

I_136_2345

136th General Assembly
Regular Session
2025-2026

Sub. H. B. No. 485

To amend sections 3301.0718, 3302.07, 3314.03,
3326.11, and 3328.24 and to enact section
3313.6034 of the Revised Code to enact the Baby
Olivia Act to require human growth and
development instruction in public schools.

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

Section 1. That sections 3301.0718, 3302.07, 3314.03,
3326.11, and 3328.24 be amended and section 3313.6034 of the
Revised Code be enacted to read as follows:

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Sec. 3301.0718. (A) The department of education and
workforce shall not adopt or revise any standards or curriculum
in the area of health unless, by concurrent resolution, the
standards, curriculum, or revisions are approved by both houses
of the general assembly. Before the house of representatives or
senate votes on a concurrent resolution approving health
standards, curriculum, or revisions, its standing committee
having jurisdiction over education legislation shall conduct at
least one public hearing on the standards, curriculum, or
revisions.

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(B) The department shall not adopt a model curriculum

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regarding instruction in human growth and development that 20
conflicts with the curriculum in section 3313.6034 of the 21
Revised Code. 22

Sec. 3302.07. (A) The board of education of any school 23
district, the governing board of any educational service center, 24
or the administrative authority of any chartered nonpublic 25
school may submit to the department of education and workforce 26
an application proposing an innovative education pilot program 27
the implementation of which requires exemptions from specific 28
statutory provisions or rules. If a district or service center 29
board employs teachers under a collective bargaining agreement 30
adopted pursuant to Chapter 4117. of the Revised Code, any 31
application submitted under this division shall include the 32
written consent of the teachers' employee representative 33
designated under division (B) of section 4117.04 of the Revised 34
Code. The exemptions requested in the application shall be 35
limited to any requirement of Title XXXIII of the Revised Code 36
or of any rule of the department adopted pursuant to that title 37
except that the application may not propose an exemption from 38
any requirement of or rule adopted pursuant to Chapter 3307. or 39
3309., section 3302.41 or 3302.42, section 3313.6034, sections 40
3319.07 to 3319.21, or Chapter 3323. of the Revised Code. 41
Furthermore, an exemption from any operating standard adopted 42
under division (B) (2) or (D) of section 3301.07 of the Revised 43
Code shall be granted only pursuant to a waiver granted by the 44
director of education and workforce under division (O) of that 45
section. 46

(B) The department shall accept any application submitted 47
in accordance with division (A) of this section. The director 48
shall approve or disapprove the application in accordance with 49
standards for approval, which shall be adopted by the 50

department.

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(C) The director shall exempt each district or service
center board or chartered nonpublic school administrative
authority with an application approved under division (B) of
this section for a specified period from the statutory
provisions or rules specified in the approved application. The
period of exemption shall not exceed the period during which the
pilot program proposed in the application is being implemented
and a reasonable period to allow for evaluation of the
effectiveness of the program.

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Sec. 3313.6034. (A) Each city, local, exempted village,
and joint vocational school district and other public school, as
defined in section 3301.0711 of the Revised Code, shall include
instruction in grades five through twelve on human growth and
development in its curriculum. The curriculum shall include, at
a minimum, both of the following:

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(1) A high-definition ultrasound video, at least three
minutes in duration, showing the development of the brain,
heart, sex organs, and other vital organs in early fetal
development;

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(2) The meet baby Olivia video developed by live action,
or its successor entity, or a substantially similar video
showing the process of fertilization and each stage of human
development inside the uterus, noting significant markers in
cell growth and organ development for every stage of pregnancy
until birth.

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The department of education and workforce shall establish
a list of materials appropriate for providing instruction under
this division. The department shall publish that list on its

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publicly accessible web site. 80

(B) Upon request, a district or school shall make 81
available to the parent or guardian of a student enrolled in the 82
district or school any instructional materials that the district 83
or school uses to meet the requirements under this section. 84

(C) At the beginning of each school year, the department 85
of education and workforce shall conduct an audit of each 86
district or school to verify the district's or school's 87
compliance with this section. The department shall publish the 88
findings of each audit not later than one hundred twenty days 89
after the beginning of the school year. The department shall 90
prominently post its findings on the department's web site. 91

(D) The attorney general has both of the following: 92

(1) Parens patriae standing to sue to enforce this section 93
on behalf of any or all residents or citizens of this state; 94

(2) A cause of action to sue for damages and injunctive 95
relief on behalf of any or all residents or citizens of this 96
state against any person or entity that violates this section. 97

Sec. 3314.03. A copy of every contract entered into under 98
this section shall be filed with the director of education and 99
workforce. The department of education and workforce shall make 100
available on its web site a copy of every approved, executed 101
contract filed with the director under this section. 102

(A) Each contract entered into between a sponsor and the 103
governing authority of a community school shall specify the 104
following: 105

(1) That the school shall be established as either of the 106
following: 107

(a) A nonprofit corporation established under Chapter	108
1702. of the Revised Code, if established prior to April 8,	109
2003;	110
(b) A public benefit corporation established under Chapter	111
1702. of the Revised Code, if established after April 8, 2003.	112
(2) The education program of the school, including the	113
school's mission and educational philosophy, the characteristics	114
of the students the school is expected to attract, the ages and	115
grades of students, and the focus of the curriculum;	116
(3) The academic goals to be achieved and the method of	117
measurement that will be used to determine progress toward those	118
goals, which shall include the statewide achievement	119
assessments;	120
(4) Performance standards, including but not limited to	121
all applicable report card measures set forth in section 3302.03	122
or 3314.017 of the Revised Code, by which the success of the	123
school will be evaluated by the sponsor;	124
(5) The admission standards of section 3314.06 of the	125
Revised Code and, if applicable, section 3314.061 of the Revised	126
Code;	127
(6) (a) Dismissal procedures;	128
(b) A requirement that the governing authority adopt an	129
attendance policy that includes a procedure for automatically	130
withdrawing a student from the school if the student without a	131
legitimate excuse fails to participate in seventy-two	132
consecutive hours of the learning opportunities offered to the	133
student.	134
(7) The ways by which the school will achieve racial and	135

ethnic balance reflective of the community it serves; 136

(8) Requirements for financial audits by the auditor of 137
state. The contract shall require financial records of the 138
school to be maintained in the same manner as are financial 139
records of school districts, pursuant to rules of the auditor of 140
state. Audits shall be conducted in accordance with section 141
117.10 of the Revised Code. 142

(9) An addendum to the contract outlining the facilities 143
to be used that contains at least the following information: 144

(a) A detailed description of each facility used for 145
instructional purposes; 146

(b) The annual costs associated with leasing each facility 147
that are paid by or on behalf of the school; 148

(c) The annual mortgage principal and interest payments 149
that are paid by the school; 150

(d) The name of the lender or landlord, identified as 151
such, and the lender's or landlord's relationship to the 152
operator, if any. 153

(10) Qualifications of employees, including both of the 154
following: 155

(a) A requirement that the school's classroom teachers be 156
licensed in accordance with sections 3319.22 to 3319.31 of the 157
Revised Code, except that a community school may engage 158
noncertificated persons to teach up to twelve hours or forty 159
hours per week pursuant to section 3319.301 of the Revised Code; 160

(b) A prohibition against the school employing an 161
individual described in section 3314.104 of the Revised Code in 162
any position. 163

(11) That the school will comply with the following 164
requirements: 165

(a) The school will provide learning opportunities to a 166
minimum of twenty-five students for a minimum of nine hundred 167
twenty hours per school year. 168

(b) The governing authority will purchase liability 169
insurance, or otherwise provide for the potential liability of 170
the school. 171

(c) The school will be nonsectarian in its programs, 172
admission policies, employment practices, and all other 173
operations, and will not be operated by a sectarian school or 174
religious institution. 175

(d) The school will comply with sections 9.90, 9.91, 176
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 177
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.24, 3301.948, 178
3302.037, 3313.472, 3313.473, 3313.474, 3313.50, 3313.539, 179
3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.609, 3313.6012, 180
3313.6013, 3313.6014, 3313.6020, 3313.6024, 3313.6026, 181
3313.6028, 3313.6029, 3313.6031, 3313.6034, 3313.643, 3313.648, 182
3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 183
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3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 185
3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.80, 186
3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 187
3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 188
3319.238, 3319.318, 3319.321, 3319.324, 3319.39, 3319.391, 189
3319.393, 3319.41, 3319.46, 3319.90, 3319.614, 3320.01, 3320.02, 190
3320.03, 3320.04, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 191
3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 192
4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 193

117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 194
of the Revised Code as if it were a school district and will 195
comply with section 3301.0714 of the Revised Code in the manner 196
specified in section 3314.17 of the Revised Code. 197

(e) The school shall comply with Chapter 102. and section 198
2921.42 of the Revised Code. 199

(f) The school will comply with sections 3313.61, 200
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 201
Revised Code, except that for students who enter ninth grade for 202
the first time before July 1, 2010, the requirement in sections 203
3313.61 and 3313.611 of the Revised Code that a person must 204
successfully complete the curriculum in any high school prior to 205
receiving a high school diploma may be met by completing the 206
curriculum adopted by the governing authority of the community 207
school rather than the curriculum specified in Title XXXIII of 208
the Revised Code or any rules of the department. Beginning with 209
students who enter ninth grade for the first time on or after 210
July 1, 2010, the requirement in sections 3313.61 and 3313.611 211
of the Revised Code that a person must successfully complete the 212
curriculum of a high school prior to receiving a high school 213
diploma shall be met by completing the requirements prescribed 214
in section 3313.6027 and division (C) of section 3313.603 of the 215
Revised Code, unless the person qualifies under division (D) or 216
(F) of that section. Each school shall comply with the plan for 217
awarding high school credit based on demonstration of subject 218
area competency, and beginning with the 2017-2018 school year, 219
with the updated plan that permits students enrolled in seventh 220
and eighth grade to meet curriculum requirements based on 221
subject area competency adopted by the department under 222
divisions (J) (1) and (2) of section 3313.603 of the Revised 223
Code. Beginning with the 2018-2019 school year, the school shall 224

comply with the framework for granting units of high school 225
credit to students who demonstrate subject area competency 226
through work-based learning experiences, internships, or 227
cooperative education developed by the department under division 228
(J) (3) of section 3313.603 of the Revised Code. 229

(g) The school governing authority will submit within four 230
months after the end of each school year a report of its 231
activities and progress in meeting the goals and standards of 232
divisions (A) (3) and (4) of this section and its financial 233
status to the sponsor and the parents of all students enrolled 234
in the school. 235

(h) The school, unless it is an internet- or computer- 236
based community school, will comply with section 3313.801 of the 237
Revised Code as if it were a school district. 238

(i) If the school is the recipient of moneys from a grant 239
awarded under the federal race to the top program, Division (A), 240
Title XIV, Sections 14005 and 14006 of the "American Recovery 241
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 242
the school will pay teachers based upon performance in 243
accordance with section 3317.141 and will comply with section 244
3319.111 of the Revised Code as if it were a school district. 245

(j) If the school operates a preschool program that is 246
licensed by the department under sections 3301.52 to 3301.59 of 247
the Revised Code, the school shall comply with sections 3301.50 248
to 3301.59 of the Revised Code and the minimum standards for 249
preschool programs prescribed in rules adopted by the department 250
of children and youth under section 3301.53 of the Revised Code. 251

(k) The school will comply with sections 3313.6021 and 252
3313.6023 of the Revised Code as if it were a school district 253

unless it is either of the following: 254

(i) An internet- or computer-based community school; 255

(ii) A community school in which a majority of the 256
enrolled students are children with disabilities as described in 257
division (B) (2) of section 3314.35 of the Revised Code. 258

(l) The school will comply with section 3321.191 of the 259
Revised Code, unless it is an internet- or computer-based 260
community school that is subject to section 3314.261 of the 261
Revised Code. 262

(m) The school will comply with section 3313.7118 of the 263
Revised Code if it serves elementary school students. 264

(12) Arrangements for providing health and other benefits 265
to employees; 266

(13) The length of the contract, which shall begin at the 267
beginning of an academic year. No contract shall exceed five 268
years unless such contract has been renewed pursuant to division 269
(D) of this section. 270

(14) The governing authority of the school, which shall be 271
responsible for carrying out the provisions of the contract; 272

(15) A financial plan detailing an estimated school budget 273
for each year of the period of the contract and specifying the 274
total estimated per pupil expenditure amount for each such year. 275

(16) Requirements and procedures regarding the disposition 276
of employees of the school in the event the contract is 277
terminated or not renewed pursuant to section 3314.07 of the 278
Revised Code; 279

(17) Whether the school is to be created by converting all 280

or part of an existing public school or educational service 281
center building or is to be a new start-up school, and if it is 282
a converted public school or service center building, both of 283
the following: 284

(a) Specification of any duties or responsibilities of an 285
employer that the board of education or service center governing 286
board that operated the school or building before conversion is 287
delegating to the governing authority of the community school 288
with respect to all or any specified group of employees provided 289
the delegation is not prohibited by a collective bargaining 290
agreement applicable to such employees; 291

(b) Alternative arrangements for current public school 292
students who choose not to attend the converted school and for 293
teachers who choose not to teach in the school or building after 294
conversion. 295

(18) Provisions establishing procedures for resolving 296
disputes or differences of opinion between the sponsor and the 297
governing authority of the community school; 298

(19) A provision requiring the governing authority to 299
adopt a policy regarding the admission of students who reside 300
outside the district in which the school is located. That policy 301
shall comply with the admissions procedures specified in 302
sections 3314.06 and 3314.061 of the Revised Code and, at the 303
sole discretion of the authority, shall do one of the following: 304

(a) Prohibit the enrollment of students who reside outside 305
the district in which the school is located; 306

(b) Permit the enrollment of students who reside in 307
districts adjacent to the district in which the school is 308
located; 309

(c) Permit the enrollment of students who reside in any 310
other district in the state. 311

(20) A provision recognizing the authority of the 312
department to take over the sponsorship of the school in 313
accordance with the provisions of division (C) of section 314
3314.015 of the Revised Code; 315

(21) A provision recognizing the sponsor's authority to 316
assume the operation of a school under the conditions specified 317
in division (B) of section 3314.073 of the Revised Code; 318

(22) A provision recognizing both of the following: 319

(a) The authority of public health and safety officials to 320
inspect the facilities of the school and to order the facilities 321
closed if those officials find that the facilities are not in 322
compliance with health and safety laws and regulations; 323

(b) The authority of the department as the community 324
school oversight body to suspend the operation of the school 325
under section 3314.072 of the Revised Code if the department has 326
evidence of conditions or violations of law at the school that 327
pose an imminent danger to the health and safety of the school's 328
students and employees and the sponsor refuses to take such 329
action. 330

(23) A description of the learning opportunities that will 331
be offered to students including both classroom-based and non- 332
classroom-based learning opportunities that is in compliance 333
with criteria for student participation established by the 334
department under division (H) (2) of section 3314.08 of the 335
Revised Code; 336

(24) The school will comply with sections 3302.04 and 337
3302.041 of the Revised Code, except that any action required to 338

be taken by a school district pursuant to those sections shall 339
be taken by the sponsor of the school. 340

(25) Beginning in the 2006-2007 school year, the school 341
will open for operation not later than the thirtieth day of 342
September each school year, unless the mission of the school as 343
specified under division (A) (2) of this section is solely to 344
serve dropouts. In its initial year of operation, if the school 345
fails to open by the thirtieth day of September, or within one 346
year after the adoption of the contract pursuant to division (D) 347
of section 3314.02 of the Revised Code if the mission of the 348
school is solely to serve dropouts, the contract shall be void. 349

(26) Whether the school's governing authority is planning 350
to seek designation for the school as a STEM school equivalent 351
under section 3326.032 of the Revised Code; 352

(27) That the school's attendance and participation 353
policies will be available for public inspection; 354

(28) That the school's attendance and participation 355
records shall be made available to the department, auditor of 356
state, and school's sponsor to the extent permitted under and in 357
accordance with the "Family Educational Rights and Privacy Act 358
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 359
regulations promulgated under that act, and section 3319.321 of 360
the Revised Code; 361

(29) If a school operates using the blended learning 362
model, as defined in section 3301.079 of the Revised Code, all 363
of the following information: 364

(a) An indication of what blended learning model or models 365
will be used; 366

(b) A description of how student instructional needs will 367

be determined and documented; 368

(c) The method to be used for determining competency, 369
granting credit, and promoting students to a higher grade level; 370

(d) The school's attendance requirements, including how 371
the school will document participation in learning 372
opportunities; 373

(e) A statement describing how student progress will be 374
monitored; 375

(f) A statement describing how private student data will 376
be protected; 377

(g) A description of the professional development 378
activities that will be offered to teachers. 379

(30) A provision requiring that all moneys the school's 380
operator loans to the school, including facilities loans or cash 381
flow assistance, must be accounted for, documented, and bear 382
interest at a fair market rate; 383

(31) A provision requiring that, if the governing 384
authority contracts with an attorney, accountant, or entity 385
specializing in audits, the attorney, accountant, or entity 386
shall be independent from the operator with which the school has 387
contracted. 388

(32) A provision requiring the governing authority to 389
adopt an enrollment and attendance policy that requires a 390
student's parent to notify the community school in which the 391
student is enrolled when there is a change in the location of 392
the parent's or student's primary residence. 393

(33) A provision requiring the governing authority to 394
adopt a student residence and address verification policy for 395

students enrolling in or attending the school. 396

(34) A provision establishing the process by which the 397
governing authority of the school will be selected in the 398
future. 399

(35) A description of the management and administration of 400
the school. 401

(36) A provision requiring the governing authority to 402
adopt policies and procedures to establish internal financial 403
controls for the school. 404

(B) A contract entered into under section 3314.02 of the 405
Revised Code between a sponsor and the governing authority of a 406
community school may provide for the community school governing 407
authority to make payments to the sponsor, which is hereby 408
authorized to receive such payments as set forth in the contract 409
between the governing authority and the sponsor. The total 410
amount of such payments for monitoring, oversight, and technical 411
assistance of the school shall not exceed three per cent of the 412
total amount of payments for operating expenses that the school 413
receives from the state. 414

(C) The contract shall specify the duties of the sponsor 415
which shall be in accordance with the written agreement entered 416
into with the department under division (B) of section 3314.015 417
of the Revised Code and shall include the following: 418

(1) Monitor the community school's compliance with all 419
laws applicable to the school and with the terms of the 420
contract; 421

(2) Monitor and evaluate the academic and fiscal 422
performance and the organization and operation of the community 423
school on at least an annual basis; 424

(3) Provide technical assistance to the community school 425
in complying with laws applicable to the school and terms of the 426
contract; 427

(4) Take steps to intervene in the school's operation to 428
correct problems in the school's overall performance, declare 429
the school to be on probationary status pursuant to section 430
3314.073 of the Revised Code, suspend the operation of the 431
school pursuant to section 3314.072 of the Revised Code, or 432
terminate the contract of the school pursuant to section 3314.07 433
of the Revised Code as determined necessary by the sponsor; 434

(5) Have in place a plan of action to be undertaken in the 435
event the community school experiences financial difficulties or 436
closes prior to the end of a school year. 437

(D) Upon the expiration of a contract entered into under 438
this section, the sponsor of a community school may, with the 439
approval of the governing authority of the school, renew that 440
contract for a period of time determined by the sponsor, but not 441
ending earlier than the end of any school year, if the sponsor 442
finds that the school's compliance with applicable laws and 443
terms of the contract and the school's progress in meeting the 444
academic goals prescribed in the contract have been 445
satisfactory. Any contract that is renewed under this division 446
remains subject to the provisions of sections 3314.07, 3314.072, 447
and 3314.073 of the Revised Code. 448

(E) If a community school fails to open for operation 449
within one year after the contract entered into under this 450
section is adopted pursuant to division (D) of section 3314.02 451
of the Revised Code or permanently closes prior to the 452
expiration of the contract, the contract shall be void and the 453
school shall not enter into a contract with any other sponsor. A 454

school shall not be considered permanently closed because the 455
operations of the school have been suspended pursuant to section 456
3314.072 of the Revised Code. 457

Sec. 3326.11. Each science, technology, engineering, and 458
mathematics school established under this chapter and its 459
governing body shall comply with sections 9.90, 9.91, 109.65, 460
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 461
3301.0714, 3301.0715, 3301.0729, 3301.24, 3301.948, 3302.037, 462
3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 463
3313.473, 3313.474, 3313.48, 3313.481, 3313.482, 3313.50, 464
3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.6012, 465
3313.6013, 3313.6014, 3313.6020, 3313.6021, 3313.6023, 466
3313.6024, 3313.6026, 3313.6028, 3313.6029, 3313.6031, 467
3313.6034, 3313.61, 3313.611, 3313.614, 3313.615, 3313.617, 468
3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 3313.6413, 469
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3320.04, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 479
3321.17, 3321.18, 3321.19, 3321.191, 3322.20, 3322.24, 3323.251, 480
3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and 481
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 482
4112., 4123., 4141., and 4167. of the Revised Code as if it were 483
a school district. 484

Sec. 3328.24. A college-preparatory boarding school 485

established under this chapter and its board of trustees shall 486
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 487
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.474, 3313.5318, 488
3313.5319, 3313.6013, 3313.6021, 3313.6023, 3313.6024, 489
3313.6026, 3313.6029, 3313.6031, 3313.6034, 3313.617, 3313.618, 490
3313.6114, 3313.6411, 3313.6413, 3313.668, 3313.669, 3313.6610, 491
3313.717, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.89, 492
3319.073, 3319.077, 3319.078, 3319.318, 3319.324, 3319.39, 493
3319.391, 3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3320.04, 494
3323.251, and 5502.262, and Chapter 3365. of the Revised Code as 495
if the school were a school district and the school's board of 496
trustees were a district board of education. 497

Section 2. That existing sections 3301.0718, 3302.07, 498
3314.03, 3326.11, and 3328.24 of the Revised Code are hereby 499
repealed. 500

Section 3. This act shall be known as the Baby Olivia Act. 501