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Bill Analysis

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Version: As Passed by the Senate

Primary Sponsor: Sen. Brenner

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SUMMARY

"Cheating" resources

- Prohibits organizations and individuals from engaging in any activities or advertising any services with the intention of assisting a learner to cheat on any exam or assigned task.
- Expressly permits an individual or organization to provide tutorial educational assistance to learners, provided the work product will not be represented as the learner's own work.
- Permits the Attorney General to bring an action for a violation and subjects the violator to a civil penalty of not more than $5,000 per violation.
- Authorizes a civil action for violations, in which the plaintiff may recover $2,500 in liquidated damages or actual damages, reasonable attorney's fees and costs, injunctive and punitive damages, and other relief as determined by the court.

Truancy

- Requires a school district's attendance officer to file a complaint in juvenile court against a student who first was absent without legitimate excuse for 30 or more consecutive hours, 42 or more hours in one school month, or 72 or more hours in a school year, and then is subsequently absent without legitimate excuse in the same school year.
- Allows a juvenile court to maintain school-year jurisdiction over a child that is adjudicated an unruly child for being a habitual truant for purposes of monitoring the child's attendance.
- Modifies the offense of contributing to the unruliness or delinquency of a child so that any person who acts in a way that contributes to a child being a habitual truant is guilty of the offense.

Educator licensure

- Permits an employing school district, educational service center, community school, chartered nonpublic school, or employer to identify a designee serving on its behalf, as a contractor or agent, to receive notifications for arrests or convictions from the State Board of Education through the Retained Applicant Fingerprint Database (RAPBACK).
- Permits the State Board to suspend, revoke, or limit the license of a school district superintendent who knowingly violates specified education laws, unless the superintendent is acting under the direction of the board of education or a majority of its members.
- Exempts an applicant for a one-year out-of-state educator license, or a holder of that license applying for a resident or professional educator license, who successfully completed the Ohio foundations of reading exam on the first attempt from the requirement to complete coursework in the teaching of reading.

Disposal of real or personal school district property

- Adds the governing board of an educational service center to the list of entities to which a school district board of education may sell district property exceeding $10,000 in value in a private sale instead of conducting a public auction.

Involuntary disposition of school district property

- Revises the law regarding the involuntary disposition of school district property as follows:
  - Clarifies what buildings qualify as "unused school facilities";
  - Specifies that the value for which a school district must sell an unused school facility must be the appraised fair market value as an educational facility;
  - Adds chartered nonpublic schools to the schools that a district must offer its unused school facilities; and
  - Requires a district, if no high-performing community school located in the district offers to purchase or lease a property, to offer the property to high-performing community schools located outside of the district prior to offering to other start-up community schools, college-preparatory boarding schools, STEM schools, and chartered nonpublic schools.
- Requires a community school, STEM school, college-preparatory boarding school, or chartered nonpublic school that purchases any property under the involuntary disposition law to use that property as an educational facility for at least ten years after the purchase.
- Prohibits a school district from demolishing an unused school facility unless it has offered to lease or sell the facility to other public and chartered nonpublic schools and requires the Facilities Construction Commission to fine any district that does not.

- Prohibits a school district from redeveloping or otherwise substantially renovating an unused school facility for noneducational purposes without first offering the facility for sale through the involuntary disposition process.
- Requires each district annually to report to the Department of Education and Workforce by November 30 information related to determining whether a school building operated by the district is an unused school facility.
- Requires the Department annually to post by December 31 a list of unused school facilities in each school district.

Zoning

- Prohibits counties, townships, and municipal corporations from prohibiting or restricting the location of a public school or chartered nonpublic school in any district or zone.
- 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.

Additional provisions

- Permits students enrolled in an internet- or computer-based community school (e-school) to complete state assessments remotely in an online format with a remote proctor, if specified conditions are met.
- Permits a school district superintendent to allow a district student to participate in ice hockey as an interscholastic athletic activity at any district school where it is offered.
- Revises the timelines under which a school district board of education or educational service center governing board must (1) vote on whether to declare a board member's reason for a 90-day absence is insufficient and (2) fill the vacancy of an elected board member.
- Eliminates a school district's or its members' qualified immunity when the district board or a majority of its members knowingly instructs the district superintendent to violate the law but exempts a board member who does not participate in such instruction or who votes against it.

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DETAILED ANALYSIS

"Cheating" resources

Prohibited conduct

The bill prohibits organizations and individuals from engaging in any activities or advertising any services with the intention of assisting a learner to cheat on any exam or assigned task. Under the bill, an "assigned task" means any task assigned, directed, or otherwise given to a learner by a sponsor or its representatives, the performance on which will be evaluated for credit, including any of the following:

1. Writing a term paper, thesis, dissertation, essay, or report;
2. Providing responses to, participating in, or otherwise engaging in an exam;
3. Preparing any other work product in response to an assignment; and
4. Attending classes or other instructional interactions when the task is assigned, directed, or otherwise given to a learner by a sponsor or its representatives.

A "sponsor" under the bill includes the following:

1. Any state institution of higher education;
2. Any organization that owns, sponsors, grants, awards, or otherwise issues:

a. Professional licenses to individuals or organizations bearing the organization's name or trademark and signifying completion of a set of requirements associated with that license; or

b. Credentials or certifications bearing the organization's name or trademark to individuals or organizations in Ohio and signifying completion of a set of requirements associated with that credential or certification.

3. Any organization that owns, sponsors, grants, awards, or otherwise delivers exams bearing the organization's name or trademark to individuals or organizations in Ohio.

The bill specifically prohibits an organization or individual from, for a fee or other compensation, engaging in any of the following activities:

1. Preparing, advertising to prepare, offering to prepare, or causing to be prepared, any work product for or on behalf of a learner;

2. Selling, advertising to sell, offering to sell, or causing any work product to be sold to a learner; or

3. Completing or otherwise performing an assigned task for or on behalf of a learner, whether in whole or in part, with the knowledge, or under circumstances in which the organization or individual should reasonably have known that the work product or the completion of the assigned task will be submitted by or on behalf of the learner as the learner's own work for credit.

The bill also prohibits an organization or individual from selling or advertising for sale a confidential exam, a portion of it, or a detailed description of its contents, when the organization or individual reasonably should know that the sale or advertisement is a violation of the bill's prohibitions.

Finally, the bill prohibits an organization or individual from issuing a disclaimer or drafting contractual language attempting to exempt the organization or individual from the bill's provisions, including the following statements:

1. That the learner will not use any work product in completing all or part of the assigned tasks;

2. That the learner has not been required to complete the assigned tasks personally; and

3. That provision of the work product or completion of the assigned tasks has been approved by the sponsor.

The bill clarifies that it does not prevent an individual or organization from providing tutorial assistance, research material, information, or other assistance to learners, provided that it is expressly permitted by the sponsor and the individual or organization providing assistance has reasonable belief that the work product will not be represented as the learner's own work.[1]

[1] R.C. 2307.59(A) to (E).

Penalties

The bill permits the Attorney General to investigate an alleged violation and bring a civil action in the appropriate court of common pleas against the alleged violator. An individual or organization that violates the bill's prohibitions is subject to a civil penalty of no more than $5,000 per violation, to be deposited in the state treasury to the credit of the General Revenue Fund.

The bill also permits any sponsor aggrieved by a violation to bring a civil action against the individual or organization who violated the bill in any court of competent jurisdiction. A plaintiff may recover all of the following for each violation:

1. Liquidated damages of $2,500 or actual damages, whichever is greater;
2. Reasonable attorney's fees and costs, including expert witness fees and other litigation expenses;
3. Injunctive relief and punitive damages; and
4. Other relief as the court determines appropriate.

The bill requires a court to preserve the secrecy of an alleged confidential exam or assignment by reasonable means, which may include the following:

1. Granting protective orders in connection with discovery proceedings;
2. Holding in-camera hearings;
3. Sealing the records of the action; and
4. Ordering any individual involved in the litigation not to disclose an alleged confidential examination or assignment without prior court approval.[2]

Truancy

Contributing to unruliness or delinquency

The bill modifies the offense of "contributing to the unruliness or delinquency of a child" so that any person who acts in a way that contributes to a child being a habitual truant is guilty of the offense. Under current law, an adjudication of a child as a delinquent child based on a violation of a court order adjudicating the child as unruly is a necessary element of the violation. No adjudication of a child as being unruly or delinquent is necessary for a conviction under the bill.[3]

Habitual truant – juvenile court complaint

The bill requires a school district's attendance officer to file a complaint in the juvenile court against any student to which both of the following apply:

[2] R.C. 2307.59(F).

[3] R.C. 2919.24(B)(3) and (C).

1. During one school year, the student was absent without legitimate excuse for either 30 or more consecutive hours, 42 or more hours in one school month, or 72 or more hours in one school year; and
2. After meeting the above condition, the student is subsequently absent without legitimate excuse in the same school year.

Under current law, the attendance officer is required to file a complaint when the student meets the first condition above and the district or school determines that no progress is being made by the student and the student's family in improving the student's attendance at school, or if the student and the student's family cease to continue making progress in improving the student's attendance. If the district or school determines that the student and the student's family are making satisfactory progress, the attendance officer is not required to file a complaint.

Under continuing law, the complaint filed by the attendance offer must allege that the child is an unruly child for being a habitual truant, and that the parent, guardian, or other person having care of the child is in violation of the law for a failure to send the child to school.[4]

Habitual truant – juvenile court jurisdiction

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

Under continuing law, the court that adjudicates a child as an unruly child for being a habitual truant may require the child to participate in an academic program or community service program, may require the child to participate in a drug abuse or alcohol abuse counseling program, may require that the child receive appropriate medical or psychological treatment or counseling, and may order the board of education of the child's school district or the governing board of the educational service center in the child's school district to require the child to attend an alternative school if an alternative school has been established pursuant to Ohio law in the school district in which the child is entitled to attend school.[5]

Educator licensure

RAPBACK notifications

The bill permits an employing school district, educational service center, community school, chartered nonpublic school, or employer to identify a designee serving on its behalf, as a contractor or agent, to receive notifications for arrests or convictions from the State Board of Education through the Retained Applicant Fingerprint Database (RAPBACK). An employer or designee who receives notifications on behalf of a district, school, or employer must comply with

[4] R.C. 3321.16 and 3321.38, not in the bill.

[5] R.C. 2151.354(C) with conforming change in R.C. 2152.19.

the applicable requirements established under continuing law for a participating private party or participating public office.[6]

District superintendent licensure

The bill expressly prohibits any school district superintendent from knowingly violating any provision of the Ohio Education Code (R.C. Title XXXIII) or any other Revised Code provision related to school districts, schools operated by school districts, or students who receive services from school districts. It also permits the State Board to suspend, revoke, or limit the license of a superintendent who knowingly violates that prohibition, unless the superintendent is acting under the direction of the board of education or a majority of its members.[7]

Out-of-state educator reading coursework

The bill exempts an applicant for an out-of-state educator license, or a one-year out-of-state educator license holder who is an applicant for a resident or professional educator license, who successfully completed the Ohio foundations of reading exam on the applicant's first attempt from the requirement to complete any coursework in the teaching of reading.[8]

Under continuing law, an applicant for a resident educator license designated for teaching children in grades K-6 or the equivalent must have successfully completed at least six semester hours, or the equivalent, of coursework in the teaching of reading. Continuing law also makes the subsequent issuance of a professional educator license contingent on an applicant having completed six additional semester hours, or the equivalent, in the teaching of reading. However, an applicant for a one-year nonrenewable out-of-state educator license who successfully completes Ohio's foundations of reading exam on the first attempt is not required to have completed those six hours prior to receipt of the license.[9]

Disposal of real or personal school district property

The bill adds the governing board of an educational service center to the list of entities under continuing law to which a school district board of education may sell district property that exceeds $10,000 in value through a private sale, rather than through a public auction.[10]

Involuntary disposition of unused school facilities

Sale or lease process

The bill revises the law regarding the involuntary disposition of school district property. Under that law, a school district must offer to sell or lease any real property that it owns to

[6] R.C. 3319.316; conforming changes in R.C. 3319.391 and 3327.10.

[7] R.C. 3319.31 and 3319.3110.

[8] R.C. 3319.2210 and 3319.24.

[9] R.C. 3319.2210 and 3319.22, not in the bill.

[10] R.C. 3313.41(C).

different types of schools if the property qualifies as an "unused school facility." Under continuing law, an unused school facility is either:

1. Any real property used for school operations since July 1, 1998, but which has not been used in that capacity for one year (the "totally unused" criteria); or
2. 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 (the "less than 60% used" criteria).

The bill adds specific conditions to qualify for the "less than 60% used" criteria. Namely, a school building is considered "less than 60% used" if its student enrollment in the two most recent school years was less than 60% of either:

1. The maximum student enrollment established in the building's architectural specifications or master design plan; or
2. The building's greatest student enrollment in the ten most recent school years, including the current year.

The bill also adds chartered nonpublic schools to the list of schools to which a district must offer its unused school facilities for sale or lease.

Further, the bill revises the order in which a district must offer an unused school facility for sale or lease to different types of schools. Under continuing law, a district must give first priority to high-performing community schools located within the district's territory.

Under the bill, if no high-performing community school in the district responds to that offer within 60 days, the district must offer the property for sale or lease to high-performing community schools located outside of the district. If only one such school offers to purchase the property within 60 days of the offer, the district must sell the property to it for the appraised fair market value of the property. If more than one such school offers to purchase the property, the district must conduct a public auction. Only schools that notified the district treasurer of the intention to purchase the property are eligible to bid at the auction. The district is not obligated to accept any bid for the property that is lower than the appraised fair market value of the property.

If no high-performing community school outside the district offers to purchase the property during the additional 60-day period, the bill requires the district to proceed with offers from all other community schools, college-preparatory boarding schools, STEM schools, and chartered nonpublic schools. If more than one of these entities makes an offer at this time, the district must sell the property at a public auction, as under continuing law. However, the bill clarifies that a district is not obligated to accept any payment for the property at this auction that is lower than the appraised market value. If no such school accepts the offer to sell or lease the property within 60 days, the bill requires the district to offer the property for sale at a public auction in the same manner as if the district decided to voluntarily sell the property under continuing law.

The bill requires the appraised fair market value of an unused school facility for the purposes of the involuntary disposition law to be specifically based on the facility's value for operation as an educational facility.

Finally, the bill eliminates the prohibition against a school from selling a property purchased as an unused school facility within five years, and instead requires a community school, STEM school, college-preparatory boarding school, or chartered nonpublic school that purchases any property under the involuntary disposition law to use that property as an educational facility for at least ten years after purchasing that property.

Under the bill, any school that ceases to use a purchased property as an educational facility within ten years of the purchase must sell the property back to the original seller at the appraised fair market value of the property. If the original seller refuses to repurchase the property, the bill requires the school to offer the property for lease or sale to another community school, STEM school, college-preparatory boarding school, or chartered nonpublic school in the same manner as if it were a school district under the involuntary disposition law.[11]

Exemptions

The bill exempts a school district from offering an unused school facility for sale or lease if:

1. The facility is less than ten years old;
2. The facility is located on or adjacent to a tract or parcel of land where other school district facilities are located;
3. The facility qualifies under the "less than 60% used" criteria, but either:
    a. The building is the only district building that provides direct academic instruction to one or more grade levels; or
    b. The building's student enrollment decreased because it was undergoing repairs or renovations that caused a significant portion of the building's instructional space to be unusable.
4. The facility is a school building primarily used to provide career-technical education.

Additionally, if a district board believes extraordinary circumstances should exempt it from offering an unused facility for lease or sale, the bill permits the board to appeal to the Director of Education and Workforce. The Director must approve or deny the appeal within 60 days of receiving the request from the board.[12]

[11] R.C. 3313.411(A) to (E).

[12] R.C. 3313.411(F).

Demolition or redevelopment

General prohibition against demolition

The bill prohibits a school district from demolishing or permitting any other entity, including a municipal corporation, to demolish an unused school facility unless it has offered to lease or sell the facility to community schools, college-preparatory boarding schools, STEM schools, and chartered nonpublic schools under the involuntary disposition law, and none of those schools accept the offer to lease or buy the unused facility.

For a school district that does not do so, the bill requires the Facilities Construction Commission to impose a fine not less than the appraised fair market value of the property, as determined in the most recent appraisal completed prior to demolition.[13]

Removal of CFAP exception

Under continuing law, the Facilities Construction Commission (FCC) is required to enter into a written agreement with a school district board for the construction and sale of a project under the Classroom Facilities Assistance Program (CFAP), Ohio's main school facilities assistance program for school districts. The law requires that agreement include a stipulation that prohibits FCC from approving a contract for demolition of a facility until the district is compliant with the involuntary disposition law. The bill eliminates an exception to that prohibition that otherwise permits the demolition of a facility to clear a site for construction of a replacement facility in the project.[14]

Redevelopment prohibition

Finally, the bill prohibits a school district from redeveloping or otherwise substantially renovating an unused school facility for noneducational purposes without first offering the facility for sale as required by the involuntary disposition provisions of the bill.[15]

Reporting

Not later than November 30, 2026, and annually thereafter, the bill requires each school district to report to the Department of Education and Workforce both:

1. Any real district property that meets the "totally unused" criteria; and
2. Enrollment data for any school building that meets the "less than 60% used" criteria and the current enrollment for each school building operated by the district.

Not later than December 31, 2026, and annually thereafter, the Department must publish a list of unused school facilities in each school district on its website.

The bill permits, for the 2026 calendar year only, a school district to submit its report as late as February 28, 2027. For any such district that takes additional time, the Department has

[13] R.C. 3313.411(G).

[14] RC. 3318.08(V) and (W).

[15] R.C. 3313.411(H).

30 days after receiving the district's report to publish the list of unused school facilities on its website.[16]

Zoning

The bill prohibits counties, townships, and municipal corporations from prohibiting or restricting the location of a public school or chartered nonpublic school in any district or zone, and prohibits them 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.[17] If challenged, a court might examine this provision in light of the Home Rule Amendment to the Ohio Constitution, as applied to municipal corporations.[18] The Ohio Supreme Court has held that municipal zoning regulations fall under home rule and therefore, an attempt by the General Assembly to limit that authority may violate the Home Rule Amendment. In 2002, the Ohio Supreme Court struck down a statute that forbid municipal corporations from prohibiting or restricting the location of permanent sited manufactured homes in any zone or district in which a single-family home was permitted. The Ohio Supreme Court stated the statute "attempts to limit the ability of [municipal corporations] to zone their communities as they see fit" and "strikes at the heart of municipal home rule: the orderly planning of a city."[19]

Additional provisions

Remote administration of state assessments

The bill permits any student attending an internet- or computer-based community school (commonly known as an e-school) to complete state assessments, including achievement assessments and end-of-course exams,[20] remotely in an online format with a remote proctor if:

1. The student takes the assessment using a device in which the student will be monitored by the assessment proctor through video and audio for the duration of the assessment administration;
2. The assessment proctor actively monitors each student completing a remote assessment and is available to respond to student questions and troubleshoot issues;
3. The school maintains a ratio of eleven to one, or less, for students taking an assessment to an assessment proctor;
4. Each teacher or school personnel assigned to proctor a remote assessment completes a remote proctoring certification course;

[16] R.C. 3313.411(I); Section 4.

[17] R.C. 303.216, 519.216, and 713.083.

[18] Ohio Constitution, Article XVIII, Section 3.

[19] *Canton v. State*, 95 Ohio St.3d. 149, 157 (2002).

[20] See R.C. 3301.0710 and 3301.0712, not in the bill.

5. Each teacher, assessment proctor, or other school staff of each participating school understands the technical requirements and is familiar with the remote testing features prior to the remote administration of assessments;
6. The school does the following for parents and students prior to administering assessments:
    a. Ensures that all testing equipment functions correctly;
    b. Provides training and support, including an opportunity to gain experience with remote testing features; and
    c. Communicates test security provisions and procedures. [21]

The bill requires an e-school and a student's parent or guardian to determine whether a student will take state assessments remotely.[22] Each e-school that uses remote proctoring for state assessments must provide parents with information regarding available testing and proctoring options for enrolled students.

Within two weeks of a student's initial enrollment in the e-school, the school must conduct a meeting or consultation with the student's parent or guardian, which may occur in person, by telephone, or through electronic communication, including e-mail or other digital means, to discuss the available testing administration and proctoring options for the student.

During the meeting or consultation, the e-school must inform the student's parent or guardian of the school's preferred method of administration and proctoring of state assessments and any available alternative options. The bill permits a parent or guardian to elect an alternative option and requires the school to accommodate that election to the extent practicable, taking into consideration the student's educational needs and the feasibility of available testing options. If a student's parent or guardian does not respond to the school's reasonable attempts to conduct the meeting or consultation within two weeks of the student's enrollment, the bill permits the school to proceed with the school's preferred method of administration and proctoring of state assessments.

However, if a student has an individualized education program (IEP) that includes in-person administration and proctoring of state assessments, the school must provide in-person testing for that student. The bill further clarifies that none of the provisions regarding remote proctoring may be construed to permit a school to use a testing administration method for state assessments that conflicts with the services included in a student's IEP.[23]

The bill revises the current law requirement that an e-school provide students with access to a testing location within a 50-mile radius of the student's residence at which to complete

[21] R.C. 3314.25.

[22] R.C. 3314.25(A) to (D), repealed and reenacted.

[23] R.C. 3314.252(A), (B), and (E).

assessments. Instead, the bill only requires an e-school to do so if in-person testing administration is determined to be the appropriate option for a student.

The bill requires an e-school to annually review the testing administration method for each student with the student's parent or guardian and permits the school to revise the testing administration method used if the school and parent agree that a different proctoring method better serves the student's needs. The bill prohibits an e-school from revising a student's testing administration method without parental approval.[24]

Finally, the bill requires the Department to publish a report by September 15 of each year that analyzes the results of assessments that were remotely administered and proctored in the prior school year to identify whether there were any signs of cheating or any anomalous results.[25]

Ice hockey participation

The bill permits a school district superintendent to allow a district student to participate in ice hockey as an interscholastic athletic activity at any district school where it is offered. The bill prohibits requiring such a student to enroll in the school to participate in ice hockey. Further, a student must be of the appropriate age and grade level for the school at which the student participates in ice hockey and must fulfill and be subject to the same academic, nonacademic, and financial requirements as any other participant, including trying out for a position on the teams.[26]

Under continuing law, the superintendent of any school district may permit a student enrolled in another school district the opportunity to participate in ice hockey at the district's schools if the district in which the student is enrolled does not offer ice hockey, the districts are less than 20 miles away from each other, and the superintendents of both districts enter into an agreement approving the student's participation in ice hockey.

School board vacancies

The bill revises the period within which a school district board of education or educational service center governing board must vote on whether to declare a board member's reason for a 90-day absence as insufficient, an affirmative vote on which causes a vacancy in the board member's office. The board must vote within 45 days after such absence, instead of not less than 30 days after, as under current law.

Additionally, the bill requires a board to fill a vacancy by an elected board member at any regular or special meeting within 45 days of the vacancy. Current law requires the vacancy be held at the next meeting that occurs no earlier than ten days after the vacancy.

[24] R.C. 3314.252(C) and (D).

[25] R.C. 3314.25(D).

[26] R.C. 3313.536.

Finally, the bill also relocates in the Revised Code the requirement that a county's probate court act as the board to fill the vacancy of an elected board member if the board fails to do so within 45 days of the vacancy occurring.[27]

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.[28]

HISTORY

Action	Date
Introduced	10-29-25
Reported, S. Education	06-10-26
Passed Senate (24-9)	06-10-26

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[27] R.C. 3313.11; R.C. 3313.85, repealed.

[28] R.C. 3313.174.