

**As Passed by the Senate**

**136th General Assembly**

**Regular Session**

**2025-2026**

**Sub. S. B. No. 311**

**Senator Brenner**

**Cosponsors: Senators Cirino, Gavarone**

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To amend sections 2151.354, 2152.19, 2919.24, 1  
3313.11, 3313.41, 3313.411, 3313.413, 3313.536, 2  
3318.08, 3319.2210, 3319.24, 3319.31, 3319.316, 3  
3319.391, 3321.16, and 3327.10; to enact new 4  
section 3314.25 and sections 303.216, 519.216, 5  
713.083, 2307.59, 3313.174, 3314.252, and 6  
3319.3110; and to repeal sections 3313.85 and 7  
3314.25 of the Revised Code regarding the 8  
operation of public and chartered nonpublic 9  
schools. 10

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

**Section 1.** That sections 2151.354, 2152.19, 2919.24, 11  
3313.11, 3313.41, 3313.411, 3313.413, 3313.536, 3318.08, 12  
3319.2210, 3319.24, 3319.31, 3319.316, 3319.391, 3321.16, and 13  
3327.10 be amended and new section 3314.25 and sections 303.216, 14  
519.216, 713.083, 2307.59, 3313.174, 3314.252, and 3319.3110 of 15  
the Revised Code be enacted to read as follows: 16

**Sec. 303.216.** (A) As used in this section: 17

"Nonpublic school" means a chartered nonpublic school as 18  
defined in section 3310.01 of the Revised Code. 19

"Public school" means a city, local, exempted village, or 20  
joint vocational school district or any other public school as 21  
defined in section 3301.0711 of the Revised Code. 22

(B) Sections 303.01 to 303.25 of the Revised Code do not 23  
confer on any county rural zoning commission, board of county 24  
commissioners, or board of zoning appeals the authority to 25  
prohibit or restrict the location of a public school or a 26  
nonpublic school in any district or zone in the county. 27

(C) A county rural zoning commission, board of county 28  
commissioners, or board of zoning appeals shall not deny an 29  
application related to land use for the sole reason that the 30  
requesting entity is seeking to establish a public school or a 31  
nonpublic school. 32

**Sec. 519.216.** (A) As used in this section: 33

"Nonpublic school" means a chartered nonpublic school as 34  
defined in section 3310.01 of the Revised Code. 35

"Public school" means a city, local, exempted village, or 36  
joint vocational school district or any other public school as 37  
defined in section 3301.0711 of the Revised Code. 38

(B) Sections 519.01 to 519.25 of the Revised Code do not 39  
confer on any township zoning commission, board of township 40  
trustees, or board of zoning appeals the authority to prohibit 41  
or restrict the location of a public school or a nonpublic 42  
school in any district or zone in the township. 43

(C) A township zoning commission, board of township 44  
trustees, or board of zoning appeals shall not deny an 45  
application related to land use for the sole reason that the 46  
requesting entity is seeking to establish a public school or a 47  
nonpublic school. 48

<u>Sec. 713.083. (A) As used in this section:</u>	49
<u>"Nonpublic school" means a chartered nonpublic school as defined in section 3310.01 of the Revised Code.</u>	50 51
<u>"Public school" means a city, local, exempted village, or joint vocational school district or any other public school as defined in section 3301.0711 of the Revised Code.</u>	52 53 54
<u>(B) A municipal corporation shall not prohibit or restrict the location of a public school or a nonpublic school in any district or zone in the municipal corporation.</u>	55 56 57
<u>(C) A municipal corporation shall not deny an application related to land use for the sole reason that the requesting entity is seeking to establish a public school or a nonpublic school.</u>	58 59 60 61
<b>Sec. 2151.354. (A) If the child is adjudicated an unruly child, the court may:</b>	62 63
(1) Make any of the dispositions authorized under section 2151.353 of the Revised Code;	64 65
(2) Place the child on community control under any sanctions, services, and conditions that the court prescribes, as described in division (A)(4) of section 2152.19 of the Revised Code, provided that, if the court imposes a period of community service upon the child, the period of community service shall not exceed one hundred seventy-five hours;	66 67 68 69 70 71
(3) Suspend the driver's license, probationary driver's license, or temporary instruction permit issued to the child for a period of time prescribed by the court and suspend the registration of all motor vehicles registered in the name of the child for a period of time prescribed by the court. A child	72 73 74 75 76

whose license or permit is so suspended is ineligible for 77  
issuance of a license or permit during the period of suspension. 78  
At the end of the period of suspension, the child shall not be 79  
reissued a license or permit until the child has paid any 80  
applicable reinstatement fee and complied with all requirements 81  
governing license reinstatement. 82

(4) Commit the child to the temporary or permanent custody 83  
of the court; 84

(5) Make any further disposition the court finds proper 85  
that is consistent with sections 2151.312 and 2151.56 to 2151.59 86  
of the Revised Code; 87

(6) If, after making a disposition under division (A) (1), 88  
(2), or (3) of this section, the court finds upon further 89  
hearing that the child is not amenable to treatment or 90  
rehabilitation under that disposition, make a disposition 91  
otherwise authorized under divisions (A) (1), (4), (5), and (8) 92  
of section 2152.19 of the Revised Code that is consistent with 93  
sections 2151.312 and 2151.56 to 2151.59 of the Revised Code. 94

(B) If a child is adjudicated an unruly child for 95  
committing any act that, if committed by an adult, would be a 96  
drug abuse offense, as defined in section 2925.01 of the Revised 97  
Code, or a violation of division (B) of section 2917.11 of the 98  
Revised Code, in addition to imposing, in its discretion, any 99  
other order of disposition authorized by this section, the court 100  
shall do both of the following: 101

(1) Require the child to participate in a drug abuse or 102  
alcohol abuse counseling program; 103

(2) Suspend the temporary instruction permit, probationary 104  
driver's license, or driver's license issued to the child for a 105

period of time prescribed by the court. The court, in its 106  
discretion, may terminate the suspension if the child attends 107  
and satisfactorily completes a drug abuse or alcohol abuse 108  
education, intervention, or treatment program specified by the 109  
court. During the time the child is attending a program as 110  
described in this division, the court shall retain the child's 111  
temporary instruction permit, probationary driver's license, or 112  
driver's license, and the court shall return the permit or 113  
license if it terminates the suspension. 114

(C) (1) If a child is adjudicated an unruly child for being 115  
an habitual truant, in addition to or in lieu of imposing any 116  
other order of disposition authorized by this section, the court 117  
may do any of the following: 118

(a) Order the board of education of the child's school 119  
district or the governing board of the educational service 120  
center in the child's school district to require the child to 121  
attend an alternative school if an alternative school has been 122  
established pursuant to section 3313.533 of the Revised Code in 123  
the school district in which the child is entitled to attend 124  
school; 125

(b) Require the child to participate in any academic 126  
program or community service program; 127

(c) Require the child to participate in a drug abuse or 128  
alcohol abuse counseling program; 129

(d) Require that the child receive appropriate medical or 130  
psychological treatment or counseling; 131

(e) Maintain jurisdiction over the child during the 132  
subsequent school year for the purpose of monitoring the child's 133  
attendance. 134

(f) Make any other order that the court finds proper to 135  
address the child's habitual truancy, including an order 136  
requiring the child to not be absent without legitimate excuse 137  
from the public school the child is supposed to attend for 138  
thirty or more consecutive hours, forty-two or more hours in one 139  
school month, or seventy-two or more hours in a school year and 140  
including an order requiring the child to participate in a 141  
truancy prevention mediation program. 142

(2) If a child is adjudicated an unruly child for being an 143  
habitual truant and the court determines that the parent, 144  
guardian, or other person having care of the child has failed to 145  
cause the child's attendance at school in violation of section 146  
3321.38 of the Revised Code, in addition to any order of 147  
disposition authorized by this section, all of the following 148  
apply: 149

(a) The court may require the parent, guardian, or other 150  
person having care of the child to participate in any community 151  
service program, preferably a community service program that 152  
requires the involvement of the parent, guardian, or other 153  
person having care of the child in the school attended by the 154  
child. 155

(b) The court may require the parent, guardian, or other 156  
person having care of the child to participate in a truancy 157  
prevention mediation program. 158

(c) The court shall warn the parent, guardian, or other 159  
person having care of the child that any subsequent adjudication 160  
of the child as an unruly or delinquent child for being an 161  
habitual truant or for violating a court order regarding the 162  
child's prior adjudication as an unruly child for being an 163  
habitual truant, may result in a criminal charge against the 164

parent, guardian, or other person having care of the child for a 165  
violation of division (C) of section 2919.21 or section 2919.24 166  
of the Revised Code. 167

(d) Not later than ten days after a child is adjudicated 168  
an unruly child for being an habitual truant, the court shall 169  
provide notice of that fact to the school district in which the 170  
child is entitled to attend school and to the school in which 171  
the child was enrolled at the time of the filing of the 172  
complaint. 173

**Sec. 2152.19.** (A) If a child is adjudicated a delinquent 174  
child, the court may make any of the following orders of 175  
disposition, in addition to any other disposition authorized or 176  
required by this chapter: 177

(1) Any order that is authorized by section 2151.353 of 178  
the Revised Code for the care and protection of an abused, 179  
neglected, or dependent child; 180

(2) Commit the child to the temporary custody of any 181  
school, camp, institution, or other facility operated for the 182  
care of delinquent children by the county, by a district 183  
organized under section 2152.41 or 2151.65 of the Revised Code, 184  
or by a private agency or organization, within or without the 185  
state, that is authorized and qualified to provide the care, 186  
treatment, or placement required, including, but not limited to, 187  
a school, camp, or facility operated under section 2151.65 of 188  
the Revised Code; 189

(3) Place the child in a detention facility or district 190  
detention facility operated under section 2152.41 of the Revised 191  
Code, for up to ninety days; 192

(4) Place the child on community control under any 193

sanctions, services, and conditions that the court prescribes. 194  
As a condition of community control in every case and in 195  
addition to any other condition that it imposes upon the child, 196  
the court shall require the child to abide by the law during the 197  
period of community control. As referred to in this division, 198  
community control includes, but is not limited to, the following 199  
sanctions and conditions: 200

(a) A period of basic probation supervision in which the 201  
child is required to maintain contact with a person appointed to 202  
supervise the child in accordance with sanctions imposed by the 203  
court; 204

(b) A period of intensive probation supervision in which 205  
the child is required to maintain frequent contact with a person 206  
appointed by the court to supervise the child while the child is 207  
seeking or maintaining employment and participating in training, 208  
education, and treatment programs as the order of disposition; 209

(c) A period of day reporting in which the child is 210  
required each day to report to and leave a center or another 211  
approved reporting location at specified times in order to 212  
participate in work, education or training, treatment, and other 213  
approved programs at the center or outside the center; 214

(d) A period of community service of up to five hundred 215  
hours for an act that would be a felony or a misdemeanor of the 216  
first degree if committed by an adult, up to two hundred hours 217  
for an act that would be a misdemeanor of the second, third, or 218  
fourth degree if committed by an adult, or up to thirty hours 219  
for an act that would be a minor misdemeanor if committed by an 220  
adult; 221

(e) A requirement that the child obtain a high school 222

diploma, a certificate of high school equivalence, vocational	223
training, or employment;	224
(f) A period of drug and alcohol use monitoring;	225
(g) A requirement of alcohol or drug assessment or	226
counseling, or a period in an alcohol or drug treatment program	227
with a level of security for the child as determined necessary	228
by the court;	229
(h) A period in which the court orders the child to	230
observe a curfew that may involve daytime or evening hours;	231
(i) A requirement that the child serve monitored time;	232
(j) A period of house arrest without electronic monitoring	233
or continuous alcohol monitoring;	234
(k) A period of electronic monitoring or continuous	235
alcohol monitoring without house arrest, or house arrest with	236
electronic monitoring or continuous alcohol monitoring or both	237
electronic monitoring and continuous alcohol monitoring, that	238
does not exceed the maximum sentence of imprisonment that could	239
be imposed upon an adult who commits the same act.	240
A period of house arrest with electronic monitoring or	241
continuous alcohol monitoring or both electronic monitoring and	242
continuous alcohol monitoring, imposed under this division shall	243
not extend beyond the child's twenty-first birthday. If a court	244
imposes a period of house arrest with electronic monitoring or	245
continuous alcohol monitoring or both electronic monitoring and	246
continuous alcohol monitoring, upon a child under this division,	247
it shall require the child: to remain in the child's home or	248
other specified premises for the entire period of house arrest	249
with electronic monitoring or continuous alcohol monitoring or	250
both except when the court permits the child to leave those	251

premises to go to school or to other specified premises. 252  
Regarding electronic monitoring, the court also shall require 253  
the child to be monitored by a central system that can determine 254  
the child's location at designated times; to report periodically 255  
to a person designated by the court; and to enter into a written 256  
contract with the court agreeing to comply with all requirements 257  
imposed by the court, agreeing to pay any fee imposed by the 258  
court for the costs of the house arrest with electronic 259  
monitoring, and agreeing to waive the right to receive credit 260  
for any time served on house arrest with electronic monitoring 261  
toward the period of any other dispositional order imposed upon 262  
the child if the child violates any of the requirements of the 263  
dispositional order of house arrest with electronic monitoring. 264  
The court also may impose other reasonable requirements upon the 265  
child. 266

Unless ordered by the court, a child shall not receive 267  
credit for any time served on house arrest with electronic 268  
monitoring or continuous alcohol monitoring or both toward any 269  
other dispositional order imposed upon the child for the act for 270  
which was imposed the dispositional order of house arrest with 271  
electronic monitoring or continuous alcohol monitoring. As used 272  
in this division and division (A) (4) (1) of this section, 273  
"continuous alcohol monitoring" has the same meaning as in 274  
section 2929.01 of the Revised Code. 275

(1) A suspension of the driver's license, probationary 276  
driver's license, or temporary instruction permit issued to the 277  
child for a period of time prescribed by the court, or a 278  
suspension of the registration of all motor vehicles registered 279  
in the name of the child for a period of time prescribed by the 280  
court. A child whose license or permit is so suspended is 281  
ineligible for issuance of a license or permit during the period 282

of suspension. At the end of the period of suspension, the child 283  
shall not be reissued a license or permit until the child has 284  
paid any applicable reinstatement fee and complied with all 285  
requirements governing license reinstatement. 286

(5) Commit the child to the custody of the court; 287

(6) Require the child to not be absent without legitimate 288  
excuse from the public school the child is supposed to attend 289  
for thirty or more consecutive hours, forty-two or more hours in 290  
one school month, or seventy-two or more hours in a school year; 291

(7) (a) If a child is adjudicated a delinquent child for 292  
violating a court order regarding the child's prior adjudication 293  
as an unruly child for being a habitual truant, do either or 294  
both of the following: 295

(i) Require the child to participate in a truancy 296  
prevention mediation program; 297

(ii) Make any order of disposition as authorized by this 298  
section, except that the court shall not commit the child to a 299  
facility described in division (A) (2) or (3) of this section 300  
unless the court determines that the child violated a lawful 301  
court order made pursuant to division ~~(C) (1) (e)~~ (C) (1) (f) of 302  
section 2151.354 of the Revised Code or division (A) (6) of this 303  
section. 304

(b) If a child is adjudicated a delinquent child for 305  
violating a court order regarding the child's prior adjudication 306  
as an unruly child for being a habitual truant and the court 307  
determines that the parent, guardian, or other person having 308  
care of the child has failed to cause the child's attendance at 309  
school in violation of section 3321.38 of the Revised Code, do 310  
either or both of the following: 311

(i) Require the parent, guardian, or other person having 312  
care of the child to participate in a truancy prevention 313  
mediation program; 314

(ii) Require the parent, guardian, or other person having 315  
care of the child to participate in any community service 316  
program, preferably a community service program that requires 317  
the involvement of the parent, guardian, or other person having 318  
care of the child in the school attended by the child. 319

(8) Make any further disposition that the court finds 320  
proper, except that the child shall not be placed in a state 321  
correctional institution, a county, multicounty, or municipal 322  
jail or workhouse, or another place in which an adult convicted 323  
of a crime, under arrest, or charged with a crime is held. 324

(B) If a child is adjudicated a delinquent child, in 325  
addition to any order of disposition made under division (A) of 326  
this section, the court, in the following situations and for the 327  
specified periods of time, shall suspend the child's temporary 328  
instruction permit, restricted license, probationary driver's 329  
license, or nonresident operating privilege, or suspend the 330  
child's ability to obtain such a permit: 331

(1) If the child is adjudicated a delinquent child for 332  
violating section 2923.122 of the Revised Code, impose a class 333  
four suspension of the child's license, permit, or privilege 334  
from the range specified in division (A) (4) of section 4510.02 335  
of the Revised Code or deny the child the issuance of a license 336  
or permit in accordance with division (F) (1) of section 2923.122 337  
of the Revised Code. 338

(2) If the child is adjudicated a delinquent child for 339  
committing an act that if committed by an adult would be a drug 340

abuse offense or for violating division (B) of section 2917.11 341  
of the Revised Code, suspend the child's license, permit, or 342  
privilege for a period of time prescribed by the court. The 343  
court, in its discretion, may terminate the suspension if the 344  
child attends and satisfactorily completes a drug abuse or 345  
alcohol abuse education, intervention, or treatment program 346  
specified by the court. During the time the child is attending a 347  
program described in this division, the court shall retain the 348  
child's temporary instruction permit, probationary driver's 349  
license, or driver's license, and the court shall return the 350  
permit or license if it terminates the suspension as described 351  
in this division. 352

(C) The court may establish a victim-offender mediation 353  
program in which victims and their offenders meet to discuss the 354  
offense and suggest possible restitution. If the court obtains 355  
the assent of the victim of the delinquent act committed by the 356  
child, the court may require the child to participate in the 357  
program. 358

(D) (1) If a child is adjudicated a delinquent child for 359  
committing an act that would be a felony if committed by an 360  
adult and if the child caused, attempted to cause, threatened to 361  
cause, or created a risk of physical harm to the victim of the 362  
act, the court, prior to issuing an order of disposition under 363  
this section, shall order the preparation of a victim impact 364  
statement by the probation department of the county in which the 365  
victim of the act resides, by the court's own probation 366  
department, or by a victim assistance program that is operated 367  
by the state, a county, a municipal corporation, or another 368  
governmental entity. The court shall consider the victim impact 369  
statement in determining the order of disposition to issue for 370  
the child. 371

(2) Each victim impact statement shall identify the victim 372  
of the act for which the child was adjudicated a delinquent 373  
child, itemize any economic loss suffered by the victim as a 374  
result of the act, identify any physical injury suffered by the 375  
victim as a result of the act and the seriousness and permanence 376  
of the injury, identify any change in the victim's personal 377  
welfare or familial relationships as a result of the act and any 378  
psychological impact experienced by the victim or the victim's 379  
family as a result of the act, and contain any other information 380  
related to the impact of the act upon the victim that the court 381  
requires. 382

(3) A victim impact statement shall be kept confidential 383  
and is not a public record. However, the court may furnish 384  
copies of the statement to the department of youth services if 385  
the delinquent child is committed to the department or to both 386  
the adjudicated delinquent child or the adjudicated delinquent 387  
child's counsel and the prosecuting attorney. The copy of a 388  
victim impact statement furnished by the court to the department 389  
pursuant to this section shall be kept confidential and is not a 390  
public record. If an officer is preparing pursuant to section 391  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 a 392  
presentence investigation report pertaining to a person, the 393  
court shall make available to the officer, for use in preparing 394  
the report, a copy of any victim impact statement regarding that 395  
person. The copies of a victim impact statement that are made 396  
available to the adjudicated delinquent child or the adjudicated 397  
delinquent child's counsel and the prosecuting attorney pursuant 398  
to this division shall be returned to the court by the person to 399  
whom they were made available immediately following the 400  
imposition of an order of disposition for the child under this 401  
chapter. 402

The copy of a victim impact statement that is made 403  
available pursuant to this division to an officer preparing a 404  
criminal presentence investigation report shall be returned to 405  
the court by the officer immediately following its use in 406  
preparing the report. 407

(4) The department of youth services shall work with local 408  
probation departments and victim assistance programs to develop 409  
a standard victim impact statement. 410

(E) (1) If a child is adjudicated a delinquent child for 411  
violating a court order regarding the child's prior adjudication 412  
as an unruly child for being a habitual truant and the court 413  
determines that the parent, guardian, or other person having 414  
care of the child has failed to cause the child's attendance at 415  
school in violation of section 3321.38 of the Revised Code, in 416  
addition to any order of disposition it makes under this 417  
section, the court shall warn the parent, guardian, or other 418  
person having care of the child that any subsequent adjudication 419  
with regard to truancy may result in a criminal charge against 420  
the parent, guardian, or other person having care of the child 421  
for a violation of division (C) of section 2919.21 or section 422  
2919.24 of the Revised Code. 423

(2) Not later than ten days after a child is adjudicated a 424  
delinquent child for violating a court order regarding the 425  
child's prior adjudication as an unruly child for being an 426  
habitual truant, the court shall provide notice of that fact to 427  
the school district in which the child is entitled to attend 428  
school and to the school in which the child was enrolled at the 429  
time of the filing of the complaint. 430

(F) (1) During the period of a delinquent child's community 431  
control granted under this section, authorized probation 432

officers who are engaged within the scope of their supervisory 433  
duties or responsibilities may search, with or without a 434  
warrant, the person of the delinquent child, the place of 435  
residence of the delinquent child, and a motor vehicle, another 436  
item of tangible or intangible personal property, or other real 437  
property in which the delinquent child has a right, title, or 438  
interest or for which the delinquent child has the express or 439  
implied permission of a person with a right, title, or interest 440  
to use, occupy, or possess if the probation officers have 441  
reasonable grounds to believe that the delinquent child is not 442  
abiding by the law or otherwise is not complying with the 443  
conditions of the delinquent child's community control. The 444  
court that places a delinquent child on community control under 445  
this section shall provide the delinquent child with a written 446  
notice that informs the delinquent child that authorized 447  
probation officers who are engaged within the scope of their 448  
supervisory duties or responsibilities may conduct those types 449  
of searches during the period of community control if they have 450  
reasonable grounds to believe that the delinquent child is not 451  
abiding by the law or otherwise is not complying with the 452  
conditions of the delinquent child's community control. The 453  
court also shall provide the written notice described in 454  
division (E) (2) of this section to each parent, guardian, or 455  
custodian of the delinquent child who is described in that 456  
division. 457

(2) The court that places a child on community control 458  
under this section shall provide the child's parent, guardian, 459  
or other custodian with a written notice that informs them that 460  
authorized probation officers may conduct searches pursuant to 461  
division (E) (1) of this section. The notice shall specifically 462  
state that a permissible search might extend to a motor vehicle, 463

another item of tangible or intangible personal property, or a 464  
place of residence or other real property in which a notified 465  
parent, guardian, or custodian has a right, title, or interest 466  
and that the parent, guardian, or custodian expressly or 467  
impliedly permits the child to use, occupy, or possess. 468

(G) If a juvenile court commits a delinquent child to the 469  
custody of any person, organization, or entity pursuant to this 470  
section and if the delinquent act for which the child is so 471  
committed is a sexually oriented offense or is a child-victim 472  
oriented offense, the court in the order of disposition shall do 473  
one of the following: 474

(1) Require that the child be provided treatment as 475  
described in division (A) (2) of section 5139.13 of the Revised 476  
Code; 477

(2) Inform the person, organization, or entity that it is 478  
the preferred course of action in this state that the child be 479  
provided treatment as described in division (A) (2) of section 480  
5139.13 of the Revised Code and encourage the person, 481  
organization, or entity to provide that treatment. 482

**Sec. 2307.59.** (A) As used in this section: 483

(1) "Assigned task" means any task assigned, directed, or 484  
otherwise given to a learner by a sponsor or its 485  
representatives, the performance on which will be evaluated for 486  
credit, including any of the following: 487

(a) Writing a term paper, thesis, dissertation, essay, or 488  
report; 489

(b) Providing responses to, participating in, or otherwise 490  
engaging in an examination; 491

<u>(c) Preparing any other work product in response to an assignment;</u>	492 493
<u>(d) Attending classes or other instructional interactions when the task is assigned, directed, or otherwise given to a learner by a sponsor or its representatives.</u>	494 495 496
<u>(2) "Assignment" means anything in written, electronic, recorded, pictorial, artistic, or any other form issued by a sponsor or its representatives setting forth, conveying, or soliciting learner performance of or on one or more assigned tasks, including materials, whether presented on paper or a computer, setting forth problems for the learner to solve, questions for the learner's response, examination content, scenarios to which the learner is to react, and similar tasks.</u>	497 498 499 500 501 502 503 504
<u>(3) "Confidential examination or assignment" means any assignment, including any examination that a sponsor provides to a learner under confidential conditions.</u>	505 506 507
<u>(4) "For credit" means for evaluation by a sponsor or its representatives in connection with issuance of any grade, evaluation, degree, diploma, certification, certificate, credential, examination score, or professional license.</u>	508 509 510 511
<u>(5) "Organization" means a company, partnership, corporation, institution, association, body, state agency, or other entity.</u>	512 513 514
<u>(6) "Sale" or "sell" means any transfer, exchange, or barter, in any manner, for any consideration or by any agreement.</u>	515 516 517
<u>(7) "Sponsor" means any of the following:</u>	518
<u>(a) Any state institution of higher education, as defined</u>	519

<u>under section 3345.011 of the Revised Code;</u>	520
<u>(b) Any organization that owns, sponsors, grants, awards,</u>	521
<u>or otherwise issues professional licenses to individuals or</u>	522
<u>organizations bearing the organization's name or trademark and</u>	523
<u>signifying completion of a set of requirements associated with</u>	524
<u>that license;</u>	525
<u>(c) Any organization that owns, sponsors, grants, awards,</u>	526
<u>or otherwise issues credentials or certifications bearing the</u>	527
<u>organization's name or trademark to individuals or organizations</u>	528
<u>in this state and signifying completion of a set of requirements</u>	529
<u>associated with that credential or certification;</u>	530
<u>(d) Any organization that owns, sponsors, administers, or</u>	531
<u>otherwise delivers examinations bearing the organization's name</u>	532
<u>or trademark to individuals or organizations in this state.</u>	533
<u>(8) "Learner" means an individual whose performance on one</u>	534
<u>or more assigned tasks will be evaluated for credit and</u>	535
<u>includes, but is not limited to, students, candidates for</u>	536
<u>professional certification and licensure, test takers,</u>	537
<u>examinees, and workforce skills trainees.</u>	538
<u>(9) "Work product" means anything in written, electronic,</u>	539
<u>recorded, pictorial, artistic, or any other form that is</u>	540
<u>submitted to a sponsor showing full or partial completion of an</u>	541
<u>assigned task, including a term paper, thesis, dissertation,</u>	542
<u>essay, report, and response to an examination.</u>	543
<u>(B) No organization or individual shall, for a fee or</u>	544
<u>other compensation, engage in any of the following activities:</u>	545
<u>(1) Prepare, advertise to prepare, offer to prepare, or</u>	546
<u>cause to be prepared, any work product for or on behalf of a</u>	547
<u>learner;</u>	548

<u>(2) Sell, advertise to sell, offer to sell, or cause to be</u>	549
<u>sold any work product to a learner;</u>	550
<u>(3) Complete or otherwise perform an assigned task for or</u>	551
<u>on behalf of a learner, whether in whole or in part, with the</u>	552
<u>knowledge, or under circumstances in which the organization or</u>	553
<u>individual should reasonably have known that the work product or</u>	554
<u>the completion of the assigned task will be submitted by or on</u>	555
<u>behalf of the learner as the learner's own work for credit.</u>	556
<u>(C) No organization or individual shall sell or advertise</u>	557
<u>for sale a confidential examination, a portion thereof, or</u>	558
<u>detailed description of its contents, when the organization or</u>	559
<u>individual reasonably should know that the sale or advertisement</u>	560
<u>is a violation of a provision of this section.</u>	561
<u>(D) An organization or individual shall not issue a</u>	562
<u>disclaimer or draft contractual language attempting to exempt</u>	563
<u>the organization or individual from any provision of this</u>	564
<u>section, including the following statements:</u>	565
<u>(1) That the learner will not use any work product in</u>	566
<u>completing all or part of the assigned tasks;</u>	567
<u>(2) That the learner has not been required to complete the</u>	568
<u>assigned tasks personally;</u>	569
<u>(3) That provision of the work product or completion of</u>	570
<u>the assigned tasks has been approved by the sponsor.</u>	571
<u>(E) Nothing contained in this section shall prevent any</u>	572
<u>individual or organization from providing tutorial assistance,</u>	573
<u>research material, information, or other assistance to learners,</u>	574
<u>provided that it is expressly permitted by the sponsor and the</u>	575
<u>individual or organization providing assistance has reasonable</u>	576
<u>belief that the work product will not be represented as the</u>	577

<u>learner's own work.</u>	578
<u>(F) (1) The attorney general may investigate an alleged</u>	579
<u>violation of this section and may bring in the appropriate court</u>	580
<u>of common pleas of this state a civil action against the alleged</u>	581
<u>violator. In an action brought under this division, an</u>	582
<u>individual or organization that violates any provision of this</u>	583
<u>section shall be subject to a civil penalty of not more than</u>	584
<u>five thousand dollars per violation, to be deposited in the</u>	585
<u>state treasury to the credit of the general revenue fund.</u>	586
<u>(2) Any sponsor aggrieved by a violation of this section</u>	587
<u>may bring a civil action against the individual or organization</u>	588
<u>who violated this section in any court of competent</u>	589
<u>jurisdiction. In any action brought under this division, the</u>	590
<u>plaintiff may recover all the following for each violation:</u>	591
<u>(a) Liquidated damages of two thousand five hundred</u>	592
<u>dollars or actual damages, whichever is greater;</u>	593
<u>(b) Reasonable attorney's fees and costs, including expert</u>	594
<u>witness fees and other litigation expenses;</u>	595
<u>(c) Injunctive relief and punitive damages;</u>	596
<u>(d) Other relief as the court determines appropriate.</u>	597
<u>(3) In any action brought under this section, the court</u>	598
<u>shall preserve the secrecy of an alleged confidential</u>	599
<u>examination or assignment by reasonable means, which may include</u>	600
<u>any of the following:</u>	601
<u>(a) Granting protective orders in connection with</u>	602
<u>discovery proceedings;</u>	603
<u>(b) Holding in-camera hearings;</u>	604

<u>(c) Sealing the records of the action;</u>	605
<u>(d) Ordering any individual involved in the litigation not to disclose an alleged confidential examination or assignment without prior court approval.</u>	606 607 608
<b>Sec. 2919.24.</b> (A) As used in this section:	609
(1) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code.	610 611
(2) "Unruly child" has the same meaning as in section 2151.022 of the Revised Code.	612 613
(B) No person, including a parent, guardian, or other custodian of a child, shall do any of the following:	614 615
(1) Aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming an unruly child or a delinquent child;	616 617 618
(2) Act in a way tending to cause a child or a ward of the juvenile court to become an unruly child or a delinquent child;	619 620
(3) Act in a way that contributes to <del>an adjudication of the child as a delinquent child based on the child's violation of a court order adjudicating the child an unruly a child for being an</del> <u>a</u> habitual truant;	621 622 623 624
(4) If the person is the parent, guardian, or custodian of a child who has the duties under Chapters 2152. and 2950. of the Revised Code to register, register a new residence address, and periodically verify a residence address, and, if applicable, to send a notice of intent to reside, and if the child is not emancipated, as defined in section 2919.121 of the Revised Code, fail to ensure that the child complies with those duties under Chapters 2152. and 2950. of the Revised Code.	625 626 627 628 629 630 631 632

(C) An adjudication of a child as being unruly or delinquent is unnecessary for a conviction under this section. 633  
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(D) Whoever violates this section is guilty of contributing to the unruliness or delinquency of a child, a misdemeanor of the first degree. Each day of violation of this section is a separate offense. 635  
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**Sec. 3313.11.** Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section does not apply to any joint vocational or cooperative education school district. 639  
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A vacancy in any school district board of education or governing board of an educational service center may be caused by death, nonresidence, resignation, removal from office, failure of a person elected or appointed to qualify within ten days after the organization of the board or of appointment or election, removal from the district, or absence from meetings of the board for a period of ninety days, if such absence is caused by reasons declared insufficient by a two-thirds vote of the remaining members of the board, which vote must be taken and entered upon the records of the board not ~~less~~ more than ~~thirty~~ forty-five days after such absence. 643  
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If the board members are selected by appointment pursuant to division (B) or (F) of section 3311.71 of the Revised Code, the appointing authority responsible for the appointment shall fill any such vacancy by appointment of an individual to serve the remainder of the unexpired term from a slate of at least three persons proposed by the municipal school district nominating panel established under that section. If the member creating the vacancy resides in a municipal school district but not in the municipal corporation containing the greatest portion 654  
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of the district's territory, the individuals included on such 663  
slate shall also reside in the municipal school district but not 664  
in the municipal corporation containing the greatest portion of 665  
the district's territory. 666

If the board members are selected by election, the board 667  
shall fill any such vacancy at ~~its next~~ any regular or special 668  
meeting, ~~not earlier than ten days~~ within forty-five days after 669  
~~such the~~ vacancy occurs. A majority vote of all the remaining 670  
members of the board may fill any such vacancy. Immediately 671  
after such a vote, the treasurer of the board of education or 672  
governing board shall give written notice to the board of 673  
elections responsible for conducting elections for that school 674  
district or educational service center that a vacancy has been 675  
filled, and the name of the person appointed to fill the 676  
vacancy. ~~Each~~ 677

If the board of education of any city, exempted village, 678  
or local school district or the governing board of any 679  
educational service center fails to fill a vacancy in that board 680  
within a period of forty-five days after the vacancy occurs, the 681  
probate court of the county in which the district or service 682  
center is located, upon being advised and satisfied of that 683  
failure, shall act as that board to fill any vacancy as promptly 684  
as possible. 685

Each person selected by the board or probate court to fill 686  
a vacancy shall hold office for the shorter of the following 687  
periods: until the completion of the unexpired term, or until 688  
the first day of January immediately following the next regular 689  
board of education or governing board election taking place more 690  
than ninety days after a person is selected by the board or 691  
probate court to fill the vacancy. At that election, a special 692

election to fill the vacancy shall be held in accordance with 693  
laws controlling regular elections for board of education or 694  
governing board members, except that no such special election 695  
shall be held if the unexpired term ends on or before the first 696  
day of January immediately following that regular board of 697  
education or governing board election. The term of a person 698  
chosen at a special election under this section shall begin on 699  
the first day of January immediately following the election, and 700  
the person shall serve for the remainder of the unexpired term. 701  
Whenever the need for a special election under this section 702  
becomes known, the board of education or governing board shall 703  
immediately give written notice of this fact to the board of 704  
elections responsible for conducting the regular board of 705  
education or governing board election for that school district. 706

The term of a board of education or governing board member 707  
shall not be lengthened by the member's resignation and 708  
subsequent selection by the board or probate court under this 709  
section. 710

**Sec. 3313.174.** A school district or member of a school 711  
district board of education is not immune from liability in 712  
damages in a civil action if the board of education of the city, 713  
exempted village, or local school district or a majority of its 714  
members knowingly instructs the superintendent of the district 715  
to violate any provision of the Revised Code or common law of 716  
this state. This section does not apply to a member of a school 717  
district board of education who does not knowingly instruct the 718  
district superintendent to violate the Revised Code or common 719  
law of this state or who votes against instructing the 720  
superintendent to do so. 721

This section does not eliminate, limit, or reduce any 722

other immunity or defense that a school district or member of a 723  
school district board of education may be entitled to under 724  
Chapter 2744. or any other provision of the Revised Code or 725  
under the common law of this state. 726

**Sec. 3313.41.** (A) Except as provided in divisions (C), 727  
(D), and (F) of this section and in sections 3313.412 and 728  
3313.413 of the Revised Code, when a board of education decides 729  
to dispose of real or personal property that it owns in its 730  
corporate capacity and that exceeds in value ten thousand 731  
dollars, it shall sell the property at public auction, after 732  
giving at least thirty days' notice of the auction by 733  
publication in a newspaper of general circulation in the school 734  
district, by publication as provided in section 7.16 of the 735  
Revised Code, or by posting notices in five of the most public 736  
places in the school district in which the property, if it is 737  
real property, is situated, or, if it is personal property, in 738  
the school district of the board of education that owns the 739  
property. The board may offer real property for sale as an 740  
entire tract or in parcels. 741

(B) When the board of education has offered real or 742  
personal property for sale at public auction at least once 743  
pursuant to division (A) of this section, and the property has 744  
not been sold, the board may sell it at a private sale. 745  
Regardless of how it was offered at public auction, at a private 746  
sale, the board shall, as it considers best, sell real property 747  
as an entire tract or in parcels, and personal property in a 748  
single lot or in several lots. 749

(C) If a board of education decides to dispose of real or 750  
personal property that it owns in its corporate capacity and 751  
that exceeds in value ten thousand dollars, it may sell the 752

property to the adjutant general; to any subdivision or taxing 753  
authority as respectively defined in section 5705.01 of the 754  
Revised Code, township park district, board of park 755  
commissioners established under Chapter 755. of the Revised 756  
Code, or park district established under Chapter 1545. of the 757  
Revised Code; to a wholly or partially tax-supported university, 758  
university branch, or college; to a nonprofit institution of 759  
higher education that has a certificate of authorization under 760  
Chapter 1713. of the Revised Code; to the governing authority of 761  
a chartered nonpublic school; to the governing board of an 762  
educational service center; or to the board of trustees of a 763  
school district library, upon such terms as are agreed upon. The 764  
sale of real or personal property to the board of trustees of a 765  
school district library is limited, in the case of real 766  
property, to a school district library within whose boundaries 767  
the real property is situated, or, in the case of personal 768  
property, to a school district library whose boundaries lie in 769  
whole or in part within the school district of the selling board 770  
of education. 771

(D) When a board of education decides to trade as a part 772  
or an entire consideration, an item of personal property on the 773  
purchase price of an item of similar personal property, it may 774  
trade the same upon such terms as are agreed upon by the parties 775  
to the trade. 776

(E) The president and the treasurer of the board of 777  
education shall execute and deliver deeds or other necessary 778  
instruments of conveyance to complete any sale or trade under 779  
this section. 780

(F) When a board of education has identified a parcel of 781  
real property that it determines is needed for school purposes, 782

the board may, upon a majority vote of the members of the board, 783  
acquire that property by exchanging real property that the board 784  
owns in its corporate capacity for the identified real property 785  
or by using real property that the board owns in its corporate 786  
capacity as part or an entire consideration for the purchase 787  
price of the identified real property. Any exchange or 788  
acquisition made pursuant to this division shall be made by a 789  
conveyance executed by the president and the treasurer of the 790  
board. 791

(G) When a school district board of education has property 792  
that the board, by resolution, finds is not needed for school 793  
district use, is obsolete, or is unfit for the use for which it 794  
was acquired, the board may donate that property in accordance 795  
with this division if the fair market value of the property is, 796  
in the opinion of the board, two thousand five hundred dollars 797  
or less. 798

The property may be donated to an eligible nonprofit 799  
organization that is located in this state and is exempt from 800  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 801  
Before donating any property under this division, the board 802  
shall adopt a resolution expressing its intent to make unneeded, 803  
obsolete, or unfit-for-use school district property available to 804  
these organizations. The resolution shall include guidelines and 805  
procedures the board considers to be necessary to implement the 806  
donation program and shall indicate whether the school district 807  
will conduct the donation program or the board will contract 808  
with a representative to conduct it. If a representative is 809  
known when the resolution is adopted, the resolution shall 810  
provide contact information such as the representative's name, 811  
address, and telephone number. 812

The resolution shall include within its procedures a 813  
requirement that any nonprofit organization desiring to obtain 814  
donated property under this division shall submit a written 815  
notice to the board or its representative. The written notice 816  
shall include evidence that the organization is a nonprofit 817  
organization that is located in this state and is exempt from 818  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3); 819  
a description of the organization's primary purpose; a 820  
description of the type or types of property the organization 821  
needs; and the name, address, and telephone number of a person 822  
designated by the organization's governing board to receive 823  
donated property and to serve as its agent. The written notice 824  
may be submitted electronically to the board or its 825  
representative. 826

After adoption of the resolution, the board shall 827  
continually post in the board's office notice of its intent to 828  
donate school district property that is unneeded, obsolete, or 829  
unfit for use to eligible nonprofit organizations. If the school 830  
district maintains a web site on the internet, the notice shall 831  
be posted continually at that web site. 832

The board or its representatives shall maintain a list of 833  
all nonprofit organizations that notify the board or its 834  
representative of their desire to obtain donated property under 835  
this division and that the board or its representative 836  
determines to be eligible, in accordance with the requirements 837  
set forth in this section and in the donation program's 838  
guidelines and procedures, to receive donated property. 839

The board or its representative also shall maintain a list 840  
of all school district property the board finds to be unneeded, 841  
obsolete, or unfit for use and to be available for donation 842

under this division. The list shall be posted continually in a 843  
conspicuous location in the board's office, and, if the school 844  
district maintains a web site on the internet, the list shall be 845  
posted continually at that web site. An item of property on the 846  
list shall be donated to the eligible nonprofit organization 847  
that first declares to the board or its representative its 848  
desire to obtain the item unless the board previously has 849  
established, by resolution, a list of eligible nonprofit 850  
organizations that shall be given priority with respect to the 851  
item's donation. Priority may be given on the basis that the 852  
purposes of a nonprofit organization have a direct relationship 853  
to specific school district purposes of programs provided or 854  
administered by the board. A resolution giving priority to 855  
certain nonprofit organizations with respect to the donation of 856  
an item of property shall specify the reasons why the 857  
organizations are given that priority. 858

Members of the board shall consult with the Ohio ethics 859  
commission, and comply with Chapters 102. and 2921. of the 860  
Revised Code, with respect to any donation under this division 861  
to a nonprofit organization of which a board member, any member 862  
of a board member's family, or any business associate of a board 863  
member is a trustee, officer, board member, or employee. 864

**Sec. 3313.411.** (A) As used in this section: 865

(1) "College-preparatory boarding school" means a college- 866  
preparatory boarding school established under Chapter 3328. of 867  
the Revised Code. 868

(2) "Community school" means a community school 869  
established under Chapter 3314. of the Revised Code. 870

(3) "High-performing community school" has the same 871

meaning as in section 3313.413 of the Revised Code. 872

(4) "STEM school" means a science, technology, 873  
engineering, and mathematics school established under Chapter 874  
3326. of the Revised Code. 875

(5) "Unused school facilities" means either: 876

(a) Any real property that has been used by a school 877  
district for school operations, including, but not limited to, 878  
academic instruction or administration, since July 1, 1998, but 879  
has not been used in that capacity for one year; 880

(b) Any school building that has been used for direct 881  
academic instruction ~~but~~ and, in the two most recent school 882  
years, the building's student enrollment is less than sixty per 883  
cent of either of the building was used for that purpose in the 884  
preceding school year. following: 885

(i) The maximum student enrollment established for the 886  
building in its certificate of occupancy; 887

(ii) The greatest student enrollment of the building in 888  
the ten most recent school years, including the current school 889  
year. 890

(B) (1) Except as provided in section 3313.412 of the 891  
Revised Code, on and after June 30, 2011, any school district 892  
board of education shall offer any unused school facilities it 893  
owns in its corporate capacity for lease or sale to the 894  
governing authorities of community schools, the boards of 895  
trustees of any college-preparatory boarding schools, ~~and~~ the 896  
governing bodies of any STEM schools, and the governing 897  
authorities of any chartered nonpublic schools, that are located 898  
within the territory of the district. Not later than sixty days 899  
after the district board makes the offer, interested governing 900

authorities, boards of trustees, and governing bodies shall 901  
notify the district treasurer in writing of the intention to 902  
lease or purchase the property. 903

The district board shall give priority to the governing 904  
authorities of high-performing community schools that are 905  
located within the territory of the district. 906

(2) At the same time that a district board makes the offer 907  
required under division (B)(1) of this section, the board also 908  
may, but shall not be required to, offer that property for sale 909  
or lease to the governing authorities of community schools with 910  
plans, stipulated in their contracts entered into under section 911  
3314.03 of the Revised Code, either to relocate their operations 912  
to the territory of the district or to add facilities, as 913  
authorized ~~by division (B)(3) or (4) of~~ under section 3314.05 of 914  
the Revised Code, to be located within the territory of the 915  
district. 916

(C)(1) If, not later than sixty days after the district 917  
board makes the offer, only one governing authority of a high- 918  
performing community school offered the property under division 919  
(B) of this section notifies the district treasurer in writing 920  
of the intention to purchase the property pursuant to that 921  
division, the district board shall sell the property to that 922  
party for the appraised fair market value of the property for 923  
operation as an educational facility as determined in an 924  
appraisal of the property that is not more than one year old. 925

If, not later than sixty days after the district board 926  
makes the offer, more than one governing authority of a high- 927  
performing community school offered the property under division 928  
(B) of this section notifies the district treasurer in writing 929  
of the intention to purchase the property pursuant to that 930

division, the board shall conduct a public auction in the manner 931  
required for auctions of district property under division (A) of 932  
section 3313.41 of the Revised Code. Only ~~the~~ those governing 933  
authorities of high-performing community schools that notified 934  
the district treasurer of the intention to purchase the property 935  
pursuant to division (B) of this section are eligible to bid at 936  
the auction. The district board is not obligated to accept any 937  
bid for the property that is lower than the appraised fair 938  
market value of the property for operation as an educational 939  
facility, as determined in an appraisal that is not more than 940  
one year old. 941

(2) If, not later than sixty days after the district board 942  
makes the offer, no governing authority of a high-performing 943  
community school notifies the district treasurer of its 944  
intention to purchase the property pursuant to division (B) of 945  
this section, the board shall then proceed to offer the property 946  
for sale or lease to the governing authorities of high- 947  
performing community schools located outside of the district. 948  
If, not later than sixty days after the district board makes the 949  
offer, only one governing authority of a high-performing 950  
community school offered the property under division (C) (2) of 951  
this section notifies the district treasurer in writing of the 952  
intention to purchase the property, the district board shall 953  
sell the property to that entity for the appraised fair market 954  
value of the property for operation as an educational facility, 955  
as determined in an appraisal of the property that is not more 956  
than one year old. 957

If, not later than sixty days after the district board 958  
makes the offer, more than one governing authority of a high- 959  
performing community school offered the property under division 960  
(C) (2) of this section notifies the district treasurer in 961

writing of the intention to purchase the property, the district 962  
board shall conduct a public auction in the manner required for 963  
auctions of district property under division (A) of section 964  
3313.41 of the Revised Code. Only those governing authorities 965  
that notified the district treasurer of the intention to 966  
purchase the property pursuant to division (C)(2) of this 967  
section are eligible to bid at the auction. The district board 968  
is not obligated to accept any bid for the property that is 969  
lower than the appraised fair market value of the property for 970  
operation as an educational facility, as determined in an 971  
appraisal that is not more than one year old. 972

(3) If, not later than sixty days after the district board 973  
makes the offer, no governing authority of a high-performing 974  
community school notifies the district treasurer of its 975  
intention to purchase the property pursuant to division (C)(2) 976  
of this section, the district board shall then proceed with the 977  
offers from all other start-up community schools, college- 978  
preparatory boarding schools, ~~and~~ STEM schools, and chartered 979  
nonpublic schools made pursuant to ~~that division~~ this section. 980

If more than one such entity notifies the district 981  
treasurer of its intention to purchase the property pursuant to 982  
division ~~(B)~~ (C)(3) of this section, the board shall conduct a 983  
public auction in the manner required for auctions of district 984  
property under division (A) of section 3313.41 of the Revised 985  
Code. Only the entities that notified the district treasurer 986  
pursuant to division ~~(B)~~ (C)(3) of this section are eligible to 987  
bid at the auction. The district board is not obligated to 988  
accept any payment for the property that is lower than the 989  
appraised fair market value of the property for operation as an 990  
educational facility, as determined in an appraisal that is not 991  
more than one year old. 992

~~(3)~~(4) If more than one governing authority of a high- 993  
performing community school notifies the district treasurer in 994  
writing of the intention to lease the property pursuant to 995  
division (B) or (C) of this section, the district board shall 996  
conduct a lottery to select from among those governing 997  
authorities the one qualified governing authority to which the 998  
district board shall lease the property. 999

If no such governing authority of a high-performing 1000  
community school notifies the district treasurer of its 1001  
intention to lease the property pursuant to division (B) or (C) 1002  
of this section, the board shall then proceed with the offers 1003  
from all other start-up community schools, college-preparatory 1004  
boarding schools, ~~and~~ STEM schools, and chartered nonpublic 1005  
schools made pursuant to that division. If more than one other 1006  
start-up community school, college-preparatory boarding school, 1007  
~~or~~ STEM school, or chartered nonpublic school notified the 1008  
district treasurer of its intention to lease the property 1009  
pursuant to division (B) or (C) of this section, the district 1010  
board shall conduct a lottery to select from among those parties 1011  
the one qualified party to which the district board shall lease 1012  
the property. 1013

~~(4)~~(5) The lease price offered by a district board to a 1014  
community school, college-preparatory boarding school, ~~or~~ STEM 1015  
school, or chartered nonpublic school under this section shall 1016  
not be higher than the fair market value for such a leasehold 1017  
for operation as an educational facility, as determined in an 1018  
appraisal that is not more than one year old. 1019

~~(5)~~(6) If no qualified party offered the property under 1020  
division (B) or (C) of this section accepts the offer to lease 1021  
or buy the property within sixty days after the offer is made, 1022

the district board ~~may~~ shall offer the property ~~to any other~~ 1023  
~~entity in accordance with divisions~~ for sale at a public auction 1024  
in the manner required for auctions of district property under 1025  
division (A) ~~to (F)~~ of section 3313.41 of the Revised Code. 1026

(D) Notwithstanding division (B) or (C) of this section, a 1027  
school district board may renew any agreement it originally 1028  
entered into prior to June 30, 2011, to lease real property to 1029  
an entity other than a community school, college-preparatory 1030  
boarding school, ~~or~~ STEM school, or chartered nonpublic school. 1031  
Nothing in this section shall affect the leasehold arrangements 1032  
between the district board and that other entity. 1033

(E) (1) ~~Except as provided in division (E) (2) of this~~ 1034  
~~section, the~~ The governing authority of a community school, 1035  
board of trustees of a college-preparatory boarding school, ~~or~~ 1036  
governing body of a STEM school, or governing authority of a 1037  
chartered nonpublic school shall not sell use any property 1038  
purchased under division (B) or (C) of this section ~~within five~~ 1039  
~~years of~~ as an educational facility for at least ten years after 1040  
purchasing that property. 1041

(2) ~~The~~ If a governing authority, board of trustees, or 1042  
governing body ~~may sell~~ ceases to use a property purchased under 1043  
division (B) or (C) of this section ~~within five years of the~~ 1044  
~~purchase, only if the governing authority, board of trustees, or~~ 1045  
~~governing body sells or transfers~~ as an educational facility 1046  
within ten years of purchasing that property, the governing 1047  
authority, board of trustees, or governing body shall sell the 1048  
property back to another entity described in that division ~~the~~ 1049  
seller it purchased the property from at the appraised fair 1050  
market value of the property as determined in an appraisal of 1051  
the property that is not more than one year old. If the seller 1052

refuses to purchase the property, the governing authority, board 1053  
of trustees, or governing body shall offer the property for 1054  
lease or sale to other governing authorities of community 1055  
schools, boards of trustees of any college-preparatory boarding 1056  
schools, governing bodies of any STEM schools, and governing 1057  
authorities of any chartered nonpublic schools in the same 1058  
manner as a school district under divisions (B) and (C) of this 1059  
section. 1060

(F) (1) A school district board of education is not 1061  
required to offer any unused school facilities it owns in its 1062  
corporate capacity for lease or sale under this section if 1063  
either of the following apply: 1064

(a) The facility is less than ten years old. 1065

(b) The facility is located on, or adjacent to, a tract or 1066  
parcel of land where other school district facilities are 1067  
located. 1068

(c) The facility is a school building described in 1069  
division (A) (5) (b) of this section and is the only district 1070  
building that provides direct academic instruction to one or 1071  
more grade levels. 1072

(d) The facility is a school building described in 1073  
division (A) (5) (b) of this section and the building's student 1074  
enrollment decreased because it was undergoing repairs or 1075  
renovations that caused a significant portion of the building's 1076  
instructional space to be unusable. 1077

(e) The facility is a school building that is primarily 1078  
used to provide career-technical education. 1079

(2) If a school district board of education believes 1080  
extraordinary circumstances should exempt it from offering an 1081

unused facility for lease or sale under this section, the board 1082  
may appeal the requirement to the director of education and 1083  
workforce. The director shall approve or deny the appeal within 1084  
sixty days of receiving the request from the board. 1085

(G) (1) A school district shall not demolish or permit any 1086  
other entity, including a municipal corporation, to demolish an 1087  
unused school facility unless both of the following conditions 1088  
are satisfied: 1089

(a) The district has offered to sell or lease the unused 1090  
facility to the governing authorities of community schools, the 1091  
boards of trustees of any college-preparatory boarding schools, 1092  
the governing bodies of any STEM schools, and the governing 1093  
authorities of any chartered nonpublic schools in accordance 1094  
with this section. 1095

(b) No community school, college-preparatory boarding 1096  
school, STEM school, or chartered nonpublic school that was 1097  
offered the property under this section accepts the offer to 1098  
lease or buy the unused facility. 1099

(2) If a school district fails to comply with this 1100  
division, the Ohio facilities construction commission shall 1101  
impose a fine that is not less than the appraised fair market 1102  
value of the property, as determined in an appraisal of the 1103  
property that was completed before demolition began. 1104

(H) No school district shall redevelop or otherwise 1105  
substantially renovate an unused school facility for 1106  
noneducational purposes without first offering the facility for 1107  
sale as required under this section. 1108

(I) (1) Not later than November 30, 2026, and annually 1109  
thereafter, each school district shall report to the department 1110

of education and workforce, in the manner determined by the 1111  
department, both of the following: 1112

(a) Any real district property described in division (A) 1113  
(5) (a) of this section; 1114

(b) The enrollment data specified in division (A) (5) (b) of 1115  
this section and the current enrollment for each school building 1116  
operated by the district. 1117

(2) Not later than December 31, 2026, and annually 1118  
thereafter, the department shall publish on its web site a list 1119  
of unused school facilities in each school district. 1120

**Sec. 3313.413.** (A) As used in this section, "high- 1121  
performing community school" means a community school 1122  
established under Chapter 3314. of the ~~Revise~~-Revised Code that 1123  
meets any of the following conditions: 1124

(1) Except as provided for in division (A) (2) or (3) of 1125  
this section, the community school does both of the following: 1126

(a) The school has a higher performance index score than 1127  
the school district in which the school is located on the two 1128  
most recent report cards issued under section 3302.03 of the 1129  
Revised Code. 1130

(b) The school either has a performance rating of four 1131  
stars or higher for progress on the most recent report card 1132  
issued under section 3302.03 of the Revised Code or is a school 1133  
described under division (B) (1) of section 3314.35 of the 1134  
Revised Code and did not receive a rating for progress on the 1135  
most recent report card. 1136

(2) If the community school serves only grades 1137  
kindergarten through three, the school received a performance 1138

rating of four stars or higher for early literacy on its most 1139  
recent report card issued under section 3302.03 of the Revised 1140  
Code. 1141

(3) If the community school has not commenced operations 1142  
or has been in operation for less than one school year, the 1143  
school meets the following conditions: 1144

(a) The school is replicating an operational and 1145  
instructional model used by a community school described in 1146  
division (A) (1) or (2) of this section. 1147

(b) The school either: 1148

(i) Has an operator that received an overall rating of 1149  
three stars or higher, or a "C" or higher, on its most recent 1150  
performance report published under section 3314.031 of the 1151  
Revised Code; 1152

(ii) Does not have an operator and is sponsored by a 1153  
sponsor that was rated "exemplary" or "effective" on its most 1154  
recent evaluation conducted under section 3314.016 of the 1155  
Revised Code. 1156

(B) When a school district board of education decides to 1157  
dispose of real property it owns in its corporate capacity under 1158  
section 3313.41 of the Revised Code, the board shall first offer 1159  
that property to the governing authorities of all start-up 1160  
community schools, the boards of trustees of any college- 1161  
preparatory boarding schools, and the governing bodies of any 1162  
STEM schools that are located within the territory of the 1163  
district. Not later than sixty days after the district board 1164  
makes the offer, interested governing authorities, boards of 1165  
trustees, and governing bodies shall notify the district 1166  
treasurer in writing of the intention to purchase the property. 1167

The district board shall give priority to the governing 1168  
authorities of high-performing community schools that are 1169  
located within the territory of the district. 1170

(1) If more than one governing authority of a high- 1171  
performing community school notifies the district treasurer of 1172  
its intention to purchase the property pursuant to division (B) 1173  
of this section, the board shall conduct a public auction in the 1174  
manner required for auctions of district property under division 1175  
(A) of section 3313.41 of the Revised Code. Only the governing 1176  
authorities of high-performing community schools that notified 1177  
the district treasurer pursuant to division (B) of this section 1178  
are eligible to bid at the auction. 1179

(2) If no governing authority of a high-performing 1180  
community school notifies the district treasurer of its 1181  
intention to purchase the property pursuant to division (B) of 1182  
this section, the board shall then proceed with the offers from 1183  
all other start-up community schools, college-preparatory 1184  
boarding schools, and STEM schools made pursuant to that 1185  
division. If more than one such entity notifies the district 1186  
treasurer of its intention to purchase the property pursuant to 1187  
division (B) of this section, the board shall conduct a public 1188  
auction in the manner required for auctions of district property 1189  
under division (A) of section 3313.41 of the Revised Code. Only 1190  
the entities that notified the district treasurer pursuant to 1191  
division (B) of this section are eligible to bid at the auction. 1192

(3) If no governing authority, board of trustees, or 1193  
governing body notifies the district treasurer of its intention 1194  
to purchase the property pursuant to division (B) of this 1195  
section, the district may then offer the property for sale in 1196  
the manner prescribed under divisions (A) to (F) of section 1197

3313.41 of the Revised Code. 1198

(C) Notwithstanding anything to the contrary in sections 1199  
3313.41 and 3313.411 of the Revised Code, the purchase price of 1200  
any real property sold to any of the entities in accordance with 1201  
division (B) of this section shall not be more than the 1202  
appraised fair market value of that property as determined in an 1203  
appraisal of the property that is not more than one year old. 1204

(D) Not later than the first day of October of each year, 1205  
the department of education and workforce shall post in a 1206  
prominent location on its web site a list of schools that 1207  
qualify as high-performing community schools for purposes of 1208  
this section and section 3313.411 of the Revised Code. 1209

(E) No district shall offer the property for sale in the 1210  
manner prescribed under divisions (A) to (F) of section 3313.41 1211  
of the Revised Code to a municipal corporation unless the 1212  
conditions under this section are satisfied. 1213

**Sec. 3313.536.** (A) The superintendent of any school 1214  
district may afford a student enrolled in another school 1215  
district the opportunity to participate in ice hockey as an 1216  
interscholastic athletic activity at a school of the 1217  
superintendent's district if all of the following conditions 1218  
apply: 1219

(1) The school district in which the student is enrolled 1220  
does not offer ice hockey as an interscholastic athletic 1221  
activity. 1222

(2) The school district in which the student is enrolled 1223  
is located less than twenty miles away from the superintendent's 1224  
school district. 1225

(3) The superintendents of both school districts enter 1226

into an agreement approving the student's participation in ice 1227  
hockey at the school district in which the student is not 1228  
enrolled. 1229

(B) If a student enrolled in the district consents, a 1230  
school district superintendent may afford that student the 1231  
opportunity to participate in ice hockey as an interscholastic 1232  
athletic activity at any school of the district where it is 1233  
offered. 1234

(C) A student shall not be required to enroll in the 1235  
school district that offers at which the student participates in 1236  
ice hockey as an interscholastic athletic activity ~~or~~ under this 1237  
section. A student shall not be required to be a resident of 1238  
that a school district to participate in ice hockey at the 1239  
district under division (A) of this section. 1240

~~(C)~~(D) To participate in ice hockey under this section, a 1241  
student shall be of the appropriate age and grade level for the 1242  
school at which the student participates in ice hockey, as 1243  
determined by the superintendent of that school district, and 1244  
shall fulfill and be subject to the same academic, nonacademic, 1245  
and financial requirements as any other participant, including 1246  
trying out for a position on the team. 1247

**Sec. 3314.25.** (A) As used in this section and section 1248  
3314.252 of the Revised Code: 1249

(1) "Internet- or computer-based community school" has the 1250  
same meaning as in section 3314.02 of the Revised Code. 1251

(2) "State assessment" means statewide achievement 1252  
assessments prescribed under sections 3301.0710 and 3301.0712 of 1253  
the Revised Code. 1254

(B) Any student enrolled in an internet- or computer-based 1255

community school shall be permitted to complete any of the state 1256  
assessments remotely in an online format with a remote proctor 1257  
if the following conditions are met: 1258

(1) The student takes the assessment using a device in 1259  
which the student will be monitored by the assessment proctor 1260  
through video and audio for the duration of the assessment 1261  
administration. 1262

(2) The assessment proctor actively monitors each student 1263  
completing a remote assessment and is available to respond to 1264  
student questions and troubleshoot issues. 1265

(3) The school maintains a ratio of eleven to one, or 1266  
less, for students taking an assessment to an assessment 1267  
proctor. 1268

(4) Each teacher or school personnel assigned to proctor a 1269  
remote assessment completes a remote proctoring certification 1270  
course. 1271

(5) Each teacher, assessment proctor, or other school 1272  
staff of each participating school understands the technical 1273  
requirements and is familiar with the remote testing features 1274  
prior to the remote administration of assessments. 1275

(6) For parents and students, the school does all of the 1276  
following prior to administering assessments: 1277

(a) Ensures that all testing equipment functions 1278  
correctly; 1279

(b) Provides training and support, including an 1280  
opportunity to gain experience with remote testing features; 1281

(c) Communicates test security provisions and procedures. 1282

(C) An internet- or computer-based community school and a student's parent or guardian shall determine whether a student takes state assessments remotely under this section in accordance with section 3314.252 of the Revised Code. 1283  
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(D) The department of education and workforce shall, by the fifteenth day of September of each year, publish on its publicly accessible web site a report that analyzes the results of assessments that were remotely administered and proctored under this section in the prior school year to identify whether there were any signs of cheating or any anomalous results. 1287  
1288  
1289  
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**Sec. 3314.252.** (A) Each internet- or computer-based community school that administers state assessments using remote proctoring under section 3314.25 of the Revised Code shall provide parents with information regarding available testing and proctoring options for enrolled students. 1293  
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(B) Not later than two weeks after a student's initial enrollment, the school shall conduct a meeting or consultation with the student's parent or guardian, which may occur in person, by telephone, or through electronic communication, including electronic mail or other digital means, to discuss the available testing administration and proctoring options for the student. 1298  
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During the meeting or consultation, the school shall 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. A parent or guardian may elect an alternative state assessment administration and proctoring option, and the school shall accommodate such election to the extent practicable, taking into consideration the student's educational needs and the 1305  
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feasibility of available testing options. 1313

If a student's parent or guardian does not respond to the 1314  
school's reasonable attempts to conduct the meeting or 1315  
consultation within two weeks of the student's initial 1316  
enrollment, the school may proceed with the school's preferred 1317  
method of administration and proctoring of state assessments. 1318

Notwithstanding anything in this division to the contrary, 1319  
if the student has an individualized education program developed 1320  
under Chapter 3323. of the Revised Code that includes in-person 1321  
administration and proctoring of state assessments, the school 1322  
shall provide in-person testing for the student. 1323

(C) If in-person administration and proctoring is 1324  
determined to be the appropriate option for the student, the 1325  
school shall provide the student with access to a testing 1326  
location within a fifty-mile radius of the student's residence 1327  
at which the student may complete state assessments. 1328

(D) The school shall review the determination made under 1329  
division (B) of this section annually with the student's parent 1330  
or guardian and may revise the testing administration method if 1331  
the school and parent agree that a different proctoring method 1332  
better serves the student's needs. The school shall not revise a 1333  
student's testing administration method without the approval of 1334  
the student's parent. 1335

(E) Nothing in this section shall be construed to permit a 1336  
school to use a method of administration and proctoring of state 1337  
assessments for a student that conflicts with the services 1338  
included in the student's individualized education program 1339  
developed under Chapter 3323. of the Revised Code. 1340

**Sec. 3318.08.** Except in the case of a joint vocational 1341

school district that receives assistance under sections 3318.40 1342  
to 3318.45 of the Revised Code, if the requisite favorable vote 1343  
on the election is obtained, or if the school district board has 1344  
resolved to apply the proceeds of a property tax levy or the 1345  
proceeds of an income tax, or a combination of proceeds from 1346  
such taxes, as authorized in section 3318.052 of the Revised 1347  
Code, the Ohio facilities construction commission, upon 1348  
certification to it of either the results of the election or the 1349  
resolution under section 3318.052 of the Revised Code, shall 1350  
enter into a written agreement with the school district board 1351  
for the construction and sale of the project. In the case of a 1352  
joint vocational school district that receives assistance under 1353  
sections 3318.40 to 3318.45 of the Revised Code, if the school 1354  
district board of education and the school district electors 1355  
have satisfied the conditions prescribed in division (D) (1) of 1356  
section 3318.41 of the Revised Code, the commission shall enter 1357  
into an agreement with the school district board for the 1358  
construction and sale of the project. In either case, the 1359  
agreement shall include, but need not be limited to, the 1360  
following provisions: 1361

(A) The sale and issuance of bonds or notes in 1362  
anticipation thereof, as soon as practicable after the execution 1363  
of the agreement, in an amount equal to the school district's 1364  
portion of the basic project cost, including any securities 1365  
authorized under division (J) of section 133.06 of the Revised 1366  
Code and dedicated by the school district board to payment of 1367  
the district's portion of the basic project cost of the project; 1368  
provided, that if at that time the county treasurer of each 1369  
county in which the school district is located has not commenced 1370  
the collection of taxes on the general duplicate of real and 1371  
public utility property for the year in which the controlling 1372

board approved the project, the school district board shall 1373  
authorize the issuance of a first installment of bond 1374  
anticipation notes in an amount specified by the agreement, 1375  
which amount shall not exceed an amount necessary to raise the 1376  
net bonded indebtedness of the school district as of the date of 1377  
the controlling board's approval to within five thousand dollars 1378  
of the required level of indebtedness for the preceding year. In 1379  
the event that a first installment of bond anticipation notes is 1380  
issued, the school district board shall, as soon as practicable 1381  
after the county treasurer of each county in which the school 1382  
district is located has commenced the collection of taxes on the 1383  
general duplicate of real and public utility property for the 1384  
year in which the controlling board approved the project, 1385  
authorize the issuance of a second and final installment of bond 1386  
anticipation notes or a first and final issue of bonds. 1387

The combined value of the first and second installment of 1388  
bond anticipation notes or the value of the first and final 1389  
issue of bonds shall be equal to the school district's portion 1390  
of the basic project cost. The proceeds of any such bonds shall 1391  
be used first to retire any bond anticipation notes. Otherwise, 1392  
the proceeds of such bonds and of any bond anticipation notes, 1393  
except the premium and accrued interest thereon, shall be 1394  
deposited in the school district's project construction fund. In 1395  
determining the amount of net bonded indebtedness for the 1396  
purpose of fixing the amount of an issue of either bonds or bond 1397  
anticipation notes, gross indebtedness shall be reduced by 1398  
moneys in the bond retirement fund only to the extent of the 1399  
moneys therein on the first day of the year preceding the year 1400  
in which the controlling board approved the project. Should 1401  
there be a decrease in the tax valuation of the school district 1402  
so that the amount of indebtedness that can be incurred on the 1403

tax duplicates for the year in which the controlling board 1404  
approved the project is less than the amount of the first 1405  
installment of bond anticipation notes, there shall be paid from 1406  
the school district's project construction fund to the school 1407  
district's bond retirement fund to be applied against such notes 1408  
an amount sufficient to cause the net bonded indebtedness of the 1409  
school district, as of the first day of the year following the 1410  
year in which the controlling board approved the project, to be 1411  
within five thousand dollars of the required level of 1412  
indebtedness for the year in which the controlling board 1413  
approved the project. The maximum amount of indebtedness to be 1414  
incurred by any school district board as its share of the cost 1415  
of the project is either an amount that will cause its net 1416  
bonded indebtedness, as of the first day of the year following 1417  
the year in which the controlling board approved the project, to 1418  
be within five thousand dollars of the required level of 1419  
indebtedness, or an amount equal to the required percentage of 1420  
the basic project costs, whichever is greater. All bonds and 1421  
bond anticipation notes shall be issued in accordance with 1422  
Chapter 133. of the Revised Code, and notes may be renewed as 1423  
provided in section 133.22 of the Revised Code. 1424

(B) The transfer of such funds of the school district 1425  
board available for the project, together with the proceeds of 1426  
the sale of the bonds or notes, except premium, accrued 1427  
interest, and interest included in the amount of the issue, to 1428  
the school district's project construction fund; 1429

(C) For all school districts except joint vocational 1430  
school districts that receive assistance under sections 3318.40 1431  
to 3318.45 of the Revised Code, the following provisions as 1432  
applicable: 1433

(1) If section 3318.052 of the Revised Code applies, the 1434  
earmarking of the proceeds of a tax levied under section 5705.21 1435  
of the Revised Code for general permanent improvements or under 1436  
section 5705.218 of the Revised Code for the purpose of 1437  
permanent improvements, or the proceeds of a school district 1438  
income tax levied under Chapter 5748. of the Revised Code, or 1439  
the proceeds from a combination of those two taxes, in an amount 1440  
to pay all or part of the service charges on bonds issued to pay 1441  
the school district portion of the project and an amount 1442  
equivalent to all or part of the tax required under division (B) 1443  
of section 3318.05 of the Revised Code; 1444

(2) If section 3318.052 of the Revised Code does not 1445  
apply, one of the following: 1446

(a) The levy of the tax authorized at the election for the 1447  
payment of maintenance costs, as specified in division (B) of 1448  
section 3318.05 of the Revised Code; 1449

(b) If the school district electors have approved a 1450  
continuing tax for general permanent improvements under section 1451  
5705.21 of the Revised Code and that tax can be used for 1452  
maintenance, the earmarking of an amount of the proceeds from 1453  
such tax for maintenance of classroom facilities as specified in 1454  
division (B) of section 3318.05 of the Revised Code; 1455

(c) If, in lieu of the tax otherwise required under 1456  
division (B) of section 3318.05 of the Revised Code, the 1457  
commission has approved the transfer of money to the maintenance 1458  
fund in accordance with section 3318.051 of the Revised Code, a 1459  
requirement that the district board comply with the provisions 1460  
of that section. The district board may rescind the provision 1461  
prescribed under division (C) (2) (c) of this section only so long 1462  
as the electors of the district have approved, in accordance 1463

with section 3318.063 of the Revised Code, the levy of a tax for 1464  
the maintenance of the classroom facilities acquired under the 1465  
district's project and that levy continues to be collected as 1466  
approved by the electors. 1467

(D) For joint vocational school districts that receive 1468  
assistance under sections 3318.40 to 3318.45 of the Revised 1469  
Code, provision for deposit of school district moneys dedicated 1470  
to maintenance of the classroom facilities acquired under those 1471  
sections as prescribed in section 3318.43 of the Revised Code; 1472

(E) Dedication of any local donated contribution as 1473  
provided for under section 3318.084 of the Revised Code, 1474  
including a schedule for depositing such moneys applied as an 1475  
offset of the district's obligation to levy the tax described in 1476  
division (B) of section 3318.05 of the Revised Code as required 1477  
under division (D) (2) of section 3318.084 of the Revised Code; 1478

(F) Ownership of or interest in the project during the 1479  
period of construction, which shall be divided between the 1480  
commission and the school district board in proportion to their 1481  
respective contributions to the school district's project 1482  
construction fund; 1483

(G) Maintenance of the state's interest in the project 1484  
until any obligations issued for the project under section 1485  
3318.26 of the Revised Code are no longer outstanding; 1486

(H) The insurance of the project by the school district 1487  
from the time there is an insurable interest therein and so long 1488  
as the state retains any ownership or interest in the project 1489  
pursuant to division (F) of this section, in such amounts and 1490  
against such risks as the commission shall require; provided, 1491  
that the cost of any required insurance until the project is 1492

completed shall be a part of the basic project cost;	1493
(I) The certification by the director of budget and management that funds are available and have been set aside to meet the state's share of the basic project cost as approved by the controlling board pursuant to either section 3318.04 or division (B) (1) of section 3318.41 of the Revised Code;	1494 1495 1496 1497 1498
(J) Authorization of the school district board to advertise for and receive construction bids for the project, for and on behalf of the commission, and to award contracts in the name of the state subject to approval by the commission;	1499 1500 1501 1502
(K) Provisions for the disbursement of moneys from the school district's project account upon issuance by the commission or the commission's designated representative of vouchers for work done to be certified to the commission by the treasurer of the school district board;	1503 1504 1505 1506 1507
(L) Disposal of any balance left in the school district's project construction fund upon completion of the project;	1508 1509
(M) Limitations upon use of the project or any part of it so long as any obligations issued to finance the project under section 3318.26 of the Revised Code are outstanding;	1510 1511 1512
(N) Provision for vesting the state's interest in the project to the school district board when the obligations issued to finance the project under section 3318.26 of the Revised Code are outstanding;	1513 1514 1515 1516
(O) Provision for deposit of an executed copy of the agreement in the office of the commission;	1517 1518
(P) Provision for termination of the contract and release of the funds encumbered at the time of the conditional approval,	1519 1520

if the proceeds of the sale of the bonds of the school district 1521  
board are not paid into the school district's project 1522  
construction fund and if bids for the construction of the 1523  
project have not been taken within such period after the 1524  
execution of the agreement as may be fixed by the commission; 1525

(Q) A provision that requires the school district to 1526  
adhere to a facilities maintenance plan approved by the 1527  
commission; 1528

(R) Provision that all state funds reserved and encumbered 1529  
to pay the state share of the cost of the project and the funds 1530  
provided by the school district to pay for its share of the 1531  
project cost, including the respective shares of the cost of a 1532  
segment if the project is divided into segments, be spent on the 1533  
construction and acquisition of the project or segment 1534  
simultaneously in proportion to the state's and the school 1535  
district's respective shares of that basic project cost as 1536  
determined under section 3318.032 of the Revised Code or, if the 1537  
district is a joint vocational school district, under section 1538  
3318.42 of the Revised Code. However, if the school district 1539  
certifies to the commission that expenditure by the school 1540  
district is necessary to maintain the federal tax status or tax- 1541  
exempt status of notes or bonds issued by the school district to 1542  
pay for its share of the project cost or to comply with 1543  
applicable temporary investment periods or spending exceptions 1544  
to rebate as provided for under federal law in regard to those 1545  
notes or bonds, the school district may commit to spend, or 1546  
spend, a greater portion of the funds it provides during any 1547  
specific period than would otherwise be required under this 1548  
division. 1549

(S) A provision stipulating that the commission may 1550

prohibit the district from proceeding with any project if the 1551  
commission determines that the site is not suitable for 1552  
construction purposes. The commission may perform soil tests in 1553  
its determination of whether a site is appropriate for 1554  
construction purposes. 1555

(T) A provision stipulating that, unless otherwise 1556  
authorized by the commission, any contingency reserve portion of 1557  
the construction budget prescribed by the commission shall be 1558  
used only to pay costs resulting from unforeseen job conditions, 1559  
to comply with rulings regarding building and other codes, to 1560  
pay costs related to design clarifications or corrections to 1561  
contract documents, and to pay the costs of settlements or 1562  
judgments related to the project as provided under section 1563  
3318.086 of the Revised Code; 1564

(U) A provision stipulating that for continued release of 1565  
project funds the school district board shall comply with 1566  
sections 3313.41, 3313.411, and 3313.413 of the Revised Code 1567  
throughout the project and shall notify the department of 1568  
education and workforce and the Ohio community school 1569  
association when the board plans to dispose of facilities by 1570  
sale under that section; 1571

(V) A provision stipulating that the commission shall not 1572  
approve a contract for demolition of a facility until the school 1573  
district board has complied with sections 3313.41, ~~3313.411~~, and 1574  
3313.413 of the Revised Code relative to that facility, unless 1575  
demolition of that facility is to clear a site for construction 1576  
of a replacement facility included in the district's project; 1577

(W) A provision stipulating that the commission shall not 1578  
approve a contract for demolition of a facility until the school 1579  
district board has complied with section 3313.411 of the Revised 1580

Code relative to that facility. 1581

**Sec. 3319.2210.** (A) The state board of education shall 1582  
issue a one-year nonrenewable out-of-state educator license, 1583  
valid for teaching the grade levels and curriculum areas named 1584  
in such license, upon the request of an employing school 1585  
district to a qualified applicant who meets all of the following 1586  
requirements: 1587

(1) Is deemed to be of good moral character; 1588

(2) Is an out-of-state applicant and the holder of a valid 1589  
out-of-state teaching license who has completed a baccalaureate 1590  
degree, an approved teacher preparation program, and the 1591  
examination prescribed by the state in which the licensure is 1592  
held, but who has not yet successfully completed the examination 1593  
prescribed by the state board for Ohio licensure; 1594

(3) Except as provided in division (B) of this section, 1595  
has completed at least six of the required twelve semester hours 1596  
of coursework in the teaching of reading as described in section 1597  
3319.24 of the Revised Code for educators requesting an early 1598  
childhood, primary, middle childhood, pre-kindergarten through 1599  
eight, intervention specialist, early childhood intervention 1600  
specialist, or primary intervention specialist license. The 1601  
remaining coursework requirement shall be listed as a limitation 1602  
on the license and must be completed before the out-of-state 1603  
license expires. 1604

~~(B)~~(B) (1) An applicant for a one-year nonrenewable out-of- 1605  
state educator license who successfully completes Ohio's 1606  
foundations of reading exam on the applicant's first attempt 1607  
shall not be required to have completed at least six of the 1608  
required twelve semester hours of coursework in the teaching of 1609

reading as described in section 3319.24 of the Revised Code 1610  
prior to receipt of the license. 1611

(2) An applicant for a one-year nonrenewable out-of-state 1612  
educator license shall not be required to complete any 1613  
coursework in the teaching of reading as described in section 1614  
3319.24 of the Revised Code if the applicant successfully 1615  
completed Ohio's foundations of reading exam on the applicant's 1616  
first attempt prior to receipt of that license. 1617

**Sec. 3319.24.** This section does not apply to any applicant 1618  
for an educator license that is designed for persons 1619  
specializing in teaching children in kindergarten through 1620  
twelfth grade, or the equivalent, in the area of dance, drama, 1621  
theater, music, visual arts, or physical education or a 1622  
specialty area substantially equivalent to any of these when 1623  
such applicant will be teaching children in the specialty area 1624  
specified in the license. 1625

(A) As used in this section: 1626

(1) "Coursework in the teaching of reading" means 1627  
coursework that includes training in a range of instructional 1628  
strategies for teaching reading, in the assessment of reading 1629  
skills, and in the diagnosis and remediation of reading 1630  
difficulties; 1631

(2) "Phonics" means the techniques and strategies used to 1632  
teach children to match, blend, and translate letters of the 1633  
alphabet into the sounds they represent, which techniques and 1634  
strategies are systematically integrated and thoroughly 1635  
practiced in a developmentally appropriate instructional program 1636  
to assist the child in learning to read, write, and spell; 1637

(3) "Course in the teaching of phonics" means a course 1638

providing the background necessary for effectively teaching and 1639  
assessing phonics, phonemic awareness, and word recognition, 1640  
including, but not limited to, the following topics: 1641

(a) Phonological and morphological underpinnings of 1642  
English spellings and the history thereof; 1643

(b) The nature and role of word recognition in proficient 1644  
reading; 1645

(c) Methods and rationale for the instruction of phonemic 1646  
awareness, decoding, spelling, and the application thereof in 1647  
reading and writing; 1648

(d) Methods and rationale for the assessment of phonemic 1649  
awareness, decoding, spelling, and the application thereof in 1650  
reading and writing; 1651

(e) The relation of deficits in phonemic awareness, 1652  
decoding, spelling, and word recognition to reading 1653  
disabilities; 1654

(4) "Phonemic awareness" means the awareness of sounds 1655  
that make up spoken words and the ability to use this awareness 1656  
of sounds in reading. 1657

(B) The Except as provided in division (C) of this 1658  
section, the rules adopted under section 3319.22 of the Revised 1659  
Code shall require an applicant for a resident educator license 1660  
designated for teaching children in grades kindergarten through 1661  
six or the equivalent to have successfully completed at least 1662  
six semester hours, or the equivalent, of coursework in the 1663  
teaching of reading that includes at least one separate course 1664  
of at least three semester hours, or the equivalent, in the 1665  
teaching of phonics in the context of reading, writing, and 1666  
spelling. In addition, such rules shall require that the 1667

subsequent issuance of a professional educator license be 1668  
contingent upon the applicant having completed six additional 1669  
semester hours or the equivalent of coursework in the teaching 1670  
of reading. The rules shall permit an applicant to apply 1671  
undergraduate coursework in order to meet this requirement for 1672  
additional coursework. 1673

(C) An applicant for a resident or professional educator 1674  
license who holds a one-year nonrenewable out-of-state educator 1675  
license issued under section 3319.2210 of the Revised Code shall 1676  
not be required to complete the coursework in the teaching of 1677  
reading otherwise required under this section to receive a 1678  
resident educator license or professional educator license if 1679  
the applicant successfully completed Ohio's foundations of 1680  
reading exam on the applicant's first attempt prior to receipt 1681  
of the out-of-state educator license. 1682

**Sec. 3319.31.** (A) As used in this section and sections 1683  
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 1684  
means a certificate, license, or permit described in this 1685  
chapter or in division (B) of section 3301.071 or in section 1686  
3301.074 of the Revised Code or a registration described in 1687  
division (B) of section 3302.151, section 3310.411, or section 1688  
3319.221 of the Revised Code. 1689

(B) For any of the following reasons, the state board of 1690  
education, except as provided in division (H) of this section 1691  
and in accordance with Chapter 119. and section 3319.311 of the 1692  
Revised Code, may refuse to issue a license to an applicant; may 1693  
limit a license it issues to an applicant; may suspend, revoke, 1694  
or limit a license that has been issued to any person; or may 1695  
revoke a license that has been issued to any person and has 1696  
expired: 1697

(1) Engaging in an immoral act, incompetence, negligence,	1698
or conduct that is unbecoming to the applicant's or person's	1699
position;	1700
(2) A plea of guilty to, a finding of guilt by a jury or	1701
court of, or a conviction of any of the following:	1702
(a) A felony other than a felony listed in division (C) of	1703
this section;	1704
(b) An offense of violence other than an offense of	1705
violence listed in division (C) of this section;	1706
(c) A theft offense, as defined in section 2913.01 of the	1707
Revised Code, other than a theft offense listed in division (C)	1708
of this section;	1709
(d) A drug abuse offense, as defined in section 2925.01 of	1710
the Revised Code, that is not a minor misdemeanor, other than a	1711
drug abuse offense listed in division (C) of this section;	1712
(e) A violation of an ordinance of a municipal corporation	1713
that is substantively comparable to an offense listed in	1714
divisions (B) (2) (a) to (d) of this section.	1715
(3) A judicial finding of eligibility for intervention in	1716
lieu of conviction under section 2951.041 of the Revised Code,	1717
or agreeing to participate in a pre-trial diversion program	1718
under section 2935.36 of the Revised Code, or a similar	1719
diversion program under rules of a court, for any offense listed	1720
in division (B) (2) or (C) of this section;	1721
(4) Failure to comply with section 3314.40, 3319.313,	1722
3326.24, 3328.19, 5126.253, or 5502.262 of the Revised Code;	1723
(5) Purposely using or intentionally releasing information	1724
that is confidential under state or federal law concerning a	1725

student or student's family members for purposes other than 1726  
student instruction in violation of the licensure code of 1727  
professional conduct for Ohio educators developed by the state 1728  
board of education; 1729

(6) Violating section 3319.3110 of the Revised Code, 1730  
unless such violation is at the direction of the 1731  
superintendent's employing board of education or a majority of 1732  
its members. 1733

(C) Upon learning of a plea of guilty to, a finding of 1734  
guilt by a jury or court of, or a conviction of any of the 1735  
offenses listed in this division by a person who holds a current 1736  
or expired license or is an applicant for renewal of a license, 1737  
the state board or the superintendent of public instruction, if 1738  
the state board has delegated the duty pursuant to division (D) 1739  
of this section, shall by a written order revoke the person's 1740  
license or deny renewal of the license to the person. The state 1741  
board or the superintendent shall revoke a license that has been 1742  
issued to a person to whom this division applies and has expired 1743  
in the same manner as a license that has not expired. 1744

Revocation of a license or denial of renewal of a license 1745  
under this division is effective immediately at the time and 1746  
date that the board or superintendent issues the written order 1747  
and is not subject to appeal in accordance with Chapter 119. of 1748  
the Revised Code. Revocation of a license or denial of renewal 1749  
of license under this division remains in force during the 1750  
pendency of an appeal by the person of the plea of guilty, 1751  
finding of guilt, or conviction that is the basis of the action 1752  
taken under this division. 1753

The state board or superintendent shall take the action 1754  
required by this division for a violation of division (B) (1), 1755

(2), (3), or (4) of section 2919.22 of the Revised Code; a 1756  
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 1757  
2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 1758  
2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 1759  
2907.07, 2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 1760  
2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 1761  
2907.33, 2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 1762  
2911.02, 2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 1763  
2917.31, 2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 1764  
2921.04, 2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 1765  
2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 1766  
2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.32, 1767  
2925.36, 2925.37, 2927.24, or 3716.11 of the Revised Code; a 1768  
violation of section 2907.231 of the Revised Code unless the 1769  
offender was coerced into committing a violation of that 1770  
section; a violation of section 2905.04 of the Revised Code as 1771  
it existed prior to July 1, 1996; a violation of section 2919.23 1772  
of the Revised Code that would have been a violation of section 1773  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1774  
had the violation been committed prior to that date; felonious 1775  
sexual penetration in violation of former section 2907.12 of the 1776  
Revised Code; or a violation of an ordinance of a municipal 1777  
corporation that is substantively comparable to an offense 1778  
listed in this paragraph. 1779

(D) The state board may delegate to the superintendent of 1780  
public instruction the authority to revoke a person's license or 1781  
to deny renewal of a license to a person under division (C) or 1782  
(F) of this section. 1783

(E) (1) If the plea of guilty, finding of guilt, or 1784  
conviction that is the basis of the action taken under division 1785  
(B) (2) or (C) of this section, or under the version of division 1786

(F) of section 3319.311 of the Revised Code in effect prior to 1787  
September 12, 2008, is overturned on appeal, upon exhaustion of 1788  
the criminal appeal, the clerk of the court that overturned the 1789  
plea, finding, or conviction or, if applicable, the clerk of the 1790  
court that accepted an appeal from the court that overturned the 1791  
plea, finding, or conviction, shall notify the state board that 1792  
the plea, finding, or conviction has been overturned. Within 1793  
thirty days after receiving the notification, the state board 1794  
shall initiate proceedings to reconsider the revocation or 1795  
denial of the person's license in accordance with division (E) 1796  
(2) of this section. In addition, the person whose license was 1797  
revoked or denied may file with the state board a petition for 1798  
reconsideration of the revocation or denial along with 1799  
appropriate court documents. 1800

(2) Upon receipt of a court notification or a petition and 1801  
supporting court documents under division (E) (1) of this 1802  
section, the state board, after offering the person an 1803  
opportunity for an adjudication hearing under Chapter 119. of 1804  
the Revised Code, shall determine whether the person committed 1805  
the act in question in the prior criminal action against the 1806  
person that is the basis of the revocation or denial and may 1807  
continue the revocation or denial, may reinstate the person's 1808  
license, with or without limits, or may grant the person a new 1809  
license, with or without limits. The decision of the board shall 1810  
be based on grounds for revoking, denying, suspending, or 1811  
limiting a license adopted by rule under division (G) of this 1812  
section and in accordance with the evidentiary standards the 1813  
board employs for all other licensure hearings. The decision of 1814  
the board under this division is subject to appeal under Chapter 1815  
119. of the Revised Code. 1816

(3) A person whose license is revoked or denied under 1817

division (C) of this section shall not apply for any license if 1818  
the plea of guilty, finding of guilt, or conviction that is the 1819  
basis of the revocation or denial, upon completion of the 1820  
criminal appeal, either is upheld or is overturned but the state 1821  
board continues the revocation or denial under division (E) (2) 1822  
of this section and that continuation is upheld on final appeal. 1823

(F) The state board may take action under division (B) of 1824  
this section, and the state board or the superintendent shall 1825  
take the action required under division (C) of this section, on 1826  
the basis of substantially comparable conduct occurring in a 1827  
jurisdiction outside this state or occurring before a person 1828  
applies for or receives any license. 1829

(G) The state board may adopt rules in accordance with 1830  
Chapter 119. of the Revised Code to carry out this section and 1831  
section 3319.311 of the Revised Code. 1832

(H) The state board shall not refuse to issue a license to 1833  
an applicant because of a conviction of, a plea of guilty to, or 1834  
a finding of guilt by a jury or court of an offense unless the 1835  
refusal is in accordance with section 9.79 of the Revised Code. 1836

**Sec. 3319.316.** As used in this section, "participating 1837  
public office" and "participating private party" have the same 1838  
meanings as in section 109.5721 of the Revised Code. 1839

(A) The state board of education shall be a participating 1840  
public office for purposes of the retained applicant fingerprint 1841  
database established under section 109.5721 of the Revised Code 1842  
and shall receive notification from the bureau of criminal 1843  
identification and investigation of the arrest or conviction of 1844  
the following persons: 1845

~~(A)~~ (1) Persons to whom the state board has issued a 1846

license, as defined in section 3319.31 of the Revised Code; 1847

~~(E)~~(2) On behalf of employers described in section 1848  
3319.391 or 3327.10 of the Revised Code, persons who are not 1849  
required to hold a license issued by the state board and are 1850  
employed in or contracted for a position that the district, 1851  
service center, or school reasonably determines may involve 1852  
routine interaction with a child or regular responsibility for 1853  
the care, custody, or control of a child, including persons who 1854  
operate a school bus or motor van. Notwithstanding anything to 1855  
the contrary in division (E) of section 109.5721 of the Revised 1856  
Code, the state board is authorized to and promptly shall 1857  
transmit any notification received regarding a person under this 1858  
division to the person's employer. 1859

(B) An employing school district, educational service 1860  
center, community school, chartered nonpublic school, or 1861  
employer may identify a designee serving on its behalf, either 1862  
as a contractor or agent, to receive notifications for arrests 1863  
or convictions under this section. Any such designation shall be 1864  
made in writing to the state board. 1865

(C) An employer or designee receiving notifications under 1866  
this section shall comply with the applicable requirements of a 1867  
participating private party or participating public office. 1868

Sec. 3319.3110. No superintendent shall knowingly violate 1869  
any provision of Title XXXIII of the Revised Code or any other 1870  
provision of the Revised Code related to school districts, 1871  
schools operated by school districts, or students who receive 1872  
services from school districts. 1873

**Sec. 3319.391.** This section applies to any person hired by 1874  
a school district, educational service center, or chartered 1875

nonpublic school and any contractor or person hired by a 1876  
contractor engaged in providing services that may involve 1877  
routine interaction with a child or regular responsibility for 1878  
the care, custody, or control of a child to a school district, 1879  
educational service center, or chartered nonpublic school in any 1880  
position that does not require a "license" issued by the state 1881  
board of education, as defined in section 3319.31 of the Revised 1882  
Code, or a registration issued by the state board of education 1883  
under Chapter 3319. of the Revised Code, and is not for the 1884  
operation of a vehicle for pupil transportation. This section 1885  
does not apply to any person who volunteers at a school building 1886  
within a district, educational service center, or chartered 1887  
nonpublic school, including a parent volunteer in a student's 1888  
classroom. 1889

(A) (1) For each person to whom this section applies who is 1890  
hired on or after November 14, 2007, the employer shall request 1891  
a criminal records check in accordance with section 3319.39 of 1892  
the Revised Code and shall request a subsequent criminal records 1893  
check by the fifth day of September every fifth year thereafter. 1894

(2) For each person to whom this section applies who is 1895  
hired prior to November 14, 2007, the employer shall request a 1896  
criminal records check by a date prescribed by the state board 1897  
and shall request a subsequent criminal records check by the 1898  
fifth day of September every fifth year thereafter. 1899

(3) If, on October 3, 2023, the most recent criminal 1900  
records check requested for a person under division (A) (1) or 1901  
(2) of this section was completed more than one year prior to 1902  
that date or does not include information gathered pursuant to 1903  
division (A) of section 109.57 of the Revised Code, the employer 1904  
shall request a new criminal records check that includes 1905

information gathered pursuant to division (A) of section 109.57 1906  
of the Revised Code by a date prescribed by the state board and 1907  
shall request a subsequent criminal records check by the fifth 1908  
day of September every fifth year thereafter. 1909

(B) (1) Each request for a criminal records check under 1910  
this section shall be made to the superintendent of the bureau 1911  
of criminal identification and investigation in the manner 1912  
prescribed in section 3319.39 of the Revised Code, except that 1913  
if both of the following conditions apply to the person subject 1914  
to the records check, the employer shall request the 1915  
superintendent only to obtain any criminal records that the 1916  
federal bureau of investigation has on the person: 1917

(a) The employer previously requested the superintendent 1918  
to determine whether the bureau of criminal identification and 1919  
investigation has any information, gathered pursuant to division 1920  
(A) of section 109.57 of the Revised Code, on the person in 1921  
conjunction with a criminal records check requested under 1922  
section 3319.39 of the Revised Code or under this section. 1923

(b) The person presents proof that the person has been a 1924  
resident of this state for the five-year period immediately 1925  
prior to the date upon which the person becomes subject to a 1926  
criminal records check under this section. 1927

(2) Upon receipt of a request under division (B) (1) of 1928  
this section, the superintendent of the bureau of criminal 1929  
identification and investigation shall conduct the criminal 1930  
records check in accordance with section 109.572 of the Revised 1931  
Code as if the request had been made under section 3319.39 of 1932  
the Revised Code. However, as specified in division (B) (2) of 1933  
section 109.572 of the Revised Code, if the employer requests 1934  
the superintendent only to obtain any criminal records that the 1935

federal bureau of investigation has on the person for whom the 1936  
request is made, the superintendent shall not conduct the review 1937  
prescribed by division (B) (1) of that section. 1938

(C) Notwithstanding division (D) of section 3319.39 of the 1939  
Revised Code, the bureau of criminal identification and 1940  
investigation shall make the initial criminal records check of a 1941  
person requested by an employer under division (A) of this 1942  
section on or after October 3, 2023, available to the state 1943  
board. The state board shall use the information received to 1944  
enroll the person in the retained applicant fingerprint 1945  
database, established under section 109.5721 of the Revised 1946  
Code, in the same manner as any teacher licensed under sections 1947  
3319.22 to 3319.31 of the Revised Code. If the state board is 1948  
unable to enroll the person in the retained applicant 1949  
fingerprint database because the person has not satisfied the 1950  
requirements for enrollment, the state board shall notify the 1951  
employer that the person has not satisfied the requirements for 1952  
enrollment. However, the bureau shall not be required to make 1953  
available to the state board the criminal records check of any 1954  
person who is already enrolled in the retained applicant 1955  
fingerprint database on the date the person's employer requests 1956  
a records check of the person under division (A) of this 1957  
section. 1958

If the state board receives notification of the arrest, 1959  
guilty plea, or conviction of a person who is subject to this 1960  
section, the state board shall promptly notify the employing 1961  
school district, chartered nonpublic school, or educational 1962  
service center in accordance with division ~~(B)~~ (A) (2) of section 1963  
3319.316 of the Revised Code. 1964

(D) Any person who is the subject of a criminal records 1965

check under this section and has been convicted of or pleaded 1966  
guilty to any offense described in division (B) (1) of section 1967  
3319.39 of the Revised Code shall not be hired or shall be 1968  
released from employment, as applicable, unless the person meets 1969  
the rehabilitation standards adopted by the state board under 1970  
division (E) of that section. 1971

**Sec. 3321.16.** (A) An attendance officer or assistant 1972  
provided for by section 3321.14 or 3321.15 of the Revised Code 1973  
may investigate any case of nonattendance at school or part-time 1974  
school of a child under eighteen years of age or supposed to be 1975  
under eighteen years of age resident in the district for which 1976  
such attendance officer or assistant is employed, or of any such 1977  
child found in the district or enrolled in any school within the 1978  
district and of any child above eighteen years of age if 1979  
enrolled in any school within the district, and may take such 1980  
action as the superintendent of schools directs or as such 1981  
attendance officer or assistant deems proper in the absence of 1982  
specific direction. 1983

~~(B) (1) Subject to divisions (B) (2) and (3) of this~~ 1984  
~~section, the~~ (B) The attendance officer shall file a complaint in 1985  
the juvenile court against any student to which ~~any~~ both of the 1986  
following apply: 1987

(1) The student meets one of the following conditions in a 1988  
school year: 1989

(a) The student was absent without legitimate excuse from 1990  
the public school the child is supposed to attend for thirty or 1991  
more consecutive hours. 1992

(b) The student was absent without legitimate excuse from 1993  
the public school the child is supposed to attend for forty-two 1994

or more hours in one school month. 1995

(c) The student was absent without legitimate excuse from 1996  
the public school the child is supposed to attend for seventy- 1997  
two or more hours in a school year. 1998

~~(2) If the student's district or school determines that 1999  
the student and the student's family are making satisfactory 2000  
progress in improving the student's attendance at school, the 2001  
attendance officer shall not file a complaint. 2002~~

~~(3) If no determination of progress under division (B) (2) 2003  
of this section is made, or if the student and the student's 2004  
family cease to continue making progress in improving the 2005  
student's attendance, the attendance officer shall file a 2006  
complaint in the juvenile court against the student. After 2007  
meeting a condition under division (B) (1) of this section, the 2008  
student is subsequently absent without legitimate excuse from 2009  
the public school the child is supposed to attend in the same 2010  
school year. 2011~~

A complaint filed in the juvenile court under division ~~(B)~~ 2012  
~~(3)~~ (B) of this section shall allege that the child is an unruly 2013  
child for being a habitual truant and that the parent, guardian, 2014  
or other person having care of the child has violated section 2015  
3321.38 of the Revised Code. 2016

**Sec. 3327.10.** (A) Except as provided in division (L) of 2017  
this section, no person shall be employed as driver of a school 2018  
bus or motor van, owned and operated by any school district or 2019  
educational service center or privately owned and operated under 2020  
contract with any school district or service center in this 2021  
state, who has not received a certificate from either the 2022  
educational service center governing board that has entered into 2023

an agreement with the school district under section 3313.843 or 2024  
3313.845 of the Revised Code or the superintendent of the school 2025  
district, certifying that such person is at least eighteen years 2026  
of age and is qualified physically and otherwise for such 2027  
position. The service center governing board or the 2028  
superintendent, as the case may be, shall provide for an annual 2029  
physical examination that conforms with rules adopted by the 2030  
department of education and workforce of each driver to 2031  
ascertain the driver's physical fitness for such employment. The 2032  
examination shall be performed by one of the following: 2033

(1) A person licensed under Chapter 4731. or 4734. of the 2034  
Revised Code or by another state to practice medicine and 2035  
surgery, osteopathic medicine and surgery, or chiropractic; 2036

(2) A physician assistant; 2037

(3) A certified nurse practitioner; 2038

(4) A clinical nurse specialist; 2039

(5) A certified nurse-midwife; 2040

(6) A medical examiner who is listed on the national 2041  
registry of certified medical examiners established by the 2042  
federal motor carrier safety administration in accordance with 2043  
49 C.F.R. part 390. 2044

Any certificate may be revoked by the authority granting 2045  
the same on proof that the holder has been guilty of failing to 2046  
comply with division (D) (1) of this section, or upon a 2047  
conviction or a guilty plea for a violation, or any other 2048  
action, that results in a loss or suspension of driving rights. 2049  
Failure to comply with such division may be cause for 2050  
disciplinary action or termination of employment under division 2051  
(C) of section 3319.081, or section 124.34 of the Revised Code. 2052

(B) Except as provided in division (L) of this section, no person shall be employed as driver of a school bus or motor van not subject to the rules of the department pursuant to division (A) of this section who has not received a certificate from the school administrator or contractor certifying that such person is at least eighteen years of age and is qualified physically and otherwise for such position. Each driver shall have an annual physical examination which conforms to the state highway patrol rules, ascertaining the driver's physical fitness for such employment. The examination shall be performed by one of the following:

(1) A person licensed under Chapter 4731. or 4734. of the Revised Code or by another state to practice medicine and surgery, osteopathic medicine and surgery, or chiropractic;

(2) A physician assistant;

(3) A certified nurse practitioner;

(4) A clinical nurse specialist;

(5) A certified nurse-midwife;

(6) A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration in accordance with 49 C.F.R. part 390.

Any written documentation of the physical examination shall be completed by the individual who performed the examination.

Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D) (2) of this section.

(C) Any person who drives a school bus or motor van must 2081  
give satisfactory and sufficient bond except a driver who is an 2082  
employee of a school district and who drives a bus or motor van 2083  
owned by the school district. 2084

(D) No person employed as driver of a school bus or motor 2085  
van under this section who is convicted of a traffic violation 2086  
or who has had the person's commercial driver's license 2087  
suspended shall drive a school bus or motor van until the person 2088  
has filed a written notice of the conviction or suspension, as 2089  
follows: 2090

(1) If the person is employed under division (A) of this 2091  
section, the person shall file the notice with the 2092  
superintendent, or a person designated by the superintendent, of 2093  
the school district for which the person drives a school bus or 2094  
motor van as an employee or drives a privately owned and 2095  
operated school bus or motor van under contract. 2096

(2) If employed under division (B) of this section, the 2097  
person shall file the notice with the employing school 2098  
administrator or contractor, or a person designated by the 2099  
administrator or contractor. 2100

(E) In addition to resulting in possible revocation of a 2101  
certificate as authorized by divisions (A) and (B) of this 2102  
section, violation of division (D) of this section is a minor 2103  
misdemeanor. 2104

(F) (1) Not later than thirty days after June 30, 2007, 2105  
each owner of a school bus or motor van shall obtain the 2106  
complete driving record for each person who is currently 2107  
employed or otherwise authorized to drive the school bus or 2108  
motor van. An owner of a school bus or motor van shall not 2109

permit a person to operate the school bus or motor van for the 2110  
first time before the owner has obtained the person's complete 2111  
driving record. Thereafter, the owner of a school bus or motor 2112  
van shall obtain the person's driving record not less frequently 2113  
than semiannually if the person remains employed or otherwise 2114  
authorized to drive the school bus or motor van. An owner of a 2115  
school bus or motor van shall not permit a person to resume 2116  
operating a school bus or motor van, after an interruption of 2117  
one year or longer, before the owner has obtained the person's 2118  
complete driving record. 2119

(2) The owner of a school bus or motor van shall not 2120  
permit a person to operate the school bus or motor van for ten 2121  
years after the date on which the person pleads guilty to or is 2122  
convicted of a violation of section 4511.19 of the Revised Code 2123  
or a substantially equivalent municipal ordinance. 2124

(3) An owner of a school bus or motor van shall not permit 2125  
any person to operate such a vehicle unless the person meets all 2126  
other requirements contained in rules adopted by the department 2127  
prescribing qualifications of drivers of school buses and other 2128  
student transportation. 2129

(G) No superintendent of a school district, educational 2130  
service center, community school, or public or private employer 2131  
shall permit the operation of a vehicle used for pupil 2132  
transportation within this state by an individual unless both of 2133  
the following apply: 2134

(1) Information pertaining to that driver has been 2135  
submitted to the department, pursuant to procedures adopted by 2136  
that department. Information to be reported shall include the 2137  
name of the employer or school district, name of the driver, 2138  
driver license number, date of birth, date of hire, status of 2139

physical evaluation, and status of training. 2140

(2) The most recent criminal records check required by 2141  
division (J) of this section has been completed and received by 2142  
the superintendent or public or private employer. 2143

(H) A person, school district, educational service center, 2144  
community school, nonpublic school, or other public or nonpublic 2145  
entity that owns a school bus or motor van, or that contracts 2146  
with another entity to operate a school bus or motor van, may 2147  
impose more stringent restrictions on drivers than those 2148  
prescribed in this section, in any other section of the Revised 2149  
Code, and in rules adopted by the department. 2150

(I) For qualified drivers who, on July 1, 2007, are 2151  
employed by the owner of a school bus or motor van to drive the 2152  
school bus or motor van, any instance in which the driver was 2153  
convicted of or pleaded guilty to a violation of section 4511.19 2154  
of the Revised Code or a substantially equivalent municipal 2155  
ordinance prior to two years prior to July 1, 2007, shall not be 2156  
considered a disqualifying event with respect to division (F) of 2157  
this section. 2158

(J) (1) This division applies to persons hired by a school 2159  
district, educational service center, community school, 2160  
chartered nonpublic school, or science, technology, engineering, 2161  
and mathematics school established under Chapter 3326. of the 2162  
Revised Code to operate a vehicle used for pupil transportation. 2163

(a) For each person to whom this division applies who is 2164  
hired on or after November 14, 2007, the employer shall request 2165  
a criminal records check in accordance with section 3319.39 of 2166  
the Revised Code and every six years thereafter. 2167

(b) For each person to whom this division applies who is 2168

hired prior to November 14, 2007, the employer shall request a 2169  
criminal records check by a date prescribed by the department 2170  
and every six years thereafter. 2171

(c) If, on October 3, 2023, the most recent criminal 2172  
records check requested for a person to whom division (J) (1) of 2173  
this section applies was completed more than one year prior to 2174  
that date or does not include information gathered pursuant to 2175  
division (A) of section 109.57 of the Revised Code, the employer 2176  
shall request a new criminal records check that includes 2177  
information gathered pursuant to division (A) of section 109.57 2178  
of the Revised Code by a date prescribed by the state board of 2179  
education and every six years thereafter. 2180

(2) This division applies to persons hired by a public or 2181  
private employer not described in division (J) (1) of this 2182  
section to operate a vehicle used for pupil transportation. 2183

(a) For each person to whom this division applies who is 2184  
hired on or after November 14, 2007, the employer shall request 2185  
a criminal records check prior to the person's hiring and every 2186  
six years thereafter. 2187

(b) For each person to whom this division applies who is 2188  
hired prior to November 14, 2007, the employer shall request a 2189  
criminal records check by a date prescribed by the department 2190  
and every six years thereafter. 2191

(c) If, on October 3, 2023, the most recent criminal 2192  
records check requested for a person to whom division (J) (2) of 2193  
this section applies was completed more than one year prior to 2194  
that date or does not include information gathered pursuant to 2195  
division (A) of section 109.57 of the Revised Code, the employer 2196  
shall request a new criminal records check that includes 2197

information gathered pursuant to division (A) of section 109.57 2198  
of the Revised Code by a date prescribed by the state board and 2199  
every six years thereafter. 2200

(3) Each request for a criminal records check under 2201  
division (J) of this section shall be made to the superintendent 2202  
of the bureau of criminal identification and investigation in 2203  
the manner prescribed in section 3319.39 of the Revised Code, 2204  
except that if both of the following conditions apply to the 2205  
person subject to the records check, the employer shall request 2206  
the superintendent only to obtain any criminal records that the 2207  
federal bureau of investigation has on the person: 2208

(a) The employer previously requested the superintendent 2209  
to determine whether the bureau of criminal identification and 2210  
investigation has any information, gathered pursuant to division 2211  
(A) of section 109.57 of the Revised Code, on the person in 2212  
conjunction with a criminal records check requested under 2213  
section 3319.39 of the Revised Code or under division (J) of 2214  
this section. 2215

(b) The person presents proof that the person has been a 2216  
resident of this state for the five-year period immediately 2217  
prior to the date upon which the person becomes subject to a 2218  
criminal records check under this section. 2219

Upon receipt of a request, the superintendent shall 2220  
conduct the criminal records check in accordance with section 2221  
109.572 of the Revised Code as if the request had been made 2222  
under section 3319.39 of the Revised Code. However, as specified 2223  
in division (B) (2) of section 109.572 of the Revised Code, if 2224  
the employer requests the superintendent only to obtain any 2225  
criminal records that the federal bureau of investigation has on 2226  
the person for whom the request is made, the superintendent 2227

shall not conduct the review prescribed by division (B) (1) of 2228  
that section. 2229

(4) Notwithstanding anything in the Revised Code to the 2230  
contrary, the bureau of criminal identification and 2231  
investigation shall make the initial criminal records check 2232  
requested of a person by an employer under division (J) (1) or 2233  
(2) of this section on or after October 3, 2023, available to 2234  
the state board of education. The state board shall use the 2235  
information received to enroll the person in the retained 2236  
applicant fingerprint database, established under section 2237  
109.5721 of the Revised Code, in the same manner as any teacher 2238  
licensed under sections 3319.22 to 3319.31 of the Revised Code. 2239  
If the state board is unable to enroll the person in the 2240  
retained applicant fingerprint database because the person has 2241  
not satisfied the requirements for enrollment, the state board 2242  
shall notify the employer that the person has not satisfied the 2243  
requirements for enrollment. However, the bureau shall not be 2244  
required to make available to the state board the criminal 2245  
records check of any person who is already enrolled in the 2246  
retained applicant fingerprint database on the date the person's 2247  
employer requests a records check of the person under division 2248  
(J) (1) or (2) of this section. 2249

If the state board receives notification of the arrest, 2250  
guilty plea, or conviction of a person who is subject to this 2251  
section, the state board shall promptly notify the person's 2252  
employer in accordance with division ~~(B)~~ (A) (2) of section 2253  
3319.316 of the Revised Code. 2254

(K) (1) Until the effective date of the amendments to rule 2255  
3301-83-23 of the Ohio Administrative Code required by the 2256  
second paragraph of division (E) of section 3319.39 of the 2257

Revised Code, any person who is the subject of a criminal 2258  
records check under division (J) of this section and has been 2259  
convicted of or pleaded guilty to any offense described in 2260  
division (B) (1) of section 3319.39 of the Revised Code shall not 2261  
be hired or shall be released from employment, as applicable, 2262  
unless the person meets the rehabilitation standards prescribed 2263  
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 2264  
Administrative Code. 2265

(2) Beginning on the effective date of the amendments to 2266  
rule 3301-83-23 of the Ohio Administrative Code required by the 2267  
second paragraph of division (E) of section 3319.39 of the 2268  
Revised Code, any person who is the subject of a criminal 2269  
records check under division (J) of this section and has been 2270  
convicted of or pleaded guilty to any offense that, under the 2271  
rule, disqualifies a person for employment to operate a vehicle 2272  
used for pupil transportation shall not be hired or shall be 2273  
released from employment, as applicable, unless the person meets 2274  
the rehabilitation standards prescribed by the rule. 2275

(L) The superintendent of a school district or an 2276  
educational service center governing board shall issue a 2277  
certificate as a driver of a school bus or motor van or a 2278  
certificate to operate a vehicle used for pupil transportation 2279  
in accordance with Chapter 4796. of the Revised Code to an 2280  
applicant if either of the following applies: 2281

(1) The applicant holds a certificate in another state. 2282

(2) The applicant has satisfactory work experience, a 2283  
government certification, or a private certification as 2284  
described in that chapter as a school bus or motor van driver or 2285  
a pupil transportation vehicle operator in a state that does not 2286  
issue one or both of those certificates. 2287

(M) As used in this section, "school bus" includes a 2288  
multifunction school activity bus, as defined in section 4511.01 2289  
of the Revised Code. 2290

**Section 2.** That existing sections 2151.354, 2152.19, 2291  
2919.24, 3313.11, 3313.41, 3313.411, 3313.413, 3313.536, 2292  
3318.08, 3319.2210, 3319.24, 3319.31, 3319.316, 3319.391, 2293  
3321.16, and 3327.10 of the Revised Code are hereby repealed. 2294

**Section 3.** That sections 3313.85 and 3314.25 of the 2295  
Revised Code are hereby repealed. 2296

**Section 4.** Notwithstanding any provision of section 2297  
3313.411 of the Revised Code to the contrary, for the 2026 2298  
calendar year, a school district may report the information 2299  
required under division (I)(1) of that section to the Department 2300  
of Education and Workforce not later than February 28, 2027. For 2301  
any such school district, the department shall publish the list 2302  
of unused school facilities in the district as required under 2303  
division (I)(2) of that section not later than thirty days after 2304  
receipt of the information. 2305