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Sub. H. B. No. 485

Representative Miller, M.

Cosponsors: Representatives Click, Gross, King, Mullins, Salvo, Williams, Newman, Fowler Arthur, Barhorst, Claggett, Creech, Deeter, Dovilla, Ghanbari, Hall, T., Hoops, John, Johnson, Klopfenstein, Lorenz, Mathews, A., Mathews, T., McClain, Miller, K., Peterson, Plummer, Richardson, Ritter, Robb Blasdel, Schmidt, Stewart, Swearingen, Workman, Young

To amend sections 3301.0718, 3302.07, 3314.03,	1
3326.11, and 3328.24 and to enact section	2
3313.6034 of the Revised Code to enact the Baby	3
Olivia Act to require human growth and	4
development instruction in public schools.	5

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

Section 1. That sections 3301.0718, 3302.07, 3314.03,	6
3326.11, and 3328.24 be amended and section 3313.6034 of the	7
Revised Code be enacted to read as follows:	8

Sec. 3301.0718. <u>(A)</u> The department of education and	9
workforce shall not adopt or revise any standards or curriculum	10
in the area of health unless, by concurrent resolution, the	11
standards, curriculum, or revisions are approved by both houses	12
of the general assembly. Before the house of representatives or	13
senate votes on a concurrent resolution approving health	14
standards, curriculum, or revisions, its standing committee	15
having jurisdiction over education legislation shall conduct at	16
least one public hearing on the standards, curriculum, or	17

revisions. 18

(B) The department shall not adopt a model curriculum 19
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. 51

(C) The director shall exempt each district or service 52
center board or chartered nonpublic school administrative 53
authority with an application approved under division (B) of 54
this section for a specified period from the statutory 55
provisions or rules specified in the approved application. The 56
period of exemption shall not exceed the period during which the 57
pilot program proposed in the application is being implemented 58
and a reasonable period to allow for evaluation of the 59
effectiveness of the program. 60

Sec. 3313.6034. (A) Each city, local, exempted village, 61
and joint vocational school district and other public school, as 62
defined in section 3301.0711 of the Revised Code, shall include 63
instruction in grades five through twelve on human growth and 64
development in its curriculum. The curriculum shall include, at 65
a minimum, both of the following: 66

(1) A high-definition ultrasound video, at least three 67
minutes in duration, showing the development of the brain, 68
heart, sex organs, and other vital organs in early fetal 69
development; 70

(2) The meet baby Olivia video developed by live action, 71
or its successor entity, or a substantially similar video 72
showing the process of fertilization and each stage of human 73
development inside the uterus, noting significant markers in 74
cell growth and organ development for every stage of pregnancy 75
until birth. 76

The department of education and workforce shall establish 77
a list of materials appropriate for providing instruction under 78
this division. The department shall publish that list on its 79
publicly accessible web site. 80

(B) (1) 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

(2) Upon written request of the student's parent or 85
guardian, a student shall be excused from taking instruction in 86
human growth and development. 87

(C) At the beginning of each school year, the department 88
of education and workforce shall conduct an audit of each 89
district or school to verify the district's or school's 90
compliance with this section. The department shall publish the 91
findings of each audit not later than one hundred twenty days 92
after the beginning of the school year. The department shall 93
prominently post its findings on the department's web site. 94

Sec. 3314.03. A copy of every contract entered into under 95
this section shall be filed with the director of education and 96
workforce. The department of education and workforce shall make 97
available on its web site a copy of every approved, executed 98
contract filed with the director under this section. 99

(A) Each contract entered into between a sponsor and the 100
governing authority of a community school shall specify the 101
following: 102

(1) That the school shall be established as either of the 103
following: 104

(a) A nonprofit corporation established under Chapter 105

1702. of the Revised Code, if established prior to April 8, 106
2003; 107

(b) A public benefit corporation established under Chapter 108
1702. of the Revised Code, if established after April 8, 2003. 109

(2) The education program of the school, including the 110
school's mission and educational philosophy, the characteristics 111
of the students the school is expected to attract, the ages and 112
grades of students, and the focus of the curriculum; 113

(3) The academic goals to be achieved and the method of 114
measurement that will be used to determine progress toward those 115
goals, which shall include the statewide achievement 116
assessments; 117

(4) Performance standards, including but not limited to 118
all applicable report card measures set forth in section 3302.03 119
or 3314.017 of the Revised Code, by which the success of the 120
school will be evaluated by the sponsor; 121

(5) The admission standards of section 3314.06 of the 122
Revised Code and, if applicable, section 3314.061 of the Revised 123
Code; 124

(6) (a) Dismissal procedures; 125

(b) A requirement that the governing authority adopt an 126
attendance policy that includes a procedure for automatically 127
withdrawing a student from the school if the student without a 128
legitimate excuse fails to participate in seventy-two 129
consecutive hours of the learning opportunities offered to the 130
student. 131

(7) The ways by which the school will achieve racial and 132
ethnic balance reflective of the community it serves; 133

(8) Requirements for financial audits by the auditor of 134
state. The contract shall require financial records of the 135
school to be maintained in the same manner as are financial 136
records of school districts, pursuant to rules of the auditor of 137
state. Audits shall be conducted in accordance with section 138
117.10 of the Revised Code. 139

(9) An addendum to the contract outlining the facilities 140
to be used that contains at least the following information: 141

(a) A detailed description of each facility used for 142
instructional purposes; 143

(b) The annual costs associated with leasing each facility 144
that are paid by or on behalf of the school; 145

(c) The annual mortgage principal and interest payments 146
that are paid by the school; 147

(d) The name of the lender or landlord, identified as 148
such, and the lender's or landlord's relationship to the 149
operator, if any. 150

(10) Qualifications of employees, including both of the 151
following: 152

(a) A requirement that the school's classroom teachers be 153
licensed in accordance with sections 3319.22 to 3319.31 of the 154
Revised Code, except that a community school may engage 155
noncertificated persons to teach up to twelve hours or forty 156
hours per week pursuant to section 3319.301 of the Revised Code; 157

(b) A prohibition against the school employing an 158
individual described in section 3314.104 of the Revised Code in 159
any position. 160

(11) That the school will comply with the following 161

requirements: 162

(a) The school will provide learning opportunities to a 163
minimum of twenty-five students for a minimum of nine hundred 164
twenty hours per school year. 165

(b) The governing authority will purchase liability 166
insurance, or otherwise provide for the potential liability of 167
the school. 168

(c) The school will be nonsectarian in its programs, 169
admission policies, employment practices, and all other 170
operations, and will not be operated by a sectarian school or 171
religious institution. 172

(d) The school will comply with sections 9.90, 9.91, 173
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 174
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.24, 3301.948, 175
3302.037, 3313.472, 3313.473, 3313.474, 3313.50, 3313.539, 176
3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.609, 3313.6012, 177
3313.6013, 3313.6014, 3313.6020, 3313.6024, 3313.6026, 178
3313.6028, 3313.6029, 3313.6031, 3313.6034, 3313.643, 3313.648, 179
3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 180
3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 181
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 182
3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.80, 183
3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 184
3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 185
3319.238, 3319.318, 3319.321, 3319.324, 3319.39, 3319.391, 186
3319.393, 3319.41, 3319.46, 3319.90, 3319.614, 3320.01, 3320.02, 187
3320.03, 3320.04, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 188
3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 189
4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 190
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 191

of the Revised Code as if it were a school district and will 192
comply with section 3301.0714 of the Revised Code in the manner 193
specified in section 3314.17 of the Revised Code. 194

(e) The school shall comply with Chapter 102. and section 195
2921.42 of the Revised Code. 196

(f) The school will comply with sections 3313.61, 197
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 198
Revised Code, except that for students who enter ninth grade for 199
the first time before July 1, 2010, the requirement in sections 200
3313.61 and 3313.611 of the Revised Code that a person must 201
successfully complete the curriculum in any high school prior to 202
receiving a high school diploma may be met by completing the 203
curriculum adopted by the governing authority of the community 204
school rather than the curriculum specified in Title XXXIII of 205
the Revised Code or any rules of the department. Beginning with 206
students who enter ninth grade for the first time on or after 207
July 1, 2010, the requirement in sections 3313.61 and 3313.611 208
of the Revised Code that a person must successfully complete the 209
curriculum of a high school prior to receiving a high school 210
diploma shall be met by completing the requirements prescribed 211
in section 3313.6027 and division (C) of section 3313.603 of the 212
Revised Code, unless the person qualifies under division (D) or 213
(F) of that section. Each school shall comply with the plan for 214
awarding high school credit based on demonstration of subject 215
area competency, and beginning with the 2017-2018 school year, 216
with the updated plan that permits students enrolled in seventh 217
and eighth grade to meet curriculum requirements based on 218
subject area competency adopted by the department under 219
divisions (J) (1) and (2) of section 3313.603 of the Revised 220
Code. Beginning with the 2018-2019 school year, the school shall 221
comply with the framework for granting units of high school 222

credit to students who demonstrate subject area competency 223
through work-based learning experiences, internships, or 224
cooperative education developed by the department under division 225
(J) (3) of section 3313.603 of the Revised Code. 226

(g) The school governing authority will submit within four 227
months after the end of each school year a report of its 228
activities and progress in meeting the goals and standards of 229
divisions (A) (3) and (4) of this section and its financial 230
status to the sponsor and the parents of all students enrolled 231
in the school. 232

(h) The school, unless it is an internet- or computer- 233
based community school, will comply with section 3313.801 of the 234
Revised Code as if it were a school district. 235

(i) If the school is the recipient of moneys from a grant 236
awarded under the federal race to the top program, Division (A), 237
Title XIV, Sections 14005 and 14006 of the "American Recovery 238
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 239
the school will pay teachers based upon performance in 240
accordance with section 3317.141 and will comply with section 241
3319.111 of the Revised Code as if it were a school district. 242

(j) If the school operates a preschool program that is 243
licensed by the department under sections 3301.52 to 3301.59 of 244
the Revised Code, the school shall comply with sections 3301.50 245
to 3301.59 of the Revised Code and the minimum standards for 246
preschool programs prescribed in rules adopted by the department 247
of children and youth under section 3301.53 of the Revised Code. 248

(k) The school will comply with sections 3313.6021 and 249
3313.6023 of the Revised Code as if it were a school district 250
unless it is either of the following: 251

(i) An internet- or computer-based community school;	252
(ii) A community school in which a majority of the	253
enrolled students are children with disabilities as described in	254
division (B) (2) of section 3314.35 of the Revised Code.	255
(l) The school will comply with section 3321.191 of the	256
Revised Code, unless it is an internet- or computer-based	257
community school that is subject to section 3314.261 of the	258
Revised Code.	259
(m) The school will comply with section 3313.7118 of the	260
Revised Code if it serves elementary school students.	261
(12) Arrangements for providing health and other benefits	262
to employees;	263
(13) The length of the contract, which shall begin at the	264
beginning of an academic year. No contract shall exceed five	265
years unless such contract has been renewed pursuant to division	266
(D) of this section.	267
(14) The governing authority of the school, which shall be	268
responsible for carrying out the provisions of the contract;	269
(15) A financial plan detailing an estimated school budget	270
for each year of the period of the contract and specifying the	271
total estimated per pupil expenditure amount for each such year.	272
(16) Requirements and procedures regarding the disposition	273
of employees of the school in the event the contract is	274
terminated or not renewed pursuant to section 3314.07 of the	275
Revised Code;	276
(17) Whether the school is to be created by converting all	277
or part of an existing public school or educational service	278
center building or is to be a new start-up school, and if it is	279

a converted public school or service center building, both of 280
the following: 281

(a) Specification of any duties or responsibilities of an 282
employer that the board of education or service center governing 283
board that operated the school or building before conversion is 284
delegating to the governing authority of the community school 285
with respect to all or any specified group of employees provided 286
the delegation is not prohibited by a collective bargaining 287
agreement applicable to such employees; 288

(b) Alternative arrangements for current public school 289
students who choose not to attend the converted school and for 290
teachers who choose not to teach in the school or building after 291
conversion. 292

(18) Provisions establishing procedures for resolving 293
disputes or differences of opinion between the sponsor and the 294
governing authority of the community school; 295

(19) A provision requiring the governing authority to 296
adopt a policy regarding the admission of students who reside 297
outside the district in which the school is located. That policy 298
shall comply with the admissions procedures specified in 299
sections 3314.06 and 3314.061 of the Revised Code and, at the 300
sole discretion of the authority, shall do one of the following: 301

(a) Prohibit the enrollment of students who reside outside 302
the district in which the school is located; 303

(b) Permit the enrollment of students who reside in 304
districts adjacent to the district in which the school is 305
located; 306

(c) Permit the enrollment of students who reside in any 307
other district in the state. 308

(20) A provision recognizing the authority of the 309
department to take over the sponsorship of the school in 310
accordance with the provisions of division (C) of section 311
3314.015 of the Revised Code; 312

(21) A provision recognizing the sponsor's authority to 313
assume the operation of a school under the conditions specified 314
in division (B) of section 3314.073 of the Revised Code; 315

(22) A provision recognizing both of the following: 316

(a) The authority of public health and safety officials to 317
inspect the facilities of the school and to order the facilities 318
closed if those officials find that the facilities are not in 319
compliance with health and safety laws and regulations; 320

(b) The authority of the department as the community 321
school oversight body to suspend the operation of the school 322
under section 3314.072 of the Revised Code if the department has 323
evidence of conditions or violations of law at the school that 324
pose an imminent danger to the health and safety of the school's 325
students and employees and the sponsor refuses to take such 326
action. 327

(23) A description of the learning opportunities that will 328
be offered to students including both classroom-based and non- 329
classroom-based learning opportunities that is in compliance 330
with criteria for student participation established by the 331
department under division (H) (2) of section 3314.08 of the 332
Revised Code; 333

(24) The school will comply with sections 3302.04 and 334
3302.041 of the Revised Code, except that any action required to 335
be taken by a school district pursuant to those sections shall 336
be taken by the sponsor of the school. 337

(25) Beginning in the 2006-2007 school year, the school 338
will open for operation not later than the thirtieth day of 339
September each school year, unless the mission of the school as 340
specified under division (A) (2) of this section is solely to 341
serve dropouts. In its initial year of operation, if the school 342
fails to open by the thirtieth day of September, or within one 343
year after the adoption of the contract pursuant to division (D) 344
of section 3314.02 of the Revised Code if the mission of the 345
school is solely to serve dropouts, the contract shall be void. 346

(26) Whether the school's governing authority is planning 347
to seek designation for the school as a STEM school equivalent 348
under section 3326.032 of the Revised Code; 349

(27) That the school's attendance and participation 350
policies will be available for public inspection; 351

(28) That the school's attendance and participation 352
records shall be made available to the department, auditor of 353
state, and school's sponsor to the extent permitted under and in 354
accordance with the "Family Educational Rights and Privacy Act 355
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 356
regulations promulgated under that act, and section 3319.321 of 357
the Revised Code; 358

(29) If a school operates using the blended learning 359
model, as defined in section 3301.079 of the Revised Code, all 360
of the following information: 361

(a) An indication of what blended learning model or models 362
will be used; 363

(b) A description of how student instructional needs will 364
be determined and documented; 365

(c) The method to be used for determining competency, 366

granting credit, and promoting students to a higher grade level; 367

(d) The school's attendance requirements, including how 368
the school will document participation in learning 369
opportunities; 370

(e) A statement describing how student progress will be 371
monitored; 372

(f) A statement describing how private student data will 373
be protected; 374

(g) A description of the professional development 375
activities that will be offered to teachers. 376

(30) A provision requiring that all moneys the school's 377
operator loans to the school, including facilities loans or cash 378
flow assistance, must be accounted for, documented, and bear 379
interest at a fair market rate; 380

(31) A provision requiring that, if the governing 381
authority contracts with an attorney, accountant, or entity 382
specializing in audits, the attorney, accountant, or entity 383
shall be independent from the operator with which the school has 384
contracted. 385

(32) A provision requiring the governing authority to 386
adopt an enrollment and attendance policy that requires a 387
student's parent to notify the community school in which the 388
student is enrolled when there is a change in the location of 389
the parent's or student's primary residence. 390

(33) A provision requiring the governing authority to 391
adopt a student residence and address verification policy for 392
students enrolling in or attending the school. 393

(34) A provision establishing the process by which the 394

governing authority of the school will be selected in the 395
future. 396

(35) A description of the management and administration of 397
the school. 398

(36) A provision requiring the governing authority to 399
adopt policies and procedures to establish internal financial 400
controls for the school. 401

(B) A contract entered into under section 3314.02 of the 402
Revised Code between a sponsor and the governing authority of a 403
community school may provide for the community school governing 404
authority to make payments to the sponsor, which is hereby 405
authorized to receive such payments as set forth in the contract 406
between the governing authority and the sponsor. The total 407
amount of such payments for monitoring, oversight, and technical 408
assistance of the school shall not exceed three per cent of the 409
total amount of payments for operating expenses that the school 410
receives from the state. 411

(C) The contract shall specify the duties of the sponsor 412
which shall be in accordance with the written agreement entered 413
into with the department under division (B) of section 3314.015 414
of the Revised Code and shall include the following: 415

(1) Monitor the community school's compliance with all 416
laws applicable to the school and with the terms of the 417
contract; 418

(2) Monitor and evaluate the academic and fiscal 419
performance and the organization and operation of the community 420
school on at least an annual basis; 421

(3) Provide technical assistance to the community school 422
in complying with laws applicable to the school and terms of the 423

contract; 424

(4) Take steps to intervene in the school's operation to 425
correct problems in the school's overall performance, declare 426
the school to be on probationary status pursuant to section 427
3314.073 of the Revised Code, suspend the operation of the 428
school pursuant to section 3314.072 of the Revised Code, or 429
terminate the contract of the school pursuant to section 3314.07 430
of the Revised Code as determined necessary by the sponsor; 431

(5) Have in place a plan of action to be undertaken in the 432
event the community school experiences financial difficulties or 433
closes prior to the end of a school year. 434

(D) Upon the expiration of a contract entered into under 435
this section, the sponsor of a community school may, with the 436
approval of the governing authority of the school, renew that 437
contract for a period of time determined by the sponsor, but not 438
ending earlier than the end of any school year, if the sponsor 439
finds that the school's compliance with applicable laws and 440
terms of the contract and the school's progress in meeting the 441
academic goals prescribed in the contract have been 442
satisfactory. Any contract that is renewed under this division 443
remains subject to the provisions of sections 3314.07, 3314.072, 444
and 3314.073 of the Revised Code. 445

(E) If a community school fails to open for operation 446
within one year after the contract entered into under this 447
section is adopted pursuant to division (D) of section 3314.02 448
of the Revised Code or permanently closes prior to the 449
expiration of the contract, the contract shall be void and the 450
school shall not enter into a contract with any other sponsor. A 451
school shall not be considered permanently closed because the 452
operations of the school have been suspended pursuant to section 453

3314.072 of the Revised Code. 454

Sec. 3326.11. Each science, technology, engineering, and 455
mathematics school established under this chapter and its 456
governing body shall comply with sections 9.90, 9.91, 109.65, 457
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 458
3301.0714, 3301.0715, 3301.0729, 3301.24, 3301.948, 3302.037, 459
3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 460
3313.473, 3313.474, 3313.48, 3313.481, 3313.482, 3313.50, 461
3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.6012, 462
3313.6013, 3313.6014, 3313.6020, 3313.6021, 3313.6023, 463
3313.6024, 3313.6026, 3313.6028, 3313.6029, 3313.6031, 464
3313.6034, 3313.61, 3313.611, 3313.614, 3313.615, 3313.617, 465
3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 3313.6413, 466
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 467
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 468
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3321.17, 3321.18, 3321.19, 3321.191, 3322.20, 3322.24, 3323.251, 477
3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and 478
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 479
4112., 4123., 4141., and 4167. of the Revised Code as if it were 480
a school district. 481

Sec. 3328.24. A college-preparatory boarding school 482
established under this chapter and its board of trustees shall 483
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 484

3301.0714, 3301.0729, 3301.948, 3302.037, 3313.474, 3313.5318, 485
3313.5319, 3313.6013, 3313.6021, 3313.6023, 3313.6024, 486
3313.6026, 3313.6029, 3313.6031, 3313.6034, 3313.617, 3313.618, 487
3313.6114, 3313.6411, 3313.6413, 3313.668, 3313.669, 3313.6610, 488
3313.717, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.89, 489
3319.073, 3319.077, 3319.078, 3319.318, 3319.324, 3319.39, 490
3319.391, 3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3320.04, 491
3323.251, and 5502.262, and Chapter 3365. of the Revised Code as 492
if the school were a school district and the school's board of 493
trustees were a district board of education. 494

Section 2. That existing sections 3301.0718, 3302.07, 495
3314.03, 3326.11, and 3328.24 of the Revised Code are hereby 496
repealed. 497

Section 3. This act shall be known as the Baby Olivia Act. 498