Revised Code;	12590 12591 12592 12593 12594 12595 12596
(3) For the community and STEM school unit, the sum of the number of students reported as enrolled in community schools under divisions (B) (1) and (2) of section 3314.08 of the Revised Code and the number of students reported as enrolled in STEM schools under division (A) of section 3326.32 of the Revised Code;	12597 12598 12599 12600 12601 12602

(4) For the educational choice scholarship unit, the 12603
number of students for whom educational choice scholarships are 12604
awarded under sections 3310.03 and 3310.032 of the Revised Code 12605
as reported under division (A) (2) (g) of section 3317.03 of the 12606
Revised Code; 12607

(5) For the pilot project scholarship unit, the number of 12608
students for whom pilot project scholarships are awarded under 12609
sections 3313.974 to 3313.979 of the Revised Code as reported 12610
under division (A) (2) (b) of section 3317.03 of the Revised Code; 12611

(6) For the autism scholarship unit, the number of 12612
students for whom autism scholarships are awarded under section 12613
3310.41 of the Revised Code as reported under division (A) (2) (h) 12614
of section 3317.03 of the Revised Code; 12615

(7) For the Jon Peterson special needs scholarship unit, 12616
the number of students for whom Jon Peterson special needs 12617
scholarships are awarded under sections 3310.51 to 3310.64 of 12618
the Revised Code as reported under division (A) (2) (h) of section 12619
3317.03 of the Revised Code. 12620

(L) (1) "Formula ADM" means, for a city, local, or exempted 12621
village school district, the enrollment reported under division 12622
(A) of section 3317.03 of the Revised Code, as verified by the 12623
department and adjusted if so ordered under division (K) of that 12624
section, and as further adjusted by the department, as follows: 12625

(a) Count only twenty per cent of the number of joint 12626
vocational school district students counted under division (A) 12627
(3) of section 3317.03 of the Revised Code; 12628

(b) Add twenty per cent of the number of students who are 12629
entitled to attend school in the district under section 3313.64 12630
or 3313.65 of the Revised Code and are enrolled in another 12631

school district under a career-technical education compact. 12632

(2) "Formula ADM" means, for a joint vocational school 12633
district, the final number verified by the department, based on 12634
the enrollment reported and certified under division (D) of 12635
section 3317.03 of the Revised Code, as adjusted, if so ordered, 12636
under division (K) of that section. 12637

(M) "FTE basis" means a count of students based on full- 12638
time equivalency, in accordance with rules adopted by the 12639
department pursuant to section 3317.03 of the Revised Code. In 12640
adopting its rules under this division, the department shall 12641
provide for counting any student in category one, two, three, 12642
four, five, or six special education ADM or in category one, 12643
two, three, four, or five career-technical education ADM in the 12644
same proportion the student is counted in enrolled ADM and 12645
formula ADM. 12646

(N) For fiscal years 2026 and 2027, "funding base" means, 12647
for a city, local, or exempted village school district, the sum 12648
of the following as calculated by the department: 12649

(1) The district's "general funding base," which equals 12650
the amount calculated as follows: 12651

(a) Compute the sum of the following: 12652

(i) The amount calculated for the district for fiscal year 12653
2020 under division (A)(1) of Section 265.220 of H.B. 166 of the 12654
133rd general assembly after any adjustments required under 12655
Section 265.227 of H.B. 166 of the 133rd general assembly and 12656
prior to any funding reductions authorized by Executive Order 12657
2020-19D, "Implementing Additional Spending Controls to Balance 12658
the State Budget" issued on May 7, 2020; 12659

(ii) For fiscal years 2026 and 2027, the district's 12660

payments for fiscal year 2020 under divisions (C) (1), (3), and 12661
(4) of section 3313.981 of the Revised Code as those divisions 12662
existed prior to September 30, 2021. 12663

(b) Subtract from the amount calculated in division (N) (1) 12664
(a) of this section the sum of the following: 12665

(i) The following difference: 12666

(The amount paid to the district under division (A) (5) of 12667
section 3317.022 of the Revised Code, as that division existed 12668
prior to September 30, 2021, for fiscal year 2019) - (the 12669
amounts deducted from the district and paid to a community 12670
school under division (C) (1) (e) of section 3314.08 of the 12671
Revised Code or a science, technology, engineering, and 12672
mathematics school under division (E) of section 3326.33 of the 12673
Revised Code as those divisions existed prior to September 30, 12674
2021, for fiscal year 2020 in accordance with division (A) of 12675
Section 265.235 of H.B. 166 of the 133rd general assembly) 12676

(ii) The payments deducted from the district and paid to a 12677
community school for fiscal year 2020 under divisions (C) (1) (a), 12678
(b), (c), (d), (e), (f), and (g) of section 3314.08 of the 12679
Revised Code as those divisions existed prior to September 30, 12680
2021, in accordance with division (A) of Section 265.230 of H.B. 12681
166 of the 133rd general assembly; 12682

(iii) The payments deducted from the district and paid to 12683
a science, technology, engineering, and mathematics school for 12684
fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), 12685
and (G) of section 3326.33 of the Revised Code as those 12686
divisions existed prior to September 30, 2021, in accordance 12687
with division (A) of Section 265.235 of H.B. 166 of the 133rd 12688
general assembly; 12689

(iv) The payments deducted from the district under 12690
division (C) of section 3310.08 of the Revised Code as that 12691
division existed prior to September 30, 2021, division (C) (2) of 12692
section 3310.41 of the Revised Code as that division existed 12693
prior to September 30, 2021, and former section 3310.55 of the 12694
Revised Code for fiscal year 2020 and, in the case of a pilot 12695
project school district as defined in section 3313.975 of the 12696
Revised Code, the funds deducted from the district under Section 12697
265.210 of H.B. 166 of the 133rd general assembly to operate the 12698
pilot project scholarship program for fiscal year 2020 under 12699
sections 3313.974 to 3313.979 of the Revised Code; 12700

(v) For fiscal years 2026 and 2027, the payments 12701
subtracted from the district for fiscal year 2020 under 12702
divisions (B) (1) and (3) of section 3313.981 of the Revised Code 12703
as those divisions existed prior to September 30, 2021. 12704

(2) The district's "disadvantaged pupil impact aid funding 12705
base," which equals the following difference: 12706

(The amount paid to the district under division (A) (5) of 12707
section 3317.022 of the Revised Code, as that division existed 12708
prior to September 30, 2021, for fiscal year 2019) - (the 12709
amounts deducted from the district and paid to a community 12710
school under division (C) (1) (e) of section 3314.08 of the 12711
Revised Code or a science, technology, engineering, and 12712
mathematics school under division (E) of section 3326.33 of the 12713
Revised Code as those divisions existed prior to September 30, 12714
2021, for fiscal year 2020 in accordance with division (A) of 12715
Section 265.235 of H.B. 166 of the 133rd general assembly) 12716

(O) For fiscal years 2026 and 2027, "funding base" means, 12717
for a joint vocational school district, the sum of the following 12718
as calculated by the department: 12719

(1) The district's "general funding base," which equals the amount calculated as follows:	12720 12721
(a) Compute the sum of the following:	12722
(i) The district's payments for fiscal year 2020 under Section 265.225 of H.B. 166 of the 133rd general assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd general assembly;	12723 12724 12725 12726
(ii) For fiscal years 2026 and 2027, the district's payments for fiscal year 2020 under divisions (D) (1) and (2) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.	12727 12728 12729 12730
(b) Subtract from the amount paid to the district under division (A) (3) of section 3317.16 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019.	12731 12732 12733 12734
(2) The district's "disadvantaged pupil impact aid funding base," which equals the amount paid to the district under division (A) (3) of section 3317.16 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019.	12735 12736 12737 12738 12739
(P) For fiscal years 2026 and 2027, "funding base" for a community school means the following:	12740 12741
(1) For a community school that was in operation for the entirety of fiscal year 2020, the amount paid to the school for that fiscal year under division (C) (1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly and the amount, if any, paid to the school for that fiscal year under section 3314.085 of the	12742 12743 12744 12745 12746 12747 12748

Revised Code in accordance with division (B) of Section 265.230 12749
of H.B. 166 of the 133rd general assembly; 12750

(2) For a community school that was in operation for part 12751
of fiscal year 2020, the amount that would have been paid to the 12752
school for that fiscal year under division (C)(1) of section 12753
3314.08 of the Revised Code as that division existed prior to 12754
September 30, 2021, in accordance with division (A) of Section 12755
265.230 of H.B. 166 of the 133rd general assembly if the school 12756
had been in operation for the entirety of that fiscal year, as 12757
calculated by the department, and the amount that would have 12758
been paid to the school for that fiscal year under section 12759
3314.085 of the Revised Code in accordance with division (B) of 12760
Section 265.230 of H.B. 166 of the 133rd general assembly, if 12761
any, if the school had been in operation for the entirety of 12762
that fiscal year, as calculated by the department; 12763

(3) For a community school that was not in operation for 12764
fiscal year 2020, the amount that would have been paid to the 12765
school if it was in operation for that school year under 12766
division (C)(1) of section 3314.08 of the Revised Code as that 12767
division existed prior to September 30, 2021, in accordance with 12768
division (A) of Section 265.230 of H.B. 166 of the 133rd general 12769
assembly if the school had been in operation for the entirety of 12770
that fiscal year, as calculated by the department, and the 12771
amount that would have been paid to the school for that fiscal 12772
year under section 3314.085 of the Revised Code in accordance 12773
with division (B) of Section 265.230 of H.B. 166 of the 133rd 12774
general assembly, if any, if the school had been in operation 12775
for the entirety of that fiscal year, as calculated by the 12776
department. 12777

(Q) For fiscal years 2026 and 2027, "funding base" for a 12778

STEM school means the following: 12779

(1) For a science, technology, engineering, and 12780
mathematics school that was in operation for the entirety of 12781
fiscal year 2020, the amount paid to the school for that fiscal 12782
year under section 3326.33 of the Revised Code as that section 12783
existed prior to September 30, 2021, in accordance with division 12784
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 12785
and the amount, if any, paid to the school for that fiscal year 12786
under section 3326.41 of the Revised Code in accordance with 12787
division (B) of Section 265.235 of H.B. 166 of the 133rd general 12788
assembly; 12789

(2) For a science, technology, engineering, and 12790
mathematics school that was in operation for part of fiscal year 12791
2020, the amount that would have been paid to the school for 12792
that fiscal year under section 3326.33 of the Revised Code as 12793
that section existed prior to September 30, 2021, in accordance 12794
with division (A) of Section 265.235 of H.B. 166 of the 133rd 12795
general assembly if the school had been in operation for the 12796
entirety of that fiscal year, as calculated by the department, 12797
and the amount that would have been paid to the school for that 12798
fiscal year under section 3326.41 of the Revised Code in 12799
accordance with division (B) of Section 265.235 of H.B. 166 of 12800
the 133rd general assembly, if any, if the school had been in 12801
operation for the entirety of that fiscal year, as calculated by 12802
the department; 12803

(3) For a science, technology, engineering, and 12804
mathematics school that was not in operation for fiscal year 12805
2020, the amount that would have been paid to the school if it 12806
was in operation for that school year under section 3326.33 of 12807
the Revised Code as that section existed prior to September 30, 12808

2021, in accordance with division (A) of Section 265.235 of H.B. 12809
166 of the 133rd general assembly if the school had been in 12810
operation for the entirety of that fiscal year, as calculated by 12811
the department, and the amount that would have been paid to the 12812
school for that fiscal year under section 3326.41 of the Revised 12813
Code in accordance with division (B) of Section 265.235 of H.B. 12814
166 of the 133rd general assembly, if any, if the school had 12815
been in operation for the entirety of that fiscal year, as 12816
calculated by the department. 12817

(R) "Funding unit" means any of the following: 12818

(1) A city, local, exempted village, or joint vocational 12819
school district; 12820

(2) The community and STEM school unit; 12821

(3) The educational choice scholarship unit; 12822

(4) The pilot project scholarship unit; 12823

(5) The autism scholarship unit; 12824

(6) The Jon Peterson special needs scholarship unit. 12825

(S) "Jon Peterson special needs scholarship unit" means a 12826
unit that consists of all of the students for whom Jon Peterson 12827
scholarships are awarded under sections 3310.51 to 3310.64 of 12828
the Revised Code. 12829

(T) "Internet- or computer-based community school" has the 12830
same meaning as in section 3314.02 of the Revised Code. 12831

(U) "LRE student with a disability" means a child with a 12832
disability who has an individualized education program providing 12833
for the student to spend more than half of each school day in a 12834
regular school setting with nondisabled students. For purposes 12835

of this division, "individualized education program" and "child with a disability" have the same meanings as in section 3323.01 of the Revised Code, and "LRE" is an abbreviation for "least restrictive environment."

(V) "Medically fragile child" means a child to whom all of the following apply:

(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition.

(2) The child requires the services of a registered nurse on a daily basis.

(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(W) (1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the department and if either of the following apply:

(a) The child is identified as having a medical condition that is among those listed by the department as conditions where a substantial majority of cases fall within the definition of "medically fragile child."

(b) The child is determined by the department to be a medically fragile child. A school district superintendent may petition the department for a determination that a child is a medically fragile child.

(2) A child may be identified as having an "other health

impairment-minor" if the child's condition meets the definition 12864
of "other health impaired" established in rules previously 12865
adopted by the department but the child's condition does not 12866
meet either of the conditions specified in division (W) (1) (a) or 12867
(b) of this section. 12868

(X) (1) For fiscal years 2026 and 2027, a city, local, 12869
exempted village, or joint vocational school district's, 12870
community school's, or STEM school's "general phase-in 12871
percentage" is equal to the percentage for that fiscal year that 12872
is determined by the general assembly. 12873

(2) For fiscal years 2026 and 2027, a city, local, 12874
exempted village, or joint vocational school district's "phase- 12875
in percentage for disadvantaged pupil impact aid" is equal to 12876
the percentage for that fiscal year that is determined by the 12877
general assembly. 12878

(Y) "Pilot project scholarship unit" means a unit that 12879
consists of all of the students for whom pilot project 12880
scholarships are awarded under sections 3313.974 to 3313.979 of 12881
the Revised Code. 12882

(Z) "Preschool child with a disability" means a child with 12883
a disability, as defined in section 3323.01 of the Revised Code, 12884
who is at least age three but is not of compulsory school age, 12885
as defined in section 3321.01 of the Revised Code, and who is 12886
not currently enrolled in kindergarten. 12887

(AA) "Related services" includes: 12888

(1) Child study, special education supervisors and 12889
coordinators, speech and hearing services, adaptive physical 12890
development services, occupational or physical therapy, teacher 12891
assistants for children with disabilities whose disabilities are 12892

described in division (B) of section 3317.013 or division (G) (3)	12893
of this section, behavioral intervention, interpreter services,	12894
work study, nursing services, and specialized integrative	12895
services as those terms are defined by the department;	12896
(2) Speech and language services provided to any student	12897
with a disability, including any student whose primary or only	12898
disability is a speech and language disability;	12899
(3) Any related service not specifically covered by other	12900
state funds but specified in federal law, including but not	12901
limited to, audiology and school psychological services;	12902
(4) Any service included in units funded under former	12903
division (O) (1) of section 3317.024 of the Revised Code;	12904
(5) Any other related service needed by children with	12905
disabilities in accordance with their individualized education	12906
programs.	12907
(BB) "School district," unless otherwise specified, means	12908
city, local, and exempted village school districts.	12909
(CC) "Separately educated student with a disability" has	12910
the same meaning as in section 3313.974 of the Revised Code.	12911
(DD) "State education aid" has the same meaning as in	12912
section 5751.20 of the Revised Code.	12913
(EE) (1) "State share percentage" means the following for a	12914
city, local, or exempted village school district:	12915
(a) For fiscal years 2026 and 2027, the state share	12916
percentage calculated under section 3317.017 of the Revised	12917
Code;	12918
(b) For fiscal year 2028 and each fiscal year thereafter,	12919

a percentage calculated in a manner determined by the general assembly. 12920
12921

(2) "State share percentage" means, for a joint vocational school district, the district's state share percentage calculated under section 3317.165 of the Revised Code. 12922
12923
12924

(FF) "Statewide average base cost per pupil" means the following: 12925
12926

(1) For fiscal years 2026 and 2027, the statewide average base cost per pupil calculated under division (A) of section 3317.018 of the Revised Code; 12927
12928
12929

(2) For fiscal year 2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 12930
12931
12932

(GG) "Statewide average career-technical base cost per pupil" means the following: 12933
12934

(1) For fiscal years 2026 and 2027, the statewide average career-technical base cost per pupil calculated under division (B) of section 3317.018 of the Revised Code; 12935
12936
12937

(2) For fiscal year 2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 12938
12939
12940

(HH) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code. 12941
12942
12943

(II) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property. 12944
12945
12946
12947

(JJ) For purposes of sections 3317.017 and 3317.165 of the Revised Code, "three-year average valuation" for a fiscal year means the average of total taxable value for the three most recent tax years for which data is available, as certified under section 3317.021 of the Revised Code.

(KK) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code minus the enrollment reported under divisions (A)(2)(a), (b), (g), (h), and (i) of that section, as verified by the department and adjusted if so ordered under division (K) of that section.

(LL) "Total special education ADM" means the sum of categories one through six special education ADM.

(MM) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

(NN) "Tuition discount" means any deduction from the base tuition amount per student charged by a chartered nonpublic school, to which the student's family is entitled due to one or more of the following conditions:

(1) The student's family has multiple children enrolled in the same school.

(2) The student's family is a member of or affiliated with a religious or secular organization that provides oversight of the school or from which the school has agreed to enroll students.

(3) The student's parent is an employee of the school.

(4) Some other qualification not based on the income of 12976
the student's family or the student's athletic or academic 12977
ability and for which all students in the school may qualify. 12978

Sec. 3317.023. (A) The amounts required to be paid to a 12979
district under this chapter shall be adjusted by the amount of 12980
the computations made under divisions (B) to (K) of this 12981
section. 12982

As used in this section: 12983

(1) "Career-technical planning district" or "CTPD" means a 12984
school district or group of school districts designated by the 12985
department of education and workforce as being responsible for 12986
the planning for and provision of career-technical education 12987
services to students within the district or group. A community 12988
school established under Chapter 3314. of the Revised Code or a 12989
STEM school established under Chapter 3326. of the Revised Code 12990
that is serving students in any of grades seven through twelve 12991
shall be assigned to a career-technical planning district by the 12992
department. 12993

(2) "Lead district" means a school district, including a 12994
joint vocational school district, designated by the department 12995
as a CTPD, or designated to provide primary career-technical 12996
education leadership within a CTPD composed of a group of 12997
districts, community schools assigned to the CTPD, and STEM 12998
schools assigned to the CTPD. 12999

(B) If a local, city, or exempted village school district 13000
to which a governing board of an educational service center 13001
provides services pursuant to an agreement entered into under 13002
section 3313.843 of the Revised Code, deduct the amount of the 13003
payment required for the reimbursement of the governing board 13004

under that section. 13005

(C) (1) If the district is required to pay to or entitled 13006
to receive tuition from another school district under division 13007
(C) (2) or (3) of section 3313.64 or section 3313.65 of the 13008
Revised Code, or if the department is required to determine the 13009
correct amount of tuition and make a deduction or credit under 13010
section 3317.08 of the Revised Code, deduct and credit such 13011
amounts as provided in division (J) of section 3313.64 or 13012
section 3317.08 of the Revised Code. 13013

(2) For each child for whom the district is responsible 13014
for tuition or payment under division (A) (1) of section 3317.082 13015
or section 3323.091 of the Revised Code, deduct the amount of 13016
tuition or payment for which the district is responsible. 13017

(D) If the district has been certified by the department 13018
under section 3313.90 of the Revised Code as not in compliance 13019
with the requirements of that section, deduct an amount equal to 13020
ten per cent of the amount computed for the district under this 13021
chapter. 13022

(E) This division does not apply on or after the effective 13023
date of this amendment. 13024

If the district has received a loan from a commercial 13025
lending institution for which payments are made pursuant to 13026
former division (E) (3) of section 3313.483 of the Revised Code, 13027
as that section existed prior to the effective date of this 13028
amendment, deduct an amount equal to such payments. 13029

(F) (1) If the district is a party to an agreement entered 13030
into under division (D), (E), or (F) of section 3311.06 or 13031
division (B) of section 3311.24 of the Revised Code and is 13032
obligated to make payments to another district under such an 13033

agreement, deduct an amount equal to such payments if the 13034
district school board notifies the department in writing that it 13035
wishes to have such payments deducted. 13036

(2) If the district is entitled to receive payments from 13037
another district that has notified the department to deduct such 13038
payments under division (F) (1) of this section, add the amount 13039
of such payments. 13040

(G) If the district is required to pay an amount of funds 13041
to a cooperative education district pursuant to a provision 13042
described by division (B) (4) of section 3311.52 or division (B) 13043
(8) of section 3311.521 of the Revised Code, deduct such amounts 13044
as provided under that provision and credit those amounts to the 13045
cooperative education district for payment to the district under 13046
division (B) (1) of section 3317.19 of the Revised Code. 13047

(H) (1) If a district is educating a student entitled to 13048
attend school in another district pursuant to a shared education 13049
contract, compact, or cooperative education agreement other than 13050
an agreement entered into pursuant to section 3313.842 of the 13051
Revised Code, credit to that educating district on an FTE basis 13052
both of the following: 13053

(a) An amount equal to the statewide average base cost per 13054
pupil. 13055

(b) Any amount applicable to the student pursuant to 13056
section 3317.013 or 3317.014 of the Revised Code. 13057

(2) Deduct any amount credited pursuant to division (H) (1) 13058
of this section from amounts paid to the school district in 13059
which the student is entitled to attend school pursuant to 13060
section 3313.64 or 3313.65 of the Revised Code. 13061

(3) If the district is required by a shared education 13062

contract, compact, or cooperative education agreement to make 13063
payments to an educational service center, deduct the amounts 13064
from payments to the district and add them to the amounts paid 13065
to the service center. 13066

(I) (1) If a district, including a joint vocational school 13067
district, is a lead district of a CTPD, credit to that district 13068
the amount calculated for each school district within that CTPD 13069
under divisions (D) and (E) of section 3317.014 of the Revised 13070
Code and for each community school and STEM school assigned to 13071
the CTPD under divisions (D) and (E) of section 3317.014 of the 13072
Revised Code. 13073

(2) Deduct from each appropriate district that is not a 13074
lead district, or from the appropriate community school or STEM 13075
school, the amount attributable to that district or school that 13076
is credited to a lead district under division (I) (1) of this 13077
section. 13078

(J) If the department pays a joint vocational school 13079
district under division (C) (3) of section 3317.16 of the Revised 13080
Code for excess costs of providing special education and related 13081
services to a student with a disability, as calculated under 13082
division (C) (1) of that section, the department shall deduct the 13083
amount of that payment from the city, local, or exempted village 13084
school district that is responsible as specified in that section 13085
for the excess costs. 13086

(K) (1) If the district reports an amount of excess cost 13087
for special education services for a child under division (C) of 13088
section 3323.14 of the Revised Code, the department shall pay 13089
that amount to the district. 13090

(2) If the district reports an amount of excess cost for 13091

special education services for a child under division (C) of 13092
section 3323.14 of the Revised Code, the department shall deduct 13093
that amount from the district of residence of that child. 13094

Sec. 3317.03. (A) The superintendent of each city, local, 13095
and exempted village school district shall report to the 13096
department of education and workforce as of the last day of 13097
October, March, and June of each year the enrollment of students 13098
receiving services from schools under the superintendent's 13099
supervision, and the numbers of other students entitled to 13100
attend school in the district under section 3313.64 or 3313.65 13101
of the Revised Code the superintendent is required to report 13102
under this section, so that the department can calculate the 13103
district's enrolled ADM, formula ADM, total ADM, category one 13104
through five career-technical education ADM, category one 13105
through three English learner ADM, category one through six 13106
special education ADM, transportation ADM, and, for purposes of 13107
provisions of law outside of Chapter 3317. of the Revised Code, 13108
average daily membership. 13109

(1) The enrollment reported by the superintendent during 13110
the reporting period shall consist of the number of students in 13111
grades kindergarten through twelve receiving any educational 13112
services from the district, except that the following categories 13113
of students shall not be included in the determination: 13114

(a) Students enrolled in adult education classes; 13115

(b) Adjacent or other district students enrolled in the 13116
district under an open enrollment policy pursuant to section 13117
3313.98 of the Revised Code; 13118

(c) Students receiving services in the district pursuant 13119
to a compact, cooperative education agreement, or a contract, 13120

but who are entitled to attend school in another district 13121
pursuant to section 3313.64 or 3313.65 of the Revised Code; 13122

(d) Students for whom tuition is payable pursuant to 13123
sections 3317.081 and 3323.141 of the Revised Code; 13124

(e) Students receiving services in the district through a 13125
scholarship awarded under either section 3310.41 or sections 13126
3310.51 to 3310.64 of the Revised Code. 13127

When reporting students under division (A)(1) of this 13128
section, the superintendent also shall report the district where 13129
each student is entitled to attend school pursuant to sections 13130
3313.64 and 3313.65 of the Revised Code. 13131

(2) The department shall compile a list of all students 13132
reported to be enrolled in a district under division (A)(1) of 13133
this section and of the students entitled to attend school in 13134
the district pursuant to section 3313.64 or 3313.65 of the 13135
Revised Code on an FTE basis but receiving educational services 13136
in grades kindergarten through twelve from one or more of the 13137
following entities: 13138

(a) A community school pursuant to Chapter 3314. of the 13139
Revised Code, including any participation in a college pursuant 13140
to Chapter 3365. of the Revised Code while enrolled in such 13141
community school; 13142

(b) An alternative school pursuant to sections 3313.974 to 13143
3313.979 of the Revised Code; 13144

(c) A college pursuant to Chapter 3365. of the Revised 13145
Code, except when the student is enrolled in the college while 13146
also enrolled in a community school pursuant to Chapter 3314.7or 13147
a science, technology, engineering, and mathematics school 13148
established under Chapter 3326.7~~or a college preparatory~~ 13149

boarding school established under Chapter 3328. of the Revised Code;	13150 13151
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	13152 13153 13154
(e) An educational service center or cooperative education district;	13155 13156
(f) Another school district under a cooperative education agreement, compact, or contract;	13157 13158
(g) A chartered nonpublic school with a scholarship paid under section 3317.022 of the Revised Code, if the students qualified for the scholarship under section 3310.03 or 3310.032 of the Revised Code;	13159 13160 13161 13162
(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.	13163 13164 13165
As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable.	13166 13167 13168
(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	13169 13170 13171 13172
(j) A college preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school.	13173 13174 13175 13176
(3) The department also shall compile a list of the	13177

students entitled to attend school in the district under section 13178
3313.64 or 3313.65 of the Revised Code who are enrolled in a 13179
joint vocational school district or under a career-technical 13180
education compact, excluding any students so entitled to attend 13181
school in the district who are enrolled in another school 13182
district through an open enrollment policy as reported under 13183
division (A) (2) (d) of this section and then enroll in a joint 13184
vocational school district or under a career-technical education 13185
compact. 13186

The department shall provide each city, local, and 13187
exempted village school district with an opportunity to review 13188
the list of students compiled under divisions (A) (2) and (3) of 13189
this section to ensure that the students reported accurately 13190
reflect the enrollment of students in the district. 13191

(B) To enable the department to obtain the data needed to 13192
complete the calculation of payments pursuant to this chapter, 13193
each superintendent shall certify from the reports provided by 13194
the department under division (A) of this section all of the 13195
following: 13196

(1) The total student enrollment in regular learning day 13197
classes included in the report under division (A) (1) or (2), 13198
including any student described in division (A) (1) (b) of this 13199
section and excluding any student reported under divisions (A) 13200
(2) (a), (b), (d), (g), (h), and (i), ~~and (j)~~ of this section, of 13201
this section for each of the individual grades kindergarten 13202
through twelve in schools under the superintendent's 13203
supervision; 13204

(2) The unduplicated count of the number of preschool 13205
children with disabilities enrolled in the district for whom the 13206
district is eligible to receive funding under section 3317.0213 13207

of the Revised Code adjusted for the portion of the year each 13208
child is so enrolled, in accordance with the disability 13209
categories prescribed in section 3317.013 of the Revised Code; 13210

(3) The number of children entitled to attend school in 13211
the district pursuant to section 3313.64 or 3313.65 of the 13212
Revised Code who are: 13213

(a) Enrolled in a college under Chapter 3365. of the 13214
Revised Code, except when the student is enrolled in the college 13215
while also enrolled in a community school pursuant to Chapter 13216
3314. of the Revised Code, or a science, technology, 13217
engineering, and mathematics school established under Chapter 13218
3326., ~~or a college-preparatory boarding school established~~ 13219
~~under Chapter 3328.~~ of the Revised Code; 13220

(b) Participating in a program operated by a county board 13221
of developmental disabilities or a state institution. 13222

(4) The total enrollment of pupils in joint vocational 13223
schools; 13224

(5) The combined enrollment of children with disabilities 13225
reported under division (A)(1) or (2) of this section, including 13226
any student described in division (A)(1)(b) of this section and 13227
excluding any student reported under divisions (A)(2)(a), (b), 13228
(d), (g), (h), and (i), ~~and (j)~~ of this section, receiving 13229
special education services for the category one disability 13230
described in division (A) of section 3317.013 of the Revised 13231
Code, including children attending a special education program 13232
operated by an alternative public provider or a registered 13233
private provider with a scholarship awarded under sections 13234
3310.51 to 3310.64 of the Revised Code; 13235

(6) The combined enrollment of children with disabilities 13236

reported under division (A) (1) or (2) of this section, including 13237
any student described in division (A) (1) (b) of this section and 13238
excluding any student reported under divisions (A) (2) (a), (b), 13239
(d), (g), (h), and (i), ~~and (j)~~ of this section, receiving 13240
special education services for category two disabilities 13241
described in division (B) of section 3317.013 of the Revised 13242
Code, including children attending a special education program 13243
operated by an alternative public provider or a registered 13244
private provider with a scholarship awarded under sections 13245
3310.51 to 3310.64 of the Revised Code; 13246

(7) The combined enrollment of children with disabilities 13247
reported under division (A) (1) or (2) of this section, including 13248
any student described in division (A) (1) (b) of this section and 13249
excluding any student reported under divisions (A) (2) (a), (b), 13250
(d), (g), (h), and (i), ~~and (j)~~ of this section, receiving 13251
special education services for category three disabilities 13252
described in division (C) of section 3317.013 of the Revised 13253
Code, including children attending a special education program 13254
operated by an alternative public provider or a registered 13255
private provider with a scholarship awarded under sections 13256
3310.51 to 3310.64 of the Revised Code; 13257

(8) The combined enrollment of children with disabilities 13258
reported under division (A) (1) or (2) of this section, including 13259
any student described in division (A) (1) (b) of this section and 13260
excluding any student reported under divisions (A) (2) (a), (b), 13261
(d), (g), (h), and (i), ~~and (j)~~ of this section, receiving 13262
special education services for category four disabilities 13263
described in division (D) of section 3317.013 of the Revised 13264
Code, including children attending a special education program 13265
operated by an alternative public provider or a registered 13266
private provider with a scholarship awarded under sections 13267

3310.51 to 3310.64 of the Revised Code;	13268
(9) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), <u>and (i)</u> , and (j) of this section, receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	13269 13270 13271 13272 13273 13274 13275 13276 13277 13278 13279
(10) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), <u>and (i)</u> , and (j) of this section, receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code;	13280 13281 13282 13283 13284 13285 13286 13287 13288 13289 13290
(11) The enrollment of pupils reported under division (A)(1) or (2) of this section on a full-time equivalency basis, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), <u>and (i)</u> , and (j) of this section, in category one career-technical education programs or classes, described in division (A)(1) of section 3317.014 of the Revised	13291 13292 13293 13294 13295 13296 13297

Code, operated by the school district or by another district 13298
that is a member of the district's career-technical planning 13299
district, other than a joint vocational school district, or by 13300
an educational service center, notwithstanding division (M) of 13301
section 3317.02 of the Revised Code and division (C) (3) of this 13302
section; 13303

(12) The enrollment of pupils reported under division (A) 13304
(1) or (2) of this section on a full-time equivalency basis, 13305
including any student described in division (A) (1) (b) of this 13306
section and excluding any student reported under divisions (A) 13307
(2) (a), (b), (d), (g), (h), and (i), ~~and (j)~~ of this section, in 13308
category two career-technical education programs or services, 13309
described in division (A) (2) of section 3317.014 of the Revised 13310
Code, operated by the school district or another school district 13311
that is a member of the district's career-technical planning 13312
district, other than a joint vocational school district, or by 13313
an educational service center, notwithstanding division (M) of 13314
section 3317.02 of the Revised Code and division (C) (3) of this 13315
section; 13316

(13) The enrollment of pupils reported under division (A) 13317
(1) or (2) of this section on a full-time equivalency basis, 13318
including any student described in division (A) (1) (b) of this 13319
section and excluding any student reported under divisions (A) 13320
(2) (a), (b), (d), (g), (h), and (i), ~~and (j)~~ of this section, in 13321
category three career-technical education programs or services, 13322
described in division (A) (3) of section 3317.014 of the Revised 13323
Code, operated by the school district or another school district 13324
that is a member of the district's career-technical planning 13325
district, other than a joint vocational school district, or by 13326
an educational service center, notwithstanding division (M) of 13327
section 3317.02 of the Revised Code and division (C) (3) of this 13328

section; 13329

(14) The enrollment of pupils reported under division (A) 13330
(1) or (2) of this section on a full-time equivalency basis, 13331
including any student described in division (A)(1)(b) of this 13332
section and excluding any student reported under divisions (A) 13333
(2) (a), (b), (d), (g), (h), and (i), ~~and (j)~~ of this section, in 13334
category four career-technical education programs or services, 13335
described in division (A)(4) of section 3317.014 of the Revised 13336
Code, operated by the school district or another school district 13337
that is a member of the district's career-technical planning 13338
district, other than a joint vocational school district, or by 13339
an educational service center, notwithstanding division (M) of 13340
section 3317.02 of the Revised Code and division (C)(3) of this 13341
section; 13342

(15) The enrollment of pupils reported under division (A) 13343
(1) or (2) of this section on a full-time equivalency basis, 13344
including any student described in division (A)(1)(b) of this 13345
section and excluding any student reported under divisions (A) 13346
(2) (a), (b), (d), (g), (h), and (i), ~~and (j)~~ of this section, in 13347
category five career-technical education programs or services, 13348
described in division (A)(5) of section 3317.014 of the Revised 13349
Code, operated by the school district or another school district 13350
that is a member of the district's career-technical planning 13351
district, other than a joint vocational school district, or by 13352
an educational service center, notwithstanding division (M) of 13353
section 3317.02 of the Revised Code and division (C)(3) of this 13354
section; 13355

(16) The enrollment of pupils reported under division (A) 13356
(1) or (2) of this section who are English learners described in 13357
division (A) of section 3317.016 of the Revised Code, including 13358

any student described in division (A) (1) (b) of this section and 13359
excluding any student reported under divisions (A) (2) (a), (b), 13360
(d), (g), (h), and (i), ~~and (j)~~ of this section; 13361

(17) The enrollment of pupils reported under division (A) 13362
(1) or (2) of this section who are English learners described in 13363
division (B) of section 3317.016 of the Revised Code, including 13364
any student described in division (A) (1) (b) of this section and 13365
excluding any student reported under divisions (A) (2) (a), (b), 13366
(d), (g), (h), and (i), ~~and (j)~~ of this section; 13367

(18) The enrollment of pupils reported under division (A) 13368
(1) or (2) of this section who are English learners described in 13369
division (C) of section 3317.016 of the Revised Code, including 13370
any student described in division (A) (1) (b) of this section and 13371
excluding any student reported under divisions (A) (2) (a), (b), 13372
(d), (g), (h), and (i), ~~and (j)~~ of this section; 13373

(19) The average number of children transported during the 13374
reporting period by the school district on board-owned or 13375
contractor-owned and -operated buses, reported in accordance 13376
with rules adopted by the department; 13377

(20) (a) The number of children, other than preschool 13378
children with disabilities, the district placed with a county 13379
board of developmental disabilities in fiscal year 1998. 13380
Division (B) (20) (a) of this section does not apply after fiscal 13381
year 2013. 13382

(b) The number of children with disabilities, other than 13383
preschool children with disabilities, placed with a county board 13384
of developmental disabilities in the current fiscal year to 13385
receive special education services for the category one 13386
disability described in division (A) of section 3317.013 of the 13387

Revised Code;	13388
(c) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code;	13389 13390 13391 13392 13393 13394
(d) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	13395 13396 13397 13398 13399 13400
(e) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	13401 13402 13403 13404 13405 13406
(f) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	13407 13408 13409 13410 13411 13412
(g) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category six disabilities	13413 13414 13415 13416

described in division (F) of section 3317.013 of the Revised Code. 13417
13418

(21) The enrollment of students who are economically 13419
disadvantaged, as defined by the department, including any 13420
student described in divisions (A)(1)(b) of this section and 13421
excluding any student reported under divisions (A)(2)(a), (b), 13422
(d), (g), (h), and (i), ~~and (j)~~ of this section. A student shall 13423
not be categorically excluded from the number reported under 13424
division (B)(21) of this section based on anything other than 13425
family income. 13426

(22) The enrollment of students identified as gifted under 13427
division (A), (B), (C), or (D) of section 3324.03 of the Revised 13428
Code. 13429

(C)(1) The department shall adopt rules necessary for 13430
implementing divisions (A), (B), and (D) of this section. 13431

(2) A student enrolled in a community school established 13432
under Chapter 3314.7 or a science, technology, engineering, and 13433
mathematics school established under Chapter 3326.7 ~~or a~~ 13434
~~college-preparatory boarding school established under Chapter~~ 13435
~~3328.~~ of the Revised Code shall be counted in the formula ADM of 13436
the school district in which the student is entitled to attend 13437
school under section 3313.64 or 3313.65 of the Revised Code for 13438
the same proportion of the school year that the student is 13439
counted in the enrollment of the community school, or the 13440
science, technology, engineering, and mathematics school, ~~or the~~ 13441
~~college-preparatory boarding school~~ for purposes of section 13442
3317.022 ~~or 3328.24~~ of the Revised Code. Notwithstanding the 13443
enrollment of students reported pursuant to division (A)(2)(a) or 13444
or (i), ~~or (j)~~ of this section, the department may adjust the 13445
formula ADM of a school district to account for students 13446

entitled to attend school in the district under section 3313.64 13447
or 3313.65 of the Revised Code who are enrolled in a community 13448
school, or a science, technology, engineering, and mathematics 13449
school, ~~or a college-preparatory boarding school~~ for only a 13450
portion of the school year. 13451

(3) No child shall be counted as more than a total of one 13452
child in the sum of the enrollment of students of a school 13453
district under division (A), divisions (B) (1) to (22), or 13454
division (D) of this section, except as follows: 13455

(a) (i) A child with a disability described in section 13456
3317.013 of the Revised Code may be counted both in formula ADM 13457
and in category one, two, three, four, five, or six special 13458
education ADM and, if applicable, in category one, two, three, 13459
four, or five career-technical education ADM. As provided in 13460
division (M) of section 3317.02 of the Revised Code, such a 13461
child shall be counted in category one, two, three, four, five, 13462
or six special education ADM in the same proportion that the 13463
child is counted in formula ADM. 13464

(ii) A child with a disability described in section 13465
3317.013 of the Revised Code may be counted both in enrolled ADM 13466
and in category one, two, three, four, five, or six special 13467
education ADM and, if applicable, in category one, two, three, 13468
four, or five career-technical education ADM. As provided in 13469
division (M) of section 3317.02 of the Revised Code, such a 13470
child shall be counted in category one, two, three, four, five, 13471
or six special education ADM in the same proportion that the 13472
child is counted in enrolled ADM. 13473

(b) (i) A child enrolled in career-technical education 13474
programs or classes described in section 3317.014 of the Revised 13475
Code may be counted both in formula ADM and category one, two, 13476

three, four, or five career-technical education ADM and, if 13477
applicable, in category one, two, three, four, five, or six 13478
special education ADM. Such a child shall be counted in category 13479
one, two, three, four, or five career-technical education ADM in 13480
the same proportion as the percentage of time that the child 13481
spends in the career-technical education programs or classes. 13482

(ii) A child enrolled in career-technical education 13483
programs or classes described in section 3317.014 of the Revised 13484
Code may be counted both in enrolled ADM and category one, two, 13485
three, four, or five career-technical education ADM and, if 13486
applicable, in category one, two, three, four, five, or six 13487
special education ADM. Such a child shall be counted in category 13488
one, two, three, four, or five career-technical education ADM in 13489
the same proportion as the percentage of time that the child 13490
spends in the career-technical education programs or classes. 13491

(4) Based on the information reported under this section, 13492
the department shall determine the total student count, as 13493
defined in section 3301.011 of the Revised Code, for each school 13494
district. 13495

(D) (1) The superintendent of each joint vocational school 13496
district shall report and certify to the department as of the 13497
last day of October, March, and June of each year the enrollment 13498
of students receiving services from schools under the 13499
superintendent's supervision so that the department can 13500
calculate the district's enrolled ADM, formula ADM, total ADM, 13501
category one through five career-technical education ADM, 13502
category one through three English learner ADM, category one 13503
through six special education ADM, and for purposes of 13504
provisions of law outside of Chapter 3317. of the Revised Code, 13505
average daily membership. 13506

The enrollment reported and certified by the 13507
superintendent, except as otherwise provided in this division, 13508
shall consist of the number of students in grades six through 13509
twelve receiving any educational services from the district, 13510
except that the following categories of students shall not be 13511
included in the determination: 13512

(a) Students enrolled in adult education classes; 13513

(b) Adjacent or other district joint vocational students 13514
enrolled in the district under an open enrollment policy 13515
pursuant to section 3313.98 of the Revised Code; 13516

(c) Students receiving services in the district pursuant 13517
to a compact, cooperative education agreement, or a contract, 13518
but who are entitled to attend school in a city, local, or 13519
exempted village school district whose territory is not part of 13520
the territory of the joint vocational district; 13521

(d) Students for whom tuition is payable pursuant to 13522
sections 3317.081 and 3323.141 of the Revised Code. 13523

(2) To enable the department to obtain the data needed to 13524
complete the calculation of payments pursuant to this chapter, 13525
each superintendent shall certify from the report provided under 13526
division (D)(1) of this section the enrollment for each of the 13527
following categories of students: 13528

(a) Students enrolled in each individual grade included in 13529
the joint vocational district schools, including any student 13530
described in division (D)(1)(b) of this section; 13531

(b) Children with disabilities receiving special education 13532
services for the category one disability described in division 13533
(A) of section 3317.013 of the Revised Code, including any 13534
student described in division (D)(1)(b) of this section; 13535

(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code, including any student described in division (D) (1) (b) of this section;	13536 13537 13538 13539
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including any student described in division (D) (1) (b) of this section;	13540 13541 13542 13543
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code, including any student described in division (D) (1) (b) of this section;	13544 13545 13546 13547
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code, including any student described in division (D) (1) (b) of this section;	13548 13549 13550 13551
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code, including any student described in division (D) (1) (b) of this section;	13552 13553 13554 13555
(h) Students receiving category one career-technical education services, described in division (A) (1) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	13556 13557 13558 13559
(i) Students receiving category two career-technical education services, described in division (A) (2) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	13560 13561 13562 13563
(j) Students receiving category three career-technical	13564

education services, described in division (A) (3) of section	13565
3317.014 of the Revised Code, including any student described in	13566
division (D) (1) (b) of this section;	13567
(k) Students receiving category four career-technical	13568
education services, described in division (A) (4) of section	13569
3317.014 of the Revised Code, including any student described in	13570
division (D) (1) (b) of this section;	13571
(l) Students receiving category five career-technical	13572
education services, described in division (A) (5) of section	13573
3317.014 of the Revised Code, including any student described in	13574
division (D) (1) (b) of this section;	13575
(m) English learners described in division (A) of section	13576
3317.016 of the Revised Code, including any student described in	13577
division (D) (1) (b) of this section;	13578
(n) English learners described in division (B) of section	13579
3317.016 of the Revised Code, including any student described in	13580
division (D) (1) (b) of this section;	13581
(o) English learners described in division (C) of section	13582
3317.016 of the Revised Code, including any student described in	13583
division (D) (1) (b) of this section;	13584
(p) Students who are economically disadvantaged, as	13585
defined by the department, including any student described in	13586
division (D) (1) (b) of this section. A student shall not be	13587
categorically excluded from the number reported under division	13588
(D) (2) (p) of this section based on anything other than family	13589
income.	13590
The superintendent of each joint vocational school	13591
district shall also indicate the city, local, or exempted	13592
village school district in which each joint vocational district	13593

pupil is entitled to attend school pursuant to section 3313.64 13594
or 3313.65 of the Revised Code. 13595

(E) In each school of each city, local, exempted village, 13596
joint vocational, and cooperative education school district 13597
there shall be maintained a record of school enrollment, which 13598
record shall accurately show, for each day the school is in 13599
session, the actual enrollment in regular day classes. For the 13600
purpose of determining the enrollment of students, the 13601
enrollment figure of any school shall not include any pupils 13602
except those pupils described by division (A) or (D) of this 13603
section. The record of enrollment for each school shall be 13604
maintained in such manner that no pupil shall be counted as 13605
enrolled prior to the actual date of entry in the school and 13606
also in such manner that where for any cause a pupil permanently 13607
withdraws from the school that pupil shall not be counted as 13608
enrolled from and after the date of such withdrawal. There shall 13609
not be included in the enrollment of any school any of the 13610
following: 13611

(1) Any pupil who has graduated from the twelfth grade of 13612
a public or nonpublic high school; 13613

(2) Any pupil who is not a resident of the state; 13614

(3) Any pupil who was enrolled in the schools of the 13615
district during the previous school year when assessments were 13616
administered under section 3301.0711 of the Revised Code but did 13617
not take one or more of the assessments required by that section 13618
and was not excused pursuant to division (C) (1) or (3) of that 13619
section; 13620

(4) Any pupil who has attained the age of twenty-two 13621
years, except for veterans of the armed services whose 13622

attendance was interrupted before completing the recognized 13623
twelve-year course of the public schools by reason of induction 13624
or enlistment in the armed forces and who apply for reenrollment 13625
in the public school system of their residence not later than 13626
four years after termination of war or their honorable 13627
discharge; 13628

(5) Any pupil who has a certificate of high school 13629
equivalence as defined in section 5107.40 of the Revised Code. 13630

If, however, any veteran described by division (E) (4) of 13631
this section elects to enroll in special courses organized for 13632
veterans for whom tuition is paid under the provisions of 13633
federal laws, or otherwise, that veteran shall not be included 13634
in the enrollment of students determined under this section. 13635

Notwithstanding division (E) (3) of this section, the 13636
enrollment of any school may include a pupil who did not take an 13637
assessment required by section 3301.0711 of the Revised Code if 13638
the department of education and workforce grants a waiver from 13639
the requirement to take the assessment to the specific pupil and 13640
a parent is not paying tuition for the pupil pursuant to section 13641
3313.6410 of the Revised Code. The department may grant such a 13642
waiver only for good cause in accordance with rules adopted by 13643
the department. 13644

The enrolled ADM, formula ADM, total ADM, category one 13645
through five career-technical education ADM, category one 13646
through three English learner ADM, category one through six 13647
special education ADM, transportation ADM, and, for purposes of 13648
provisions of law outside of Chapter 3317. of the Revised Code, 13649
average daily membership of any school district shall be 13650
determined in accordance with rules adopted by the department. 13651

(F) (1) If a student attending a community school under Chapter 3314.7 or a science, technology, engineering, and mathematics school established under Chapter 3326.7 ~~or a college preparatory boarding school established under Chapter 3328.~~ of the Revised Code is not included in the formula ADM calculated for the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code, the department shall adjust the formula ADM of that school district to include the student in accordance with division (C) (2) of this section.

(2) If a student awarded an educational choice scholarship is not included in the formula ADM of the school district in which the student resides, the department shall adjust the formula ADM of that school district to include the student.

(3) If a student awarded a scholarship under the Jon Peterson special needs scholarship program is not included in the formula ADM of the school district in which the student resides, the department shall adjust the formula ADM of that school district to include the student.

(G) (1) (a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the department, in the manner prescribed by the director of education and workforce, both of the following:

(i) The unduplicated count of the number of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions (A) to (F) of section 3317.013 of the Revised Code adjusted for the portion of

the year each child is so enrolled; 13682

(ii) The unduplicated count of the number of all preschool 13683
children with disabilities in classes or programs for whom the 13684
district is eligible to receive funding under section 3317.0213 13685
of the Revised Code adjusted for the portion of the year each 13686
child is so enrolled, reported according to the categories 13687
prescribed in section 3317.013 of the Revised Code. 13688

(b) The superintendent of an institution with career- 13689
technical education units approved under section 3317.05 of the 13690
Revised Code shall, for the units under the superintendent's 13691
supervision, certify to the department the enrollment in those 13692
units, in the manner prescribed by the director of education and 13693
workforce. 13694

(2) The superintendent of each county board of 13695
developmental disabilities that maintains special education 13696
classes under section 3317.20 of the Revised Code or provides 13697
services to preschool children with disabilities pursuant to an 13698
agreement between the county board and the appropriate school 13699
district shall do both of the following: 13700

(a) Certify to the department, in the manner prescribed by 13701
the department, the enrollment in classes under section 3317.20 13702
of the Revised Code for each school district that has placed 13703
children in the classes; 13704

(b) Certify to the department, in the manner prescribed by 13705
the department, the unduplicated count of the number of all 13706
preschool children with disabilities enrolled in classes for 13707
which the board is eligible to receive funding under section 13708
3317.0213 of the Revised Code adjusted for the portion of the 13709
year each child is so enrolled, reported according to the 13710

categories prescribed in section 3317.013 of the Revised Code, 13711
and the number of those classes. 13712

(H) Except as provided in division (I) of this section, 13713
when any city, local, or exempted village school district 13714
provides instruction for a nonresident pupil whose attendance is 13715
unauthorized attendance as defined in section 3327.06 of the 13716
Revised Code, that pupil's enrollment shall not be included in 13717
that district's enrollment figure used in calculating the 13718
district's payments under this chapter. The reporting official 13719
shall report separately the enrollment of all pupils whose 13720
attendance in the district is unauthorized attendance, and the 13721
enrollment of each such pupil shall be credited to the school 13722
district in which the pupil is entitled to attend school under 13723
division (B) of section 3313.64 or section 3313.65 of the 13724
Revised Code as determined by the department. 13725

(I) This division shall not apply on or after September 13726
30, 2021. 13727

(1) A city, local, exempted village, or joint vocational 13728
school district admitting a scholarship student of a pilot 13729
project district pursuant to division (C) of section 3313.976 of 13730
the Revised Code may count such student in its enrollment. 13731

(2) In any year for which funds are appropriated for pilot 13732
project scholarship programs, a school district implementing a 13733
state-sponsored pilot project scholarship program that year 13734
pursuant to sections 3313.974 to 3313.979 of the Revised Code 13735
may count in its enrollment: 13736

(a) All children residing in the district and utilizing a 13737
scholarship to attend kindergarten in any alternative school, as 13738
defined in section 3313.974 of the Revised Code; 13739

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend an alternative school.

(J) The superintendent of each cooperative education school district shall certify to the director of education and workforce, in a manner prescribed by the department, the applicable enrollments for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(K) If the director of education and workforce determines that a component of the enrollment certified or reported by a district superintendent, or other reporting entity, is not correct, the director of education and workforce may order that the district's enrolled ADM, formula ADM, or both be adjusted in the amount of the error.

Sec. 3317.18. (A) As used in this section, the terms "Chapter 133. securities," "credit enhancement facilities," "debt charges," "general obligation," "legislation," "public obligations," and "securities" have the same meanings as in section 133.01 of the Revised Code.

(B) The board of education of any school district authorizing the issuance of securities under section 133.10 or 3313.372 of the Revised Code or general obligation Chapter 133. securities may adopt legislation requesting the department of education and workforce to approve, and enter into an agreement with the school district and the primary paying agent or fiscal agent for such securities providing for, the withholding and deposit of funds, otherwise due the district under Chapter 3317. of the Revised Code, for the payment of debt service charges on

such securities. 13770

The board of education shall deliver to the state 13771
department a copy of such resolution and any additional 13772
pertinent information the department may require. 13773

The department and the office of budget and management 13774
shall evaluate each request received from a school district 13775
under this section and the department, with the advice and 13776
consent of the director of budget and management, shall approve 13777
or deny each request based on all of the following: 13778

(1) Whether approval of the request will enhance the 13779
marketability of the securities for which the request is made; 13780

(2) Any other pertinent factors or limitations established 13781
in rules made under division (I) of this section, including: 13782

(a) Current and projected obligations of funds due to the 13783
requesting school district under Chapter 3317. of the Revised 13784
Code including obligations of those funds to public obligations 13785
or relevant credit enhancement facilities under this section, 13786
Chapter 133. ~~and section 3313.483~~ of the Revised Code, and under 13787
any other similar provisions of law; 13788

(b) Whether the department of education and workforce or 13789
the office of budget and management has any reason to believe 13790
the requesting school district will be unable to pay when due 13791
the debt charges on the securities for which the request is 13792
made. 13793

The department may require a school district to establish 13794
schedules for the payment of all debt charges that take into 13795
account the amount and timing of anticipated distributions of 13796
funds to the district under Chapter 3317. of the Revised Code. 13797

(C) If the department approves the request of a school district to withhold and deposit funds pursuant to this section, the department shall enter into a written agreement with the district and the primary paying agent or fiscal agent for the securities which shall provide for the withholding of funds pursuant to this section for the payment of debt charges on those securities, and may include both of the following:

(1) Provisions for certification by the district to the department, at a time prior to any date for the payment of applicable debt charges, whether the district is able to pay those debt charges when due;

(2) Requirements that the district deposit amounts for the payment of debt charges on the securities with the primary paying agent or fiscal agent for the securities prior to the date on which those debt charge payments are due to the owners or holders of the securities.

(D) Whenever a district notifies the department that it will be unable to pay debt charges when they are due, subject to the withholding provisions of this section, or whenever the applicable paying agent or fiscal agent notifies the department that it has not timely received from a school district the full amount needed for the payment when due of those debt charges to the holders or owners of such securities, the department shall immediately contact the school district and the paying agent or fiscal agent to confirm or determine whether the district is unable to make the required payment by the date on which it is due.

Upon demand of the treasurer of state while holding a school district obligation purchased under division (G) (1) of section 135.143 of the Revised Code, the department, without a

request of the school district, shall withhold and deposit funds 13828
pursuant to this section for payment of debt service charges on 13829
that obligation. 13830

If the department confirms or determines that the district 13831
will be unable to make such payment and payment will not be made 13832
pursuant to a credit enhancement facility, the department shall 13833
promptly pay to the applicable primary paying agent or fiscal 13834
agent the lesser of the amount due for debt charges or the 13835
amount due the district for the remainder of the fiscal year 13836
under Chapter 3317. of the Revised Code. If this amount is 13837
insufficient to pay the total amount then due the agent for the 13838
payment of debt charges, the department shall pay to the agent 13839
each fiscal year thereafter, and until the full amount due the 13840
agent for unpaid debt charges is paid in full, the lesser of the 13841
remaining amount due the agent for debt charges or the amount 13842
due the district for the fiscal year under Chapter 3317. of the 13843
Revised Code. 13844

(E) The department may make any payments under this 13845
division by direct deposit of funds by electronic transfer. 13846

Any amount received by a paying agent or fiscal agent 13847
under this section shall be applied only to the payment of debt 13848
charges on the securities of the school district subject to this 13849
section or to the reimbursement to the provider of a credit 13850
enhancement facility that has paid such debt charges. 13851

(F) To the extent a school district whose securities are 13852
subject to this section is unable to pay applicable debt charges 13853
because of the failure to collect property taxes levied for the 13854
payment of those debt charges, the district may transfer to or 13855
deposit into any fund that would have received payments under 13856
Chapter 3317. of the Revised Code that were withheld under this 13857

section any such delinquent property taxes when later collected, 13858
provided that transfer or deposit shall be limited to the 13859
amounts withheld from that fund under this section. 13860

(G) The department may make payments under this section to 13861
paying agents or fiscal agents only from and to the extent that 13862
money is appropriated by the general assembly for Chapter 3317. 13863
of the Revised Code or for the purposes of this section. No 13864
securities of a school district to which this section is made 13865
applicable constitute an obligation or a debt or a pledge of the 13866
faith, credit, or taxing power of the state, and the holders or 13867
owners of such securities have no right to have taxes levied or 13868
appropriations made by the general assembly for the payment of 13869
debt charges on those securities, and those securities, if the 13870
department requires, shall contain a statement to that effect. 13871
The agreement for or the actual withholding and payment of 13872
moneys under this section does not constitute the assumption by 13873
the state of any debt of a school district. 13874

(H) In the case of securities subject to the withholding 13875
provisions of this section, the issuing board of education shall 13876
appoint a paying agent or fiscal agent who is not an officer or 13877
employee of the school district. 13878

(I) The department, with the advice of the office of 13879
budget and management, may adopt reasonable rules not 13880
inconsistent with this section for the implementation of this 13881
section and division (B) of section 133.25 of the Revised Code 13882
as it relates to the withholding and depositing of payments 13883
under Chapter 3317. of the Revised Code to secure payment of 13884
debt charges on school district securities. Those rules shall 13885
include criteria for the evaluation and approval or denial of 13886
school district requests for withholding under this section and 13887

limits on the obligation for the purpose of paying debt charges 13888
or reimbursing credit enhancement facilities of funds otherwise 13889
to be paid to school districts under Chapter 3317. of the 13890
Revised Code. 13891

(J) The authority granted by this section is in addition 13892
to and not a limitation on any other authorizations granted by 13893
or pursuant to law for the same or similar purposes. 13894

Sec. 3317.25. (A) As used in this section, "disadvantaged 13895
pupil impact aid" means the following: 13896

(1) For a city, local, or exempted village school 13897
district, the funds received under division (A) (4) (a) of section 13898
3317.022 of the Revised Code; 13899

(2) For a joint vocational school district, the funds 13900
received under division (A) (3) of section 3317.16 of the Revised 13901
Code; 13902

(3) For a community school established under Chapter 3314. 13903
of the Revised Code, the funds received under division (A) (4) (b) 13904
of section 3317.022 of the Revised Code; 13905

(4) For a STEM school established under Chapter 3326. of 13906
the Revised Code, the funds received under division (A) (4) (b) of 13907
section 3317.022 of the Revised Code. 13908

(B) (1) For fiscal years 2026 and 2027, a city, local, 13909
exempted village, or joint vocational school district, community 13910
school, or STEM school shall spend the disadvantaged pupil 13911
impact aid it receives for any of the following initiatives or a 13912
combination of any of the following initiatives: 13913

(a) Extended school day and school year; 13914

(b) Reading improvement and intervention that is aligned 13915

with the science of reading and evidence-based strategies for	13916
effective literacy instruction;	13917
(c) Instructional technology or blended learning;	13918
(d) Professional development in the science of reading and	13919
evidence-based strategies for effective literacy instruction for	13920
teachers of students in kindergarten through third grade;	13921
(e) Dropout prevention;	13922
(f) School safety and security measures;	13923
(g) Community learning centers that address barriers to	13924
learning;	13925
(h) Academic interventions for students in any of grades	13926
six through twelve;	13927
(i) Employment of an individual who has successfully	13928
completed the bright new leaders for Ohio schools program as a	13929
principal or an assistant principal under section 3319.272 of	13930
the Revised Code;	13931
(j) Mental health services, including telehealth services,	13932
community-based behavioral health services, and recovery	13933
supports;	13934
(k) Culturally appropriate, evidence-based or evidence-	13935
informed prevention services, including youth-led programming	13936
and curricula to promote mental health and prevent substance use	13937
and suicide, and trauma-informed services;	13938
(l) Services for homeless youth;	13939
(m) Services for child welfare involved youth;	13940
(n) Community liaisons or programs that connect students	13941
to community resources, including behavioral wellness	13942

coordinators and city connects, communities in schools, and 13943
other similar programs; 13944

(o) Physical health care services, including telehealth 13945
services and community-based health services; 13946

(p) Family engagement and support services; 13947

(q) Student services provided prior to or after the 13948
regularly scheduled school day or any time school is not in 13949
session, including mentoring programs. 13950

(2) For fiscal year 2028 and each fiscal year thereafter, 13951
each city, local, exempted village, and joint vocational school 13952
district, community school, and STEM school shall spend the 13953
disadvantaged pupil impact aid it receives for one or more 13954
initiatives specified by the general assembly. 13955

(C) (1) For fiscal years 2026 and 2027, each city, local, 13956
exempted village, and joint vocational school district, 13957
community school, and STEM school that is subject to the 13958
requirements of this section shall develop a plan for utilizing 13959
the disadvantaged pupil impact aid it receives in coordination 13960
with at least one of the following community partners: 13961

(a) A board of alcohol, drug addiction, and mental health 13962
services established under Chapter 340. of the Revised Code; 13963

(b) An educational service center; 13964

(c) A county board of developmental disabilities; 13965

(d) A community mental health prevention or treatment 13966
provider; 13967

(e) A board of health of a city or general health 13968
district; 13969

(f) A county department of job and family services;	13970
(g) A nonprofit organization with experience serving children;	13971 13972
(h) A public hospital agency.	13973
(2) For fiscal year 2028 and each fiscal year thereafter,	13974
each city, local, exempted village, and joint vocational school	13975
district, community school, and STEM school that is subject to	13976
the requirements of this section shall develop a plan for	13977
utilizing the disadvantaged pupil impact aid it receives in the	13978
manner specified by the general assembly, if the general	13979
assembly requires city, local, exempted village, and joint	13980
vocational school districts, community schools, and STEM schools	13981
to develop such a plan.	13982
(D) After the end of each fiscal year, each city, local,	13983
exempted village, or joint vocational school district, community	13984
school, and STEM school shall submit a report to the department	13985
of education and workforce describing the initiative or	13986
initiatives on which the district's or school's disadvantaged	13987
pupil impact aid were spent during that fiscal year. For fiscal	13988
years 2026 and 2027, this report shall be submitted in a manner	13989
prescribed by the department and shall also describe the amount	13990
of money that was spent on each initiative.	13991
(E) Starting in 2015, the department shall submit a report	13992
of the information it receives under division (C) of this	13993
section to the general assembly not later than the first day of	13994
December of each odd-numbered year in accordance with section	13995
101.68 of the Revised Code. Not later than the thirty-first day	13996
of October of each year, the department of education and	13997
workforce shall publish on its web site the total disadvantaged	13998

pupil impact aid each district and school received for the prior 13999
school year and each district's and school's expenditures of 14000
those funds. The department shall develop a uniform mechanism 14001
for districts and schools to report this data. 14002

Sec. 3319.31. (A) As used in this section and sections 14003
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 14004
means a certificate, license, or permit described in this 14005
chapter or in division (B) of section 3301.071 or in section 14006
3301.074 of the Revised Code or a registration described in 14007
division (B) of section 3302.151, section 3310.411, or section 14008
3319.221 of the Revised Code. 14009

(B) For any of the following reasons, the state board of 14010
education, except as provided in division (H) of this section 14011
and in accordance with Chapter 119. and section 3319.311 of the 14012
Revised Code, may refuse to issue a license to an applicant; may 14013
limit a license it issues to an applicant; may suspend, revoke, 14014
or limit a license that has been issued to any person; or may 14015
revoke a license that has been issued to any person and has 14016
expired: 14017

(1) Engaging in an immoral act, incompetence, negligence, 14018
or conduct that is unbecoming to the applicant's or person's 14019
position; 14020

(2) A plea of guilty to, a finding of guilt by a jury or 14021
court of, or a conviction of any of the following: 14022

(a) A felony other than a felony listed in division (C) of 14023
this section; 14024

(b) An offense of violence other than an offense of 14025
violence listed in division (C) of this section; 14026

(c) A theft offense, as defined in section 2913.01 of the 14027

Revised Code, other than a theft offense listed in division (C) 14028
of this section; 14029

(d) A drug abuse offense, as defined in section 2925.01 of 14030
the Revised Code, that is not a minor misdemeanor, other than a 14031
drug abuse offense listed in division (C) of this section; 14032

(e) A violation of an ordinance of a municipal corporation 14033
that is substantively comparable to an offense listed in 14034
divisions (B) (2) (a) to (d) of this section. 14035

(3) A judicial finding of eligibility for intervention in 14036
lieu of conviction under section 2951.041 of the Revised Code, 14037
or agreeing to participate in a pre-trial diversion program 14038
under section 2935.36 of the Revised Code, or a similar 14039
diversion program under rules of a court, for any offense listed 14040
in division (B) (2) or (C) of this section; 14041

(4) Failure to comply with section 3314.40, 3319.313, 14042
3326.24, ~~3328.19~~, 5126.253, or 5502.262 of the Revised Code; 14043

(5) Purposely using or intentionally releasing information 14044
that is confidential under state or federal law concerning a 14045
student or student's family members for purposes other than 14046
student instruction in violation of the licensure code of 14047
professional conduct for Ohio educators developed by the state 14048
board of education. 14049

(C) Upon learning of a plea of guilty to, a finding of 14050
guilt by a jury or court of, or a conviction of any of the 14051
offenses listed in this division by a person who holds a current 14052
or expired license or is an applicant for renewal of a license, 14053
the state board or the superintendent of public instruction, if 14054
the state board has delegated the duty pursuant to division (D) 14055
of this section, shall by a written order revoke the person's 14056

license or deny renewal of the license to the person. The state 14057
board or the superintendent shall revoke a license that has been 14058
issued to a person to whom this division applies and has expired 14059
in the same manner as a license that has not expired. 14060

Revocation of a license or denial of renewal of a license 14061
under this division is effective immediately at the time and 14062
date that the board or superintendent issues the written order 14063
and is not subject to appeal in accordance with Chapter 119. of 14064
the Revised Code. Revocation of a license or denial of renewal 14065
of license under this division remains in force during the 14066
pendency of an appeal by the person of the plea of guilty, 14067
finding of guilt, or conviction that is the basis of the action 14068
taken under this division. 14069

The state board or superintendent shall take the action 14070
required by this division for a violation of division (B) (1), 14071
(2), (3), or (4) of section 2919.22 of the Revised Code; a 14072
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 14073
2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 14074
2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 14075
2907.07, 2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 14076
2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 14077
2907.33, 2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 14078
2911.02, 2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 14079
2917.31, 2917.33, 2919.12, 2919.121, 2919.13, 2919.25, 2921.02, 14080
2921.03, 2921.04, 2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 14081
2923.123, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 14082
2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 14083
2925.32, 2925.36, 2925.37, 2927.24, or 3716.11 of the Revised 14084
Code; a violation of section 2907.231 of the Revised Code unless 14085
the offender was coerced into committing a violation of that 14086
section; a violation of section 2905.04 of the Revised Code as 14087

it existed prior to July 1, 1996; a violation of section 2919.23 14088
of the Revised Code that would have been a violation of section 14089
2905.04 of the Revised Code as it existed prior to July 1, 1996, 14090
had the violation been committed prior to that date; felonious 14091
sexual penetration in violation of former section 2907.12 of the 14092
Revised Code; or a violation of an ordinance of a municipal 14093
corporation that is substantively comparable to an offense 14094
listed in this paragraph. 14095

(D) The state board may delegate to the superintendent of 14096
public instruction the authority to revoke a person's license or 14097
to deny renewal of a license to a person under division (C) or 14098
(F) of this section. 14099

(E) (1) If the plea of guilty, finding of guilt, or 14100
conviction that is the basis of the action taken under division 14101
(B) (2) or (C) of this section, or under the version of division 14102
(F) of section 3319.311 of the Revised Code in effect prior to 14103
September 12, 2008, is overturned on appeal, upon exhaustion of 14104
the criminal appeal, the clerk of the court that overturned the 14105
plea, finding, or conviction or, if applicable, the clerk of the 14106
court that accepted an appeal from the court that overturned the 14107
plea, finding, or conviction, shall notify the state board that 14108
the plea, finding, or conviction has been overturned. Within 14109
thirty days after receiving the notification, the state board 14110
shall initiate proceedings to reconsider the revocation or 14111
denial of the person's license in accordance with division (E) 14112
(2) of this section. In addition, the person whose license was 14113
revoked or denied may file with the state board a petition for 14114
reconsideration of the revocation or denial along with 14115
appropriate court documents. 14116

(2) Upon receipt of a court notification or a petition and 14117

supporting court documents under division (E) (1) of this 14118
section, the state board, after offering the person an 14119
opportunity for an adjudication hearing under Chapter 119. of 14120
the Revised Code, shall determine whether the person committed 14121
the act in question in the prior criminal action against the 14122
person that is the basis of the revocation or denial and may 14123
continue the revocation or denial, may reinstate the person's 14124
license, with or without limits, or may grant the person a new 14125
license, with or without limits. The decision of the board shall 14126
be based on grounds for revoking, denying, suspending, or 14127
limiting a license adopted by rule under division (G) of this 14128
section and in accordance with the evidentiary standards the 14129
board employs for all other licensure hearings. The decision of 14130
the board under this division is subject to appeal under Chapter 14131
119. of the Revised Code. 14132

(3) A person whose license is revoked or denied under 14133
division (C) of this section shall not apply for any license if 14134
the plea of guilty, finding of guilt, or conviction that is the 14135
basis of the revocation or denial, upon completion of the 14136
criminal appeal, either is upheld or is overturned but the state 14137
board continues the revocation or denial under division (E) (2) 14138
of this section and that continuation is upheld on final appeal. 14139

(F) The state board may take action under division (B) of 14140
this section, and the state board or the superintendent shall 14141
take the action required under division (C) of this section, on 14142
the basis of substantially comparable conduct occurring in a 14143
jurisdiction outside this state or occurring before a person 14144
applies for or receives any license. 14145

(G) The state board may adopt rules in accordance with 14146
Chapter 119. of the Revised Code to carry out this section and 14147

section 3319.311 of the Revised Code. 14148

(H) The state board shall not refuse to issue a license to 14149
an applicant because of a conviction of, a plea of guilty to, or 14150
a finding of guilt by a jury or court of an offense unless the 14151
refusal is in accordance with section 9.79 of the Revised Code. 14152

Sec. 3319.311. (A) (1) The state board of education, or the 14153
superintendent of public instruction on behalf of the board, may 14154
investigate any information received about a person that 14155
reasonably appears to be a basis for action under section 14156
3319.31 of the Revised Code, including information received 14157
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 14158
~~3328.19~~, 5126.253, or 5153.176 of the Revised Code. Except as 14159
provided in division (A) (2) of this section, the board shall 14160
contract with the office of the Ohio attorney general to conduct 14161
any investigation of that nature. The board shall pay for the 14162
costs of the contract only from moneys in the occupational 14163
licensing and regulatory fund established in section 4743.05 of 14164
the Revised Code. Except as provided in division (A) (2) of this 14165
section, all information received pursuant to section 3314.40, 14166
3319.291, 3319.313, 3326.24, ~~3328.19~~, 5126.253, or 5153.176 of 14167
the Revised Code, and all information obtained during an 14168
investigation is confidential and is not a public record under 14169
section 149.43 of the Revised Code. If an investigation is 14170
conducted under this division regarding information received 14171
about a person and no action is taken against the person under 14172
this section or section 3319.31 of the Revised Code within two 14173
years of the completion of the investigation, all records of the 14174
investigation shall be expunged. 14175

(2) In the case of a person about whom the board has 14176
learned of a plea of guilty to, finding of guilt by a jury or 14177

court of, or a conviction of an offense listed in division (C) 14178
of section 3319.31 of the Revised Code, or substantially 14179
comparable conduct occurring in a jurisdiction outside this 14180
state, the board or the superintendent of public instruction 14181
need not conduct any further investigation and shall take the 14182
action required by division (C) or (F) of that section. Except 14183
as provided in division (G) of this section, all information 14184
obtained by the board or the superintendent of public 14185
instruction pertaining to the action is a public record under 14186
section 149.43 of the Revised Code. 14187

(B) The superintendent of public instruction shall review 14188
the results of each investigation of a person conducted under 14189
division (A)(1) of this section and shall determine, on behalf 14190
of the state board, whether the results warrant initiating 14191
action under division (B) of section 3319.31 of the Revised 14192
Code. The superintendent shall advise the board of such 14193
determination at a meeting of the board. Within fourteen days of 14194
the next meeting of the board, any member of the board may ask 14195
that the question of initiating action under section 3319.31 of 14196
the Revised Code be placed on the board's agenda for that next 14197
meeting. Prior to initiating that action against any person, the 14198
person's name and any other personally identifiable information 14199
shall remain confidential. 14200

(C) The board shall take no action against a person under 14201
division (B) of section 3319.31 of the Revised Code without 14202
providing the person with written notice of the charges and with 14203
an opportunity for a hearing in accordance with Chapter 119. of 14204
the Revised Code. 14205

(D) For purposes of an investigation under division (A)(1) 14206
of this section or a hearing under division (C) of this section 14207

or under division (E) (2) of section 3319.31 of the Revised Code, 14208
the board, or the superintendent on behalf of the board, may 14209
administer oaths, order the taking of depositions, issue 14210
subpoenas, and compel the attendance of witnesses and the 14211
production of books, accounts, papers, records, documents, and 14212
testimony. The issuance of subpoenas under this division may be 14213
by certified mail, regular mail with a certificate of mailing, 14214
or other form of delivery with proof of delivery, including 14215
electronic delivery with electronic proof of delivery, or 14216
personal delivery to the person. 14217

(E) The superintendent, on behalf of the board, may enter 14218
into a consent agreement with a person against whom action is 14219
being taken under division (B) of section 3319.31 of the Revised 14220
Code. The board may adopt rules governing the superintendent's 14221
action under this division. 14222

(F) No surrender of a license shall be effective until the 14223
board takes action to accept the surrender unless the surrender 14224
is pursuant to a consent agreement entered into under division 14225
(E) of this section. 14226

(G) The name of any person who is not required to report 14227
information under section 3314.40, 3319.313, 3326.24, ~~3328.19,~~ 14228
5126.253, or 5153.176 of the Revised Code, but who in good faith 14229
provides information to the state board or superintendent of 14230
public instruction about alleged misconduct committed by a 14231
person who holds a license or has applied for issuance or 14232
renewal of a license, shall be confidential and shall not be 14233
released. Any such person shall be immune from any civil 14234
liability that otherwise might be incurred or imposed for 14235
injury, death, or loss to person or property as a result of the 14236
provision of that information. 14237

(H) (1) No person shall knowingly make a false report to 14238
the superintendent of public instruction or the state board of 14239
education alleging misconduct by an employee of a public or 14240
chartered nonpublic school or an employee of the operator of a 14241
community school established under Chapter 3314. ~~or a college-~~ 14242
~~preparatory boarding school established under Chapter 3328.~~ of 14243
the Revised Code. 14244

(2) (a) In any civil action brought against a person in 14245
which it is alleged and proved that the person violated division 14246
(H) (1) of this section, the court shall award the prevailing 14247
party reasonable attorney's fees and costs that the prevailing 14248
party incurred in the civil action or as a result of the false 14249
report that was the basis of the violation. 14250

(b) If a person is convicted of or pleads guilty to a 14251
violation of division (H) (1) of this section, if the subject of 14252
the false report that was the basis of the violation was charged 14253
with any violation of a law or ordinance as a result of the 14254
false report, and if the subject of the false report is found 14255
not to be guilty of the charges brought against the subject as a 14256
result of the false report or those charges are dismissed, the 14257
court that sentences the person for the violation of division 14258
(H) (1) of this section, as part of the sentence, shall order the 14259
person to pay restitution to the subject of the false report, in 14260
an amount equal to reasonable attorney's fees and costs that the 14261
subject of the false report incurred as a result of or in 14262
relation to the charges. 14263

Sec. 3319.319. The appointing or hiring officer of a 14264
school district or school located in Ohio or another state may 14265
request from the state board of education any report received 14266
under sections section 3314.40, 3319.313, 3326.24, ~~3328.19,~~ or 14267

5126.253 of the Revised Code regarding an individual who is 14268
under consideration for employment by the district or school. If 14269
the superintendent of public instruction has received a report 14270
under any of those sections regarding the individual, the state 14271
superintendent shall provide the contents of the report to the 14272
requesting officer. Upon provision of the contents of the report 14273
to the requesting officer, the state superintendent shall notify 14274
the officer that the information provided is confidential and 14275
may not be disseminated to any other person or entity. 14276

If the state superintendent provides the contents of a 14277
report to an appointing or hiring officer under this section, 14278
the state superintendent shall document the information provided 14279
in the record of any investigation undertaken pursuant to 14280
section 3319.311 of the Revised Code based on the report. Such 14281
documentation shall include a list of the information provided, 14282
the date the information was provided, and the name and contact 14283
information of the appointing or hiring officer to whom the 14284
information was provided. 14285

Sec. 3319.393. (A) Each school district and chartered 14286
nonpublic school shall include the following notice in boldface 14287
type in each employment application: "ANY PERSON WHO KNOWINGLY 14288
MAKES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 14289
2921.13 OF THE REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST 14290
DEGREE." 14291

(B) (1) Each district and chartered nonpublic school shall 14292
consult the "educator profile" database maintained on the web 14293
site of the state board of education prior to making any hiring 14294
decision. 14295

(2) After consulting the "educator profile" database, a 14296
district or chartered nonpublic school may further discern the 14297

employment, disciplinary, or criminal record of an applicant for 14298
employment in either or both of the following ways: 14299

(a) Consulting the state board of education's office of 14300
professional conduct in accordance with section 3319.319 of the 14301
Revised Code to determine whether the individual has been the 14302
subject of either: 14303

(i) Any notice to the superintendent of public instruction 14304
under section 3314.40, 3319.313, 3326.24, ~~3328.19~~, or 5126.253 14305
of the Revised Code; 14306

(ii) Any disciplinary actions conducted by the state 14307
board. 14308

(b) Consulting any prior education-related employers of 14309
the individual. 14310

(3) A district or chartered nonpublic school may require 14311
additional background checks other than the criminal records 14312
checks authorized under sections 109.574 to 109.577 of the 14313
Revised Code or those required under section 3319.39 or 3319.391 14314
of the Revised Code for any applicant for employment or 14315
potential volunteer. 14316

(C) A district or chartered nonpublic school may 14317
conditionally employ an individual pending the receipt of 14318
information sought in accordance with division (B) (2) of this 14319
section. Should that information indicate that the individual 14320
has engaged in conduct unbecoming to the teaching profession or 14321
has committed an offense that prevents, limits, or otherwise 14322
affects the applicant's employment with the district or school, 14323
the district or chartered nonpublic school may release the 14324
individual from employment. 14325

Sec. 3320.02. (A) A student enrolled in a public school 14326

may engage in religious expression before, during, and after 14327
school hours in the same manner and to the same extent that a 14328
student is permitted to engage in secular activities or 14329
expression before, during, and after school hours. 14330

(B) A school district, community school established under 14331
Chapter 3314., or STEM school established under Chapter 3326. ~~—~~ 14332
~~or a college preparatory boarding school established under~~ 14333
~~Chapter 3328.~~ of the Revised Code shall give the same access to 14334
school facilities to students who wish to conduct a meeting for 14335
the purpose of engaging in religious expression as is given to 14336
secular student groups, without regard to the content of a 14337
student's or group's expression. 14338

Sec. 3320.03. No school district board of education, 14339
governing authority of a community school established under 14340
Chapter 3314. of the Revised Code, or governing body of a STEM 14341
school established under Chapter 3326. of the Revised Code, ~~or~~ 14342
~~board of trustees of a college preparatory boarding school~~ 14343
~~established under Chapter 3328. of the Revised Code~~ shall 14344
prohibit a student from engaging in religious expression in the 14345
completion of homework, artwork, or other written or oral 14346
assignments. Assignment grades and scores shall be calculated 14347
using ordinary academic standards of substance and relevance, 14348
including any legitimate pedagogical concerns, and shall not 14349
penalize or reward a student based on the religious content of a 14350
student's work. 14351

Sec. 3325.08. (A) A diploma shall be granted by the 14352
superintendent of Ohio deaf and blind education services to any 14353
student enrolled in the state school for the blind or the state 14354
school for the deaf to whom all of the following apply: 14355

(1) The student has successfully completed the curriculum 14356

in any high school or the individualized education program 14357
developed for the student for the student's high school 14358
education pursuant to section 3323.08 of the Revised Code; 14359

(2) Subject to section 3313.614 of the Revised Code, the 14360
student has met the assessment requirements of division ~~(A)(2)~~ 14361
~~(a) or (b)~~ (A)(2) of this section, as applicable. 14362

~~(a) If the student entered the ninth grade prior to July~~ 14363
~~1, 2014, the student either:~~ 14364

~~(i) Has attained at least the applicable scores designated~~ 14365
~~under division (B)(1) of section 3301.0710 of the Revised Code~~ 14366
~~on all the assessments prescribed by that division unless~~ 14367
~~division (L) of section 3313.61 of the Revised Code applies to~~ 14368
~~the student;~~ 14369

~~(ii) Has satisfied the alternative conditions prescribed~~ 14370
~~in section 3313.615 of the Revised Code.~~ 14371

~~(b) If the student entered the ninth grade on or after~~ 14372
~~July 1, 2014, the~~ The student has met the requirement prescribed 14373
by section 3313.618 of the Revised Code, except to the extent 14374
that division ~~(L)~~ (K) of section 3313.61 of the Revised Code 14375
applies to the student. 14376

(3) The student is not eligible to receive an honors 14377
diploma granted pursuant to division (B) of this section. 14378

No diploma shall be granted under this division to anyone 14379
except as provided under this division. 14380

(B) In lieu of a diploma granted under division (A) of 14381
this section, the superintendent of Ohio deaf and blind 14382
education services shall grant an honors diploma, in the same 14383
manner that the boards of education of school districts grant 14384

such diplomas under division (B) of section 3313.61 of the Revised Code, to any student enrolled in the state school for the blind or the state school for the deaf who accomplishes all of the following:

(1) Successfully completes the curriculum in any high school or the individualized education program developed for the student for the student's high school education pursuant to section 3323.08 of the Revised Code;

(2) Subject to section 3313.614 of the Revised Code, has met the assessment ~~requirements of division (B) (2) (a) or (b) of this section, as applicable.~~

~~(a) If the student entered the ninth grade prior to July 1, 2014, the student either:~~

~~(i) Has attained at least the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments prescribed under that division;~~

~~(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.~~

~~(b) If the student entered the ninth grade on or after July 1, 2014, the student has met the requirement prescribed by section 3313.618 of the Revised Code.~~

(3) Has met additional criteria for granting an honors diploma.

These additional criteria shall be the same as those prescribed by the department of education and workforce under division (B) of section 3313.61 of the Revised Code for the granting of such diplomas by school districts. No honors diploma shall be granted to anyone failing to comply with this division

and not more than one honors diploma shall be granted to any student under this division.

(C) A diploma or honors diploma awarded under this section shall be signed by the director of education and workforce and the superintendent of Ohio deaf and blind education services. Each diploma shall bear the date of its issue and be in such form as the superintendent of Ohio deaf and blind education services prescribes.

(D) Upon granting a diploma to a student under this section, the superintendent of Ohio deaf and blind education services shall provide notice of receipt of the diploma to the board of education of the school district where the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code when not residing at the state school for the blind or the state school for the deaf. The notice shall indicate the type of diploma granted.

Sec. 3326.11. Each science, technology, engineering, and mathematics school established under this chapter and its governing body shall comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 3301.0714, 3301.0715, 3301.0729, 3301.24, 3301.948, 3302.037, 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.473, 3313.474, 3313.48, 3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 3313.6021, 3313.6023, 3313.6024, 3313.6026, 3313.6028, 3313.6029, 3313.6031, 3313.61, 3313.611, 3313.614, ~~3313.615~~, 3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71,

3313.716, 3313.717, 3313.718, 3313.719, 3313.7112, 3313.7117, 14443
3313.7118, 3313.721, 3313.753, 3313.80, 3313.801, 3313.814, 14444
3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 14445
3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.21, 14446
3319.238, 3319.318, 3319.32, 3319.321, 3319.324, 3319.35, 14447
3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 3319.46, 3319.90, 14448
3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 14449
3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 14450
3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 14451
5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., 14452
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 14453
4167. of the Revised Code as if it were a school district. 14454

Sec. 3327.014. The board of education of a city, exempted 14455
village, local, joint vocational, or cooperative education 14456
school district may adopt a policy authorizing the district 14457
superintendent or other district administrative personnel as 14458
provided in the policy to suspend a student only from school bus 14459
riding privileges for a period of time as provided in the 14460
policy. A policy adopted under this section shall provide a 14461
student notice of an intended suspension under the policy and an 14462
opportunity to appear before the district superintendent or 14463
other district personnel as provided in the policy before a 14464
suspension under the policy is imposed. If a board of education 14465
adopts a policy under this section, the board shall post the 14466
policy in a central location in each school building of the 14467
district or on the district's web site and make it available to 14468
students upon request. 14469

Sec. 3333.041. (A) On or before the last day of December 14470
of each year, the chancellor of higher education shall submit to 14471
the governor and, in accordance with section 101.68 of the 14472
Revised Code, the general assembly a report or reports 14473

concerning all of the following: 14474

(1) The status of graduates of Ohio school districts at 14475
state institutions of higher education during the twelve-month 14476
period ending on the thirtieth day of September of the current 14477
calendar year. The report shall list, by school district, the 14478
number of graduates of each school district who attended a state 14479
institution of higher education and the percentage of each 14480
district's graduates enrolled in a state institution of higher 14481
education during the reporting period who were required during 14482
such period by the college or university, as a prerequisite to 14483
enrolling in those courses generally required for first-year 14484
students, to enroll in a remedial course in English, including 14485
composition or reading, mathematics, and any other area 14486
designated by the chancellor. The chancellor also shall make the 14487
information described in division (A)(1) of this section 14488
available to the board of education of each city, exempted 14489
village, and local school district. 14490

Each state institution of higher education shall, by the 14491
first day of November of each year, submit to the chancellor in 14492
the form specified by the chancellor the information the 14493
chancellor requires to compile the report. 14494

(2) The following information with respect to the Ohio 14495
tuition trust authority: 14496

(a) The name of each investment manager that is a minority 14497
business enterprise or a women's business enterprise with which 14498
the chancellor contracts; 14499

(b) The amount of assets managed by investment managers 14500
that are minority business enterprises or women's business 14501
enterprises, expressed as a percentage of assets managed by 14502

investment managers with which the chancellor has contracted; 14503

(c) Efforts by the chancellor to increase utilization of 14504
investment managers that are minority business enterprises or 14505
women's business enterprises. 14506

(3) The chancellor's strategy in assigning choose Ohio 14507
first scholarships, as established under section 3333.61 of the 14508
Revised Code, among state universities and colleges and how the 14509
actual awards fit that strategy. 14510

(B) On or before the fifteenth day of February of each 14511
year, the chancellor shall submit to the governor and, in 14512
accordance with section 101.68 of the Revised Code, the general 14513
assembly a report concerning aggregate academic growth data for 14514
students assigned to graduates of teacher preparation programs 14515
approved under section 3333.048 of the Revised Code who teach 14516
English language arts or mathematics in any of grades four to 14517
eight in a public school in Ohio. For this purpose, the 14518
chancellor shall use the value-added progress dimension 14519
prescribed by section 3302.021 of the Revised Code ~~or the~~ 14520
~~alternative student academic progress measure if adopted under~~ 14521
~~division (C) (1) (e) of section 3302.03 of the Revised Code.~~ The 14522
chancellor shall aggregate the data by graduating class for each 14523
approved teacher preparation program, except that if a 14524
particular class has ten or fewer graduates to which this 14525
division applies, the chancellor shall report the data for a 14526
group of classes over a three-year period. In no case shall the 14527
report identify any individual graduate. The department of 14528
education and workforce shall share any data necessary for the 14529
report with the chancellor. 14530

(C) As used in this section: 14531

(1) "Minority business enterprise" has the same meaning as
in section 122.71 of the Revised Code. 14532
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(2) "State institution of higher education" and "state
university" have the same meanings as in section 3345.011 of the
Revised Code. 14534
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(3) "State university or college" has the same meaning as
in section 3345.12 of the Revised Code. 14537
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(4) "Women's business enterprise" means a business, or a
partnership, corporation, limited liability company, or joint
venture of any kind, that is owned and controlled by women who
are United States citizens and residents of this state. 14539
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Sec. 3333.048. (A) The chancellor of higher education, in
consultation with the director of education and workforce,
shall, in accordance with Chapter 119. of the Revised Code,
establish metrics for the preparation of educators and other
school personnel and the institutions of higher education that
are engaged in their preparation. The metrics to be used in
educator preparation programs shall do all of the following: 14543
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(1) Be aligned with the standards and qualifications for
educator licenses adopted by the state board of education under
section 3319.22 of the Revised Code and the requirements of the
Ohio teacher residency program established under section
3319.223 of the Revised Code; 14550
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(2) Ensure that educators and other school personnel are
adequately prepared to use the value-added progress dimension
prescribed by section 3302.021 of the Revised Code ~~or the~~
~~alternative student academic progress measure if adopted under~~
~~division (C) (1) (e) of section 3302.03 of the Revised Code;~~ 14555
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(3) Ensure that all educators complete coursework in 14560

evidence-based strategies for effective literacy instruction 14561
aligned to the science of reading, which includes phonics, 14562
phonemic awareness, fluency comprehension, and vocabulary 14563
development, and is part of a structured literacy program; 14564

(4) Ensure that clinical preparation for all educators who 14565
are responsible for teaching reading only occur in the 14566
classrooms where the local education agency has verified that 14567
the practicing teachers have training in literacy instruction 14568
strategies aligned to the science of reading, use instructional 14569
materials aligned to the science of reading from the list 14570
established under section 3313.6028 of the Revised Code, and 14571
actively implement a structured literacy approach. 14572

(B) The chancellor shall do all of the following: 14573

(1) Develop an auditing process that clearly documents the 14574
degree to which every educator preparation program at an 14575
institution of higher education is effectively teaching the 14576
science of reading as follows: 14577

(a) By December 31, 2023, complete an initial survey of 14578
educator preparation programs, establish metrics for the audits, 14579
and update standards to reflect new requirements; 14580

(b) Grant a one-year grace period for all institutions to 14581
meet new standards and requirements under this section to begin 14582
on January 1, 2024; 14583

(c) On January 1, 2025, begin conducting audits of each 14584
institution that offers educator preparation programs. 14585

The chancellor shall revoke approval for programs that are 14586
found to be not in alignment and do not address the findings of 14587
the audit within a year. All programs shall be reviewed every 14588
four years thereafter to ensure continued alignment. 14589

(2) Annually create a summary of literacy instruction 14590
strategies and practices in place for all educator preparation 14591
programs based on the program audits, including institution- 14592
level summaries, until all programs reach the required alignment 14593
specified in division (A) (3) of this section; 14594

(3) In conjunction with the department of education and 14595
workforce, do all of the following: 14596

(a) Publicly release the summaries with local education 14597
agencies not later than the thirty-first day of March of each 14598
year; 14599

(b) Identify a list of approved vendors who can provide 14600
professional development experiences that are consistent with 14601
the science of reading to educators who are responsible for 14602
teaching reading, including faculty in educator preparation 14603
programs; 14604

(c) Develop a public dashboard that reports the first-time 14605
passage rates of students, by institution, on the foundations of 14606
reading licensure test. 14607

(C) If the metrics established under division (A) of this 14608
section require an institution of higher education that prepares 14609
teachers to satisfy the standards of an independent 14610
accreditation organization, the chancellor shall permit each 14611
institution to satisfy the standards of any applicable national 14612
educator preparation accrediting agency recognized by the United 14613
States department of education. 14614

(D) The metrics and educator preparation programs 14615
established under division (A) of this section may require an 14616
institution of higher education, as a condition of approval by 14617
the chancellor, to make changes in the curricula of its 14618

preparation programs for educators and other school personnel. 14619

Notwithstanding division (E) of section 119.03 and 14620
division (A)(1) of section 119.04 of the Revised Code, any 14621
metrics, educator preparation programs, rules, and regulations, 14622
or any amendment or rescission of such metrics, educator 14623
preparation programs, rules, and regulations, adopted under this 14624
section that necessitate institutions offering preparation 14625
programs for educators and other school personnel approved by 14626
the chancellor to revise the curricula of those programs shall 14627
not be effective for at least one year after the first day of 14628
January next succeeding the publication of the said change. 14629

Each institution shall allocate money from its existing 14630
revenue sources to pay the cost of making the curricular 14631
changes. 14632

(E) The chancellor shall notify the state board of the 14633
metrics and educator preparation programs established under 14634
division (A) of this section. The state board shall publish the 14635
metrics and educator preparation programs with the standards and 14636
qualifications for each type of educator license. 14637

(F) The graduates of educator preparation programs 14638
approved by the chancellor shall be licensed by the state board 14639
in accordance with the standards and qualifications adopted 14640
under section 3319.22 of the Revised Code. 14641

Sec. 3333.301. (A) The chancellor of higher education, in 14642
collaboration with the management council of the Ohio education 14643
computer network established under section 3301.0715 of the 14644
Revised Code, shall establish a data system to track the free 14645
application for federal student aid form completion rate of 14646
public and chartered nonpublic school students in the state. 14647

(B) The chancellor and the management council shall 14648
develop guidelines and procedures for the operation of the 14649
system. 14650

(C) The chancellor may publish and share aggregate data 14651
regarding the free application for federal student aid, 14652
including completion counts and rates for the state and each 14653
school district, chartered nonpublic school, community school 14654
established under Chapter 3314., and STEM school established 14655
under Chapter 3326., ~~and college preparatory boarding school~~ 14656
~~established under Chapter 3328.~~ of the Revised Code. Such data 14657
may be used for the benefit of public and chartered nonpublic 14658
schools, to increase public understanding regarding the free 14659
application for federal student aid, and to assist in 14660
encouraging student completion of the free application for 14661
federal student aid form. 14662

Sec. 3345.061. (A) Ohio's two-year institutions of higher 14663
education are respected points of entry for students embarking 14664
on post-secondary careers and courses completed at those 14665
institutions are transferable to state universities in 14666
accordance with articulation and transfer agreements developed 14667
under sections 3333.16, 3333.161, and 3333.162 of the Revised 14668
Code. 14669

(B) Beginning with undergraduate students who commence 14670
undergraduate studies in the 2014-2015 academic year, no state 14671
university listed in section 3345.011 of the Revised Code, 14672
except Central state university, Shawnee state university, and 14673
Youngstown state university, shall receive any state operating 14674
subsidies for any academic remedial or developmental courses for 14675
undergraduate students, including courses prescribed in division 14676
(C) of section 3313.603 of the Revised Code, offered at its main 14677

campus, except as provided in divisions (B) (1) to (4) of this section. 14678
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(1) In the 2014-2015 and 2015-2016 academic years, a state university may receive state operating subsidies for academic remedial or developmental courses completed at the main campus for not more than three per cent of the total undergraduate credit hours provided by the university at its main campus. 14680
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(2) In the 2016-2017 academic year, a state university may receive state operating subsidies for academic remedial or developmental courses completed at the main campus for not more than fifteen per cent of the first-year students who have graduated from high school within the previous twelve months and who are enrolled in the university at its main campus, as calculated on a full-time-equivalent basis. 14685
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(3) In the 2017-2018 academic year, a state university may receive state operating subsidies for academic remedial or developmental courses completed at the main campus for not more than ten per cent of the first-year students who have graduated from high school within the previous twelve months and who are enrolled in the university at its main campus, as calculated on a full-time-equivalent basis. 14692
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(4) In the 2018-2019 academic year, a state university may receive state operating subsidies for academic remedial or developmental courses completed at the main campus for not more than five per cent of the first-year students who have graduated from high school within the previous twelve months and who are enrolled in the university at its main campus, as calculated on a full-time-equivalent basis. 14699
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Each state university may continue to offer academic 14706

remedial and developmental courses at its main campus beyond the 14707
extent for which state operating subsidies may be paid under 14708
this division and may continue to offer such courses beyond the 14709
2018-2019 academic year. However, the main campus of a state 14710
university shall not receive any state operating subsidies for 14711
such courses above the maximum amounts permitted in this 14712
division. 14713

(C) Except as otherwise provided in division (B) of this 14714
section, beginning with students who commence undergraduate 14715
studies in the 2014-2015 academic year, state operating 14716
subsidies for academic remedial or developmental courses offered 14717
by state institutions of higher education may be paid only to 14718
Central state university, Shawnee state university, Youngstown 14719
state university, any university branch, any community college, 14720
any state community college, or any technical college. 14721

(D) Each state university shall grant credit for academic 14722
remedial or developmental courses successfully completed at an 14723
institution described in division (C) of this section pursuant 14724
to any applicable articulation and transfer agreements the 14725
university has entered into in accordance with policies and 14726
procedures adopted under section 3333.16, 3333.161, or 3333.162 14727
of the Revised Code. 14728

(E) The chancellor of higher education shall do all of the 14729
following: 14730

(1) Withhold state operating subsidies for academic 14731
remedial or developmental courses provided by a main campus of a 14732
state university as required in order to conform to divisions 14733
(B) and (C) of this section; 14734

(2) Adopt uniform statewide standards for academic 14735

remedial and developmental courses offered by all state 14736
institutions of higher education; 14737

(3) Encourage and assist in the design and establishment 14738
of academic remedial and developmental courses by institutions 14739
of higher education; 14740

(4) Define "academic year" for purposes of this section 14741
and section 3345.06 of the Revised Code; 14742

(5) Encourage and assist in the development of 14743
articulation and transfer agreements between state universities 14744
and other institutions of higher education in accordance with 14745
policies and procedures adopted under sections 3333.16, 14746
3333.161, and 3333.162 of the Revised Code. 14747

(F) Not later than December 31, 2012, the presidents, or 14748
equivalent position, of all state institutions of higher 14749
education, or their designees, jointly shall establish uniform 14750
statewide standards in mathematics, science, reading, and 14751
writing each student enrolled in a state institution of higher 14752
education must meet to be considered in remediation-free status. 14753
The presidents also shall establish assessments, if they deem 14754
necessary, to determine if a student meets the standards adopted 14755
under this division. Each institution is responsible for 14756
assessing the needs of its enrolled students in the manner 14757
adopted by the presidents. The board of trustees or managing 14758
authority of each state institution of higher education shall 14759
adopt the remediation-free status standard, and any related 14760
assessments, into the institution's policies. 14761

The chancellor shall assist in coordinating the work of 14762
the presidents under this division. The chancellor shall monitor 14763
the standards in mathematics, science, reading, and writing 14764

established under division (F) of this section to ensure that 14765
the standards adequately demonstrate a student's remediation- 14766
free status. 14767

(G) Each year, not later than a date established by the 14768
chancellor, each state institution of higher education shall 14769
report to the governor, the general assembly, the chancellor, 14770
and the department of education and workforce all of the 14771
following for the prior academic year: 14772

(1) The institution's aggregate costs for providing 14773
academic remedial or developmental courses; 14774

(2) The amount of those costs disaggregated according to 14775
the city, local, or exempted village school districts from which 14776
the students taking those courses received their high school 14777
diplomas; 14778

(3) Any other information with respect to academic 14779
remedial and developmental courses that the chancellor considers 14780
appropriate. 14781

~~(H) Annually, not later than the thirty-first day of each- 14782
December, the chancellor and the department of education and- 14783
workforce shall issue a report recommending policies and- 14784
strategies for reducing the need for academic remediation and- 14785
developmental courses at state institutions of higher education. 14786~~

~~(I) As used in this section, "state institution of higher 14787
education" has the same meaning as in section 3345.011 of the 14788
Revised Code. 14789~~

Sec. 3365.01. As used in this chapter: 14790

(A) "Articulated credit" means post-secondary credit that 14791
is reflected on the official record of a student at an 14792

institution of higher education only upon enrollment at that	14793
institution after graduation from a secondary school.	14794
(B) "Default ceiling amount" means one of the following	14795
amounts, whichever is applicable:	14796
(1) For a participant enrolled in a college operating on a	14797
semester schedule, the amount calculated according to the	14798
following formula:	14799
$((0.83 \times \text{formula amount}) / 30)$	14800
X number of enrolled credit hours	14801
(2) For a participant enrolled in a college operating on a	14802
quarter schedule, the amount calculated according to the	14803
following formula:	14804
$((0.83 \times \text{formula amount}) / 45)$	14805
X number of enrolled credit hours	14806
(C) "Default floor amount" means twenty-five per cent of	14807
the default ceiling amount.	14808
(D) "Eligible out-of-state college" means any institution	14809
of higher education that is located outside of Ohio and is	14810
approved by the chancellor of higher education to participate in	14811
the college credit plus program.	14812
(E) "Fee" means any course-related fee and any other fee	14813
imposed by the college, but not included in tuition, for	14814
participation in the program established by this chapter.	14815
(F) "Formula amount" means \$6,020.	14816
(G) "Governing entity" means any of the following:	14817
(1) A board of education of a school district;	14818

(2) A governing authority of a community school established under Chapter 3314. of the Revised Code;	14819 14820
(3) A governing body of a STEM school established under Chapter 3326. of the Revised Code;	14821 14822
(4) A board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code;	14823 14824
(5) When referring to the state school for the deaf or the state school for the blind, the department of education and workforce;	14825 14826 14827
(6) <u>(5)</u> When referring to an institution operated by the department of youth services, the superintendent of that institution.	14828 14829 14830
(H) "Home-educated participant" means a student who is exempt from the compulsory attendance law for the purpose of home education under section 3321.042 of the Revised Code, and is participating in the program established by this chapter.	14831 14832 14833 14834
(I) "Maximum per participant charge amount" means one of the following amounts, whichever is applicable:	14835 14836
(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:	14837 14838 14839
((formula amount / 30)	14840
X number of enrolled credit hours)	14841
(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:	14842 14843 14844
((formula amount / 45)	14845

X number of enrolled credit hours)	14846
(J) "Nonpublic secondary school" means a chartered school	14847
for which minimum standards are prescribed by the director of	14848
education and workforce pursuant to division (D) of section	14849
3301.07 of the Revised Code.	14850
(K) "Number of enrolled credit hours" means the number of	14851
credit hours for a course in which a participant is enrolled	14852
during the previous term after the date on which a withdrawal	14853
from a course would have negatively affected the participant's	14854
transcripted grade, as prescribed by the college's established	14855
withdrawal policy.	14856
(L) "Parent" has the same meaning as in section 3313.64 of	14857
the Revised Code.	14858
(M) "Participant" means any student enrolled in a college	14859
under the program established by this chapter.	14860
(N) "Partnering college" means a college with which a	14861
public or nonpublic secondary school has entered into an	14862
agreement in order to offer the program established by this	14863
chapter.	14864
(O) "Partnering secondary school" means a public or	14865
nonpublic secondary school with which a college has entered into	14866
an agreement in order to offer the program established by this	14867
chapter.	14868
(P) "Private college" means any of the following:	14869
(1) A nonprofit institution holding a certificate of	14870
authorization pursuant to Chapter 1713. of the Revised Code;	14871
(2) An institution holding a certificate of registration	14872
from the state board of career colleges and schools and program	14873

authorization for an associate or bachelor's degree program	14874
issued under section 3332.05 of the Revised Code;	14875
(3) A private institution exempt from regulation under	14876
Chapter 3332. of the Revised Code as prescribed in section	14877
3333.046 of the Revised Code.	14878
(Q) "Public college" means a "state institution of higher	14879
education" in section 3345.011 of the Revised Code, excluding	14880
the northeast Ohio medical university.	14881
(R) "Public secondary school" means a school serving	14882
grades nine through twelve in a city, local, or exempted village	14883
school district, a joint vocational school district, a community	14884
school established under Chapter 3314. of the Revised Code, a	14885
STEM school established under Chapter 3326. of the Revised Code,	14886
a college-preparatory boarding school established under Chapter	14887
3328. of the Revised Code, the state school for the deaf, the	14888
state school for the blind, or an institution operated by the	14889
department of youth services.	14890
(S) "School year" has the same meaning as in section	14891
3313.62 of the Revised Code.	14892
(T) "Secondary grade" means any of grades nine through	14893
twelve.	14894
(U) "Standard rate" means the amount per credit hour	14895
assessed by the college for an in-state student who is enrolled	14896
in an undergraduate course at that college, but who is not	14897
participating in the college credit plus program, as prescribed	14898
by the college's established tuition policy.	14899
(V) "Transcripted credit" means post-secondary credit that	14900
is conferred by an institution of higher education and is	14901
reflected on a student's official record at that institution	14902

upon completion of a course.	14903
Sec. 3365.032. (A) For purposes of this section:	14904
(1) The "expulsion of a student" or "expelling a student"	14905
means the following:	14906
(a) For a public secondary school that is a school	14907
operated by a city, local, exempted village, or joint vocational	14908
school district, community school established under Chapter	14909
3314. of the Revised Code, or STEM school established under	14910
Chapter 3326. of the Revised Code, the expulsion of a student or	14911
the act of expelling a student under division (B) of section	14912
3313.66 of the Revised Code;	14913
(b) For a public secondary school that is a college-	14914
preparatory boarding school, the expulsion of a student or the	14915
act of expelling a student in accordance with the school's	14916
bylaws adopted pursuant to section 3328.13 of the Revised Code;	14917
(c) For a public secondary school that is the state school	14918
for the deaf or the state school for the blind, the expulsion of	14919
a student or the act of expelling a student in accordance with	14920
rules adopted by the department of education and workforce.	14921
(2) A "policy to deny high school credit for courses taken	14922
under the college credit plus program during an expulsion" means	14923
the following:	14924
(a) For a public secondary school that is a school	14925
operated by a city, local, exempted village, or joint vocational	14926
school district, community school established under Chapter	14927
3314. of the Revised Code, or STEM school established under	14928
Chapter 3326. of the Revised Code, a policy adopted under	14929
section 3313.613 of the Revised Code;	14930

~~(b) For a college preparatory boarding school established under Chapter 3328. of the Revised Code, a policy adopted in accordance with the school's bylaws adopted pursuant to section 3328.13 of the Revised Code;~~

~~(e) For the state school for the deaf or the state school for the blind, a policy adopted in accordance with any rules adopted by the department requiring such a policy.~~

(B) When a public secondary school expels a student, the superintendent, or equivalent, shall send a written notice of the expulsion to any college in which the expelled student is enrolled under section 3365.03 of the Revised Code at the time the expulsion is imposed. The notice shall indicate the date the expulsion is scheduled to expire. The notice also shall indicate whether the school has adopted a policy to deny high school credit for courses taken under the college credit plus program during an expulsion. If the expulsion is extended, the superintendent, or equivalent, shall notify the college of the extension.

(C) A college may withdraw its acceptance under section 3365.03 of the Revised Code of a student who is expelled from school. As provided in section 3365.03 of the Revised Code, regardless of whether the college withdraws its acceptance of the student for the college term in which the student is expelled, the student is ineligible to enroll in a college under that section for subsequent college terms during the period of the expulsion, unless the student enrolls in another public school or a participating nonpublic school during that period.

If a college withdraws its acceptance of an expelled student who elected either option of division (A) (1) or (2) of section 3365.06 of the Revised Code, the college shall refund

tuition and fees paid by the student in the same proportion that 14961
it refunds tuition and fees to students who voluntarily withdraw 14962
from the college at the same time in the term. 14963

If a college withdraws its acceptance of an expelled 14964
student who elected the option of division (B) of section 14965
3365.06 of the Revised Code, the public school shall not award 14966
high school credit for the college courses in which the student 14967
was enrolled at the time the college withdrew its acceptance, 14968
and any reimbursement under section 3365.07 of the Revised Code 14969
for the student's attendance prior to the withdrawal shall be 14970
the same as would be paid for a student who voluntarily withdrew 14971
from the college at the same time in the term. If the withdrawal 14972
results in the college's receiving no reimbursement, the college 14973
or secondary school may require the student to return or pay for 14974
any textbooks and materials it provided the student free of 14975
charge. 14976

(D) When a student who elected the option of division (B) 14977
of section 3365.06 of the Revised Code is expelled from a public 14978
school that has adopted a policy to deny high school credit for 14979
courses taken under the college credit plus program during an 14980
expulsion, that election is automatically revoked for all 14981
college courses in which the student is enrolled during the 14982
college term in which the expulsion is imposed. Any 14983
reimbursement under section 3365.07 of the Revised Code for the 14984
student's attendance prior to the expulsion shall be the same as 14985
would be paid for a student who voluntarily withdrew from the 14986
college at the same time in the term. If the revocation results 14987
in the college's receiving no reimbursement, the college or 14988
secondary school may require the student to return or pay for 14989
any textbooks and materials it provided the student free of 14990
charge. 14991

Not later than five days after receiving an expulsion 14992
notice from the superintendent, or equivalent, of a public 14993
school that has adopted a policy to deny high school credit for 14994
courses taken under the college credit plus program during an 14995
expulsion, the college shall send a written notice to the 14996
expelled student that the student's election of division (B) of 14997
section 3365.06 of the Revised Code is revoked. If the college 14998
elects not to withdraw its acceptance of the student, the 14999
student shall pay all applicable tuition and fees for the 15000
college courses and shall pay for any textbooks and materials 15001
that the college or secondary school provided to the student. 15002

Sec. 3365.07. The department of education and workforce 15003
shall calculate and pay state funds to colleges for participants 15004
in the college credit plus program under division (B) of section 15005
3365.06 of the Revised Code pursuant to this section. For a 15006
nonpublic secondary school participant, a nonchartered nonpublic 15007
secondary school participant, or a home-educated participant, 15008
the department shall pay state funds pursuant to this section 15009
only if that participant is awarded funding according to rules 15010
adopted by the chancellor of higher education, in consultation 15011
with the department of education and workforce, pursuant to 15012
section 3365.071 of the Revised Code. The program shall be the 15013
sole mechanism by which state funds are paid to colleges for 15014
students to earn transcribed credit for college courses while 15015
enrolled in both a secondary school and a college, with the 15016
exception of state funds paid to colleges according to an 15017
agreement described in division (A) (1) of section 3365.02 of the 15018
Revised Code. 15019

(A) For each public or nonpublic secondary school 15020
participant enrolled in a public college: 15021

(1) If no agreement has been entered into under division	15022
(A) (2) of this section, both of the following shall apply:	15023
(a) The department shall pay to the college the applicable amount as follows:	15024 15025
(i) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the lesser of the default ceiling amount or the college's standard rate;	15026 15027 15028 15029
(ii) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, the lesser of fifty per cent of the default ceiling amount or the college's standard rate;	15030 15031 15032 15033
(iii) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, the default floor amount.	15034 15035 15036 15037 15038
(b) The participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.	15039 15040 15041
(2) The governing entity of a participant's secondary school and the college may enter into an agreement to establish an alternative payment structure for tuition, textbooks, and fees. Under such an agreement, payments for each participant made by the department shall be not less than the default floor amount, unless approved by the chancellor, and not more than either the default ceiling amount or the college's standard rate, whichever is less. The chancellor may approve an agreement that includes a payment below the default floor amount, as long	15042 15043 15044 15045 15046 15047 15048 15049 15050

as the provisions of the agreement comply with all other 15051
requirements of this chapter to ensure program quality. If no 15052
agreement is entered into under division (A) (2) of this section, 15053
both of the following shall apply: 15054

(a) The department shall pay to the college the applicable 15055
default amounts prescribed by division (A) (1) (a) of this 15056
section, depending upon the method of delivery and instruction. 15057

(b) In accordance with division (A) (1) (b) of this section, 15058
the participant's secondary school shall pay for textbooks, and 15059
the college shall waive payment of all other fees related to 15060
participation in the program. 15061

(3) No participant that is enrolled in a public college 15062
shall be charged for any tuition, textbooks, or other fees 15063
related to participation in the program. 15064

(B) For each public secondary school participant enrolled 15065
in a private college: 15066

(1) If no agreement has been entered into under division 15067
(B) (2) of this section, the department shall pay to the college 15068
the applicable amount calculated in the same manner as in 15069
division (A) (1) (a) of this section. 15070

(2) The governing entity of a participant's secondary 15071
school and the college may enter into an agreement to establish 15072
an alternative payment structure for tuition, textbooks, and 15073
fees. Under such an agreement, payments shall be not less than 15074
the default floor amount, unless approved by the chancellor, and 15075
not more than either the default ceiling amount or the college's 15076
standard rate, whichever is less. 15077

If an agreement is entered into under division (B) (2) of 15078
this section, both of the following shall apply: 15079

(a) The department shall make a payment to the college for 15080
each participant that is equal to the default floor amount, 15081
unless approved by the chancellor to pay an amount below the 15082
default floor amount. The chancellor may approve an agreement 15083
that includes a payment below the default floor amount, as long 15084
as the provisions of the agreement comply with all other 15085
requirements of this chapter to ensure program quality. 15086

(b) Payment for costs for the participant that exceed the 15087
amount paid by the department pursuant to division (B) (2) (a) of 15088
this section shall be negotiated by the school and the college. 15089
The agreement may include a stipulation permitting the charging 15090
of a participant. 15091

However, under no circumstances shall: 15092

(i) Payments for a participant made by the department 15093
under division (B) (2) of this section exceed the lesser of the 15094
default ceiling amount or the college's standard rate; 15095

(ii) The amount charged to a participant under division 15096
(B) (2) of this section exceed the difference between the maximum 15097
per participant charge amount and the default floor amount; 15098

(iii) The sum of the payments made by the department for a 15099
participant and the amount charged to that participant under 15100
division (B) (2) of this section exceed the following amounts, as 15101
applicable: 15102

(I) For a participant enrolled in a college course 15103
delivered on the college campus, at another location operated by 15104
the college, or online, the maximum per participant charge 15105
amount; 15106

(II) For a participant enrolled in a college course 15107
delivered at the participant's secondary school but taught by 15108

college faculty, one hundred twenty-five dollars; 15109

(III) For a participant enrolled in a college course 15110
delivered at the participant's secondary school and taught by a 15111
high school teacher who has met the credential requirements 15112
established for purposes of the program in rules adopted by the 15113
chancellor, one hundred dollars. 15114

(iv) A participant that is identified as economically 15115
disadvantaged according to rules adopted by the department be 15116
charged under division (B) (2) of this section for any tuition, 15117
textbooks, or other fees related to participation in the 15118
program. 15119

(C) For each nonpublic secondary school participant 15120
enrolled in a private or eligible out-of-state college, the 15121
department shall pay to the college the applicable amount 15122
calculated in the same manner as in division (A) (1) (a) of this 15123
section. Payment for costs for the participant that exceed the 15124
amount paid by the department shall be negotiated by the 15125
governing body of the nonpublic secondary school and the 15126
college. 15127

However, under no circumstances shall: 15128

(1) The payments for a participant made by the department 15129
under this division exceed the lesser of the default ceiling 15130
amount or the college's standard rate. 15131

(2) Any nonpublic secondary school participant, who is 15132
enrolled in that secondary school with a scholarship awarded 15133
under either the educational choice scholarship pilot program, 15134
as prescribed by sections 3310.01 to 3310.17, or the pilot 15135
project scholarship program, as prescribed by sections 3313.974 15136
to 3313.979 of the Revised Code, and who qualifies as a low- 15137

income student, as determined by a method established by the 15138
department be charged for any tuition, textbooks, or other fees 15139
related to participation in the college credit plus program. 15140

(D) For each nonchartered nonpublic secondary school 15141
participant and each home-educated participant enrolled in a 15142
public, private, or eligible out-of-state college, the 15143
department shall pay to the college the lesser of the default 15144
ceiling amount or the college's standard rate, if that 15145
participant is enrolled in a college course delivered on the 15146
college campus, at another location operated by the college, or 15147
online. 15148

(E) Not later than thirty days after the end of each term, 15149
each college expecting to receive payment for the costs of a 15150
participant under this section shall notify the department of 15151
the number of enrolled credit hours for each participant. 15152

(F) The department shall make the applicable payments 15153
under this section to each college, which provided proper 15154
notification to the department under division (E) of this 15155
section, for the number of enrolled credit hours for 15156
participants enrolled in the college under division (B) of 15157
section 3365.06 of the Revised Code. Except in cases involving 15158
incomplete participant information or a dispute of participant 15159
information, payments shall be made by the last day of January 15160
for participants who were enrolled during the fall term and by 15161
the last day of July for participants who were enrolled during 15162
the spring term. The department shall not make any payments to a 15163
college under this section if a participant withdrew from a 15164
course prior to the date on which a withdrawal from the course 15165
would have negatively affected the participant's transcribed 15166
grade, as prescribed by the college's established withdrawal 15167

policy. 15168

(1) Payments made for public secondary school participants 15169
under this section shall be deducted as follows: 15170

(a) For a participant enrolled in a school district, from 15171
the school foundation payments made to the participant's school 15172
district. If the participant is enrolled in a joint vocational 15173
school district, a portion of the amount shall be deducted from 15174
the payments to the joint vocational school district and a 15175
portion shall be deducted from the payments to the participant's 15176
city, local, or exempted village school district in accordance 15177
with the full-time equivalency of the student's enrollment in 15178
each district. 15179

(b) For a participant enrolled in a community school 15180
established under Chapter 3314. of the Revised Code, from the 15181
payments made to that school under section 3317.022 of the 15182
Revised Code; 15183

(c) For a participant enrolled in a STEM school, from the 15184
payments made to that school under section 3317.022 of the 15185
Revised Code; 15186

~~(d) For a participant enrolled in a college-preparatory-~~ 15187
~~boarding school, from the payments made to that school under-~~ 15188
~~section 3328.34 of the Revised Code;~~ 15189

~~(e)~~ For a participant enrolled in the state school for the 15190
deaf or the state school for the blind, from the amount paid to 15191
that school with funds appropriated by the general assembly for 15192
support of Ohio deaf and blind education services; 15193

~~(f)~~(e) For a participant enrolled in an institution 15194
operated by the department of youth services, from the amount 15195
paid to that institution with funds appropriated by the general 15196

assembly for support of that institution. 15197

Amounts deducted under divisions (F) (1) (a) to (f) of this 15198
section shall be calculated in accordance with rules adopted by 15199
the chancellor, in consultation with the department of education 15200
and workforce, pursuant to division (B) of section 3365.071 of 15201
the Revised Code 15202

(2) Payments made for nonpublic secondary school 15203
participants, nonchartered nonpublic secondary school 15204
participants, and home-educated participants under this section 15205
shall be deducted from moneys appropriated by the general 15206
assembly for such purpose. Payments shall be allocated and 15207
distributed in accordance with rules adopted by the chancellor, 15208
in consultation with the department of education and workforce, 15209
pursuant to division (A) of section 3365.071 of the Revised 15210
Code. 15211

(G) Any public college that enrolls a student under 15212
division (B) of section 3365.06 of the Revised Code may include 15213
that student in the calculation used to determine its state 15214
share of instruction funds appropriated to the department of 15215
higher education by the general assembly. 15216

Sec. 3728.01. As used in this chapter: 15217

(A) "Administer epinephrine" means to inject an individual 15218
with epinephrine using an autoinjector in a manufactured dosage 15219
form. 15220

(B) "Peace officer" has the same meaning as in section 15221
109.71 of the Revised Code and also includes a sheriff. 15222

(C) "Prescriber" means an individual who is authorized by 15223
law to prescribe drugs or dangerous drugs or drug therapy 15224
related devices in the course of the individual's professional 15225

practice, including only the following:	15226
(1) A clinical nurse specialist, certified nurse-midwife,	15227
or certified nurse practitioner who holds a certificate to	15228
prescribe issued under section 4723.48 of the Revised Code;	15229
(2) A physician authorized under Chapter 4731. of the	15230
Revised Code to practice medicine and surgery, osteopathic	15231
medicine and surgery, or podiatric medicine and surgery;	15232
(3) A physician assistant who is licensed under Chapter	15233
4730. of the Revised Code, holds a valid prescriber number	15234
issued by the state medical board, and has been granted	15235
physician-delegated prescriptive authority.	15236
(D) "Qualified entity" means either of the following:	15237
(1) Any public or private entity that is associated with a	15238
location where allergens capable of causing anaphylaxis may be	15239
present, including child care centers, colleges and	15240
universities, places of employment, restaurants, amusement	15241
parks, recreation camps, sports playing fields and arenas, and	15242
other similar locations, except that "qualified entity" does not	15243
include either of the following:	15244
(a) A chartered or nonchartered nonpublic school;	15245
community school; science, technology, engineering, and	15246
mathematics school; college-preparatory boarding school; or a	15247
school operated by the board of education of a city, local,	15248
exempted village, or joint vocational school district, as those	15249
entities are otherwise authorized to procure epinephrine	15250
autoinjectors pursuant to sections 3313.7110, 3313.7111,	15251
3314.143, <u>or</u> 3326.28, or 3328.29 of the Revised Code;	15252
(b) A camp described in section 5180.26 of the Revised	15253
Code that is authorized to procure epinephrine autoinjectors	15254

pursuant to that section;	15255
(2) Either of the following served by a peace officer: a law enforcement agency or other entity described in division (A) of section 109.71 of the Revised Code.	15256 15257 15258
Sec. 3737.07. (A) As used in this section:	15259
(1) "Authority having jurisdiction" means an organization, office, agency, or individual responsible for enforcing the requirements under this section.	15260 15261 15262
(2) "NFPA 101" means the standards for life safety code published by the national fire protection association, which includes the NFPA 80 standards for fire doors and other opening protectives.	15263 15264 15265 15266
(3) "Protective door assembly" or "protective door assemblies" means any of the following:	15267 15268
(a) Doors with panic hardware or fire exit hardware;	15269
(b) Door assemblies in exit enclosures;	15270
(c) Electricity controlled egress doors;	15271
(d) Door assemblies with special locking arrangements, such as delayed egress, sensor release egress doors, and elevator lobby doors.	15272 15273 15274
(4) "Qualified inspector" means a person, who by possession of a recognized degree, certificate, professional standing, or skill, and who, by knowledge, training, and experience, has demonstrated the ability to deal with the subject matter, the work, or the project.	15275 15276 15277 15278 15279
(5) "School building" means a structure used for the instruction of students by a school governing authority.	15280 15281

(6) "School governing authority" means any of the following:	15282 15283
(a) The board of education of a school district;	15284
(b) The governing authority of a chartered nonpublic school;	15285 15286
(c) The governing authority of a community school established under Chapter 3314. of the Revised Code;	15287 15288
(d) The governing body of a STEM school established under Chapter 3328. <u>3326.</u> of the Revised Code;	15289 15290
(e) The board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code.	15291 15292 15293
(B) Each school governing authority in this state shall do both of the following:	15294 15295
(1) Cause all protective door assemblies in school buildings used by the school governing authority for instruction of students to be inspected and tested every twelve months in accordance with division (C) of this section;	15296 15297 15298 15299
(2) Verify that such protective door assemblies are in compliance with the following standards:	15300 15301
(a) If the protective door assembly was installed in 2015 or after, the 2015 NFPA 101, or other standards required by the board of building standards;	15302 15303 15304
(b) If the protective door assembly was installed prior to 2015, the NFPA 101 that was in effect on the date the protective door assembly was installed or, if the protective door assembly was installed before the NFPA 101 was published and in effect,	15305 15306 15307 15308

the building code standards in effect at the time of 15309
installation. 15310

(C) (1) A school governing authority shall cause all of the 15311
protective door assemblies in school buildings used for the 15312
instruction of students to be inspected and tested every twelve 15313
months by a qualified inspector to confirm proper operation and 15314
full closure. 15315

(2) If a protective door assembly is not in compliance 15316
with the applicable standards described in division (B) (2) of 15317
this section, then the school governing authority shall take all 15318
steps necessary to make the protective door assembly compliant. 15319

(D) After the inspection of a protective door assembly in 15320
a school building, the qualified inspector shall provide a 15321
report to the school governing authority indicating any of the 15322
following: 15323

(1) That the protective door assembly is in compliance 15324
with the applicable standards described in division (B) (2) of 15325
this section and no further inspection is required respecting 15326
that protective door assembly for the next twelve months; 15327

(2) That the protective door assembly is not in compliance 15328
with the applicable standards; 15329

(3) That the protective door assembly is not in compliance 15330
with the applicable standards and there is a serious risk for 15331
fire or life safety hazard. 15332

(E) Each school governing authority shall maintain records 15333
verifying annual inspections. 15334

(F) If one or more protective door assemblies in a school 15335
building are not in compliance with the applicable standards 15336

described in division (B) (2) of this section, as indicated in a 15337
report under division (D) (2), (D) (3), (G) (2), or (G) (3) of this 15338
section, then the school governing authority shall do both of 15339
the following: 15340

(1) Take all steps necessary to make each such protective 15341
door assembly compliant with the applicable standards; 15342

(2) Cause another inspection of each such protective door 15343
assembly immediately after completing those steps. 15344

(G) After each inspection of a protective door assembly in 15345
the school building under division (F) (2) of this section has 15346
been completed, the qualified inspector shall provide a report 15347
to the school governing authority indicating any of the 15348
following: 15349

(1) That the protective door assembly is in compliance 15350
with the applicable standards described in division (B) (2) of 15351
this section and no further inspection is required respecting 15352
that protective door assembly for the next twelve months; 15353

(2) That the protective door assembly is not in compliance 15354
with the applicable standards; 15355

(3) That the protective door assembly is not in compliance 15356
with the applicable standards and there is a serious risk for 15357
fire or life safety hazard. 15358

(H) (1) Beginning eighteen months after ~~the effective date~~ 15359
~~of this section~~ October 24, 2024, the authority having 15360
jurisdiction shall annually cause an inspection of the records 15361
retained by each school governing authority under division (E) 15362
of this section. If a protective door assembly in a school 15363
building is not fully compliant with the applicable standards 15364
within eighteen months after a report issued under division (D) 15365

(2) of this section, or within one hundred eighty days after a report issued under division (D) (3) of this section, and the school governing authority is not actively taking steps to achieve compliance, then the authority having jurisdiction shall issue a citation pursuant to section 3737.42 of the Revised Code. Each protective door assembly that is not in compliance with the applicable standards, and which the respecting school governing authority is not actively taking steps to achieve compliance with those standards, is a separate violation and is subject to an additional citation.

(2) If a citation is issued under division (H) (1) of this section and section 3737.42 of the Revised Code, the school governing authority shall post the citation issued concerning the protective door assembly on a public web site managed by the school governing authority. The school governing authority may remove the citation posted under this division once the protective door assembly is made compliant with the applicable standards and an inspection confirms such compliance.

(I) No authority having jurisdiction shall do either of the following:

(1) Issue a citation pursuant to this section and section 3737.42 of the Revised Code to a school governing authority that is actively taking steps to reach compliance with the applicable standards, regardless of whether full compliance is reached for all protective door assemblies in the school building;

(2) Assess a civil penalty or any fine associated with a citation issued pursuant to this section.

(J) A qualified inspector that inspects more than one protective door assembly under division (D) or (G) of this

section in the same school building may combine the results of 15395
such inspections into one report, so long as the report clearly 15396
indicates which protective door assemblies are in compliance 15397
with the applicable standards and which are not. 15398

(K) (1) The fire marshal shall adopt rules, in accordance 15399
with Chapter 119. of the Revised Code, that are necessary to 15400
implement the requirements of this section. 15401

(2) The fire marshal shall work in conjunction with the 15402
board of building standards to implement such requirements. 15403

(3) The rules shall require that protective door 15404
assemblies are inspected in accordance with this section and 15405
that the protective door assemblies continue to meet the 15406
compliance standards required at the time of installation. 15407

(L) Notwithstanding any provision of this section, a 15408
temporary door-locking device in compliance with the rules 15409
adopted by the fire marshal is not in conflict with this 15410
section. 15411

(M) Any citation issued pursuant to this section may be 15412
appealed under section 3737.43 of the Revised Code. 15413

Sec. 3781.106. (A) As used in this section: 15414

(1) "Institution of higher education" means a state 15415
institution of higher education as defined in section 3345.011 15416
of the Revised Code, a private nonprofit college or university 15417
located in this state that possesses a certificate of 15418
authorization issued pursuant to Chapter 1713. of the Revised 15419
Code, or a school located in this state that possesses a 15420
certificate of registration and one or more program 15421
authorizations issued by the state board of career colleges and 15422
schools under Chapter 3332. of the Revised Code. 15423

(2) "Nonresidential building" means a building or structure, or part of a building or structure, not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences, or erections thereon or therein. "Nonresidential building" does not include an institution of higher education, private school, or public school, as defined in this section.

(3) "Owner" means an individual or entity possessing title to a nonresidential building or an authorized agent of the owner.

(4) "Private school" means a chartered nonpublic school or a nonchartered nonpublic school.

(5) "Public school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, and any STEM school established under Chapter 3326. of the Revised Code, ~~and any college-preparatory boarding school established under Chapter 3328. of the Revised Code.~~

(6) "School building" means a structure used for the instruction of students by a public or private school or institution of higher education.

(B) (1) The board of building standards shall adopt rules, in accordance with Chapter 119. of the Revised Code, for the use of a device by a staff member of a public or private school or institution of higher education that prevents both ingress and egress through a door in a school building, for a finite period of time, in an emergency situation, and during active shooter drills. The rules shall provide that the use of a device is

permissible only if the device requires minimal steps to remove 15453
it after it is engaged. 15454

The rules shall provide that the administrative authority 15455
of a building notify the police chief, or equivalent, of the law 15456
enforcement agency that has jurisdiction over the building, and 15457
the fire chief, or equivalent, of the fire department that 15458
serves the political subdivision in which the building is 15459
located, prior to the use of such devices in a building. 15460

The rules may require that the device be visible from the 15461
exterior of the door. 15462

(2) The device described in division (B)(1) of this 15463
section shall not be permanently mounted to the door. 15464

(3) Each public and private school and institution of 15465
higher education shall provide its staff members in-service 15466
training on the use of the device described in division (B)(1) 15467
of this section. The school shall maintain a record verifying 15468
this training on file. 15469

(4) In consultation with the department of education and 15470
workforce and the chancellor of higher education, the board 15471
shall determine and include in the rules a definition of 15472
"emergency situation." These rules shall apply to both existing 15473
and new school buildings. 15474

(C)(1) The board of building standards shall adopt rules, 15475
in accordance with Chapter 119. of the Revised Code, for the use 15476
of a device by the owner, or a person authorized by the owner, 15477
of a nonresidential building that prevents both ingress and 15478
egress through a door in the building, for a finite period of 15479
time, in an emergency situation, and during active shooter 15480
drills. The rules shall provide that the use of a device is 15481

permissible only if the device requires minimal steps to remove 15482
it after it is engaged. 15483

The rules shall require the owner of a building notify the 15484
police chief, or equivalent, of the law enforcement agency that 15485
has jurisdiction over the building, and the fire chief, or 15486
equivalent, of the fire department that serves the political 15487
subdivision in which the building is located, prior to the use 15488
of such devices in a building. 15489

The rules may require that the device be visible from the 15490
exterior of the door. 15491

(2) The device described in division (C) (1) of this 15492
section shall not be permanently mounted to the door. 15493

(3) Each owner of a nonresidential building shall provide 15494
any person that may use the device described in division (C) (1)
of this section training on the use of the device. The owner of 15495
the building shall maintain a record verifying this training on 15496
file. 15497
15498

(4) The board shall determine and include in the rules a 15499
definition of "emergency situation" for purposes of division (C)
(1) of this section. These rules shall apply to both existing 15500
and new nonresidential buildings. 15501
15502

(D) Any provision of the state fire code that is in 15503
conflict with this section or section 3737.84 of the Revised 15504
Code is unenforceable. 15505

Sec. 3792.04. (A) As used in this section: 15506

(1) "Public school" means any of the following: a city, 15507
local, exempted village, or joint vocational school district; 15508
community school established under Chapter 3314. of the Revised 15509

Code; or STEM school established under Chapter 3326. of the 15510
Revised Code; ~~or college-preparatory boarding school established~~ 15511
~~under Chapter 3328. of the Revised Code.~~ 15512

(2) "State institution of higher education" has the same 15513
meaning as in section 3345.011 of the Revised Code. 15514

(B) Notwithstanding any conflicting provision of the 15515
Revised Code, a public school or state institution of higher 15516
education shall not do either of the following: 15517

(1) Require an individual to receive a vaccine for which 15518
the United States food and drug administration has not granted 15519
full approval; 15520

(2) Discriminate against an individual who has not 15521
received a vaccine described in division (B)(1) of this section, 15522
including by requiring the individual to engage in or refrain 15523
from engaging in activities or precautions that differ from the 15524
activities or precautions of an individual who has received such 15525
a vaccine. 15526

(C) This section does not apply to a hospital or other 15527
health care facility that is owned or operated by, or affiliated 15528
with, a state institution of higher education. 15529

Sec. 4117.01. As used in this chapter: 15530

(A) "Person," in addition to those included in division 15531
(C) of section 1.59 of the Revised Code, includes employee 15532
organizations, public employees, and public employers. 15533

(B) "Public employer" means the state or any political 15534
subdivision of the state located entirely within the state, 15535
including, without limitation, any municipal corporation with a 15536
population of at least five thousand according to the most 15537

recent federal decennial census; county; township with a 15538
population of at least five thousand in the unincorporated area 15539
of the township according to the most recent federal decennial 15540
census; school district; governing authority of a community 15541
school established under Chapter 3314. of the Revised Code; 15542
~~college preparatory boarding school established under Chapter~~ 15543
~~3328. of the Revised Code or its operator;~~ state institution of 15544
higher learning; public or special district; state agency, 15545
authority, commission, or board; or other branch of public 15546
employment. "Public employer" does not include the nonprofit 15547
corporation formed under section 187.01 of the Revised Code. 15548

(C) "Public employee" means any person holding a position 15549
by appointment or employment in the service of a public 15550
employer, including any person working pursuant to a contract 15551
between a public employer and a private employer and over whom 15552
the national labor relations board has declined jurisdiction on 15553
the basis that the involved employees are employees of a public 15554
employer, except: 15555

(1) Persons holding elective office; 15556

(2) Employees of the general assembly and employees of any 15557
other legislative body of the public employer whose principal 15558
duties are directly related to the legislative functions of the 15559
body; 15560

(3) Employees on the staff of the governor or the chief 15561
executive of the public employer whose principal duties are 15562
directly related to the performance of the executive functions 15563
of the governor or the chief executive; 15564

(4) Persons who are members of the Ohio organized militia, 15565
while training or performing duty under section 5919.29 or 15566

5923.12 of the Revised Code;	15567
(5) Employees of the state employment relations board, including those employees of the state employment relations board utilized by the state personnel board of review in the exercise of the powers and the performance of the duties and functions of the state personnel board of review;	15568 15569 15570 15571 15572
(6) Confidential employees;	15573
(7) Management level employees;	15574
(8) Employees and officers of the courts, assistants to the attorney general, assistant prosecuting attorneys, and employees of the clerks of courts who perform a judicial function;	15575 15576 15577 15578
(9) Employees of a public official who act in a fiduciary capacity, appointed pursuant to section 124.11 of the Revised Code;	15579 15580 15581
(10) Supervisors;	15582
(11) Students whose primary purpose is educational training, including graduate assistants or associates, residents, interns, or other students working as part-time public employees less than fifty per cent of the normal year in the employee's bargaining unit;	15583 15584 15585 15586 15587
(12) Employees of county boards of election;	15588
(13) Seasonal and casual employees as determined by the state employment relations board;	15589 15590
(14) Part-time faculty members of an institution of higher education;	15591 15592
(15) Participants in a work activity, developmental	15593

activity, or alternative work activity under sections 5107.40 to 15594
5107.69 of the Revised Code who perform a service for a public 15595
employer that the public employer needs but is not performed by 15596
an employee of the public employer if the participant is not 15597
engaged in paid employment or subsidized employment pursuant to 15598
the activity; 15599

(16) Employees included in the career professional service 15600
of the department of transportation under section 5501.20 of the 15601
Revised Code; 15602

(17) Employees of community-based correctional facilities 15603
and district community-based correctional facilities created 15604
under sections 2301.51 to 2301.58 of the Revised Code. 15605

(D) "Employee organization" means any labor or bona fide 15606
organization in which public employees participate and that 15607
exists for the purpose, in whole or in part, of dealing with 15608
public employers concerning grievances, labor disputes, wages, 15609
hours, terms, and other conditions of employment. 15610

(E) "Exclusive representative" means the employee 15611
organization certified or recognized as an exclusive 15612
representative under section 4117.05 of the Revised Code. 15613

(F) "Supervisor" means any individual who has authority, 15614
in the interest of the public employer, to hire, transfer, 15615
suspend, lay off, recall, promote, discharge, assign, reward, or 15616
discipline other public employees; to responsibly direct them; 15617
to adjust their grievances; or to effectively recommend such 15618
action, if the exercise of that authority is not of a merely 15619
routine or clerical nature, but requires the use of independent 15620
judgment, provided that: 15621

(1) Employees of school districts who are department 15622

chairpersons or consulting teachers shall not be deemed 15623
supervisors. 15624

(2) With respect to members of a police or fire 15625
department, no person shall be deemed a supervisor except the 15626
chief of the department or those individuals who, in the absence 15627
of the chief, are authorized to exercise the authority and 15628
perform the duties of the chief of the department. Where prior 15629
to June 1, 1982, a public employer pursuant to a judicial 15630
decision, rendered in litigation to which the public employer 15631
was a party, has declined to engage in collective bargaining 15632
with members of a police or fire department on the basis that 15633
those members are supervisors, those members of a police or fire 15634
department do not have the rights specified in this chapter for 15635
the purposes of future collective bargaining. The state 15636
employment relations board shall decide all disputes concerning 15637
the application of division (F) (2) of this section. 15638

(3) With respect to faculty members of a state institution 15639
of higher education, heads of departments or divisions are 15640
supervisors; however, no other faculty member or group of 15641
faculty members is a supervisor solely because the faculty 15642
member or group of faculty members participate in decisions with 15643
respect to courses, curriculum, personnel, or other matters of 15644
academic policy. 15645

(4) No teacher as defined in section 3319.09 of the 15646
Revised Code shall be designated as a supervisor or a management 15647
level employee unless the teacher is employed under a contract 15648
governed by section 3319.01, 3319.011, or 3319.02 of the Revised 15649
Code and is assigned to a position for which a license deemed to 15650
be for administrators under state board rules is required 15651
pursuant to section 3319.22 of the Revised Code. 15652

(G) "To bargain collectively" means to perform the mutual obligation of the public employer, by its representatives, and the representatives of its employees to negotiate in good faith at reasonable times and places with respect to wages, terms, and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement, with the intention of reaching an agreement, or to resolve questions arising under the agreement. "To bargain collectively" includes executing a written contract incorporating the terms of any agreement reached. The obligation to bargain collectively does not mean that either party is compelled to agree to a proposal nor does it require the making of a concession.

(H) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment.

(I) "Unauthorized strike" includes, but is not limited to, concerted action during the term or extended term of a collective bargaining agreement or during the pendency of the settlement procedures set forth in section 4117.14 of the Revised Code in failing to report to duty; willful absence from one's position; stoppage of work; slowdown, or abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and

other conditions of employment. "Unauthorized strike" includes 15684
any such action, absence, stoppage, slowdown, or abstinence when 15685
done partially or intermittently, whether during or after the 15686
expiration of the term or extended term of a collective 15687
bargaining agreement or during or after the pendency of the 15688
settlement procedures set forth in section 4117.14 of the 15689
Revised Code. 15690

(J) "Professional employee" means any employee engaged in 15691
work that is predominantly intellectual, involving the 15692
consistent exercise of discretion and judgment in its 15693
performance and requiring knowledge of an advanced type in a 15694
field of science or learning customarily acquired by a prolonged 15695
course in an institution of higher learning or a hospital, as 15696
distinguished from a general academic education or from an 15697
apprenticeship; or an employee who has completed the courses of 15698
specialized intellectual instruction and is performing related 15699
work under the supervision of a professional person to become 15700
qualified as a professional employee. 15701

(K) "Confidential employee" means any employee who works 15702
in the personnel offices of a public employer and deals with 15703
information to be used by the public employer in collective 15704
bargaining; or any employee who works in a close continuing 15705
relationship with public officers or representatives directly 15706
participating in collective bargaining on behalf of the 15707
employer. 15708

(L) "Management level employee" means an individual who 15709
formulates policy on behalf of the public employer, who 15710
responsibly directs the implementation of policy, or who may 15711
reasonably be required on behalf of the public employer to 15712
assist in the preparation for the conduct of collective 15713

negotiations, administer collectively negotiated agreements, or 15714
have a major role in personnel administration. Assistant 15715
superintendents, principals, and assistant principals whose 15716
employment is governed by section 3319.02 of the Revised Code 15717
are management level employees. With respect to members of a 15718
faculty of a state institution of higher education, no person is 15719
a management level employee because of the person's involvement 15720
in the formulation or implementation of academic or institution 15721
policy. 15722

(M) "Wages" means hourly rates of pay, salaries, or other 15723
forms of compensation for services rendered. 15724

(N) "Member of a police department" means a person who is 15725
in the employ of a police department of a municipal corporation 15726
as a full-time regular police officer as the result of an 15727
appointment from a duly established civil service eligibility 15728
list or under section 737.15 or 737.16 of the Revised Code, a 15729
full-time deputy sheriff appointed under section 311.04 of the 15730
Revised Code, a township constable appointed under section 15731
509.01 of the Revised Code, or a member of a township or joint 15732
police district police department appointed under section 505.49 15733
of the Revised Code. 15734

(O) "Members of the state highway patrol" means highway 15735
patrol troopers and radio operators appointed under section 15736
5503.01 of the Revised Code. 15737

(P) "Member of a fire department" means a person who is in 15738
the employ of a fire department of a municipal corporation or a 15739
township as a fire cadet, full-time regular firefighter, or 15740
promoted rank as the result of an appointment from a duly 15741
established civil service eligibility list or under section 15742
505.38, 709.012, or 737.22 of the Revised Code. 15743

(Q) "Day" means calendar day. 15744

Sec. 4723.483. (A) (1) Subject to division (A) (2) of this 15745
section, and notwithstanding any provision of this chapter or 15746
rule adopted by the board of nursing, a clinical nurse 15747
specialist, certified nurse-midwife, or certified nurse 15748
practitioner who holds a certificate to prescribe issued under 15749
section 4723.48 of the Revised Code may do either of the 15750
following without having examined an individual to whom 15751
epinephrine may be administered: 15752

(a) Personally furnish a supply of epinephrine 15753
autoinjectors for use in accordance with sections 3313.7110, 15754
3313.7111, 3314.143, 3326.28, ~~3328.29~~, 3728.03 to 3728.05, and 15755
5180.26 of the Revised Code; 15756

(b) Issue a prescription for epinephrine autoinjectors for 15757
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 15758
3326.28, ~~3328.29~~, 3728.03 to 3728.05, and 5180.26 of the Revised 15759
Code. 15760

(2) An epinephrine autoinjector personally furnished or 15761
prescribed under division (A) (1) of this section must be 15762
furnished or prescribed in such a manner that it may be 15763
administered only in a manufactured dosage form. 15764

(B) A nurse who acts in good faith in accordance with this 15765
section is not liable for or subject to any of the following for 15766
any action or omission of an entity to which an epinephrine 15767
autoinjector is furnished or a prescription is issued: damages 15768
in any civil action, prosecution in any criminal proceeding, or 15769
professional disciplinary action. 15770

Sec. 4723.4811. (A) (1) Subject to division (A) (2) of this 15771
section, and notwithstanding any provision of this chapter or 15772

rule adopted by the board of nursing, a clinical nurse 15773
specialist, certified nurse-midwife, or certified nurse 15774
practitioner licensed as an advanced practice registered nurse 15775
under Chapter 4723. of the Revised Code may do either of the 15776
following without having examined an individual to whom glucagon 15777
may be administered: 15778

(a) Personally furnish a supply of injectable or nasally 15779
administered glucagon for use in accordance with sections 15780
3313.7115, 3313.7116, 3314.147, 3326.60, ~~3328.38~~, and 5180.262 15781
of the Revised Code; 15782

(b) Issue a prescription for injectable or nasally 15783
administered glucagon for use in accordance with sections 15784
3313.7115, 3313.7116, 3314.147, 3326.60, ~~3328.38~~, and 5180.262 15785
of the Revised Code. 15786

(2) Injectable or nasally administered glucagon personally 15787
furnished or prescribed under division (A)(1) of this section 15788
must be furnished or prescribed in such a manner that it may be 15789
administered only in a manufactured dosage form. 15790

(B) A nurse who acts in good faith in accordance with this 15791
section is not liable for or subject to any of the following for 15792
any action or omission of an entity to which injectable or 15793
nasally administered glucagon is furnished or a prescription is 15794
issued: damages in any civil action, prosecution in any criminal 15795
proceeding, or professional disciplinary action. 15796

Sec. 4729.01. As used in this chapter: 15797

(A) "Pharmacy," except when used in a context that refers 15798
to the practice of pharmacy, means any area, room, rooms, place 15799
of business, department, or portion of any of the foregoing 15800
where the practice of pharmacy is conducted. 15801

(B) "Practice of pharmacy" means providing pharmacist care	15802
requiring specialized knowledge, judgment, and skill derived	15803
from the principles of biological, chemical, behavioral, social,	15804
pharmaceutical, and clinical sciences. As used in this division,	15805
"pharmacist care" includes the following:	15806
(1) Interpreting prescriptions;	15807
(2) Dispensing drugs and drug therapy related devices;	15808
(3) Compounding drugs;	15809
(4) Counseling individuals with regard to their drug	15810
therapy, recommending drug therapy related devices, and	15811
assisting in the selection of drugs and appliances for treatment	15812
of common diseases and injuries and providing instruction in the	15813
proper use of the drugs and appliances;	15814
(5) Performing drug regimen reviews with individuals by	15815
discussing all of the drugs that the individual is taking and	15816
explaining the interactions of the drugs;	15817
(6) Performing drug utilization reviews with licensed	15818
health professionals authorized to prescribe drugs when the	15819
pharmacist determines that an individual with a prescription has	15820
a drug regimen that warrants additional discussion with the	15821
prescriber;	15822
(7) Advising an individual and the health care	15823
professionals treating an individual with regard to the	15824
individual's drug therapy;	15825
(8) Acting pursuant to a consult agreement, if an	15826
agreement has been established;	15827
(9) Engaging in the administration of immunizations to the	15828
extent authorized by section 4729.41 of the Revised Code;	15829

(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	15830 15831
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	15832 15833 15834
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	15835 15836
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	15837 15838
(3) As an incident to research, teaching activities, or chemical analysis;	15839 15840
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	15841 15842 15843
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:	15844 15845 15846 15847 15848
(a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer.	15849 15850 15851 15852 15853
(b) A limited quantity of the drug is compounded and provided to the professional.	15854 15855
(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice	15856 15857

of dispensing drugs pursuant to patient-specific prescriptions.	15858
(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.	15859 15860
(E) "Drug" means:	15861
(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	15862 15863 15864 15865
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	15866 15867 15868
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	15869 15870
(4) Any article intended for use as a component of any article specified in division (E) (1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.	15871 15872 15873 15874
"Drug" does not include "hemp" or a "hemp product" as those terms are defined in section 928.01 of the Revised Code.	15875 15876
(F) "Dangerous drug" means any of the following:	15877
(1) Any drug to which either of the following applies:	15878
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or	15879 15880 15881 15882 15883 15884

the drug may be dispensed only upon a prescription; 15885

(b) Under Chapter 3715. or 3719. of the Revised Code, the 15886
drug may be dispensed only upon a prescription. 15887

(2) Any drug that contains a schedule V controlled 15888
substance and that is exempt from Chapter 3719. of the Revised 15889
Code or to which that chapter does not apply; 15890

(3) Any drug intended for administration by injection into 15891
the human body other than through a natural orifice of the human 15892
body; 15893

(4) Any drug that is a biological product, as defined in 15894
section 3715.01 of the Revised Code. 15895

(G) "Federal drug abuse control laws" has the same meaning 15896
as in section 3719.01 of the Revised Code. 15897

(H) "Prescription" means all of the following: 15898

(1) A written, electronic, or oral order for drugs or 15899
combinations or mixtures of drugs to be used by a particular 15900
individual or for treating a particular animal, issued by a 15901
licensed health professional authorized to prescribe drugs; 15902

(2) For purposes of sections 4723.4810, 4729.282, 15903
4730.432, and 4731.93 of the Revised Code, a written, 15904
electronic, or oral order for a drug to treat chlamydia, 15905
gonorrhoea, or trichomoniasis issued to and in the name of a 15906
patient who is not the intended user of the drug but is the 15907
sexual partner of the intended user; 15908

(3) For purposes of sections 3313.7110, 3313.7111, 15909
3314.143, 3326.28, ~~3328.29~~, 4723.483, 4729.88, 4730.433, 15910
4731.96, and 5180.26 of the Revised Code, a written, electronic, 15911
or oral order for an epinephrine autoinjector issued to and in 15912

the name of a school, school district, or camp; 15913

(4) For purposes of Chapter 3728. and sections 4723.483, 15914
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 15915
electronic, or oral order for an epinephrine autoinjector issued 15916
to and in the name of a qualified entity, as defined in section 15917
3728.01 of the Revised Code; 15918

(5) For purposes of sections 3313.7115, 3313.7116, 15919
3314.147, 3326.60, ~~3328.38~~, 4723.4811, 4730.437, 4731.92, and 15920
5180.262 of the Revised Code, a written, electronic, or oral 15921
order for injectable or nasally administered glucagon in the 15922
name of a school, school district, or camp. 15923

(I) "Licensed health professional authorized to prescribe 15924
drugs" or "prescriber" means an individual who is authorized by 15925
law to prescribe drugs or dangerous drugs or drug therapy 15926
related devices in the course of the individual's professional 15927
practice, including only the following: 15928

(1) A dentist licensed under Chapter 4715. of the Revised 15929
Code; 15930

(2) A clinical nurse specialist, certified nurse-midwife, 15931
or certified nurse practitioner who holds a current, valid 15932
license issued under Chapter 4723. of the Revised Code to 15933
practice nursing as an advanced practice registered nurse; 15934

(3) A certified registered nurse anesthetist who holds a 15935
current, valid license issued under Chapter 4723. of the Revised 15936
Code to practice nursing as an advanced practice registered 15937
nurse, but only to the extent of the nurse's authority under 15938
sections 4723.43 and 4723.434 of the Revised Code; 15939

(4) An optometrist licensed under Chapter 4725. of the 15940
Revised Code to practice optometry; 15941

(5) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; 15942
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(6) A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority; 15945
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(7) A veterinarian licensed under Chapter 4741. of the Revised Code; 15950
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(8) A certified mental health assistant licensed under Chapter 4772. of the Revised Code who has been granted physician-delegated prescriptive authority by the physician supervising the certified mental health assistant. 15952
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(J) "Sale" or "sell" includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement, or both. 15956
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(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser. 15962
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(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale. 15965
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(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control 15967
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or establish responsibility. 15971

(N) "Price information" means the price charged for a 15972
prescription for a particular drug product and, in an easily 15973
understandable manner, all of the following: 15974

(1) The proprietary name of the drug product; 15975

(2) The established (generic) name of the drug product; 15976

(3) The strength of the drug product if the product 15977
contains a single active ingredient or if the drug product 15978
contains more than one active ingredient and a relevant strength 15979
can be associated with the product without indicating each 15980
active ingredient. The established name and quantity of each 15981
active ingredient are required if such a relevant strength 15982
cannot be so associated with a drug product containing more than 15983
one ingredient. 15984

(4) The dosage form; 15985

(5) The price charged for a specific quantity of the drug 15986
product. The stated price shall include all charges to the 15987
consumer, including, but not limited to, the cost of the drug 15988
product, professional fees, handling fees, if any, and a 15989
statement identifying professional services routinely furnished 15990
by the pharmacy. Any mailing fees and delivery fees may be 15991
stated separately without repetition. The information shall not 15992
be false or misleading. 15993

(O) "Wholesale distributor of dangerous drugs" or 15994
"wholesale distributor" means a person engaged in the sale of 15995
dangerous drugs at wholesale and includes any agent or employee 15996
of such a person authorized by the person to engage in the sale 15997
of dangerous drugs at wholesale. 15998

(P) "Manufacturer of dangerous drugs" or "manufacturer" 15999
means a person, other than a pharmacist or prescriber, who 16000
manufactures dangerous drugs and who is engaged in the sale of 16001
those dangerous drugs. 16002

(Q) "Terminal distributor of dangerous drugs" or "terminal 16003
distributor" means a person who is engaged in the sale of 16004
dangerous drugs at retail, or any person, other than a 16005
manufacturer, repackager, outsourcing facility, third-party 16006
logistics provider, wholesale distributor, or pharmacist, who 16007
has possession, custody, or control of dangerous drugs for any 16008
purpose other than for that person's own use and consumption. 16009
"Terminal distributor" includes pharmacies, hospitals, nursing 16010
homes, and laboratories and all other persons who procure 16011
dangerous drugs for sale or other distribution by or under the 16012
supervision of a pharmacist, licensed health professional 16013
authorized to prescribe drugs, or other person authorized by the 16014
state board of pharmacy. 16015

(R) "Promote to the public" means disseminating a 16016
representation to the public in any manner or by any means, 16017
other than by labeling, for the purpose of inducing, or that is 16018
likely to induce, directly or indirectly, the purchase of a 16019
dangerous drug at retail. 16020

(S) "Person" includes any individual, partnership, 16021
association, limited liability company, or corporation, the 16022
state, any political subdivision of the state, and any district, 16023
department, or agency of the state or its political 16024
subdivisions. 16025

(T) (1) "Animal shelter" means a facility operated by a 16026
humane society or any society organized under Chapter 1717. of 16027
the Revised Code or a dog pound operated pursuant to Chapter 16028

955. of the Revised Code. 16029

(2) "County dog warden" means a dog warden or deputy dog warden appointed or employed under section 955.12 of the Revised Code. 16030
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(U) "Food" has the same meaning as in section 3715.01 of the Revised Code. 16033
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(V) "Pain management clinic" has the same meaning as in section 4731.054 of the Revised Code. 16035
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(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains under clinical trial, but has not been approved for general use by the United States food and drug administration. 16037
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"Investigational drug or product" does not include controlled substances in schedule I, as defined in section 3719.01 of the Revised Code. 16042
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(X) "Product," when used in reference to an investigational drug or product, means a biological product, other than a drug, that is made from a natural human, animal, or microorganism source and is intended to treat a disease or medical condition. 16045
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(Y) "Third-party logistics provider" means a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs including distribution, on behalf of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs. 16050
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(Z) "Repackager of dangerous drugs" or "repackager" means 16057

a person that repacks and relabels dangerous drugs for sale or distribution. 16058
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(AA) "Outsourcing facility" means a facility that is 16060
engaged in the compounding and sale of sterile drugs and is 16061
registered as an outsourcing facility with the United States 16062
food and drug administration. 16063

(BB) "Laboratory" means a laboratory licensed under this 16064
chapter as a terminal distributor of dangerous drugs and 16065
entrusted to have custody of any of the following drugs and to 16066
use the drugs for scientific and clinical purposes and for 16067
purposes of instruction: dangerous drugs that are not controlled 16068
substances, as defined in section 3719.01 of the Revised Code; 16069
dangerous drugs that are controlled substances, as defined in 16070
that section; and controlled substances in schedule I, as 16071
defined in that section. 16072

(CC) "Overdose reversal drug" means both of the following: 16073

(1) Naloxone; 16074

(2) Any other drug that the state board of pharmacy, 16075
through rules adopted in accordance with Chapter 119. of the 16076
Revised Code, designates as a drug that is approved by the 16077
federal food and drug administration for the reversal of a known 16078
or suspected opioid-related overdose. 16079

Sec. 4729.513. A manufacturer of dangerous drugs may 16080
donate inhalers, as defined in section 3313.7113 of the Revised 16081
Code, epinephrine autoinjectors, or injectable or nasally 16082
administered glucagon to any of the following: 16083

(A) The board of education of a city, local, exempted 16084
village, or joint vocational school district; 16085

(B) A community school established under Chapter 3314. of the Revised Code;	16086 16087
(C) A STEM school established under Chapter 3326. of the Revised Code;	16088 16089
(D) A college preparatory boarding school established under Chapter 3328. of the Revised Code;	16090 16091
(E) A chartered or nonchartered nonpublic school;	16092
(F) <u>(E)</u> A residential camp, as defined in section 2151.011 of the Revised Code;	16093 16094
(G) <u>(F)</u> A child day camp, as defined in section 5104.01 of the Revised Code;	16095 16096
(H) <u>(G)</u> A child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code.	16097 16098 16099 16100 16101
Sec. 4729.541. (A) Except as provided in divisions (B) and (C) of this section, all of the following are exempt from licensure as a terminal distributor of dangerous drugs:	16102 16103 16104
(1) A licensed health professional authorized to prescribe drugs;	16105 16106
(2) A business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under former Chapter 1705. of the Revised Code as that chapter existed prior to February 11, 2022, or Chapter 1706. of the Revised Code, or a professional association formed under Chapter 1785. of the Revised Code if the entity has a sole shareholder who is a prescriber and is	16107 16108 16109 16110 16111 16112 16113

authorized to provide the professional services being offered by 16114
the entity; 16115

(3) A business entity that is a corporation formed under 16116
division (B) of section 1701.03 of the Revised Code, a limited 16117
liability company formed under former Chapter 1705. of the 16118
Revised Code as that chapter existed prior to February 11, 2022, 16119
or Chapter 1706. of the Revised Code, a partnership or a limited 16120
liability partnership formed under Chapter 1775. of the Revised 16121
Code, or a professional association formed under Chapter 1785. 16122
of the Revised Code, if, to be a shareholder, member, or 16123
partner, an individual is required to be licensed, certified, or 16124
otherwise legally authorized under Title XLVII of the Revised 16125
Code to perform the professional service provided by the entity 16126
and each such individual is a prescriber; 16127

(4) An individual who holds a current license, 16128
certificate, or registration issued under Title XLVII of the 16129
Revised Code and has been certified to conduct diabetes 16130
education by a national certifying body specified in rules 16131
adopted by the state board of pharmacy under section 4729.68 of 16132
the Revised Code, but only with respect to insulin that will be 16133
used for the purpose of diabetes education and only if diabetes 16134
education is within the individual's scope of practice under 16135
statutes and rules regulating the individual's profession; 16136

(5) An individual who holds a valid certificate issued by 16137
a nationally recognized S.C.U.B.A. diving certifying 16138
organization approved by the state board of pharmacy under rules 16139
adopted by the board, but only with respect to medical oxygen 16140
that will be used for the purpose of emergency care or treatment 16141
at the scene of a diving emergency; 16142

(6) With respect to epinephrine autoinjectors that may be 16143

possessed under section 3313.7110, 3313.7111, 3314.143, or 16144
3326.28, ~~or 3328.29~~ of the Revised Code, any of the following: 16145
the board of education of a city, local, exempted village, or 16146
joint vocational school district; a chartered or nonchartered 16147
nonpublic school; a community school established under Chapter 16148
3314. of the Revised Code; or a STEM school established under 16149
Chapter 3326. of the Revised Code; ~~or a college-preparatory~~ 16150
~~boarding school established under Chapter 3328. of the Revised~~ 16151
~~Code;~~ 16152

(7) With respect to epinephrine autoinjectors that may be 16153
possessed under section 5180.26 of the Revised Code, any of the 16154
following: a residential camp, as defined in section 2151.011 of 16155
the Revised Code; a child day camp, as defined in section 16156
5104.01 of the Revised Code; or a child day camp operated by any 16157
county, township, municipal corporation, township park district 16158
created under section 511.18 of the Revised Code, park district 16159
created under section 1545.04 of the Revised Code, or joint 16160
recreation district established under section 755.14 of the 16161
Revised Code; 16162

(8) With respect to epinephrine autoinjectors that may be 16163
possessed under Chapter 3728. of the Revised Code, a qualified 16164
entity, as defined in section 3728.01 of the Revised Code; 16165

(9) With respect to inhalers that may be possessed under 16166
section 3313.7113, 3313.7114, 3314.144, or 3326.30, ~~or 3328.30~~ 16167
of the Revised Code, any of the following: the board of 16168
education of a city, local, exempted village, or joint 16169
vocational school district; a chartered or nonchartered 16170
nonpublic school; a community school established under Chapter 16171
3314. of the Revised Code; or a STEM school established under 16172
Chapter 3326. of the Revised Code; ~~or a college-preparatory~~ 16173

~~boarding school established under Chapter 3328. of the Revised Code;~~ 16174
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(10) With respect to inhalers that may be possessed under 16176
section 5180.261 of the Revised Code, any of the following: a 16177
residential camp, as defined in section 2151.011 of the Revised 16178
Code; a child day camp, as defined in section 5104.01 of the 16179
Revised Code; or a child day camp operated by any county, 16180
township, municipal corporation, township park district created 16181
under section 511.18 of the Revised Code, park district created 16182
under section 1545.04 of the Revised Code, or joint recreation 16183
district established under section 755.14 of the Revised Code; 16184

(11) With respect to overdose reversal drugs that may be 16185
possessed for the purposes described in section 3715.50 of the 16186
Revised Code, any person or government entity exercising the 16187
authority conferred by that section; 16188

(12) With respect to overdose reversal drugs that may be 16189
possessed for use in personally furnishing supplies of the drug 16190
pursuant to a protocol established under section 3715.503 of the 16191
Revised Code, any individual exercising the authority conferred 16192
by that section; 16193

(13) With respect to injectable or nasally administered 16194
glucagon that may be possessed under sections 3313.7115, 16195
3313.7116, 3314.147, and 3326.60,~~and 3328.38~~ of the Revised 16196
Code, any of the following: the board of education of a city, 16197
local, exempted village, or joint vocational school district; a 16198
chartered or nonchartered nonpublic school; a community school 16199
established under Chapter 3314. of the Revised Code; or a STEM 16200
school established under Chapter 3326. of the Revised Code;~~or a~~ 16201
~~college preparatory boarding school established under Chapter~~ 16202
~~3328. of the Revised Code;~~ 16203

(14) With respect to injectable or nasally administered glucagon that may be possessed under section 5180.262 of the Revised Code, any of the following: a residential camp, as defined in section 2151.011 of the Revised Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code;

(15) A person who possesses nitrous oxide for use as a direct ingredient in food pursuant to 21 C.F.R. 184.1545 or for testing or maintaining a plumbing or heating, ventilation, and air conditioning system;

(16) A person who possesses medical oxygen, sterile water, or sterile saline for direct administration to patients or for the purpose of installation or maintenance of home medical equipment, as defined in section 4752.01 of the Revised Code;

(17) A facility that is owned and operated by the United States department of defense, the United States department of veterans affairs, or any other federal agency.

(B) If a person described in division (A) of this section is a pain management clinic or is operating a pain management clinic, the person shall hold a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code.

(C) Any of the persons described in divisions (A) (1) to (16) of this section shall hold a license as a terminal

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distributor of dangerous drugs in order to possess, have custody 16233
or control of, and distribute any of the following: 16234

(1) Dangerous drugs that are compounded or used for the 16235
purpose of compounding; 16236

(2) A schedule I, II, III, IV, or V controlled substance, 16237
as defined in section 3719.01 of the Revised Code. 16238

Sec. 4730.433. (A) (1) Subject to division (A) (2) of this 16239
section, and notwithstanding any provision of this chapter or 16240
rule adopted by the state medical board, a physician assistant 16241
who holds a license issued under this chapter and a valid 16242
prescriber number issued by the state medical board and has been 16243
granted physician-delegated prescriptive authority may do either 16244
of the following without having examined an individual to whom 16245
epinephrine may be administered: 16246

(a) Personally furnish a supply of epinephrine 16247
autoinjectors for use in accordance with sections 3313.7110, 16248
3313.7111, 3314.143, 3326.28, ~~3328.29~~, 3728.03 to 3728.05, and 16249
5180.26 of the Revised Code; 16250

(b) Issue a prescription for epinephrine autoinjectors for 16251
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 16252
3326.28, ~~3328.29~~, 3728.03 to 3728.05, and 5180.26 of the Revised 16253
Code. 16254

(2) An epinephrine autoinjector personally furnished or 16255
prescribed under division (A) (1) of this section must be 16256
furnished or prescribed in such a manner that it may be 16257
administered only in a manufactured dosage form. 16258

(B) A physician assistant who acts in good faith in 16259
accordance with this section is not liable for or subject to any 16260
of the following for any action or omission of an entity to 16261

which an epinephrine autoinjector is furnished or a prescription 16262
is issued: damages in any civil action, prosecution in any 16263
criminal proceeding, or professional disciplinary action. 16264

Sec. 4730.437. (A) (1) Subject to division (A) (2) of this 16265
section and notwithstanding any provision of this chapter or 16266
rule adopted by the state medical board, a physician assistant 16267
who holds a valid prescriber number issued by the board and has 16268
been granted physician-delegated prescriptive authority may do 16269
either of the following without having examined an individual to 16270
whom glucagon may be administered: 16271

(a) Personally furnish a supply of injectable or nasally 16272
administered glucagon for use in accordance with section 16273
3313.7115, 3313.7116, 3314.147, 3326.60, ~~3328.38~~, or 5180.262 of 16274
the Revised Code; 16275

(b) Issue a prescription for injectable or nasally 16276
administered glucagon in accordance with section 3313.7115, 16277
3313.7116, 3314.147, 3326.60, ~~3328.38~~, or 5180.262 of the 16278
Revised Code. 16279

(2) Injectable or nasally administered glucagon personally 16280
furnished or prescribed under division (A) (1) of this section 16281
must be furnished or prescribed in such a manner that it may be 16282
administered only in a manufactured dosage form. 16283

(B) A physician assistant who acts in good faith in 16284
accordance with this section is not liable for or subject to any 16285
of the following for any action or omission of an entity to 16286
which injectable or nasally administered glucagon is furnished 16287
or a prescription is issued: damages in any civil action, 16288
prosecution in any criminal proceeding, or professional 16289
disciplinary action. 16290

Sec. 4731.92. (A) As used in this section, "physician" 16291
means an individual authorized under this chapter to practice 16292
medicine and surgery, osteopathic medicine and surgery, or 16293
podiatric medicine and surgery. 16294

(B) (1) Subject to division (B) (2) of this section, and 16295
notwithstanding any provision of this chapter or rule adopted by 16296
the state medical board, a physician may do either of the 16297
following without having examined an individual to whom glucagon 16298
may be administered: 16299

(a) Personally furnish a supply of injectable or nasally 16300
administered glucagon for use in accordance with section 16301
3313.7115, 3313.7116, 3314.147, 3326.60, ~~3328.38~~, or 5180.262 of 16302
the Revised Code; 16303

(b) Issue a prescription for injectable or nasally 16304
administered glucagon for use in accordance with section 16305
3313.7115, 3313.7116, 3314.147, 3326.60, ~~3328.38~~, or 5180.262 of 16306
the Revised Code. 16307

(2) Injectable or nasally administered glucagon personally 16308
furnished or prescribed under division (B) (1) of this section 16309
must be furnished or prescribed in such a manner that it may be 16310
administered only in a manufactured dosage form. 16311

(C) A physician who acts in good faith in accordance with 16312
this section is not liable for or subject to any of the 16313
following for any action or omission of an entity to which 16314
injectable or nasally administered glucagon is furnished or a 16315
prescription is issued: damages in any civil action, prosecution 16316
in any criminal proceeding, or professional disciplinary action. 16317

Sec. 4731.96. (A) As used in this section and section 16318
4731.961 of the Revised Code, "physician" means an individual 16319

authorized under this chapter to practice medicine and surgery, 16320
osteopathic medicine and surgery, or podiatric medicine and 16321
surgery. 16322

(B) (1) Subject to division (B) (2) of this section, and 16323
notwithstanding any provision of this chapter or rule adopted by 16324
the state medical board, a physician may do either of the 16325
following without having examined an individual to whom 16326
epinephrine may be administered: 16327

(a) Personally furnish a supply of epinephrine 16328
autoinjectors for use in accordance with sections 3313.7110, 16329
3313.7111, 3314.143, 3326.28, ~~3328.29~~, 3728.03 to 3728.05, and 16330
5180.26 of the Revised Code; 16331

(b) Issue a prescription for epinephrine autoinjectors for 16332
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 16333
3326.28, ~~3328.29~~, 3728.03 to 3728.05, and 5180.26 of the Revised 16334
Code. 16335

(2) An epinephrine autoinjector personally furnished or 16336
prescribed under division (B) (1) of this section must be 16337
furnished or prescribed in such a manner that it may be 16338
administered only in a manufactured dosage form. 16339

(C) A physician who acts in good faith in accordance with 16340
this section is not liable for or subject to any of the 16341
following for any action or omission of an entity to which an 16342
epinephrine autoinjector is furnished or a prescription is 16343
issued: damages in any civil action, prosecution in any criminal 16344
proceeding, or professional disciplinary action. 16345

Sec. 5104.53. (A) As used in this section: 16346

(1) "Family services program" has the same meaning as in 16347
section 5101.35 of the Revised Code. 16348

(2) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 16349
16350

~~(2)~~ (3) "Ohio works first" has the same meaning as in section 5107.02 of the Revised Code. 16351
16352

(4) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code. 16353
16354

(5) "Supplemental nutrition assistance program" means the program administered by the department of job and family services pursuant to section 5101.54 of the Revised Code. 16355
16356
16357

(B) The early childhood education grant program is created in the department of children and youth. Subject to available funds, the program shall support and invest in early learning and development programs operating in this state by awarding grants to programs that meet the conditions of this section in an amount that corresponds to the number of eligible children served by the programs. 16358
16359
16360
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16364

(C) To be eligible for a grant under this section, an early learning and development program shall meet each of the following conditions: 16365
16366
16367

(1) The program is rated through the step up to quality program established under section 5104.29 of the Revised Code at the tiered rating specified by the department in rules adopted under this section. 16368
16369
16370
16371

(2) The program provides early learning and development services to one or more preschool-age children described in division (D) of this section. 16372
16373
16374

(3) The program meets any other eligibility condition specified by the department in rules adopted under this section. 16375
16376

(D) A preschool-age child who meets all of the following conditions, as determined by ~~a~~ the early learning and development program in consultation with the county department of job and family services, is eligible to participate in the early childhood education grant program if a slot is available:

(1) Either the amount of the child's family income does not exceed two hundred per cent of the federal poverty line or the child meets one of the following conditions:

(a) An IEP has been developed for the child;

(b) The child is placed with a resource caregiver as described in Chapter 5103. of the Revised Code, with such placement documented by either a family case plan or kinship permanency incentive payments;

(c) The child is homeless as described in division (V) of section 5104.01 of the Revised Code;

(d) The child has exited the state's part C early intervention services program implemented pursuant to sections 5180.30 to 5180.32 of the Revised Code as documented by an individual family service plan;

(e) The child is a medicaid recipient or is part of a household or assistance group that receives supplemental nutrition assistance program benefits or participates in the Ohio works first program.

(2) The child is a citizen of the United States or a qualified alien.

(3) The child meets any other eligibility condition specified by the department in rules adopted under this section.

(E) The family of a child who is eligible to participate

under this section may elect to utilize the early childhood 16405
education grant program instead of another source of state 16406
funding for child care. 16407

(F) An early learning and development program that 16408
utilized the education management information system established 16409
under section 3301.0714 of the Revised Code to track a child's 16410
attendance for the early childhood education grant program prior 16411
to the effective date of this amendment shall continue to use 16412
that system for attendance. 16413

(G) Any funds appropriated to the department for purposes 16414
of the early childhood education grant program shall be used as 16415
follows: 16416

(1) In each fiscal year, not more than two per cent of 16417
appropriated funds shall be used for program support and 16418
technical assistance. 16419

(2) Appropriated funds other than those described in 16420
division ~~(E) (1)~~ (G) (1) of this section shall be distributed to 16421
grant recipients to be used to provide early learning and 16422
development services. 16423

(3) Any remaining funds beyond those required under 16424
divisions (G) (1) and (2) of this section may be awarded to new 16425
or existing grant recipients under this section to allow more 16426
children to participate in the program or support program 16427
expansion, improvement, innovation, or new pilot programs. Funds 16428
used under division (G) (3) of this section shall be targeted for 16429
high-need areas. 16430

~~(F)~~ (H) In accordance with Chapter 119. of the Revised 16431
Code, the director shall adopt rules to implement this section 16432
and administer the early childhood education grant program, 16433

including rules addressing all of the following topics: 16434

(1) Eligibility conditions and other requirements for 16435
participation in the grant program by early learning and 16436
development programs, including the tiered rating at which a 16437
program becomes eligible to participate; 16438

(2) Eligibility conditions for children participating in 16439
the early childhood education grant program if a slot is 16440
available; 16441

(3) Standards, procedures, and requirements to apply for 16442
and distribute funds to participating early learning and 16443
development programs; 16444

(4) In the event funds are distributed in error under the 16445
program, methods by which the department may recover those 16446
funds. 16447

(I) The award of an early childhood education grant under 16448
this section shall not be considered publicly funded child care 16449
or a family services program. 16450

Sec. 5502.262. (A) As used in this section: 16451

(1) "Administrator" means the superintendent, principal, 16452
chief administrative officer, or other person having supervisory 16453
authority of any of the following: 16454

(a) A city, exempted village, local, or joint vocational 16455
school district; 16456

(b) A community school established under Chapter 3314. of 16457
the Revised Code, as required through reference in division (A) 16458
(11)(d) of section 3314.03 of the Revised Code; 16459

(c) A STEM school established under Chapter 3326. of the 16460

Revised Code, as required through reference in section 3326.11 16461
of the Revised Code; 16462

~~(d) A college-preparatory boarding school established~~ 16463
~~under Chapter 3328. of the Revised Code;~~ 16464

~~(e)~~A district or school operating a career-technical 16465
education program approved by the department of education and 16466
workforce under section 3317.161 of the Revised Code; 16467

~~(f)~~(e) A chartered nonpublic school; 16468

~~(g)~~(f) An educational service center; 16469

~~(h)~~(g) A preschool program or school-age child care 16470
program licensed by the department of education and workforce; 16471

~~(i)~~(h) Any other facility that primarily provides 16472
educational services to children subject to regulation by the 16473
department of education and workforce. 16474

(2) "Emergency management test" means a regularly 16475
scheduled drill, exercise, or activity designed to assess and 16476
evaluate an emergency management plan under this section. 16477

(3) "Building" means any school, school building, 16478
facility, program, or center. 16479

(4) "Regional mobile training officer" means the regional 16480
mobile training officer appointed under section 5502.70 of the 16481
Revised Code for the region in which a district, school, center, 16482
program, or facility is located. 16483

(B) (1) Each administrator shall develop and adopt a 16484
comprehensive emergency management plan, in accordance with 16485
rules adopted pursuant to division (F) of this section, for each 16486
building under the administrator's control. The administrator 16487

shall examine the environmental conditions and operations of 16488
each building to determine potential hazards to student and 16489
staff safety and shall propose operating changes to promote the 16490
prevention of potentially dangerous problems and circumstances. 16491
In developing the plan for each building, the administrator 16492
shall involve community law enforcement and safety officials, 16493
parents of students who are assigned to the building, and 16494
teachers and nonteaching employees who are assigned to the 16495
building. The administrator may involve the regional mobile 16496
training officer in the development of the plan. The 16497
administrator shall incorporate remediation strategies into the 16498
plan for any building where documented safety problems have 16499
occurred. 16500

(2) Each administrator shall also incorporate into the 16501
emergency management plan adopted under division (B)(1) of this 16502
section all of the following: 16503

(a) A protocol for addressing serious threats to the 16504
safety of property, students, employees, or administrators; 16505

(b) A protocol for responding to any emergency events that 16506
occur and compromise the safety of property, students, 16507
employees, or administrators. This protocol shall include, but 16508
not be limited to, all of the following: 16509

(i) A floor plan that is unique to each floor of the 16510
building; 16511

(ii) A site plan that includes all building property and 16512
surrounding property; 16513

(iii) An emergency contact information sheet. 16514

(c) A threat assessment plan developed as prescribed in 16515
section 5502.263 of the Revised Code. A building may use the 16516

model plan developed by the department of public safety under 16517
that section; 16518

(d) A protocol for school threat assessment teams 16519
established under section 3313.669 of the Revised Code; 16520

(e) A protocol that addresses student use of cellular 16521
telephones during an active threat or emergency. 16522

(3) Each protocol described in division (B) of this 16523
section shall include procedures determined to be appropriate by 16524
the administrator for responding to threats and emergency 16525
events, respectively, including such things as notification of 16526
appropriate law enforcement personnel, calling upon specified 16527
emergency response personnel for assistance, and informing 16528
parents of affected students. 16529

Prior to the opening day of each school year, the 16530
administrator shall inform each student or child enrolled in the 16531
school and the student's or child's parent of the parental 16532
notification procedures included in the protocol. 16533

(4) Each administrator shall keep a copy of the emergency 16534
management plan adopted pursuant to this section in a secure 16535
place. 16536

(C) (1) The administrator shall submit to the director of 16537
public safety, in accordance with rules adopted pursuant to 16538
division (F) of this section, an electronic copy of the 16539
emergency management plan prescribed by division (B) of this 16540
section not less than once every three years, whenever a major 16541
modification to the building requires changes in the procedures 16542
outlined in the plan, and whenever information on the emergency 16543
contact information sheet changes. 16544

(2) The administrator also shall file a copy of the plan 16545

with each law enforcement agency that has jurisdiction over the 16546
school building and, upon request, to any of the following: 16547

(a) The fire department that serves the political 16548
subdivision in which the building is located; 16549

(b) The emergency medical service organization that serves 16550
the political subdivision in which the building is located; 16551

(c) The county emergency management agency for the county 16552
in which the building is located; 16553

(d) The regional mobile training officer. 16554

(3) Upon receipt of an emergency management plan, the 16555
director shall post the information on the contact and 16556
information management system and submit the information in 16557
accordance with rules adopted pursuant to division (F) of this 16558
section, to the attorney general, who shall post that 16559
information on the Ohio law enforcement gateway or its 16560
successor. 16561

(4) Any department or entity to which copies of an 16562
emergency management plan are filed under this section shall 16563
keep the copies in a secure place. 16564

(D) (1) Not later than the first day of September of each 16565
year, each administrator shall review the emergency management 16566
plan and certify to the director that the plan is current and 16567
accurate. 16568

(2) Anytime that an administrator updates the emergency 16569
management plan pursuant to division (C) (1) of this section, the 16570
administrator shall file copies, not later than the tenth day 16571
after the revision is adopted and in accordance with rules 16572
adopted pursuant to division (F) of this section, to the 16573

director and to any entity with which the administrator filed a 16574
copy under division (C) (2) of this section. 16575

(E) Each administrator shall do both of the following: 16576

(1) Prepare and conduct at least one annual emergency 16577
management test, as defined in division (A) (2) of this section, 16578
in accordance with rules adopted pursuant to division (F) of 16579
this section; 16580

(2) Grant access to each building under the control of the 16581
administrator to law enforcement personnel and to entities 16582
described in division (C) (2) of this section, to enable the 16583
personnel and entities to hold training sessions for responding 16584
to threats and emergency events affecting the building, provided 16585
that the access occurs outside of student instructional hours 16586
and the administrator, or the administrator's designee, is 16587
present in the building during the training sessions. 16588

(F) The director of public safety, in consultation with 16589
representatives from the education community and in accordance 16590
with Chapter 119. of the Revised Code, shall adopt rules 16591
regarding emergency management plans under this section, 16592
including the content of the plans and procedures for filing the 16593
plans. The rules shall specify that plans and information 16594
required under division (B) of this section be submitted on 16595
standardized forms developed by the director for such purpose. 16596
The rules shall also specify the requirements and procedures for 16597
emergency management tests conducted pursuant to division (E) (1) 16598
of this section. Failure to comply with the rules may result in 16599
discipline pursuant to section 3319.31 of the Revised Code or 16600
any other action against the administrator as prescribed by 16601
rule. 16602

(G) Division (B) of section 3319.31 of the Revised Code 16603
applies to any administrator who is subject to the requirements 16604
of this section and is not exempt under division (H) of this 16605
section and who is an applicant for a license or holds a license 16606
from the state board of education pursuant to section 3319.22 of 16607
the Revised Code. 16608

(H) (1) The director may exempt any administrator from the 16609
requirements of this section, if the director determines that 16610
the requirements do not otherwise apply to a building or 16611
buildings under the control of that administrator. 16612

(2) The director shall exempt from the requirements of 16613
this section the administrator of an online learning school, 16614
established under section 3302.42 of the Revised Code, unless 16615
students of that school participate in in-person instruction or 16616
assessments at a location that is not covered by an existing 16617
emergency management plan, developed under this section as of 16618
December 14, 2021. 16619

(I) Copies of the emergency management plan, including all 16620
records related to the plan, emergency management tests, and 16621
information required under division (B) of this section are 16622
security records and are not public records pursuant to section 16623
149.433 of the Revised Code. In addition, the information posted 16624
to the contact and information management system, pursuant to 16625
division (C) (3) (b) of this section, is exempt from public 16626
disclosure or release in accordance with sections 149.43, 16627
149.433, and 5502.03 of the Revised Code. 16628

Notwithstanding section 149.433 of the Revised Code, a 16629
floor plan filed with the attorney general pursuant to this 16630
section is not a public record to the extent it is a record kept 16631
by the attorney general. 16632

Sec. 5705.212. (A) (1) The board of education of any school district, at any time and by a vote of two-thirds of all of its members, may declare by resolution that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the present and future requirements of the school district, that it is necessary to levy not more than five taxes in excess of that limitation for current expenses, and that each of the proposed taxes first will be levied in a different year, over a specified period of time. The board shall identify the taxes proposed under this section as follows: the first tax to be levied shall be called the "original tax." Each tax subsequently levied shall be called an "incremental tax." The rate of each incremental tax shall be identical, but the rates of such incremental taxes need not be the same as the rate of the original tax. The resolution also shall state that the question of these additional taxes shall be submitted to the electors of the school district at a special election. The resolution shall specify separately for each tax proposed: the amount of the increase in rate that it is necessary to levy, expressed separately for the original tax and each incremental tax; that the purpose of the levy is for current expenses; the number of years during which the original tax shall be in effect; a specification that the last year in which the original tax is in effect shall also be the last year in which each incremental tax shall be in effect; and the year in which each tax first is proposed to be levied. The original tax may be levied for any number of years not exceeding ten, or for a continuing period of time. The resolution shall specify the date of holding the special election, which shall not be earlier than ninety days after the adoption and certification of the resolution and shall be consistent with the requirements of section 3501.01 of the Revised Code.

(2) The board of education, by a vote of two-thirds of all
of its members, may adopt a resolution proposing to renew taxes
levied other than for a continuing period of time under division
(A) (1) of this section. Such a resolution shall provide for
levying a tax and specify all of the following:

(a) That the tax shall be called and designated on the
ballot as a renewal levy;

(b) The rate of the renewal tax, which shall be a single
rate that combines the rate of the original tax and each
incremental tax into a single rate. The rate of the renewal tax
shall not exceed the aggregate rate of the original and
incremental taxes.

(c) The number of years, not to exceed ten, that the
renewal tax will be levied, or that it will be levied for a
continuing period of time;

(d) That the purpose of the renewal levy is for current
expenses;

(e) Subject to the certification and notification
requirements of section 5705.251 of the Revised Code, that the
question of the renewal levy shall be submitted to the electors
of the school district at the general election held during the
last year the original tax may be extended on the real and
public utility property tax list and duplicate or at a special
election held during the ensuing year.

(3) A resolution adopted under division (A) (1) or (2) of
this section shall go into immediate effect upon its adoption
and no publication of the resolution is necessary other than
that provided for in the notice of election. Immediately after
its adoption, a copy of the resolution shall be certified to the

board of elections of the proper county in the manner provided 16694
by division (A) of section 5705.251 of the Revised Code, and 16695
that division shall govern the arrangements for the submission 16696
of the question and other matters concerning the election to 16697
which that section refers. The election shall be held on the 16698
date specified in the resolution. If a majority of the electors 16699
voting on the question so submitted in an election vote in favor 16700
of the taxes or a renewal tax, the board of education, if the 16701
original or a renewal tax is authorized to be levied for the 16702
current year, immediately may make the necessary levy within the 16703
school district at the authorized rate, or at any lesser rate in 16704
excess of the ten-mill limitation, for the purpose stated in the 16705
resolution. No tax shall be imposed prior to the year specified 16706
in the resolution as the year in which it is first proposed to 16707
be levied. The rate of the original tax and the rate of each 16708
incremental tax shall be cumulative, so that the aggregate rate 16709
levied in any year is the sum of the rates of both the original 16710
tax and all incremental taxes levied in or prior to that year 16711
under the same proposal. A tax levied for a continuing period of 16712
time under this section may be reduced pursuant to section 16713
5705.261 of the Revised Code. 16714

(B) Notwithstanding section 133.30 of the Revised Code, 16715
after the approval of a tax to be levied in the current or the 16716
succeeding year and prior to the time when the first tax 16717
collection from that levy can be made, the board of education 16718
may anticipate a fraction of the proceeds of the levy and issue 16719
anticipation notes in an amount not to exceed fifty per cent of 16720
the total estimated proceeds of the levy to be collected during 16721
the first year of the levy. The notes shall be sold as provided 16722
in Chapter 133. of the Revised Code. If anticipation notes are 16723
issued, they shall mature serially and in substantially equal 16724

amounts during each year over a period not to exceed five years; 16725
and the amount necessary to pay the interest and principal as 16726
the anticipation notes mature shall be deemed appropriated for 16727
those purposes from the levy, and appropriations from the levy 16728
by the board of education shall be limited each fiscal year to 16729
the balance available in excess of that amount. 16730

~~If the auditor of state has certified a deficit pursuant 16731
to section 3313.483 of the Revised Code, the notes authorized 16732
under this section may be sold in accordance with Chapter 133. 16733
of the Revised Code, except that the board may sell the notes 16734
after providing a reasonable opportunity for competitive 16735
bidding. 16736~~

(C) (1) The board of education of a qualifying school 16737
district, at any time and by a vote of two-thirds of all its 16738
members, may declare by resolution that it is necessary to levy 16739
not more than five taxes in excess of the ten-mill limitation 16740
for the current expenses of partnering community schools and, if 16741
any of the levy proceeds are so allocated, of the school 16742
district, and that each of the proposed taxes first will be 16743
levied in a different year, over a specified period of time. A 16744
qualifying school district that is not a municipal school 16745
district may allocate all of the levy proceeds to partnering 16746
community schools. A municipal school district shall allocate a 16747
portion of the levy proceeds to the current expenses of the 16748
district. The board shall identify the taxes proposed under this 16749
division in the same manner as in division (A) (1) of this 16750
section. The rate of each incremental tax shall be identical, 16751
but the rates of such incremental taxes need not be the same as 16752
the rate of the original tax. In addition to the specifications 16753
required of the resolution in division (A) of this section, the 16754
resolution shall state the number of the mills to be levied each 16755

year for the current expenses of the partnering community 16756
schools and the number of the mills, if any, to be levied each 16757
year for the current expenses of the school district. The number 16758
of mills for the current expenses of partnering community 16759
schools shall be the same for each of the incremental taxes, and 16760
the number of mills for the current expenses of the qualifying 16761
school district shall be the same for each of the incremental 16762
taxes. 16763

The levy of taxes for the current expenses of a partnering 16764
community school under division (C) of this section and the 16765
distribution of proceeds from the tax by a qualifying school 16766
district to partnering community schools is hereby determined to 16767
be a proper public purpose. 16768

(2) The board of education, by a vote of two-thirds of all 16769
of its members, may adopt a resolution proposing to renew taxes 16770
levied other than for a continuing period of time under division 16771
(C) (1) of this section. In such a renewal levy, the rates 16772
allocated to the qualifying school district and to partnering 16773
community schools each may be increased or decreased or remain 16774
the same, and the total rate may be decreased or remain the 16775
same. In addition to the requirements of division (A) (2) of this 16776
section, the resolution shall state the number of the mills to 16777
be levied for the current expenses of the partnering community 16778
schools and the number of the mills to be levied for the current 16779
expenses of the school district. 16780

(3) A resolution adopted under division (C) (1) or (2) of 16781
this section is subject to the rules and procedures prescribed 16782
by division (A) (3) of this section. 16783

(4) The proceeds of each tax levied under division (C) (1) 16784
or (2) of this section shall be credited and distributed in the 16785

manner prescribed by division (B) (3) of section 5705.21 of the Revised Code, and divisions (B) (4), (5), and (6) of that section apply to taxes levied under division (C) of this section.

(5) Notwithstanding section 133.30 of the Revised Code, after the approval of a tax to be levied under division (C) (1) or (2) of this section, in the current or succeeding year and prior to the time when the first tax collection from that levy can be made, the board of education may anticipate a fraction of the proceeds of the levy for the current expenses of the qualifying school district and issue anticipation notes in a principal amount not exceeding fifty per cent of the estimated proceeds of the levy to be collected during the first year of the levy and allocated to the school district. The portion of levy proceeds to be allocated to partnering community schools shall not be included in the estimated proceeds anticipated under this division and shall not be used to pay debt charges on any anticipation notes.

The notes shall be sold as provided in Chapter 133. of the Revised Code. If anticipation notes are issued, they shall mature serially and in substantially equal amounts during each year over a period not to exceed five years. The amount necessary to pay the interest and principal as the anticipation notes mature shall be deemed appropriated for those purposes from the levy, and appropriations from the levy by the board of education shall be limited each fiscal year to the balance available in excess of that amount.

~~If the auditor of state has certified a deficit pursuant to section 3313.483 of the Revised Code, the notes authorized under this section may be sold in accordance with Chapter 133. of the Revised Code, except that the board may sell the notes~~

~~after providing a reasonable opportunity for competitive~~ 16816
~~bidding.~~ 16817

As used in division (C) of this section, "qualifying 16818
school district" and "partnering community schools" have the 16819
same meanings as in section 5705.21 of the Revised Code. 16820

(D) The submission of questions to the electors under this 16821
section is subject to the limitation on the number of election 16822
dates established by section 5705.214 of the Revised Code. 16823

(E) When a school board certifies a resolution to the 16824
county auditor under division (B)(1) of section 5705.03 of the 16825
Revised Code proposing to levy a tax under division (A)(1) or 16826
(C)(1) of this section, the county auditor shall certify, in 16827
addition to the other information the auditor is required to 16828
certify under that section, an estimate of both the levy's 16829
annual collections for the tax year for which the original tax 16830
applies and the levies' aggregate annual collections for the tax 16831
year for which the final incremental tax applies, in both cases 16832
rounded to the nearest dollar, which shall be calculated 16833
assuming that the amount of the tax list of the taxing authority 16834
remains throughout the life of the levy the same as the amount 16835
of the tax list most recently certified by the county auditor 16836
under division (A) of section 319.28 of the Revised Code. If a 16837
school district is located in more than one county, the county 16838
auditor shall obtain from the county auditor of each other 16839
county in which the district is located the current tax 16840
valuation for the portion of the district in that county. 16841

Sec. 5705.213. (A)(1) The board of education of any school 16842
district, at any time and by a vote of two-thirds of all of its 16843
members, may declare by resolution that the amount of taxes that 16844
may be raised within the ten-mill limitation will be 16845

insufficient to provide an adequate amount for the present and 16846
future requirements of the school district and that it is 16847
necessary to levy a tax in excess of that limitation for current 16848
expenses. The resolution also shall state that the question of 16849
the additional tax shall be submitted to the electors of the 16850
school district at a special election. The resolution shall 16851
specify, for each year the levy is in effect, the amount of 16852
money that the levy is proposed to raise, which may, for years 16853
after the first year the levy is made, be expressed in terms of 16854
a dollar or percentage increase over the prior year's amount. 16855
The resolution also shall specify that the purpose of the levy 16856
is for current expenses, the number of years during which the 16857
tax shall be in effect which may be for any number of years not 16858
exceeding ten, and the year in which the tax first is proposed 16859
to be levied. The resolution shall specify the date of holding 16860
the special election, which shall not be earlier than ninety- 16861
five days after the adoption and certification of the resolution 16862
to the county auditor and not earlier than ninety days after 16863
certification to the board of elections. The date of the 16864
election shall be consistent with the requirements of section 16865
3501.01 of the Revised Code. 16866

(2) The board of education, by a vote of two-thirds of all 16867
of its members, may adopt a resolution proposing to renew a tax 16868
levied under division (A) (1) of this section. Such a resolution 16869
shall provide for levying a tax and specify all of the 16870
following: 16871

(a) That the tax shall be called and designated on the 16872
ballot as a renewal levy; 16873

(b) The amount of the renewal tax, which shall be no more 16874
than the amount of tax levied during the last year the tax being 16875

renewed is authorized to be in effect; 16876

(c) The number of years, not to exceed ten, that the 16877
renewal tax will be levied, or that it will be levied for a 16878
continuing period of time; 16879

(d) That the purpose of the renewal levy is for current 16880
expenses; 16881

(e) Subject to the certification and notification 16882
requirements of section 5705.251 of the Revised Code, that the 16883
question of the renewal levy shall be submitted to the electors 16884
of the school district at the general election held during the 16885
last year the tax being renewed may be extended on the real and 16886
public utility property tax list and duplicate or at a special 16887
election held during the ensuing year. 16888

(3) A resolution adopted under division (A) (1) or (2) of 16889
this section shall go into immediate effect upon its adoption 16890
and no publication of the resolution is necessary other than 16891
that provided for in the notice of election. Immediately after 16892
its adoption, a copy of the resolution shall be certified to the 16893
county auditor of the proper county, who shall, within ten days, 16894
calculate and certify to the board of education the estimated 16895
levy, for the first year, and for each subsequent year for which 16896
the tax is proposed to be in effect. The estimates shall be made 16897
both in mills for each one dollar of taxable value and in 16898
dollars for each one hundred thousand dollars of the county 16899
auditor's market value. In making the estimates, the auditor 16900
shall assume that the amount of the tax list remains throughout 16901
the life of the levy, the same as the tax list most recently 16902
certified by the county auditor under division (A) of section 16903
319.28 of the Revised Code. 16904

If the board desires to proceed with the submission of the question, it shall certify its resolution, with the estimated tax levy expressed in mills for each one dollar of taxable value and dollars for each one hundred thousand dollars of the county auditor's market value for each year that the tax is proposed to be in effect, to the board of elections of the proper county in the manner provided by division (A) of section 5705.251 of the Revised Code. Section 5705.251 of the Revised Code shall govern the arrangements for the submission of the question and other matters concerning the election to which that section refers. The election shall be held on the date specified in the resolution. If a majority of the electors voting on the question so submitted in an election vote in favor of the tax, and if the tax is authorized to be levied for the current year, the board of education immediately may make the additional levy necessary to raise the amount specified in the resolution or a lesser amount for the purpose stated in the resolution.

(4) The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.

(B) Notwithstanding section 133.30 of the Revised Code, after the approval of a tax to be levied in the current or the succeeding year and prior to the time when the first tax collection from that levy can be made, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in an amount not to exceed fifty per cent of the total estimated proceeds of the levy to be collected during the first year of the levy. The notes shall be sold as provided in Chapter 133. of the Revised Code. If anticipation notes are issued, they shall mature serially and in substantially equal amounts during each year over a period not to exceed five years;

and the amount necessary to pay the interest and principal as 16936
the anticipation notes mature shall be deemed appropriated for 16937
those purposes from the levy, and appropriations from the levy 16938
by the board of education shall be limited each fiscal year to 16939
the balance available in excess of that amount. 16940

~~If the auditor of state has certified a deficit pursuant 16941
to section 3313.483 of the Revised Code, the notes authorized 16942
under this section may be sold in accordance with Chapter 133. 16943
of the Revised Code, except that the board may sell the notes 16944
after providing a reasonable opportunity for competitive 16945
bidding. 16946~~

Sec. 5753.11. (A) As used in this section: 16947

(1) "Public school district" means any city, local, 16948
exempted village, or joint vocational school district, community 16949
school established under Chapter 3314. of the Revised Code, or 16950
STEM school established under Chapter 3326. of the Revised Code, ~~or~~ 16951
~~or college preparatory boarding school established under Chapter 16952
3328. of the Revised Code.~~ "Public school district" does not 16953
include any STEM school operated under section 3326.51 of the 16954
Revised Code. 16955

(2) "Student population" means the number of students 16956
residing in a county who are enrolled in a public school 16957
district in grades kindergarten through twelve and the total 16958
number of preschool children with disabilities on the following 16959
dates: 16960

(a) For the January distribution, the Friday of the first 16961
full school week in October; 16962

(b) For the August distribution, the Friday of the first 16963
full school week in May. 16964

(B) For the purpose of calculating student population, 16965
each public school district shall, twice annually, report to the 16966
department of education and workforce the students enrolled in 16967
the district on the days specified in division (A) (2) of this 16968
section. A student shall be considered to be enrolled in a 16969
public school district if the student is participating in 16970
education programs of the public school district and the public 16971
school district has not: 16972

(1) Received documentation from a parent terminating 16973
enrollment of the student; 16974

(2) Been provided documentation of a student's enrollment 16975
in another public or private school; or 16976

(3) Ceased to offer education to the student. 16977

If more than one public school district reports a student 16978
as enrolled, the department shall use procedures adopted by the 16979
department for the reconciliation of enrollment to determine the 16980
district of enrollment for purposes of this section. In the case 16981
of the dual enrollment of a student in a joint vocational school 16982
district and another public school district, the student shall 16983
be included in the enrollments for both schools. If the valid 16984
school district or enrollment cannot be determined in time for 16985
the certification, the count of these students shall be divided 16986
equally between the reporting districts. 16987

(C) The department of education and workforce shall 16988
certify to the department of taxation the student population for 16989
each county and the student population for each public school 16990
district located in whole or in part in the county on or before 16991
the thirtieth day of December, for the January distribution and 16992
on or before the thirtieth day of July, for the August 16993

distribution. A student shall be included in the school district enrollment for a county only if a student resides in that county. The location of each community school shall be the enrollment area required to be defined by the community school and its sponsor in accordance with division (A)(19) of section 3314.03 of the Revised Code, and the location of each STEM school shall be any county in which its enrolled students reside, ~~and the location of the college-preparatory boarding schools shall be the territory of the school district in which the college-preparatory school is located or the territory of any city, exempted village, or local school district that has agreed to be a participating district under section 3328.04 of the Revised Code.~~

The student population count certified by the department of education and workforce to the department of taxation is final and shall not be adjusted by future updates to the counts.

(D) Not later than the thirty-first day of January and the thirty-first day of August of each year, the tax commissioner shall distribute funds in the gross casino revenue county student fund to public school districts. The commissioner shall calculate the amount of funds to distribute to each public school district as follows:

(1) The commissioner shall calculate the proportional share of the funds attributable to each county by dividing the total student population certified for each county by the sum of the total student population certified in all counties statewide.

(2) The commissioner shall multiply the amount in division (D)(1) of this section by the total amount of funds in the gross casino revenue county student fund to obtain the share of funds

for each county. 17024

(3) The commissioner shall multiply the amount in division 17025
(D) (2) of this section by the quotient of the student population 17026
certified for each individual district located in the county 17027
divided by the sum of the student population certified for all 17028
public school districts located in the county. 17029

The commissioner shall distribute to each public school 17030
district the amount so calculated for each district. 17031

Sec. 6109.121. (A) The director of environmental 17032
protection shall adopt rules in accordance with Chapter 119. of 17033
the Revised Code that do all of the following: 17034

(1) Require the owner or operator of a community or 17035
nontransient noncommunity water system to conduct sampling of 17036
the system for lead and copper; 17037

(2) Establish a schedule for lead and copper sampling 17038
applicable to the owner or operator of a community or 17039
nontransient noncommunity water system that, at a minimum, does 17040
both of the following: 17041

(a) Allows the director, in establishing the schedule, to 17042
consider the following factors when determining if a community 17043
or nontransient noncommunity water system must conduct sampling 17044
at least once annually: 17045

(i) The age of the water system; 17046

(ii) Whether corrosion control requirements are met; 17047

(iii) Any other relevant risk factors, as determined by 17048
the director, including aging infrastructure likely to contain 17049
lead service lines. 17050

- (b) Requires the owner or operator of a system where such risk factors are identified to conduct sampling at least once annually until the risk factors are mitigated in accordance with rules. 17051
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- (3) Require the owner or operator of a community or nontransient noncommunity water system to provide collected samples to a certified laboratory for analysis; 17055
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- (4) Authorize the director to require additional sampling for pH level and other water quality parameters to determine if corrosion control requirements are met; 17058
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- (5) Authorize the director to establish corrosion control requirements for community and nontransient noncommunity water systems; 17061
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- (6) Require the owner or operator of a community or nontransient noncommunity water system to conduct a new or updated corrosion control treatment study and submit a new or updated corrosion control treatment plan not later than eighteen months after any of the following events: 17064
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- (a) The system changes or adds a source from which water is obtained. 17069
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- (b) The system makes a substantial change in water treatment. 17071
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- (c) The system operates outside of acceptable ranges for lead, copper, pH, or other corrosion indicators, as determined by the director. 17073
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- (d) Any other event determined by the director to have the potential to impact the water quality or corrosiveness of water in the system. 17076
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(7) Authorize the director to waive the requirement to 17079
conduct a new or updated corrosion control study established in 17080
rules adopted under division (A)(6) of this section in 17081
appropriate circumstances; 17082

(8) When the owner or operator of a community or 17083
nontransient noncommunity water system is required to complete a 17084
corrosion control treatment study and submit a plan in 17085
accordance with rules adopted under division (A)(6) of this 17086
section, require the owner or operator to complete the study and 17087
submit the plan to the director for approval even if sampling 17088
results conducted subsequent to the initiation of the study and 17089
plan do not exceed the lead action level established in rules 17090
adopted under this chapter; 17091

(9) When the owner or operator of a community or 17092
nontransient noncommunity water system is required to complete a 17093
corrosion control treatment study and submit a plan in 17094
accordance with rules adopted under division (A)(6) of this 17095
section, require the owner or operator to submit to the director 17096
an interim status report of actions taken to implement the 17097
corrosion control study six months and twelve months from the 17098
date of initiation of the corrosion control study requirement; 17099

(10) Establish a lead threshold for individual taps; 17100

(11) Establish and revise content for public education 17101
materials; 17102

(12) Authorize the director to develop procedures and 17103
requirements to document that notices were provided by the owner 17104
or operator of a community or nontransient noncommunity water 17105
system as required under the rules adopted under division (A) 17106
(15) of this section; 17107

(13) Authorize the director to assess administrative 17108
penalties in accordance with section 6109.23 of the Revised Code 17109
for violations of the notice requirements established in rules 17110
adopted under divisions (A) (15) (b) and (c) (i) of this section; 17111

(14) Require a laboratory that receives a lead or copper 17112
tap water sample from a community or nontransient noncommunity 17113
water system to do both of the following: 17114

(a) Complete a lead or copper analysis of the sample, as 17115
applicable, not later than thirty business days after the 17116
receipt of the sample; 17117

(b) Not later than the end of the next business day 17118
following the day the analysis of the sample is completed, 17119
report the results of the analysis and all identifying 17120
information about where the sample was collected to the 17121
community or nontransient noncommunity water system and the 17122
director. 17123

(15) Require the owner or operator of a community or 17124
nontransient noncommunity water system to do all of the 17125
following, as applicable, with regard to laboratory results 17126
received under rules adopted under division (A) (14) of this 17127
section: 17128

(a) If the laboratory results show that a sample from an 17129
individual tap is below the applicable lead threshold as 17130
established in rules adopted under this chapter, provide notice 17131
of the results of each individual tap sample to the owner and 17132
persons served at the residence or other structure where the tap 17133
was sampled within a time period specified in rules that is not 17134
more than thirty business days after the receipt of the 17135
laboratory results; 17136

(b) If the results show that a sample from an individual tap is above the applicable lead threshold as established under rules adopted under this chapter, provide notice of the results of each individual tap sample to the owner and persons served at the residence or other structure where the tap was sampled within a time period specified in rules that is not more than two business days after the receipt of the laboratory results, and do all of the following, as applicable:

(i) For the owner or operator of a nontransient noncommunity water system, immediately remove from service all fixtures identified as contributing to elevated lead levels;

(ii) For the owner or operator of a community water system, include in the system's annual consumer confidence report the lead or copper laboratory results, an explanation of the associated health risks, what actions consumers of the system can take to reduce health risks, and the actions the system is taking to reduce public exposure;

(iii) Not later than two business days after the receipt of the laboratory results, provide information on the availability of health screening and blood lead level testing to the owner and persons served at the residence or other structure where the sample was collected and provide notice of the laboratory results to the applicable local board of health.

(c) If the laboratory results show that the community or nontransient noncommunity water system exceeds the lead action level established in rules adopted under this chapter, do all of the following, as applicable:

(i) Not later than two business days after the receipt of the laboratory results, provide notice to all of the system's

water consumers that the system exceeds the lead action level. 17166
The owner or operator shall provide the notice in a form 17167
specified by the director. 17168

(ii) Not later than five business days after the receipt 17169
of the laboratory results by the owner or operator of a 17170
community water system, provide information on the availability 17171
of tap water testing for lead to all consumers served by the 17172
system who are known or likely to have lead service lines, lead 17173
pipes, or lead solder as identified in the map required to be 17174
completed by rules adopted under division (A) (18) of this 17175
section; 17176

(iii) Not later than thirty business days after the 17177
receipt of the laboratory results, make an analysis of 17178
laboratory results available to all consumers served by the 17179
system, comply with public education requirements established in 17180
rules adopted under this chapter that apply when a public water 17181
system exceeds the lead action level, and provide information to 17182
consumers served by the system about the availability of health 17183
screenings and blood lead level testing in the area served by 17184
the water system; 17185

(iv) Subject to rules adopted under division (A) (7) of 17186
this section, perform a corrosion control treatment study and 17187
submit a corrosion control treatment plan to the director not 17188
later than eighteen months after the date on which laboratory 17189
results were received by the owner or operator indicating that 17190
the system exceeded the lead action level. 17191

(16) Require that not later than five business days after 17192
the receipt of the laboratory results, the owner or operator 17193
shall certify to the director that the owner or operator has 17194
complied with the requirements of rules adopted under divisions 17195

(A) (15) (b), (A) (15) (c) (i), and (A) (15) (c) (ii) of this section, 17196
as applicable. 17197

(17) Require that if the owner or operator of a community 17198
or nontransient noncommunity water system fails to provide the 17199
notices required under rules adopted under division (A) (15) (b) 17200
or (c) (i) of this section, the director shall provide those 17201
notices beginning ten business days from the date that the 17202
director receives laboratory results under the rules adopted 17203
under division (A) (14) of this section. 17204

(18) Require the owner or operator of a community or 17205
nontransient noncommunity water system to submit a map to the 17206
director showing areas of the system that are known or are 17207
likely to contain lead service lines and identifying 17208
characteristics of buildings served by the system that may 17209
contain lead piping, solder, or fixtures. The rules shall, at a 17210
minimum, require the owner or operator to do all of the 17211
following: 17212

(a) Submit a copy of the applicable map to the department 17213
of health and the department of job and family services; 17214

(b) Submit a report to the director containing at least 17215
the applicable map and a list of sampling locations that are 17216
tier I sites used to collect samples as required by rules 17217
adopted under this chapter, including contact information for 17218
the owner and occupant of each sampling site; 17219

(c) Update and resubmit the information required by 17220
divisions (A) (18) (a) and (b) of this section according to a 17221
schedule determined by the director, but not less frequently 17222
than required under the Safe Drinking Water Act. 17223

(B) The director shall post information on the 17224

environmental protection agency's web site about sources of 17225
funding that are available to assist communities with lead 17226
service line identification and replacement and schools with 17227
fountain and water-service fixture replacement. 17228

(C) As required by the director, an owner or operator of a 17229
nontransient noncommunity water system that is a school or child 17230
care center shall collect additional tap water samples in 17231
buildings identified in the map required to be completed by 17232
rules adopted under division (A)(18) of this section. 17233

(D) As used in this section: 17234

(1) "Child care center" has the same meaning as in section 17235
5104.01 of the Revised Code. 17236

(2) "School" means a school operated by the board of 17237
education of a city, local, exempted village, or joint 17238
vocational school district, the governing board of an 17239
educational service center, the governing authority of a 17240
community school established under Chapter 3314. of the Revised 17241
Code, the governing body of a science, technology, engineering, 17242
and mathematics school established under Chapter 3326. of the 17243
Revised Code, ~~the board of trustees of a college-preparatory-~~ 17244
~~boarding school established under Chapter 3328. of the Revised-~~ 17245
~~Code,~~ or the governing authority of a chartered or nonchartered 17246
nonpublic school. 17247

(3) "Local board of health" means the applicable board of 17248
health of a city or general health district or the authority 17249
having the duties of a board of health under section 3709.05 of 17250
the Revised Code. 17251

Section 2. That existing sections 109.57, 109.803, 17252
124.011, 133.06, 135.142, 135.143, 149.41, 2915.092, 2921.44, 17253

3301.07, 3301.079, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 17254
3301.0715, 3301.0716, 3301.0730, 3301.111, 3301.12, 3301.45, 17255
3301.52, 3302.01, 3302.02, 3302.021, 3302.03, 3302.034, 17256
3302.035, 3302.04, 3302.05, 3302.07, 3302.10, 3302.12, 3302.13, 17257
3302.151, 3302.17, 3302.21, 3302.41, 3307.01, 3309.01, 3309.011, 17258
3310.03, 3310.14, 3310.522, 3311.741, 3311.80, 3313.11, 17259
3313.411, 3313.413, 3313.483, 3313.603, 3313.6026, 3313.6028, 17260
3313.61, 3313.611, 3313.612, 3313.614, 3313.618, 3313.6110, 17261
3313.6111, 3313.6112, 3313.6113, 3313.6114, 3313.64, 3313.661, 17262
3313.663, 3313.664, 3313.6611, 3313.7112, 3313.7118, 3313.753, 17263
3313.814, 3314.016, 3314.017, 3314.02, 3314.031, 3314.034, 17264
3314.35, 3314.351, 3314.353, 3315.063, 3315.42, 3316.03, 17265
3316.04, 3316.06, 3316.14, 3317.02, 3317.023, 3317.03, 3317.18, 17266
3317.25, 3319.31, 3319.311, 3319.319, 3319.393, 3320.02, 17267
3320.03, 3325.08, 3326.11, 3327.014, 3333.041, 3333.048, 17268
3333.301, 3345.061, 3365.01, 3365.032, 3365.07, 3728.01, 17269
3737.07, 3781.106, 3792.04, 4117.01, 4723.483, 4723.4811, 17270
4729.01, 4729.513, 4729.541, 4730.433, 4730.437, 4731.92, 17271
4731.96, 5104.53, 5502.262, 5705.212, 5705.213, 5753.11, and 17272
6109.121 of the Revised Code are hereby repealed. 17273

Section 3. That sections 3301.28, 3301.68, 3302.032, 17274
3302.036, 3302.042, 3302.06, 3302.061, 3302.062, 3302.063, 17275
3302.064, 3302.065, 3302.066, 3302.067, 3302.068, 3313.484, 17276
3313.487, 3313.488, 3313.489, 3313.4810, 3313.615, 3314.354, 17277
3316.041, 3318.60, 3318.61, 3318.62, 3328.01, 3328.02, 3328.03, 17278
3328.04, 3328.11, 3328.12, 3328.13, 3328.14, 3328.15, 3328.16, 17279
3328.17, 3328.18, 3328.19, 3328.191, 3328.192, 3328.193, 17280
3328.20, 3328.21, 3328.22, 3328.23, 3328.24, 3328.241, 3328.25, 17281
3328.26, 3328.27, 3328.29, 3328.30, 3328.31, 3328.32, 3328.34, 17282
3328.35, 3328.36, 3328.37, 3328.38, 3328.41, 3328.45, 3328.50, 17283
3328.52, and 3328.99 of the Revised Code are hereby repealed. 17284

Section 4. That the version of section 3313.902 of the Revised Code that is scheduled to take effect July 1, 2026, be amended to read as follows:

Sec. 3313.902. (A) As used in this section:

(1) "Competency-based educational program" means any system of academic instruction, assessment, grading, and reporting in which individuals receive credit based on demonstrations and assessments of their learning rather than the amount of time they spend studying a subject. A competency-based educational program shall encourage accelerated learning among individuals who master academic materials quickly while providing additional instructional support time for individuals who need it.

(2) "Eligible individual" means an individual who satisfies all of the following criteria:

(a) The individual is at least eighteen years of age.

(b) The individual is officially withdrawn from school.

(c) The individual has not been awarded a high school diploma or a certificate of high school equivalence as defined in section 4109.06 of the Revised Code.

(3) "Eligible provider" means a city, local, or exempted village school district that operates a dropout prevention and recovery program, the buckeye united school district operated by the department of youth services, the Ohio central school system established under section 5145.06 of the Revised Code, or a joint vocational school district that operates an adult education program.

(4) "Ohio technical center" has the same meaning as in

section 3333.94 of the Revised Code. 17313

(B) An eligible provider may establish a competency-based 17314
educational program that complies with standards adopted by the 17315
department of education and workforce and may enroll eligible 17316
individuals in the program for up to three consecutive school 17317
years for the purpose of earning a high school diploma. The 17318
provider shall establish a career plan for each individual 17319
enrolled in the program that specifies the individual's career 17320
goals and describes how the individual will demonstrate 17321
competency or earn course credits under division (C) of this 17322
section to earn a diploma and attain the individual's career 17323
goals. 17324

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 17325
3313.614, 3313.618, and 3313.619 of the Revised Code, the 17326
department shall award a high school diploma to an individual 17327
enrolled in a program under division (B) of this section who 17328
meets either of the following conditions: 17329

(1) The individual demonstrates competency by completing 17330
at least three of the following activities, at least one of 17331
which shall be the activity described in division (C) (1) (a) or 17332
(b) of this section: 17333

(a) Attaining a competency score as determined under 17334
division ~~(B) (10)~~ (B) (9) of section 3301.0712 of the Revised Code 17335
on each of the Algebra I and English language arts II end-of- 17336
course examinations prescribed under division (B) (2) of that 17337
section; 17338

(b) Attaining a workforce readiness score, as determined 17339
by the department, on the nationally recognized job skills 17340
assessment selected by the department under division (F) of 17341

section 3301.0712 of the Revised Code;	17342
(c) Obtaining an industry-recognized credential, or group of credentials, in a single career field that meet the criteria established under section 3313.6113 of the Revised Code to qualify for a high school diploma or earning an industry-recognized credential that is aligned to a technical education program provided by an Ohio technical center;	17343 17344 17345 17346 17347 17348
(d) Earning a cumulative score of proficient or higher on three or more state technical assessments aligned with section 3313.903 of the Revised Code in a single career pathway;	17349 17350 17351
(e) Doing either of the following:	17352
(i) Completing a pre-apprenticeship program aligned with options established under section 3313.904 of the Revised Code in the individual's chosen career field and providing evidence of acceptance into a registered apprenticeship program in that career field;	17353 17354 17355 17356 17357
(ii) Completing an apprenticeship registered with the apprenticeship council established under section 4139.02 of the Revised Code in the individual's chosen career field.	17358 17359 17360
(f) Completing two hundred fifty hours of a work-based learning experience with evidence of positive evaluations;	17361 17362
(g) Obtaining an OhioMeansJobs-readiness seal under section 3313.6112 of the Revised Code.	17363 17364
(2) The individual demonstrates competency by completing at least two of the activities described in divisions (C) (1) (a) to (g) of this section and earns course credits distributed as follows:	17365 17366 17367 17368
(a) English language arts, four credits;	17369

(b) Mathematics, four credits. One credit may be a career-based mathematics course aligned to the individual's career plan developed under division (B) of this section. 17370
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(c) Science, three credits; 17373

(d) Social studies, three credits; 17374

(e) Financial literacy, one-half credit. The one-half credit of financial literacy may be applied toward the number of mathematics or social studies credits required under division (C) (2) of this section. 17375
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(D) An eligible provider shall report each individual enrolled in a program under division (B) of this section to the department. The department annually shall certify the enrollment and attendance of each individual reported under this division and shall pay the provider up to \$7,500 for each such individual per school year, as determined by the department based on the extent of the individual's successful completion of the diploma requirements prescribed in division (C) of this section. 17379
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(E) Notwithstanding anything in this section to the contrary, an eligible provider may request that the department allow an eligible individual to enroll in a program under division (B) of this section for more than three consecutive school years due to a hardship experienced by the individual that necessitates additional time to meet the diploma requirements prescribed in division (C) of this section. 17387
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(F) An eligible individual shall not be assigned to classes or settings with individuals who are younger than eighteen years of age. 17394
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(G) Each eligible provider shall contact each individual to whom a diploma is awarded under this section to collect data 17397
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on the individual's career and educational outcomes at six 17399
months, twelve months, and eighteen months after the awarding of 17400
the diploma. At each time of contact, the provider shall request 17401
information regarding whether the individual is gainfully 17402
employed, participating in an apprenticeship, enrolled in 17403
postsecondary education, or serving in the military. The 17404
provider shall report the data collected to the department in 17405
the manner determined by the department. 17406

(H) The department shall adopt rules as necessary to 17407
administer this section. The rules may include all of the 17408
following: 17409

(1) Standards for competency-based educational programs; 17410

(2) Standards for applying an individual's work or life 17411
experiences toward the requirements of division (C) of this 17412
section; 17413

(3) Requirements for determining the amount paid to 17414
providers under division (D) of this section; 17415

(4) Guidelines for approving or denying a hardship request 17416
made under division (E) of this section. 17417

Section 5. That the existing version of section 3313.902 17418
of the Revised Code that is scheduled to take effect July 1, 17419
2026, is hereby repealed. 17420

Section 6. Sections 4 and 5 of this act take effect July 17421
1, 2026. 17422

Section 7. That Section 265.550 of H.B. 33 of the 135th 17423
General Assembly (as amended by H.B. 96 of the 136th General 17424
Assembly) be amended to read as follows: 17425

Sec. 265.550. PUPIL TRANSPORTATION PILOT PROGRAMS 17426

(A) The Department of Education and Workforce shall 17427
establish two pilot programs under which two educational service 17428
centers shall provide transportation to students in lieu of the 17429
students receiving transportation from their resident school 17430
district. Not later than October 15, 2023, the Department shall 17431
select both of the following to participate in a pilot program 17432
under this section: 17433

(1) One service center that is in a county located in 17434
central Ohio with a population of 1,323,807, according to the 17435
2020 United States census; 17436

(2) One service center that is in a county located in 17437
southwest Ohio with a population of 537,309, according to the 17438
2020 United States census. 17439

(B) (1) The service center selected under division (A) (1) 17440
of this section shall identify students who are struggling with 17441
transportation issues, as determined by their resident school 17442
district, and are served by the service center, community 17443
schools, or chartered nonpublic schools that enroll students 17444
from the district or districts for whom the service center will 17445
provide transportation during the 2024-2025 school year. 17446

(2) The service center selected under division (A) (2) of 17447
this section shall provide transportation during the 2024-2025, 17448
2025-2026, and 2026-2027 school years to any student whom the 17449
district and the educational service center determine is 17450
struggling with transportation issues that meets either of the 17451
following criteria: 17452

(a) The student attends a school different from the one to 17453
which the student would be assigned in the student's resident 17454
school district. 17455

(b) The student is a child with a disability for whom the student's resident school district is required to provide transportation as a related service.

(3) In addition to providing transportation to and from a student's place of residence, the service center selected under division (A) (2) of this section also may provide transportation to and from a student's workplace learning experiences.

(4) Both service centers shall report to the Department, in the manner prescribed by the Department, students who are transported by the service center.

(C) No community school or chartered nonpublic school shall be required to participate in either pilot program.

(D) Each participating educational service center shall do all of the following for each applicable school year:

(1) Arrange for the use of a sufficient number of school buses or other approved vehicles designed to transport not more than nine passengers, not including the driver, and bus drivers or other individuals authorized to transport students in other approved vehicles, to transport students from participating schools who qualify for transportation under section 3327.01 of the Revised Code and the school district's transportation policy. However, nothing shall preclude the service center from providing transportation to other students enrolled in the schools.

(2) Collaborate with participating schools to designate daily start and end times for each applicable school year that will enable timely and efficient transportation of the schools' students;

(3) On behalf of participating schools, notify the school

district of the students that they will not require 17485
transportation for the applicable school year. 17486

(E) (1) Except as described in division (E) (2) of this 17487
section, the Department shall deduct from the school district's 17488
transportation payment under section 3317.0212 of the Revised 17489
Code and pay to the educational service center the statewide 17490
average cost per student for the qualifying ridership, under 17491
section 3317.0212 of the Revised Code, for each student 17492
transported by the service center in compliance with this 17493
section. 17494

(2) In the case of a student described in division (C) (1) 17495
of section 3317.024 of the Revised Code, the service center 17496
shall not receive a payment under division (E) (1) of this 17497
section. Instead, the department shall make a payment to the 17498
service center for such student in the manner prescribed under 17499
division (C) of section 3317.024 of the Revised Code. 17500

(F) The educational service centers and the school 17501
districts shall not be subject to section 3327.021 of the 17502
Revised Code during each school year in which the pilot program 17503
they participate in operates with regard to students enrolled in 17504
participating schools. Notwithstanding section 3314.46 of the 17505
Revised Code, the service centers may provide transportation to 17506
any participating community school they sponsor. 17507

(G) The educational service centers shall comply with all 17508
transportation requirements for students with disabilities as 17509
specified in the individualized education programs developed for 17510
the students pursuant to Chapter 3323. of the Revised Code. 17511

(H) The Department shall evaluate the pilot program in 17512
which the service center selected under division (A) (1) of this 17513

section participates and issue a report of its findings not 17514
later than September 15, 2025. The Department shall evaluate the 17515
pilot program in which the service center selected under 17516
division (A) (2) of this section participates and issue a report 17517
of its findings not later than September 15, 2027. The 17518
educational service centers and participating schools shall 17519
submit data and other information to the Department, in a manner 17520
determined by the Department, for the purpose of conducting the 17521
evaluation. 17522

Section 8. That existing Section 265.550 of H.B. 33 of the 17523
135th General Assembly (as amended by H.B. 96 of the 136th 17524
General Assembly) is hereby repealed. 17525