As Introduced

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S. B. No. 379

Senators Reynolds, Roegner

To amend sections 3313.60, 3314.03, 3326.11, and 3328.24 and to enact sections 109.44, 1349.07, 1349.071, 1349.072, 1349.073, 1349.074, 1349.075, 3301.0733, 3313.6034, and 5502.523 of the Revised Code to require the Attorney General to establish a statewide camera footage registry system, to impose various requirements on gaming platform providers and developers, to require public schools to provide grooming awareness and prevention instruction, and to name the act Hailey's Law.

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

Section 1. That sections 3313.60, 3314.03, 3326.11, and 3328.24 be amended and sections 109.44, 1349.07, 1349.071, 1349.072, 1349.073, 1349.074, 1349.075, 3301.0733, 3313.6034, and 5502.523 of the Revised Code be enacted to read as follows:

Sec. 109.44. (A) As used in this section, "law enforcement agency" has the same meaning as in section 109.573 of the Revised Code.

(B) The attorney general shall establish and maintain a statewide camera footage registry system.

(C) Any person may voluntarily submit camera footage to the attorney general for placement in the statewide camera footage registry system. The attorney general shall place submitted camera footage in the system if the attorney general determines that the footage depicts or may depict a crime.

(D) Camera footage placed in the statewide camera footage registry system may, upon request, be provided to any law enforcement agency.

(E) The attorney general shall adopt rules under Chapter 119. of the Revised Code to implement this section.

Sec. 1349.07. As used in sections 1349.07 to 1349.075 of the Revised Code:

(A) "Adult" means an individual who is at least eighteen years of age.

(B) "Age category" means one of the following categories of individuals based on age:

(1) Child;

(2) Younger teenager;

(3) Older teenager;

(4) Adult.

(C) "Age category data" means information about a user's age category that is collected by a gaming platform provider and shared with a developer.

(D) "Age rating" means a classification that provides an assessment of the suitability of the content and functions of a video game for different age groups.

(E) "Child" means an individual who is less than thirteen

years of age.

(F) "Content description" means a description of the specific content elements or functions that inform the age rating of a video game.

(G)(1) "Developer" means a person that owns or controls a video game made available through a gaming platform in this state.

(2) "Developer" excludes a person who purchases or rents a video game.

(H) "Gaming platform" means software or hardware used to play video games, that provides a foundation for individuals to access a variety of video games, and serves as a gateway to connect with others, access game libraries, and enjoy gaming experiences. "Gaming platform" includes video game consoles with internet access, personal computers, mobile devices, cloud gaming services, and virtual reality platforms.

(I) "Gaming platform provider" means a person that owns, operates, or controls a gaming platform that allows users in this state to download or play video games. "Gaming platform provider" excludes the user of a gaming platform.

(J) "Knowingly" means to act with actual knowledge or with knowledge fairly inferred based on objective circumstances.

(K) "Minor" means an individual who is less than eighteen years of age, unless either of the following apply:

(1) The individual is married.

(2) The individual is an emancipated minor.

(L) "Minor account" means an account with a gaming

platform provider that is established by an individual who the provider determines is a minor through the provider's age category verification methods and requires affiliation with a parent account.

(M) "Older teenager" means an individual who is at least sixteen years of age and less than eighteen years of age.

(N) "Parent" means, with respect to a minor, an individual who is reasonably believed to be a parent, a legal guardian, an individual with legal custody, or any other individual who has the legal right to make decisions on behalf of the minor.

(O) "Parent account" means an account with a gaming platform provider that is verified to be established by an individual who the provider determines is an adult, an individual who is less than eighteen years old and is married, or an emancipated minor through the provider's age category verification methods and may be affiliated with one or more minor accounts.

(P) "Parental consent disclosure" means the following information:

(1) The age rating, if any, for the video game or intra-video game purchase;

(2) The content description, if any, for the video game or intra-video game purchase;

(3) A description of both of the following:

(a) The personal data collected by the video game from a user;

(b) The personal data shared by the video game with a third party.

(4) If personal data is collected by the video game, the methods implemented by the developer to protect the personal data.

(Q) "Significant change" means a material modification to the terms of service or privacy policy of a video game that does any of the following:

(1) Changes the categories of data collected, stored, or shared;

(2) Alters the age rating or content descriptions of the video game;

(3) Adds new monetization features, including intra-video game purchases or advertisements;

(4) Materially changes the functionality of or user experience in the video game.

(R) "Verifiable parental consent" means authorization that meets all of the following:

(1) Is provided by an individual who the gaming platform provider verifies to be an adult;

(2) Is given after the gaming platform provider clearly and conspicuously provides the parental consent disclosure to the individual;

(3) Requires the individual to make an affirmative choice to grant or decline consent.

(S) "Video game" means an electronic game in which one or more players control images on a video screen.

(T) "Younger teenager" means an individual who is at least thirteen years of age and less than sixteen years of age.

Sec. 1349.071. (A) A gaming platform provider shall do all of the following:

(1) At the time an individual located in this state creates an account with the provider, both of the following:

(a) Request age category data about the individual;

(b) Verify the age category of the individual using either of the following:

(i) Commercially available methods that are reasonably designed to ensure accuracy;

(ii) An age category verification method or process that complies with rules adopted by the director of commerce under division (C) of this section.

(2) If the age category verification method or process described in division (A)(1) of this section determines that the individual is a minor, both of the following:

(a) Require the account to be affiliated with a parent account;

(b) Obtain verifiable parental consent from the holder of the affiliated parent account each time before allowing a minor to do any of the following:

(i) Download a video game;

(ii) Purchase a video game;

(iii) Make an intra-video game purchase.

(3) After receiving notice of a significant change from a developer, both of the following:

(a) Notify all users that have downloaded the video game

from a location in this state of the significant change;

(b) For a minor account holder, both of the following:

(i) Notify the affiliated parent account;

(ii) Obtain renewed verifiable parental consent.

(4) Provide a developer, in response to a request authorized under section 1349.072 of the Revised Code, both of the following:

(a) Age category data for a user located in this state;

(b) The status of verifiable parental consent for a minor located in this state.

(5) Notify a developer when a parent revokes parental consent;

(6) Protect personal age category verification data by doing both of the following:

(a) Limiting collection and processing to data necessary for the following:

(i) Verifying a user's age category;

(ii) Obtaining parental consent;

(iii) Maintaining compliance records.

(b) Transmitting personal age category verification data using industry standard encryption protocols that ensure data integrity and confidentiality.

(B) A gaming platform provider shall not do any of the following:

(1) Enforce a contract or terms of service against a minor

unless the provider has obtained verifiable parental consent;

(2) Knowingly misrepresent information in a parental consent disclosure;

(3) Share personal age category verification data except as follows:

(a) Between the provider and a developer as required by sections 1349.07 to 1349.075 of the Revised Code;

(b) As otherwise required by law.

(C) The director of commerce shall adopt rules in accordance with Chapter 119. of the Revised Code establishing processes and means by which a gaming platform provider may verify whether an account holder is a minor in accordance with this section.

Sec. 1349.072. (A) A developer shall do all of the following:

(1) Verify through the gaming platform's data sharing methods both of the following:

(a) The age category of users located in this state;

(b) For a minor account, whether verifiable parental consent has been obtained.

(2) Notify gaming platform providers of any significant change to the developer's video game;

(3) Use age category data received from a gaming platform provider to do all of the following:

(a) Enforce any developer-created age-related restrictions;

(b) Ensure compliance with applicable laws and regulations;

(c) Implement any developer-created safety-related features or defaults.

(4) Request personal age category verification data or parental consent at all of the following times:

(a) When a user downloads or purchases the video game;

(b) When implementing a significant change to the video game;

(c) Whenever necessary to comply with applicable laws or regulations.

(B)(1) A developer shall not request personal age category verification data or parental consent more than every twelve months to verify either of the following:

(a) Accuracy of user age category verification data;

(b) Continued account use within the verified age category.

(2) Division (B)(1) of this section does not prohibit a developer from requesting personal age category verification data or parental consent when there is reasonable suspicion of either of the following:

(a) Account transfer;

(b) Misuse outside of the verified age category.

(3) Division (B)(1) of this section does not prohibit a developer from requesting personal age category verification data or parental consent at the time a user creates a new account with the developer.

(C) When implementing any developer-created safety-related features or defaults, a developer shall use the lowest age category indicated by either:

(1) Age category verification data provided by a gaming platform provider;

(2) Age category data independently collected by the developer.

(D) A developer shall not do any of the following:

(1) Enforce a contract or terms of service against a minor unless the developer has verified through the gaming platform provider that verifiable parental consent has been obtained;

(2) Knowingly misrepresent any information in a parental consent disclosure;

(3) Share age category data with any other person.

Sec. 1349.073. (A) A violation of division (B)(2) of section 1349.071 or division (D)(2) of section 1349.072 of the Revised Code is an unfair or deceptive act or practice in violation of section 1345.02 of the Revised Code. Notwithstanding section 1345.09 of the Revised Code to the contrary, only the persons described in division (B) of this section have a private cause of action for a violation of division (B)(2) of section 1349.071 or division (D)(2) of section 1349.072 of the Revised Code.

(B) The following persons have a private cause of action for any violation of sections 1349.07 to 1349.075 of the Revised Code:

(1) A minor or the parent of that minor who is harmed by a violation of division (B) of section 1349.071 of the Revised

Code has a cause of action against the gaming platform provider.

(2) A minor or a parent of that minor who is harmed by a violation of division (D) of section 1349.072 of the Revised Code has a cause of action against the developer.

(C) Notwithstanding section 1345.09 of the Revised Code to the contrary for a violation of division (B)(2) of section 1349.071 or division (D)(2) of section 1349.072 of the Revised Code, but subject to section 1349.074 of the Revised Code, a prevailing minor or parent in an action permitted under division (B) of this section is entitled to all of the following relief:

(1) Actual damages or one thousand dollars for each violation, whichever is greater;

(2) Reasonable attorney's fees;

(3) Litigation costs.

Sec. 1349.074. (A) A developer is not liable for a violation of section 1349.072 of the Revised Code that the developer demonstrates was caused by the developer's good faith reliance on either of the following:

(1) Personal age category verification data provided by a gaming platform provider;

(2) If the personal age category verification data indicates that the user is a minor, notification from a gaming platform provider that verifiable parental consent was obtained.

(B) A developer is not liable for a violation of division (D)(2) of section 1349.072 of the Revised Code if the developer demonstrates both of the following:

(1) The developer uses widely adopted industry standards

to determine the age category of the video game and the content description disclosure.

(2) The developer applies those standards consistently and in good faith.

(C) This section applies only to actions brought under section 1349.073 of the Revised Code and does not limit a developer's or gaming platform provider's liability under any other applicable law.

(D) Nothing in this section shall be construed to displace any other available remedies authorized under the laws of this state or the United States.

Sec. 1349.075. Nothing in sections 1349.07 to 1349.075 of the Revised Code shall be construed to do any of the following:

(A) Prevent a gaming platform provider or developer from taking reasonable measures to do any of the following:

(1) Block, detect, or prevent distribution to minors of unlawful, obscene, or harmful material;

(2) Block or filter spam;

(3) Prevent criminal activity;

(4) Protect gaming platform or video game security.

(B) Require a gaming platform provider to disclose user information to a developer other than the following:

(1) Age category;

(2) Verification of parental consent status.

(C) Allow a gaming platform provider or developer to implement measures required by sections 1349.07 to 1349.075 of

the Revised Code in a manner that is arbitrary, capricious, adverse to competition, or unlawful;

(D) Require a gaming platform provider or developer to obtain parental consent for a video game that meets all of the following:

(1) Provides direct access to emergency services, including:

(a) 9-1-1;

(b) Crises hotlines;

(c) Other emergency assistance services legally available to minors.

(2) Limits data collection to information necessary to provide emergency services in compliance with the "Children's Online Privacy Protection Act," 15 U.S.C. 6501, et seq.;

(3) Provides access without requiring account creation or collection of unnecessary personal information;

(4) Is operated by or in partnership with any of the following:

(a) A government entity;

(b) A nonprofit organization;

(c) An authorized emergency service provider.

(E) Require a developer to collect, retain, reidentify, or link any information beyond what is both:

(1) Necessary to verify age categories and parental consent status as required by sections 1349.07 to 1349.075 of the Revised Code;

(2) Collected, retained, reidentified, or linked in the developer's ordinary course of business.

Sec. 3301.0733. The department of education and workforce shall conduct a review of available resources and develop a list of curricula, materials, programs, and instructional strategies related to the grooming awareness and prevention instruction required under section 3313.6034 of the Revised Code that school districts, community schools established under Chapter 3314. of the Revised Code, STEM schools established under Chapter 3326. of the Revised Code, and college-preparatory boarding schools established under Chapter 3328. of the Revised Code may use in providing that instruction. Periodically, the department shall review and update the list developed under this section.

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 of the Revised Code, divisions (A) to (E) of this section do not apply to any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.

(A) The board of education of each city, exempted village, and local school district and the board of each cooperative education school district established, pursuant to section 3311.521 of the Revised Code, shall prescribe a curriculum for all schools under its control. Except as provided in division (E) of this section, in any such curriculum there shall be included the study of the following subjects:

(1) The language arts, including reading, writing, spelling, oral and written English, and literature;

(2) Geography, the history of the United States and of Ohio, and national, state, and local government in the United

States, including a balanced presentation of the relevant contributions to society of men and women of African, Mexican, Puerto Rican, and American Indian descent as well as other ethnic and racial groups in Ohio and the United States;

(3) Mathematics;

(4) Natural science, including instruction in the conservation of natural resources;

(5) Health education, which shall include instruction in:

(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, and the use and effects of food additives;

(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco, including electronic smoking devices;

(c) Sexually transmitted infection education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in sexually transmitted infection education;

(d) In grades kindergarten through six, annual developmentally appropriate instruction in child sexual abuse prevention, including information on available counseling and resources for children who are sexually abused. Such instruction and information provided shall not be connected in any way to any individual, entity, or organization that provides, promotes, counsels, or makes referrals for abortion or abortion-related services. Upon written request of the student's parent or guardian, a student shall be excused from taking instruction in child sexual abuse prevention.

(e) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention;

(f) In grades seven through twelve, developmentally appropriate instruction in dating violence prevention education and sexual violence prevention education, which shall include instruction in recognizing dating violence warning signs and characteristics of healthy relationships, except that upon written request of the student's parent or guardian a student shall be excused from taking instruction in sexual violence prevention.

In order to assist school districts in developing a dating violence prevention education and sexual violence prevention education curriculum, the department of education and workforce shall provide on its web site links to free curricula addressing dating violence prevention and sexual violence prevention education. Such instruction and information shall not be connected in any way to any individual, entity, or organization that provides, promotes, counsels, or makes referrals for abortion or abortion-related services.

Each school district shall notify the parents and legal guardians of students who receive instruction related to child sexual abuse prevention and sexual violence prevention, as described under divisions (A)(5)(d) and (f) of this section, of all of the following:

(i) That instruction in child sexual abuse prevention and sexual violence prevention is a required part of the district's curriculum;

(ii) That upon request, parents and legal guardians may examine such instructional materials in accordance with this section;

(iii) That upon written request of the student's parent or guardian, a student shall be excused from taking instruction in child sexual abuse prevention and sexual violence prevention.

If the parent or legal guardian of a student less than eighteen years of age submits to the principal of the student's school a written request to examine the dating violence prevention and sexual violence prevention instruction materials used at that school, the principal, within forty-eight hours after the request is made, shall allow the parent or guardian to examine those materials at that school.

(g) Prescription opioid abuse prevention, with an emphasis on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, such as heroin;

(h) The process of making an anatomical gift under Chapter 2108. of the Revised Code, with an emphasis on the life-saving and life-enhancing effects of organ and tissue donation;

(i) Beginning with the first day of the next school year that begins at least two years after March 24, 2021, in grades six through twelve, at least one hour or one standard class period per school year of evidence-based suicide awareness and prevention and at least one hour or one standard class period per school year of safety training and violence prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in suicide awareness and prevention or safety training and violence

prevention;

(j) Beginning with the first day of the next school year that begins at least two years after March 24, 2021, in grades six through twelve, at least one hour or one standard class period per school year of evidence-based social inclusion instruction, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in social inclusion;

(k) Grooming awareness and prevention instruction in accordance with section 3313.6034 of the Revised Code.

For the instruction required under divisions (A)(5)(i) and (j) of this section, the board shall use a training program approved by the department of education and workforce under section 3301.221 of the Revised Code.

Schools may use student assemblies, digital learning, and homework to satisfy the instruction requirements under divisions (A)(5)(i) and (j) of this section.

(6) Physical education;

(7) The fine arts, including music;

(8) First aid, including a training program in cardiopulmonary resuscitation, which shall comply with section 3313.6021 of the Revised Code when offered in any of grades nine through twelve, safety, and fire prevention. However, upon written request of the student's parent or guardian, a student shall be excused from taking instruction in cardiopulmonary resuscitation.

(B) Except as provided in division (E) of this section, every school or school district shall include in the

requirements for promotion from the eighth grade to the ninth grade one year's course of study of American history. A board may waive this requirement for academically accelerated students who, in accordance with procedures adopted by the board, are able to demonstrate mastery of essential concepts and skills of the eighth grade American history course of study.

(C) As specified in divisions (B)(6) and (C)(6) of section 3313.603 of the Revised Code, except as provided in division (E) of this section, every high school shall include in the requirements for graduation from any curriculum one-half unit each of American history and government.

(D) Except as provided in division (E) of this section, basic instruction or demonstrated mastery in geography, United States history, the government of the United States, the government of the state of Ohio, local government in Ohio, the Declaration of Independence, the United States Constitution, and the Constitution of the state of Ohio shall be required before pupils may participate in courses involving the study of social problems, economics, foreign affairs, United Nations, world government, socialism, and communism.

(E) For each cooperative education school district established pursuant to section 3311.521 of the Revised Code and each city, exempted village, and local school district that has territory within such a cooperative district, the curriculum adopted pursuant to divisions (A) to (D) of this section shall only include the study of the subjects that apply to the grades operated by each such school district. The curricula for such schools, when combined, shall provide to each student of these districts all of the subjects required under divisions (A) to (D) of this section.

(F) The board of education of any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code shall prescribe a curriculum for the subject areas and grade levels offered in any school under its control.

(G) Upon the request of any parent or legal guardian of a student, the board of education of any school district shall permit the parent or guardian to promptly examine, with respect to the parent's or guardian's own child:

(1) Any survey or questionnaire, prior to its administration to the child;

(2) Any textbook, workbook, software, video, or other instructional materials being used by the district in connection with the instruction of the child;

(3) Any completed and graded test taken or survey or questionnaire filled out by the child;

(4) Copies of the statewide academic standards and each model curriculum developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each district school building.

Sec. 3313.6034. (A) Each city, local, exempted village, and joint vocational school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, and college-preparatory boarding school established under Chapter 3328. of the Revised Code shall include in the district's or school's curriculum annual, developmentally appropriate instruction in grooming awareness and prevention. Each district or school shall ensure that the instruction prepares students to

do all of the following:

(1) Recognize grooming behaviors, manipulation tactics, and boundary testing;

(2) Understand how predators build trust and exploit vulnerabilities over time;

(3) Identify warning signs across mobile applications, games, direct messages, and other online interactions;

(4) Know how to respond, save evidence, find online support, and tell a trusted adult about the grooming;

(5) Protect themselves and their peers who may be targeted.

(B) Prior to providing annual grooming awareness and prevention instruction under this section, each district or school shall notify parents of the upcoming instruction. Upon written request of a student's parent or guardian, the district or school shall excuse the student from taking that instruction.

(C) Each district or school shall develop the instruction required under this section in consultation with child safety experts and a law enforcement agency. Periodically, the district or school shall review the instruction and update it, including to incorporate instruction regarding new technologies.

(D) Annually, each district or school shall certify to the department of education and workforce, in a form and manner established by the department, whether the district or school is compliant with this section.

Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the director of education and workforce. The department of education and workforce shall make

available on its web site a copy of every approved, executed contract filed with the director under this section.

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

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

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;

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

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

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

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

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

(6)(a) Dismissal procedures;

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

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

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

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

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

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

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

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

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

(a) A requirement that the school's classroom teachers be

licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code;

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

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

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

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

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

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.24, 3301.948, 3302.037, 3313.472, 3313.473, 3313.474, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 3313.6024, 3313.6026, 3313.6028, 3313.6029, 3313.6031, 3313.6034, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718,

3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.8110, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3319.90, 3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

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

(f) The school will comply with sections 3313.61, 3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the department. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in section 3313.6027 and division (C) of section 3313.603 of the

Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the department under divisions (J)(1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J)(3) of section 3313.603 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

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

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

(15) A financial plan detailing an estimated school budget

for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.

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

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, both of the following:

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

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

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

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in

sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

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

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

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

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

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

(22) A provision recognizing both of the following:

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

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

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

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

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

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

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

(28) That the school's attendance and participation records shall be made available to the department, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any

regulations promulgated under that act, and section 3319.321 of the Revised Code;

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

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

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

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

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

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

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

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

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

(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity

shall be independent from the operator with which the school has contracted.

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

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

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

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

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

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

(C) The contract shall specify the duties of the sponsor

which shall be in accordance with the written agreement entered into with the department under division (B) of section 3314.015 of the Revised Code and shall include the following:

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

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

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

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

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

(D) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the

academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(E) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec. 3326.11. Each science, technology, engineering, and mathematics school established under this chapter and its governing body shall comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 3301.0714, 3301.0715, 3301.0729, 3301.24, 3301.948, 3302.037, 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.473, 3313.474, 3313.48, 3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 3313.6021, 3313.6023, 3313.6024, 3313.6026, 3313.6028, 3313.6029, 3313.6031, 3313.6034, 3313.61, 3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.717, 3313.718, 3313.719, 3313.7112, 3313.7117, 3313.7118, 3313.721, 3313.753, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.8110, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077,

3319.078, 3319.0812, 3319.21, 3319.238, 3319.318, 3319.32, 3319.321, 3319.324, 3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 3319.46, 3319.614, 3319.90, 3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district.

Sec. 3328.24. A college-preparatory boarding school established under this chapter and its board of trustees shall comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0729, 3301.948, 3302.037, 3313.474, 3313.5318, 3313.5319, 3313.6013, 3313.6021, 3313.6023, 3313.6024, 3313.6026, 3313.6029, 3313.6031, 3313.6034, 3313.617, 3313.618, 3313.6114, 3313.6411, 3313.6413, 3313.668, 3313.669, 3313.6610, 3313.717, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.8110, 3313.89, 3319.073, 3319.077, 3319.078, 3319.318, 3319.324, 3319.39, 3319.391, 3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3320.04, 3323.251, and 5502.262, and Chapter 3365. of the Revised Code as if the school were a school district and the school's board of trustees were a district board of education.

Sec. 5502.523. (A) As used in this section, "law enforcement agency" includes a county sheriff's office, the office of a village marshal, a police department of a municipal corporation, a police force of a regional transit authority, a police force of a metropolitan housing authority, the state highway patrol, a state university law enforcement agency, the office of a township police constable, and the police department of a township or joint police district.

(B)(1) The statewide emergency pink alert program is created to aid in the identification and location of any individual who is missing, when credible risk factors exist, and whose disappearance, as determined by a law enforcement agency, poses a credible threat of immediate danger of serious harm or death to the missing individual.

(2) The program shall be a coordinated effort among the governor's office, the department of public safety, the attorney general, law enforcement agencies, the state's public and commercial television and radio broadcasters, and others as determined necessary by the governor.

(C) The statewide emergency pink alert program shall not be implemented unless all of the following activation criteria are met:

(1) The local investigating law enforcement agency confirms that the individual is missing.

(2) Credible risk indicators exist related to that individual, including:

(a) Evidence of online grooming or coercive digital communication made to that individual;

(b) Recent contact with unknown adults or suspicious travel arrangements;

(c) Indicators of trafficking or exploitation;

(d) Credible threats of harm made either to or by the missing individual;

(e) Circumstances involving isolation, secrecy, or financial control over the missing individual;

(f) The vulnerability of the missing individual due to the individual's age or other risk factors;

(g) The disappearance of the missing individual is sudden, unexplained, and occurs without contact or verified whereabouts made by that individual to family or friends who would otherwise be contacted.

(h) A history of domestic violence or abuse when the reporting party is not the alleged abuser.

(3) The disappearance of the individual poses a credible threat of immediate danger of serious harm or death to the individual.

(4) There is sufficient descriptive information about the individual and the circumstances surrounding the individual's disappearance to indicate that activation of the alert will help locate the individual.

(D) Nothing in division (C) of this section prevents the activation of a local or regional emergency alert program that may impose different criteria for the activation of a local or regional plan.

(E) Any radio broadcast station, television broadcast station, or cable system participating in the statewide emergency pink alert program or in any local or regional emergency alert program, and any director, officer, employee, or agent of any station or system participating in either type of alert program, shall not be liable to any person for damages for any loss allegedly caused by or resulting from the station's or system's broadcast or cablecast of, or failure to broadcast or cablecast, any information pursuant to the statewide emergency pink alert program or the local or regional emergency alert

program.

(F) Nothing in this section shall be construed to authorize the use of the federal emergency alert system unless otherwise authorized by federal law.

(G)(1) Not later than the first day of February that occurs after the effective date of this section, and every first day of February thereafter, the director of public safety shall submit an annual report to the governor and the general assembly that summarizes all of the following:

(a) The times the statewide emergency pink alert program was activated the prior year;

(b) The response timelines and outcomes of each instance that the program was activated;

(c) Any identified gaps and recommendations for program improvements.

(2) The report shall also be made publicly available on the department of public safety's web site.

Section 2. That existing sections 3313.60, 3314.03, 3326.11, and 3328.24 of the Revised Code are hereby repealed.

Section 3. On or after the effective date of this section, the Attorney General shall promulgate digital crime enforcement parameters for law enforcement, including parameters to assist local law enforcement in successfully obtaining warrants to obtain digitally stored information.

Section 4. This act shall be known as Hailey's Law.

Section 5. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that

amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 3314.03 of the Revised Code as amended by both H.B. 10 and H.B. 96 of the 136th General Assembly.

Section 3326.11 of the Revised Code as amended by both H.B. 10 and H.B. 96 of the 136th General Assembly.

Section 3328.24 of the Revised Code as amended by both H.B. 10 and H.B. 96 of the 136th General Assembly.