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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**S.B. 311**  
**136<sup>th</sup> General Assembly**

## Fiscal Note & Local Impact Statement

[Click here for S.B. 311's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsor:** Sen. Brenner

**Local Impact Statement Procedure Required:** Yes

Ryan Brown, Senior Budget Analyst, and other LBO staff

### Highlights

- The bill may increase or decrease a school district's revenue from the sale of an unused school facility, as it requires such buildings to be appraised for their fair market value as an educational facility prior to sale but adds chartered nonpublic schools to the list of schools to which a district must offer its unused school facilities for sale or lease. It may also increase district expenditures to pay costs associated with shifting students to other buildings.
- The bill bars municipal, county, and township zoning authorities from prohibiting or restricting the location of public or chartered nonpublic schools in their territories. In cases where the most economically beneficial use of a property is not achieved, political subdivisions could see a loss in tax revenue.
- The bill likely will lead, on the whole, to decreased internet- or computer-based community school (e-school) costs by permitting e-school students to complete state tests remotely in an online format with a remote proctor.
- However, the Department of Education and Workforce (DEW) estimates the remote testing provision will increase state testing system costs, which are primarily funded by the GRF, by \$67,000 in the first year remote tests are offered and by \$25,000 each year thereafter, with additional costs for pilot programs for individual e-schools before they remotely administer state tests with accountability implications.
- The Occupational Licensing and Regulatory Fund (Fund 4K90) may gain a minimal amount of revenue from educator license fees as a result of the bill. The State Board of Education's administrative costs paid from Fund 4K90 may increase to process any additional license applications. These costs will be more or less offset by the gain in license fee revenue.

- The bill's criminal and civil law provisions may minimally increase workloads and related expenses for municipal courts, county courts, and courts of common pleas to hear additional criminal and civil cases. Additional expenses may be offset to some degree by fees if collected. The Attorney General may experience costs to investigate violations and bring forward civil actions.

## Detailed Analysis

The bill makes changes to a variety of laws regarding the operation of public and chartered nonpublic schools. The bill's provisions with notable fiscal effects are discussed below.

### Unused school facilities

The bill makes several changes regarding the sale of unused school facilities. For one, the bill clarifies the definition of an "unused school facility" to include buildings whose enrollment is less than 60% of either (1) the maximum student enrollment established for the building in its certificate of occupancy, or (2) the building's greatest student enrollment in the ten most recent school years. The bill exempts a building from involuntary disposal for several reasons, such as the building being the only building in the district that serves a certain grade level, being less than ten years old, being under repair or renovation (leading to enrollment decreases), being used for career-technical education, or being located on or adjacent to a tract of land where other school district facilities are located.

Also, the bill alters the list of schools and order of which a district must offer its unused school facilities for lease or purchase, giving first and second priority to high-performing community schools within and outside of the territory of the district, respectively, followed by all other community schools; science, technology, engineering, and mathematics (STEM) schools; and chartered nonpublic schools. In addition, the bill requires that a building's "fair market value" appraisal denote its value as an educational facility. The bill requires, rather than permits, a school district to offer an unused school facility for sale at a public auction if no qualifying school offers to purchase or lease the facility under the involuntary disposition law.

Finally, each district must annually report to the Department of Education and Workforce (DEW) by November 30 which buildings are unused, and DEW must publish an annual report by December 31 a list of unused school facilities in each school district. Currently, compliance with the involuntary disposition of school buildings law is not monitored.

LBO estimates that between 15 and 20 public school buildings may qualify as unused under the bill based on having an FY 2025 enrollment of less than 60% of their greatest enrollment over the last ten school years.<sup>1</sup> Roughly 4,600 students were enrolled in these buildings in FY 2025. About 75% of these 15 to 20 traditional buildings are part of urban districts and served about 3,900 students. The actual number of buildings that will be subject to the bill's involuntary disposal provisions depends on individual building circumstances and whether an exemption applies. Due to data limitations, LBO was not able to determine with certainty whether some exemptions apply, most notably whether a building is adjacent to other school

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<sup>1</sup> Records of each building's maximum occupancy based on architectural specifications or master design plan are kept by individual districts or local building departments. As a result, LBO did not take this factor into account and the number of buildings meeting the bill's criteria may be higher.

district facilities (though LBO did a limited review of satellite imagery and maps for this purpose), whether a building's enrollment decrease was due to building repairs or renovations, or whether it is primarily used for career-technical education. In addition to the stated exemptions, a school district board of education may appeal a determination to DEW if it believes extraordinary circumstances should exempt it from offering an unused facility for sale or lease.

The buildings identified as an unused school facility under current law are not known, as current law, in part, defines one as a school building that has been used for direct academic instruction but less than 60% of the building was used for that purpose in the preceding school year. It is unclear what metric the 60% threshold refers to.

### **Fiscal effects**

The bill may increase the number of facilities a school district board of education has to offer for sale or lease to other schools, though the fiscal effects will be highly dependent on the circumstances of the district and school. While more buildings may be offered for sale or lease, the bill may increase or decrease a district's sales proceeds from the sale of an unused school facility. Under current law, an unused school building must be appraised for its fair market value prior to sale. In general, the appraisal under current law would use a "highest and best use" analysis (the most profitable and legally permissible use of the property), which could be redevelopment of the school into a more profitable use, like housing or offices, under certain circumstances. The bill restricts a building's appraisal value to what it is worth as an educational facility, which could cause the building's fair market value to be lower than it would be under current law, depending on individual circumstances and real estate markets. On the other hand, requiring the building to be offered for sale to more types of schools compared to current law may present a better financial return by potentially increasing competition for a property at public auction.

If a building is subject to closure under the bill, its students presumably will be relocated among other schools in the district. Thus, there may be costs associated with shifting students to other buildings, including for bussing and potentially modular units. However, the provisions may lead to more cost-efficient use of school facilities for affected districts in the long run. State foundation aid will only be affected to the extent that the closure of a building under the bill results in an enrollment change to the district as a whole, such as a student leaving the newly assigned resident district school to enroll in a community school.

### **Zoning**

The bill prohibits counties, townships, and municipal corporations from denying an application related to land use for the sole reason that the requesting entity is seeking to establish a public school or chartered nonpublic school. Additionally, it bans prohibiting or restricting the location of a public school or chartered nonpublic school in any district or zone. The fiscal impact of this change on counties, townships, and municipal corporations will vary case by case. Removing local zoning authority could result in some instances where the most economically beneficial use of a property is not achieved. In these situations, there would be a loss of tax revenue.

### **Remote administration of state assessments**

The bill permits students enrolled at an internet- or computer-based community school (e-school) to complete any statewide assessment remotely in an online format under certain

criteria intended to ensure test security and prevent cheating. Currently, students must take state tests in person in rooms designated for test administration. E-schools in particular must provide their students a location within a 50-mile radius of the student's residence at which to complete the state tests, a requirement the bill maintains.

According to a representative from the Ohio Online Learning Coalition, e-schools carry costs associated with facilities fees, travel cost reimbursements for students and staff, and other costs associated with testing. The bill may substantially decrease these costs. However, the implementation of remote testing may increase information technology (IT) costs for e-schools. Any increases in IT costs are expected to be less than the savings associated with testing facilities.

Implementation of remote testing will increase costs for DEW depending on specifications for test administration. According to DEW, the current testing platform supports integrated camera proctoring and is an available option under the state's current testing contract. DEW estimated, following a remote test administration pilot program required by S.B. 168 of the 135<sup>th</sup> General Assembly,<sup>2</sup> that state testing system costs to implement remote test administration for e-schools will be \$67,000 for the first live remote administration and \$25,000 annually thereafter. In addition, DEW recommends that e-schools desiring to participate in remote administration conduct a pilot program prior to implementing live administration of state tests with accountability implications, which would result in some additional annual cost.<sup>3</sup> State testing system costs are mainly funded by the GRF.

## **Educator licensure provisions**

The bill may lead to a minimal increase in the State Board of Education's administrative costs paid from the Occupational Licensing and Regulatory Fund (Fund 4K90) to process additional license applications. Those costs will be more or less offset by a gain in fee revenue to Fund 4K90 from educator license fees. The fee for an educator license varies by license type and duration. Typically, the fee for an educator license equates to \$40 per year, with the fee for a multi-year credential paid up front. The bill may lead to more license applications by exempting holders of one-year out-of-state educator licenses from completing six semester hours of reading instruction coursework to qualify for a professional educator license, if they passed the Ohio Foundations of Reading exam on the first attempt. The provision affects a small group of individuals. As of February 2026, 170 individuals statewide hold an active one-year out-of-state educator license.

A few other provisions appear to have minimal or no fiscal effect. The bill permits school districts, educational service centers, community schools, chartered nonpublic schools, and other employers to designate an agent or contractor to receive Retained Applicant Fingerprint Database (RAPBACK) notifications. The intent appears to be to allow the State Board to directly

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<sup>2</sup> See DEW's September 2025 [Remote Proctoring Pilot Report \(PDF\)](#), which is accessible by conducting a keyword "remote proctoring" search of the DEW website: [education.ohio.gov](https://education.ohio.gov).

<sup>3</sup> DEW used "benchmark" tests, which it described as full-length tests that cover the same grade levels and subject areas as Ohio's State Tests, are aligned to Ohio's Learning Standards, and report student results using familiar measures such as scale scores and performance levels. These tests do not have accountability implications but still closely mimic a live administration of a state test. Presumably, the pilot programs for individual e-schools would be similar.

provide RAPBACK notifications to nontraditional schools for staff whom the State Board currently must notify the traditional school district in which the nontraditional school is located. The bill also authorizes the State Board to suspend, revoke, or limit the license of a superintendent who knowingly violates Ohio law, unless the superintendent is acting under the direction of the board of education or a majority of its members. The State Board already investigates educator misconduct and administers licensure sanctions. Under current practice, district superintendents can have their license suspended, revoked, or limited due to violations of the law under the Licensure Code of Professional Conduct.<sup>4</sup> Lastly, the bill removes the option for holders of two-year temporary (or “reinstatement”) educator licenses to complete six semester hours of coursework as a pathway to a reissued professional license, while retaining the option to complete 18 continuing education units (CEUs). According to the State Board, 18 CEUs are equivalent to six semester hours, with both requiring 180 contact hours. As of February 2026, 657 individuals statewide currently hold an active two-year reinstatement license.

## **Enforcement provisions**

The criminal and civil law provisions of the bill may minimally increase workloads and related expenses for local courts to hear additional criminal (contributing to the unruliness or delinquency of a child) and civil cases (cheating resource cases). In such cases, additional expenses may be offset to some degree by fees if collected. There may also be additional work for the juvenile courts, which are a division of courts of common pleas, to retain jurisdiction of truant students. The Attorney General may experience increased costs to investigate and pursue civil actions as authorized under the bill. In addition, the bill’s removal of qualified immunity for school districts or board members who knowingly instruct a superintendent to violate Ohio law may increase the likelihood that a civil action is filed, resulting in some increase in caseloads and related expenses of local trial courts.

It is likely that the bill’s provisions will affect few civil or criminal cases, as the applicable circumstances are expected to be relatively infrequent. Additional details concerning these provisions are provided below.

### **Truancy**

Under current law, a person may be found guilty of contributing to the unruliness or delinquency of a child if they act in a way that contributes to an adjudication of the child as a delinquent child based on the child’s violation of a court order adjudicating the child an unruly child for being a habitual truant. Under the bill, a person may be found guilty of the offense, if the person acts in a way that contributes to the child being a habitual truant; an adjudication of a child as being unruly or delinquent is unnecessary. Under continuing law, unchanged by the bill, contributing to the unruliness or delinquency of a child is a first degree misdemeanor punishable by not more than 180 days in jail and a fine of up to \$1,000. Each day of violation is a separate offense.

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<sup>4</sup> See the [Licensure Code of Professional Conduct for Ohio Educators \(PDF\)](https://sboe.ohio.gov/professional-conduct), which is available on the State Board’s website: [sboe.ohio.gov/professional-conduct](https://sboe.ohio.gov/professional-conduct).

Additionally, the bill allows a juvenile court to maintain jurisdiction over a child adjudicated an unruly child for being a habitual truant during the subsequent school year for the purpose of monitoring the child's attendance.

### **Cheating resources**

The bill prohibits any organization or individual from, for a fee or other compensation, (1) preparing<sup>5</sup> any work product for or on behalf of a learner, (2) sell<sup>6</sup> any work product to a learner, or (3) completing or otherwise performing an assigned task for or on behalf of a learner. The bill prohibits an organization or individual from selling or advertising for a sale a confidential exam or part of an exam, or a detailed description of its contents when they reasonably should know the sale is a violation of state law. The bill prohibits an organization or individual from issuing a disclaimer or contractual language which attempts to exempt them from these prohibitions.

The bill allows the Attorney General to investigate alleged violations and to bring civil actions against alleged violators in the appropriate common pleas court. An individual or organization that violates any of the above prohibitions is subject to a civil penalty of not more than \$5,000 per violation, to be deposited to the credit of the General Revenue Fund. The bill allows a sponsor<sup>7</sup> to bring a civil action in a court of competent jurisdiction and may recover liquidated damages up to the greater of \$2,500 or actual damages, reasonable attorney fees and costs, injunctive relief, punitive damages, and any other relief determined to be appropriate by the court. The courts are required to preserve the secrecy of an alleged confidential examination or assignment by reasonable means.

### **School district qualified immunity**

The bill eliminates a school district's or its board of education members' qualified immunity when the district board or a majority of its members knowingly instructs the district superintendent to violate Ohio law. However, the bill exempts a board member who does not knowingly instruct the superintendent to violate the law or who votes against instructing the superintendent to do so. The bill clarifies that these changes do not eliminate, limit, or reduce any other immunity or defense that a school district or board member may be entitled to under the law.

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<sup>5</sup> Prepare, advertise to prepare, offer to prepare, or cause to be prepared.

<sup>6</sup> Sell, advertise to sell, offer to sell, or cause to be sold.

<sup>7</sup> Any state institution of higher education; any organization that owns, sponsors, grants, awards, or otherwise issues professional licenses; organization that owns, sponsors, grants, awards, or otherwise issues credentials or certifications; any organization that owns, sponsors, administers, or otherwise delivers examinations.