

As Passed by the Senate

133rd General Assembly

Regular Session

2019-2020

Sub. S. B. No. 89

Senator Huffman, M.

Cosponsors: Senators Brenner, Rulli, Huffman, S., Coley, Manning, Antonio, Blessing, Burke, Craig, Dolan, Eklund, Fedor, Gavarone, Hackett, Hoagland, Hottinger, Johnson, Kunze, Maharath, McColley, Obhof, O'Brien, Peterson, Roegner, Schuring, Sykes, Thomas, Williams, Wilson

A BILL

To amend sections 3313.14, 3313.482, 3313.82, 1
3313.903, 3314.03, 3314.19, 3319.226, 3319.301, 2
3326.032, 3326.17, 5709.62, 5709.63, 5709.632, 3
5709.82, and 5709.83 and to enact sections 4
3301.0730, 3317.037, 3319.2211, and 6301.23 of 5
the Revised Code with regard to career-technical 6
education and the compensation of joint 7
vocational school districts located in 8
enterprise zones, and to make changes regarding 9
STEM school report cards. 10

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

Section 1. That sections 3313.14, 3313.482, 3313.82, 11
3313.903, 3314.03, 3314.19, 3319.226, 3319.301, 3326.032, 12
3326.17, 5709.62, 5709.63, 5709.632, 5709.82, and 5709.83 be 13
amended and sections 3301.0730, 3317.037, 3319.2211, and 6301.23 14
of the Revised Code be enacted to read as follows: 15

Sec. 3301.0730. (A) As used in this section: 16

(1) "Education management information system" means the integrated system of statewide data collecting, reporting, and compiling for school districts and schools prescribed under section 3301.0714 of the Revised Code. 17
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(2) "EMIS guidelines" means any guidance issued by the department of education containing the student, staff, and financial information to be collected and reported, along with data-element definitions, procedures, and guidelines necessary to implement the education management information system. 21
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(B) Not later than June 1, 2020, the department shall develop a procedure that permits users of the education management information system to review and provide comment on new or updated EMIS guidelines. The procedure shall satisfy all of the following conditions: 26
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(1) The department shall post a copy of the proposed new or updated EMIS guidelines on the department's web site. The department shall solicit comment from EMIS users on the proposed guidelines for thirty consecutive days. 31
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(2) The department shall respond to comments provided by users and may revise the proposed new or updated EMIS guidelines based on comments provided by users within thirty consecutive days after the comment period closes. 35
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(3) The department shall post the final new or updated EMIS guidelines on its web site at the end of the response period for thirty consecutive days for a final review by EMIS users. The new or updated guidelines shall take effect after that period ends. 39
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(C) Except as provided in division (D) of this section, if the department develops new or updated EMIS guidelines to 44
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implement a program, initiative, or policy, the department shall 46
use the procedures prescribed under division (B) of this 47
section. For any such new or updated guidelines proposed to be 48
effective for the 2021-2022 school year, the department shall 49
initiate the procedures not later than May 15, 2021. For any 50
such new or updated guidelines proposed to be effective for a 51
subsequent school year, the department shall initiate the 52
procedures not later than the fifteenth day of May immediately 53
prior to the beginning of that school year. 54

(D) On and after June 1, 2020, the department shall use 55
the procedure prescribed under division (B) of this section for 56
any new or updated EMIS guidelines developed by the department 57
for the purposes of implementing any of the following: 58

(1) A newly enacted state or federal law; 59

(2) A new or updated federal rule; 60

(3) A rule or resolution adopted by the state board of 61
education. 62

(E) The department shall not be required to use the 63
procedure prescribed under division (B) of this section when 64
issuing any of the following: 65

(1) Updated EMIS guidelines to address issues that are not 66
substantive, such as correcting grammatical errors; 67

(2) Updated EMIS guidelines to address unforeseen 68
technical errors; 69

(3) Supplemental documents regarding EMIS guidelines and 70
the education management information system, including documents 71
that do any of the following: 72

(a) Clarify the implementation of EMIS guidelines; 73

<u>(b) Answer questions submitted by users of the education management system;</u>	74
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<u>(c) Provide training regarding the education management information system.</u>	76
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<u>(F) Additionally, the department shall establish both of the following:</u>	78
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<u>(1) Uniform guidance for career-technical planning districts and information technology centers established under section 3301.075 of the Revised Code regarding the education management information system and EMIS guidelines for career-technical planning districts;</u>	80
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<u>(2) Uniform training programs for all personnel employed by the department to administer the education management information system.</u>	85
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Sec. 3313.14. The board of education of each city, exempted village, and local school district shall meet on a day occurring during the first fifteen days of January of each year, and shall organize by electing one of its members president and another vice-president, both of whom shall serve for one year. The treasurer of the board shall canvass the members of the new board no later than December thirty-first to establish the day of the organizational meeting prescribed by this section.	88
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<u>The board of education of a joint vocational school district shall hold its first meeting in January of each year, and shall organize by electing one of its members president and another vice-president, both of whom shall serve for one year. The treasurer of the board shall canvass the members of the new board no later than December thirty-first to establish the day of the organizational meeting prescribed by this section.</u>	96
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The governing board of each educational service center 103
shall hold its first meeting in January of each year, and shall 104
organize by electing one of its members president and another 105
vice-president, both of whom shall serve for one year. 106

Sec. 3313.482. (A) (1) Prior to the first day of August of 107
each school year, the board of education of any school district 108
or the governing authority of any chartered nonpublic school may 109
adopt a plan to require students to access and complete 110
classroom lessons posted on the district's or nonpublic school's 111
web portal or web site in order to make up hours in that school 112
year on which it is necessary to close schools for disease 113
epidemic, hazardous weather conditions, law enforcement 114
emergencies, inoperability of school buses or other equipment 115
necessary to the school's operation, damage to a school 116
building, or other temporary circumstances due to utility 117
failure rendering the school building unfit for school use. 118

Prior to the first day of August of each school year, the 119
governing authority of any community school established under 120
Chapter 3314. that is not an internet- or computer-based 121
community school, as defined in section 3314.02 of the Revised 122
Code, may adopt a plan to require students to access and 123
complete classroom lessons posted on the school's web portal or 124
web site in order to make up hours in that school year on which 125
it is necessary to close the school for any of the reasons 126
specified in division (H) (4) of section 3314.08 of the Revised 127
Code so that the school is in compliance with the minimum number 128
of hours required under Chapter 3314. of the Revised Code. 129

A plan adopted by a school district board, chartered 130
nonpublic school governing authority, or community school 131
governing authority shall provide for making up any number of 132

hours, up to a maximum of the number of hours that are the 133
equivalent of three school days. 134

(2) Each plan adopted under this section by a school 135
district board of education shall include the written consent of 136
the teachers' employee representative designated under division 137
(B) of section 4117.04 of the Revised Code. 138

(3) Each plan adopted under this section shall provide for 139
the following: 140

(a) Not later than the first day of November of the school 141
year, each classroom teacher shall develop a sufficient number 142
of lessons for each course taught by the teacher that school 143
year to cover the number of make-up hours specified in the plan. 144
The teacher shall designate the order in which the lessons are 145
to be posted on the district's, community school's, or nonpublic 146
school's web portal or web site in the event of a school 147
closure. Teachers may be granted up to one professional 148
development day to create lesson plans for those lessons. 149

(b) To the extent possible and necessary, a classroom 150
teacher shall update or replace, based on current instructional 151
progress, one or more of the lesson plans developed under 152
division (A) (3) (a) of this section before they are posted on the 153
web portal or web site under division (A) (3) (c) of this section 154
or distributed under division (B) of this section. 155

(c) As soon as practicable after a school closure, a 156
district or school employee responsible for web portal or web 157
site operations shall make the designated lessons available to 158
students on the district's, community school's, or nonpublic 159
school's portal or site. A lesson shall be posted for each 160
course that was scheduled to meet on the day or hours of the 161

closure. 162

(d) Each student enrolled in a course for which a lesson 163
is posted on the portal or site shall be granted a two-week 164
period from the date of posting to complete the lesson. The 165
student's classroom teacher shall grade the lesson in the same 166
manner as other lessons. The student may receive an incomplete 167
or failing grade if the lesson is not completed on time. 168

(e) If a student does not have access to a computer at the 169
student's residence and the plan does not include blizzard bags 170
under division (B) of this section, the student shall be 171
permitted to work on the posted lessons at school after the 172
student's school reopens. If the lessons were posted prior to 173
the reopening, the student shall be granted a two-week period 174
from the date of the reopening, rather than from the date of 175
posting as otherwise required under division (A) (3) (d) of this 176
section, to complete the lessons. The district board or 177
community school or nonpublic school governing authority may 178
provide the student access to a computer before, during, or 179
after the regularly scheduled school day or may provide a 180
substantially similar paper lesson in order to complete the 181
lessons. 182

(B) (1) In addition to posting classroom lessons online 183
under division (A) of this section, the board of education of 184
any school district or governing authority of any community or 185
chartered nonpublic school may include in the plan distribution 186
of "blizzard bags," which are paper copies of the lessons posted 187
online. 188

(2) If a school opts to use blizzard bags, teachers shall 189
prepare paper copies in conjunction with the lessons to be 190
posted online and update the paper copies whenever the teacher 191

updates the online lesson plans.	192
(3) The board of education of any school district or governing authority of any community or chartered nonpublic school that opts to use blizzard bags shall specify in the plan the method of distribution of blizzard bag lessons, which may include, but not be limited to, requiring distribution by a specific deadline or requiring distribution prior to anticipated school closure as directed by the superintendent of a school district or the principal, director, chief administrative officer, or the equivalent, of a school.	193 194 195 196 197 198 199 200 201
(4) Students shall turn in completed lessons in accordance with division (A) (3) (d) of this section.	202 203
<u>(C) In addition to the hours that may be made up in accordance with divisions (A) and (B) of this section, the board of education of any joint vocational school district may include in its plan adopted under this section other options to make up any number of additional hours missed as a result of one or more of the schools of its member city, exempted village, or local school districts were closed for the reasons specified in division (A) (1) of this section. Those options may include additional online lessons, planned student internships, student projects, or other options specified by the board in its plan.</u>	204 205 206 207 208 209 210 211 212 213
<u>(D) (1) No school district that implements a plan in accordance with this section shall be considered to have failed to comply with division (B) of section 3317.01 of the Revised Code with respect to the number of make-up hours specified in the plan.</u>	214 215 216 217 218
(2) No community school that implements a plan in accordance with this section shall be considered to have failed	219 220

to comply with the minimum number of hours required under 221
Chapter 3314. of the Revised Code with respect to the number of 222
make-up hours specified in the plan. 223

Sec. 3313.82. ~~The~~ (A) Subject to division (D) of this 224
section, the board of education of each school district and the 225
governing board of each educational service center shall appoint 226
a business advisory council, except that a school district that 227
has entered into an agreement under section 3313.843 or 3313.845 228
of the Revised Code to receive any services from an educational 229
service center is not required to appoint a council if the 230
school district and educational service center agree that the 231
educational service center's council will represent the business 232
of the district. ~~The~~ 233

(B) The council shall advise and provide recommendations 234
to the board on matters specified by the board including, but 235
not necessarily limited to, ~~the~~ all of the following: 236

(1) The delineation of employment skills and the 237
development of curriculum to instill these skills; ~~changes~~ 238

(2) Changes in the economy and in the job market, and the 239
types of employment in which future jobs are most likely to be 240
available; ~~and suggestions~~ 241

(3) Suggestions for developing a working relationship 242
among businesses, labor organizations, and educational 243
personnel. ~~Each~~ 244

(C) Each board shall determine the membership and 245
organization of its council. ~~Notwithstanding~~ 246

(D) A school district shall not be required to appoint a 247
council under division (A) of this section if the school 248
district has entered into an agreement with the business 249

advisory committee of a joint vocational school district that 250
allows the business advisory committee to represent the business 251
of the school district in accordance with this section. 252

(E) Notwithstanding division (D) of section 3311.19 and 253
division (D) of section 3311.52 of the Revised Code, this 254
section shall not apply to the board of education of any joint 255
vocational school district or any cooperative education school 256
district created pursuant to divisions (A) to (C) of section 257
3311.52 of the Revised Code. 258

Sec. 3313.903. Except as otherwise required under federal 259
law, the department of education shall consider an industry- 260
recognized credential, ~~as described under division (B)(2)(d) of~~ 261
~~section 3302.03~~ approved under section 3313.6113 of the Revised 262
Code, or a license issued by a state agency or board for 263
practice in a vocation that requires an examination for issuance 264
of that license as an acceptable measure of technical skill 265
attainment and shall not require a student with such credential 266
or license to take additional technical assessments. 267

Additionally, the department shall not require a student 268
who has participated in or will be participating in a 269
credentialing assessment aligned to the student's career- 270
technical education program or has participated in or will be 271
participating in taking an examination for issuance of such a 272
license aligned to the student's career-technical education 273
program to take additional technical assessments. 274

However, if the student does not participate in the 275
credentialing assessment or license examination, the student 276
shall take the applicable technical assessments prescribed by 277
the department. 278

The department shall develop, in consultation with the 279
Ohio association for career and technical education, the Ohio 280
association of career-technical superintendents, the Ohio 281
association of city career-technical schools, and other 282
stakeholders, procedures for identifying industry-recognized 283
credentials and licenses aligned to a student's career-technical 284
education program that can be used as an acceptable measure of 285
technical skill, and for identifying students in the process of 286
earning such credentials and licenses. The department shall 287
consider the possibility of attaining college credit as a factor 288
when identifying an acceptable measure of technical skill. 289

Not later than the thirty-first day of May of each year, 290
the department shall, in consultation with the Ohio association 291
for career and technical education, the Ohio association of 292
career-technical superintendents, and the Ohio association of 293
compact and comprehensive career-technical schools, update a 294
list developed by the department regarding technical assessments 295
subject to this section. 296

As used in this section, "technical assessments" shall not 297
include the nationally recognized job skills assessment 298
prescribed under division (G) of section 3301.0712 of the 299
Revised Code. 300

Nothing in this section shall exempt a student who wishes 301
to qualify for a high school diploma under division (A) (3) of 302
section 3313.618 of the Revised Code from the requirement to 303
attain a specified score on that assessment in order to qualify 304
for a high school diploma under that section. 305

Sec. 3314.03. A copy of every contract entered into under 306
this section shall be filed with the superintendent of public 307
instruction. The department of education shall make available on 308

its web site a copy of every approved, executed contract filed	309
with the superintendent under this section.	310
(A) Each contract entered into between a sponsor and the	311
governing authority of a community school shall specify the	312
following:	313
(1) That the school shall be established as either of the	314
following:	315
(a) A nonprofit corporation established under Chapter	316
1702. of the Revised Code, if established prior to April 8,	317
2003;	318
(b) A public benefit corporation established under Chapter	319
1702. of the Revised Code, if established after April 8, 2003.	320
(2) The education program of the school, including the	321
school's mission, the characteristics of the students the school	322
is expected to attract, the ages and grades of students, and the	323
focus of the curriculum;	324
(3) The academic goals to be achieved and the method of	325
measurement that will be used to determine progress toward those	326
goals, which shall include the statewide achievement	327
assessments;	328
(4) Performance standards, including but not limited to	329
all applicable report card measures set forth in section 3302.03	330
or 3314.017 of the Revised Code, by which the success of the	331
school will be evaluated by the sponsor;	332
(5) The admission standards of section 3314.06 of the	333
Revised Code and, if applicable, section 3314.061 of the Revised	334
Code;	335
(6) (a) Dismissal procedures;	336

(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.	337 338 339 340 341 342
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	343 344
(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.	345 346 347 348 349 350
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	351 352
(a) A detailed description of each facility used for instructional purposes;	353 354
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	355 356
(c) The annual mortgage principal and interest payments that are paid by the school;	357 358
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	359 360 361
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except	362 363 364

that a community school may engage noncertificated persons to 365
teach up to twelve hours or forty hours per week pursuant to 366
section 3319.301 of the Revised Code. 367

(11) That the school will comply with the following 368
requirements: 369

(a) The school will provide learning opportunities to a 370
minimum of twenty-five students for a minimum of nine hundred 371
twenty hours per school year. 372

(b) The governing authority will purchase liability 373
insurance, or otherwise provide for the potential liability of 374
the school. 375

(c) The school will be nonsectarian in its programs, 376
admission policies, employment practices, and all other 377
operations, and will not be operated by a sectarian school or 378
religious institution. 379

(d) The school will comply with sections 9.90, 9.91, 380
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 381
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 382
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 383
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 384
3313.6024, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 385
3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 386
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 387
3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 388
3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 389
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 390
3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 391
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 392
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 393

of the Revised Code as if it were a school district and will 394
comply with section 3301.0714 of the Revised Code in the manner 395
specified in section 3314.17 of the Revised Code. 396

(e) The school shall comply with Chapter 102. and section 397
2921.42 of the Revised Code. 398

(f) The school will comply with sections 3313.61, 399
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 400
Revised Code, except that for students who enter ninth grade for 401
the first time before July 1, 2010, the requirement in sections 402
3313.61 and 3313.611 of the Revised Code that a person must 403
successfully complete the curriculum in any high school prior to 404
receiving a high school diploma may be met by completing the 405
curriculum adopted by the governing authority of the community 406
school rather than the curriculum specified in Title XXXIII of 407
the Revised Code or any rules of the state board of education. 408
Beginning with students who enter ninth grade for the first time 409
on or after July 1, 2010, the requirement in sections 3313.61 410
and 3313.611 of the Revised Code that a person must successfully 411
complete the curriculum of a high school prior to receiving a 412
high school diploma shall be met by completing the requirements 413
prescribed in division (C) of section 3313.603 of the Revised 414
Code, unless the person qualifies under division (D) or (F) of 415
that section. Each school shall comply with the plan for 416
awarding high school credit based on demonstration of subject 417
area competency, and beginning with the 2017-2018 school year, 418
with the updated plan that permits students enrolled in seventh 419
and eighth grade to meet curriculum requirements based on 420
subject area competency adopted by the state board of education 421
under divisions (J) (1) and (2) of section 3313.603 of the 422
Revised Code. Beginning with the 2018-2019 school year, the 423
school shall comply with the framework for granting units of 424

high school credit to students who demonstrate subject area 425
competency through work-based learning experiences, internships, 426
or cooperative education developed by the department under 427
division (J) (3) of section 3313.603 of the Revised Code. 428

(g) The school governing authority will submit within four 429
months after the end of each school year a report of its 430
activities and progress in meeting the goals and standards of 431
divisions (A) (3) and (4) of this section and its financial 432
status to the sponsor and the parents of all students enrolled 433
in the school. 434

(h) The school, unless it is an internet- or computer- 435
based community school, will comply with section 3313.801 of the 436
Revised Code as if it were a school district. 437

(i) If the school is the recipient of moneys from a grant 438
awarded under the federal race to the top program, Division (A), 439
Title XIV, Sections 14005 and 14006 of the "American Recovery 440
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 441
the school will pay teachers based upon performance in 442
accordance with section 3317.141 and will comply with section 443
3319.111 of the Revised Code as if it were a school district. 444

(j) If the school operates a preschool program that is 445
licensed by the department of education under sections 3301.52 446
to 3301.59 of the Revised Code, the school shall comply with 447
sections 3301.50 to 3301.59 of the Revised Code and the minimum 448
standards for preschool programs prescribed in rules adopted by 449
the state board under section 3301.53 of the Revised Code. 450

(k) The school will comply with sections 3313.6021 and 451
3313.6023 of the Revised Code as if it were a school district 452
unless it is either of the following: 453

(i) An internet- or computer-based community school;	454
(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A) (4) (b) of section 3314.35 of the Revised Code.	455 456 457
(12) Arrangements for providing health and other benefits to employees;	458 459
(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 (E) of this section.	460 461 462 463
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	464 465
(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.	466 467 468
(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;	469 470 471 472
(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, 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	473 474 475 476 477 478 479 480 481 482

agreement applicable to such employees;	483
(18) Provisions establishing procedures for resolving	484
disputes or differences of opinion between the sponsor and the	485
governing authority of the community school;	486
(19) A provision requiring the governing authority to	487
adopt a policy regarding the admission of students who reside	488
outside the district in which the school is located. That policy	489
shall comply with the admissions procedures specified in	490
sections 3314.06 and 3314.061 of the Revised Code and, at the	491
sole discretion of the authority, shall do one of the following:	492
(a) Prohibit the enrollment of students who reside outside	493
the district in which the school is located;	494
(b) Permit the enrollment of students who reside in	495
districts adjacent to the district in which the school is	496
located;	497
(c) Permit the enrollment of students who reside in any	498
other district in the state.	499
(20) A provision recognizing the authority of the	500
department of education to take over the sponsorship of the	501
school in accordance with the provisions of division (C) of	502
section 3314.015 of the Revised Code;	503
(21) A provision recognizing the sponsor's authority to	504
assume the operation of a school under the conditions specified	505
in division (B) of section 3314.073 of the Revised Code;	506
(22) A provision recognizing both of the following:	507
(a) The authority of public health and safety officials to	508
inspect the facilities of the school and to order the facilities	509
closed if those officials find that the facilities are not in	510

compliance with health and safety laws and regulations; 511

(b) The authority of the department of education as the 512
community school oversight body to suspend the operation of the 513
school under section 3314.072 of the Revised Code if the 514
department has evidence of conditions or violations of law at 515
the school that pose an imminent danger to the health and safety 516
of the school's students and employees and the sponsor refuses 517
to take such action. 518

(23) A description of the learning opportunities that will 519
be offered to students including both classroom-based and non- 520
classroom-based learning opportunities that is in compliance 521
with criteria for student participation established by the 522
department under division (H) (2) of section 3314.08 of the 523
Revised Code; 524

(24) The school will comply with sections 3302.04 and 525
3302.041 of the Revised Code, except that any action required to 526
be taken by a school district pursuant to those sections shall 527
be taken by the sponsor of the school. However, the sponsor 528
shall not be required to take any action described in division 529
(F) of section 3302.04 of the Revised Code. 530

(25) Beginning in the 2006-2007 school year, the school 531
will open for operation not later than the thirtieth day of 532
September each school year, unless the mission of the school as 533
specified under division (A) (2) of this section is solely to 534
serve dropouts. In its initial year of operation, if the school 535
fails to open by the thirtieth day of September, or within one 536
year after the adoption of the contract pursuant to division (D) 537
of section 3314.02 of the Revised Code if the mission of the 538
school is solely to serve dropouts, the contract shall be void. 539

(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;	540 541 542
(27) That the school's attendance and participation policies will be available for public inspection;	543 544
(28) That the school's attendance and participation records shall be made available to the department of education, 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;	545 546 547 548 549 550 551
(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:	552 553 554
(a) An indication of what blended learning model or models will be used;	555 556
(b) A description of how student instructional needs will be determined and documented;	557 558
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	559 560
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	561 562 563
(e) A statement describing how student progress will be monitored;	564 565
(f) A statement describing how private student data will be protected;	566 567

(g) A description of the professional development activities that will be offered to teachers.	568 569
(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;	570 571 572 573
(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.	574 575 576 577 578
(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.	579 580 581 582 583
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	584 585 586
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	587 588 589
(1) The process by which the governing authority of the school will be selected in the future;	590 591
(2) The management and administration of the school;	592
(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not	593 594 595

to attend the converted school and for teachers who choose not 596
to teach in the school or building after conversion; 597

(4) The instructional program and educational philosophy 598
of the school; 599

(5) Internal financial controls. 600

When submitting the plan under this division, the school 601
shall also submit copies of all policies and procedures 602
regarding internal financial controls adopted by the governing 603
authority of the school. 604

(C) A contract entered into under section 3314.02 of the 605
Revised Code between a sponsor and the governing authority of a 606
community school may provide for the community school governing 607
authority to make payments to the sponsor, which is hereby 608
authorized to receive such payments as set forth in the contract 609
between the governing authority and the sponsor. The total 610
amount of such payments for monitoring, oversight, and technical 611
assistance of the school shall not exceed three per cent of the 612
total amount of payments for operating expenses that the school 613
receives from the state. 614

(D) The contract shall specify the duties of the sponsor 615
which shall be in accordance with the written agreement entered 616
into with the department of education under division (B) of 617
section 3314.015 of the Revised Code and shall include the 618
following: 619

(1) Monitor the community school's compliance with all 620
laws applicable to the school and with the terms of the 621
contract; 622

(2) Monitor and evaluate the academic and fiscal 623
performance and the organization and operation of the community 624

school on at least an annual basis; 625

(3) Report on an annual basis the results of the 626
evaluation conducted under division (D) (2) of this section to 627
the department of education and to the parents of students 628
enrolled in the community school; 629

(4) Provide technical assistance to the community school 630
in complying with laws applicable to the school and terms of the 631
contract; 632

(5) Take steps to intervene in the school's operation to 633
correct problems in the school's overall performance, declare 634
the school to be on probationary status pursuant to section 635
3314.073 of the Revised Code, suspend the operation of the 636
school pursuant to section 3314.072 of the Revised Code, or 637
terminate the contract of the school pursuant to section 3314.07 638
of the Revised Code as determined necessary by the sponsor; 639

(6) Have in place a plan of action to be undertaken in the 640
event the community school experiences financial difficulties or 641
closes prior to the end of a school year. 642

(E) Upon the expiration of a contract entered into under 643
this section, the sponsor of a community school may, with the 644
approval of the governing authority of the school, renew that 645
contract for a period of time determined by the sponsor, but not 646
ending earlier than the end of any school year, if the sponsor 647
finds that the school's compliance with applicable laws and 648
terms of the contract and the school's progress in meeting the 649
academic goals prescribed in the contract have been 650
satisfactory. Any contract that is renewed under this division 651
remains subject to the provisions of sections 3314.07, 3314.072, 652
and 3314.073 of the Revised Code. 653

(F) If a community school fails to open for operation 654
within one year after the contract entered into under this 655
section is adopted pursuant to division (D) of section 3314.02 656
of the Revised Code or permanently closes prior to the 657
expiration of the contract, the contract shall be void and the 658
school shall not enter into a contract with any other sponsor. A 659
school shall not be considered permanently closed because the 660
operations of the school have been suspended pursuant to section 661
3314.072 of the Revised Code. 662

Sec. 3314.19. The sponsor of each community school shall 663
provide the following assurances in writing to the department of 664
education not later than ten business days prior to the opening 665
of the school's first year of operation or, if the school is not 666
an internet- or computer-based community school and it changes 667
the building from which it operates, the opening of the first 668
year it operates from the new building: 669

(A) That a current copy of the contract between the 670
sponsor and the governing authority of the school entered into 671
under section 3314.03 of the Revised Code has been filed with 672
the department and that any subsequent modifications to that 673
contract will be filed with the department; 674

(B) That the school has submitted to the sponsor a plan 675
for providing special education and related services to students 676
with disabilities and has demonstrated the capacity to provide 677
those services in accordance with Chapter 3323. of the Revised 678
Code and federal law; 679

(C) That the school has a plan and procedures for 680
administering the achievement and diagnostic assessments 681
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of 682
the Revised Code; 683

(D) That school personnel have the necessary training, 684
knowledge, and resources to properly use and submit information 685
to all databases maintained by the department for the collection 686
of education data, including the education management 687
information system established under section 3301.0714 of the 688
Revised Code in accordance with methods and timelines 689
established under section 3314.17 of the Revised Code; 690

(E) That all required information about the school has 691
been submitted to the Ohio education directory system or any 692
successor system; 693

(F) That the school will enroll at least the minimum 694
number of students required by division (A) (11) (a) of section 695
3314.03 of the Revised Code in the school year for which the 696
assurances are provided; 697

(G) That all classroom teachers are licensed in accordance 698
with sections 3319.22 to 3319.31 of the Revised Code, except for 699
noncertificated persons engaged to teach up to twelve hours or 700
forty hours per week pursuant to section 3319.301 of the Revised 701
Code; 702

(H) That the school's fiscal officer is in compliance with 703
section 3314.011 of the Revised Code; 704

(I) That the school has complied with sections 3319.39 and 705
3319.391 of the Revised Code with respect to all employees and 706
that the school has conducted a criminal records check of each 707
of its governing authority members; 708

(J) That the school holds all of the following: 709

(1) Proof of property ownership or a lease for the 710
facilities used by the school; 711

(2) A certificate of occupancy;	712
(3) Liability insurance for the school, as required by division (A) (11) (b) of section 3314.03 of the Revised Code, that the sponsor considers sufficient to indemnify the school's facilities, staff, and governing authority against risk;	713 714 715 716
(4) A satisfactory health and safety inspection;	717
(5) A satisfactory fire inspection;	718
(6) A valid food permit, if applicable.	719
(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	720 721 722
(L) That the school has designated a date it will open for the school year for which the assurances are provided that is in compliance with division (A) (25) of section 3314.03 of the Revised Code;	723 724 725 726
(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.	727 728 729
(N) That, for any school that operates using the blended learning model, as defined in section 3301.079 of the Revised Code, the sponsor has reviewed the following information, submitted by the school:	730 731 732 733
(1) An indication of what blended learning model or models will be used;	734 735
(2) A description of how student instructional needs will be determined and documented;	736 737
(3) The method to be used for determining competency,	738

granting credit, and promoting students to a higher grade level;	739
(4) The school's attendance requirements, including how	740
the school will document participation in learning	741
opportunities;	742
(5) A statement describing how student progress will be	743
monitored;	744
(6) A statement describing how private student data will	745
be protected;	746
(7) A description of the professional development	747
activities that will be offered to teachers.	748
<u>Sec. 3317.037. (A) As used in this section:</u>	749
<u>(1) "Contracting district" means a school district that</u>	750
<u>has entered into a contract to provide career-technical</u>	751
<u>education services that meet standards set by the state board of</u>	752
<u>education to one or more other school districts.</u>	753
<u>(2) "Career-technical planning district" has the same</u>	754
<u>meaning as in section 3317.023 of the Revised Code.</u>	755
<u>(3) "Home district" means any city, local, or exempted</u>	756
<u>village school district that is also not a lead district or a</u>	757
<u>contracting district.</u>	758
<u>(4) "Lead district" means a lead district, as defined in</u>	759
<u>section 3317.023 of the Revised Code, which is designated by the</u>	760
<u>department of education to provide primary career-technical</u>	761
<u>education leadership within a career-technical planning</u>	762
<u>district.</u>	763
<u>(B) For the purposes of maintaining student enrollment</u>	764
<u>records under section 3317.03 of the Revised Code, the</u>	765

superintendent of each home district shall provide to the lead 766
district or contracting district the attendance records for each 767
student who receives career-technical education services 768
provided by the lead district or contracting district in 769
facilities operated by the student's home district. 770

(C) Any lead district of a career-technical planning 771
district may enter into an agreement with another school 772
district within that career-technical planning district under 773
which the lead district and the other school district may 774
establish a method to determine the full-time equivalency for 775
each student attending school in both districts for the purposes 776
of calculating each district's enrollment under section 3317.03 777
of the Revised Code. 778

Sec. 3319.226. (A) Beginning July 1, 2019, the state board 779
of education shall issue educator licenses for substitute 780
teaching only under this section. 781

(B) The state board shall adopt rules establishing 782
standards and requirements for obtaining a license under this 783
section and for renewal of the license. Except as provided in 784
division (F) of section 3319.229 of the Revised Code, the rules 785
shall require an applicant to hold a post-secondary degree, but 786
not in any specified subject area. The rules also shall allow 787
the holder of a license issued under this section to work: 788

(1) For an unlimited number of school days if the license 789
holder has a post-secondary degree in either education or a 790
subject area directly related to the subject of the class the 791
license holder will teach; 792

(2) For one full semester, subject to the approval of the 793
employing school district board of education, if the license 794

holder has a post-secondary degree in a subject area that is not 795
directly related to the subject of the class that the license 796
holder will teach. 797

The district superintendent may request that the board 798
approve one or more additional subsequent semester-long periods 799
of teaching for the license holder. 800

(C) The rules adopted under division (B) of this section 801
shall permit a substitute career-technical teaching license 802
holder to teach outside the license holder's certified career 803
field for up to sixty days, subject to approval of the employing 804
school district superintendent. 805

(D) Any license issued or renewed under former section 806
3319.226 of the Revised Code that was still in force on ~~the~~ 807
~~effective date of this section~~ November 2, 2018, shall remain in 808
force for the remainder of the term for which it was issued or 809
renewed. Upon the expiration of that term, the holder of that 810
license shall be subject to licensure under the rules adopted 811
under this section. 812

Sec. 3319.2211. (A) An individual who holds an adult 813
education permit may be employed by any school district and 814
shall not be limited to employment solely by the district that 815
recommended and employed that individual at the time of the 816
initial issuance of the individual's permit. 817

(B) Notwithstanding anything to the contrary in section 818
3319.226 of the Revised Code, an individual who holds an adult 819
education permit issued by the state board of education may be 820
assigned as a substitute teacher for any of grades nine through 821
twelve, in the same manner as the holder of a substitute career- 822
technical teaching license issued under section 3319.226 of the 823

Revised Code, to teach courses offered by the individual's 824
employing district. 825

Sec. 3319.301. (A) As used in this ~~section,~~ section: 826

(1) "Dropout recovery community school" means a community 827
school established under Chapter 3314. of the Revised Code in 828
which a majority of the students are enrolled in a dropout 829
prevention and recovery program that is operated by the school. 830

(2) "Industry-recognized credential program" means a 831
career-technical course in which a student may earn an industry- 832
recognized credential approved under section 3313.6113 of the 833
Revised Code. 834

(3) "STEM school" means a science, technology, 835
engineering, and mathematics school established under Chapter 836
3326. of the Revised Code. 837

(B) The state board of education shall issue permits to 838
individuals who are not licensed as required by sections 3319.22 839
to 3319.30 of the Revised Code, but who are otherwise qualified, 840
to teach classes for not more than a total of twelve hours a 841
week, except that an individual teaching in a STEM school or an 842
individual teaching an industry-recognized credential program 843
offered at a dropout recovery community school may teach classes 844
for not more than a total of forty hours a week. The state 845
board, by rule, shall set forth the qualifications, other than 846
licensure under sections 3319.22 to 3319.30 of the Revised Code, 847
to be met by individuals in order to be issued a permit as 848
provided in this section. Such qualifications shall include the 849
possession of a baccalaureate, master's, or doctoral degree in, 850
or significant experience related to, the subject the individual 851
is to teach. For an individual assigned to teach a career- 852

technical class, significant experience related to a subject 853
shall include career-technical experience. Applications for 854
permits pursuant to this section shall be made in accordance 855
with section 3319.29 of the Revised Code. A permit issued under 856
this section shall be renewable. 857

The state board, by rule, shall authorize the board of 858
education of each school district and each STEM school to engage 859
individuals holding permits issued under this section to teach 860
classes for not more than the total number of hours a week 861
specified in the permit. The rules shall include provisions with 862
regard to each of the following: 863

(1) That a board of education or STEM school shall engage 864
a nonlicensed individual to teach pursuant to this section on a 865
volunteer basis, or by entering into a contract with the 866
individual or the individual's employer on such terms and 867
conditions as are agreed to between the board or school and the 868
individual or the individual's employer; 869

(2) That an employee of the board of education or STEM 870
school who is licensed under sections 3319.22 to 3319.30 of the 871
Revised Code shall directly supervise a nonlicensed individual 872
who is engaged to teach pursuant to this section until the 873
superintendent of the school district or the chief 874
administrative officer of the STEM school is satisfied that the 875
nonlicensed individual has sufficient understanding of, and 876
experience in, effective teaching methods to teach without 877
supervision. 878

(C) A nonlicensed individual engaged to teach pursuant to 879
this section is a teacher for the purposes of Title XXXIII of 880
the Revised Code except for the purposes of Chapters 3307. and 881
3317. and sections 3319.07 to 3319.31 of the Revised Code. Such 882

an individual is not an employee of the board of education or 883
STEM school for the purpose of Titles I or XLI or Chapter 3309. 884
of the Revised Code. 885

(D) Students enrolled in a class taught by a nonlicensed 886
individual pursuant to this section and rules adopted thereunder 887
shall receive the same credit as if the class had been taught by 888
an employee licensed pursuant to sections 3319.22 to 3319.30 of 889
the Revised Code. 890

(E) No board of education of any school district shall 891
engage any one or more nonlicensed individuals if such 892
employment displaces from employment an existing licensed 893
employee of the district. 894

Sec. 3326.032. (A) The STEM committee may grant a 895
designation of STEM school equivalent to a community school 896
established under Chapter 3314. of the Revised Code, a career- 897
technical planning district, or to a chartered nonpublic school. 898
In order to be eligible for this designation, a community 899
school, a CTPD, or chartered nonpublic school shall submit a 900
proposal that satisfies the requirements of this section. 901

The committee shall determine the criteria for proposals, 902
establish procedures for the submission of proposals, accept and 903
evaluate proposals, and choose which proposals warrant a 904
community school, a CTPD, or chartered nonpublic school to be 905
designated as a STEM school equivalent. 906

(B) A proposal for designation as a STEM school equivalent 907
shall include at least the following: 908

(1) Assurances that the community school, a career- 909
technical planning district, or chartered nonpublic school 910
submitting the proposal has a working partnership with both 911

public and private entities, including higher education entities 912
and business organizations. If the proposal is for a STEAM 913
school equivalent, it also shall include evidence that this 914
partnership includes arts organizations. 915

(2) Assurances that the school or CTPD submitting the 916
proposal will operate in compliance with this section and the 917
provisions of the proposal as accepted by the committee; 918

(3) Evidence that the school or CTPD submitting the 919
proposal will offer a rigorous, diverse, integrated, and 920
project-based curriculum to students in any of grades 921
kindergarten through twelve, with the goal to prepare those 922
students for college, the workforce, and citizenship, and that 923
does all of the following: 924

(a) Emphasizes the role of science, technology, 925
engineering, and mathematics in promoting innovation and 926
economic progress; 927

(b) Incorporates scientific inquiry and technological 928
design; 929

(c) Includes the arts and humanities. If the proposal is 930
for a STEAM school equivalent, it also shall include evidence 931
that the curriculum will integrate arts and design into the 932
study of science, technology, engineering, and mathematics to 933
foster creative thinking, problem-solving, and new approaches to 934
scientific invention. 935

(d) Emphasizes personalized learning and teamwork skills. 936

(4) Evidence that the school or CTPD submitting the 937
proposal will attract school leaders who support the curriculum 938
principles of division (B) (3) of this section; 939

(5) A description of how each school's or CTPD's 940
curriculum will be developed and approved in accordance with 941
section 3326.09 of the Revised Code; 942

(6) Evidence that the school or CTPD submitting the 943
proposal will utilize an established capacity to capture and 944
share knowledge for best practices and innovative professional 945
development; 946

(7) Assurances that the school or CTPD submitting the 947
proposal has received commitments of sustained and verifiable 948
fiscal and in-kind support from regional education and business 949
entities. If the proposal is for a STEAM school equivalent, it 950
also shall include assurances that the school or CTPD has 951
received commitments of sustained and verifiable fiscal and in- 952
kind support from arts organizations. 953

(C) (1) A community school, a career-technical planning 954
district, or chartered nonpublic school that is designated as a 955
STEM school equivalent under this section shall not be subject 956
to the requirements of Chapter 3326. of the Revised Code, except 957
that the school or CTPD shall be subject to the requirements of 958
this section and to the curriculum requirements of section 959
3326.09 of the Revised Code. 960

Nothing in this section, however, shall relieve a 961
community school of the applicable requirements of Chapter 3314. 962
of the Revised Code. Nor shall anything in this section relieve 963
a chartered nonpublic school of any provisions of law outside of 964
this chapter that are applicable to chartered nonpublic schools. 965

(2) A community school, a CTPD, or chartered nonpublic 966
school that is designated as a STEM school equivalent under this 967
section shall not be eligible for operating funding under 968

sections 3326.31 to 3326.37, 3326.39 to 3326.40, and 3326.51 of 969
the Revised Code. 970

(3) A community school, a CTPD, or chartered nonpublic 971
school that is designated as a STEM school equivalent under this 972
section may apply for any of the grants and additional funds 973
described in section 3326.38 of the Revised Code for which the 974
school or CTPD is eligible. 975

(D) If a community school, a career-technical planning 976
district, or chartered nonpublic school that is designated as a 977
STEM school equivalent under this section intends to close or 978
intends to no longer be designated as a STEM school equivalent, 979
it shall notify the STEM committee of that fact. 980

(E) If a community school, a career-technical planning 981
district, or chartered nonpublic school that is designated as a 982
STEM school equivalent wishes to be designated as a STEAM school 983
equivalent, it may change its existing proposal to include the 984
items required under divisions (B) (1), (B) (3) (c), and (B) (7) of 985
this section and submit the revised proposal to the STEM 986
committee for approval. 987

(F) As used in this section, "career-technical planning 988
district" and "CTPD" have the same meanings as in section 989
3317.023 of the Revised Code. 990

Sec. 3326.17. (A) The department of education shall issue 991
an annual report card for each science, technology, engineering, 992
and mathematics school that includes all information applicable 993
to school buildings under section 3302.03 of the Revised Code. 994

(B) For Beginning with the report cards issued for the 995
2019-2020 school year, for each student enrolled in a STEM 996
school that is not a STEM school governed by a STEM school 997

sponsoring district, as defined in section 3326.51 of the 998
Revised Code, the department shall combine data regarding the 999
academic performance of that student with comparable data from 1000
the school district in which the student is entitled to attend 1001
school pursuant to section 3313.64 or 3313.65 of the Revised 1002
Code for the purpose of calculating the performance of the 1003
district as a whole on the report card issued for the district 1004
under section 3302.03 of the Revised Code. 1005

(C) The department also shall compute a rating for each 1006
group of STEM schools that is under the direction of the same 1007
governing body, as authorized under section 3326.031 of the 1008
Revised Code, and issue a distinct report card for the group as 1009
a whole. 1010

(D) Each STEM school and its governing body shall comply 1011
with sections 3302.04 and 3302.041 of the Revised Code, except 1012
that any action required to be taken by a school district 1013
pursuant to those sections shall be taken by the school. 1014
However, the school shall not be required to take any action 1015
described in division (F) of section 3302.04 of the Revised 1016
Code. 1017

Sec. 5709.62. (A) In any municipal corporation that is 1018
defined by the United States office of management and budget as 1019
a principal city of a metropolitan statistical area, the 1020
legislative authority of the municipal corporation may designate 1021
one or more areas within its municipal corporation as proposed 1022
enterprise zones. Upon designating an area, the legislative 1023
authority shall petition the director of development services 1024
for certification of the area as having the characteristics set 1025
forth in division (A)(1) of section 5709.61 of the Revised Code 1026
as amended by Substitute Senate Bill No. 19 of the 120th general 1027

assembly. Except as otherwise provided in division (E) of this 1028
section, on and after July 1, 1994, legislative authorities 1029
shall not enter into agreements under this section unless the 1030
legislative authority has petitioned the director and the 1031
director has certified the zone under this section as amended by 1032
that act; however, all agreements entered into under this 1033
section as it existed prior to July 1, 1994, and the incentives 1034
granted under those agreements shall remain in effect for the 1035
period agreed to under those agreements. Within sixty days after 1036
receiving such a petition, the director shall determine whether 1037
the area has the characteristics set forth in division (A) (1) of 1038
section 5709.61 of the Revised Code, and shall forward the 1039
findings to the legislative authority of the municipal 1040
corporation. If the director certifies the area as having those 1041
characteristics, and thereby certifies it as a zone, the 1042
legislative authority may enter into an agreement with an 1043
enterprise under division (C) of this section. 1044

(B) Any enterprise that wishes to enter into an agreement 1045
with a municipal corporation under division (C) of this section 1046
shall submit a proposal to the legislative authority of the 1047
municipal corporation on a form prescribed by the director of 1048
development services, together with the application fee 1049
established under section 5709.68 of the Revised Code. The form 1050
shall require the following information: 1051

(1) An estimate of the number of new employees whom the 1052
enterprise intends to hire, or of the number of employees whom 1053
the enterprise intends to retain, within the zone at a facility 1054
that is a project site, and an estimate of the amount of payroll 1055
of the enterprise attributable to these employees; 1056

(2) An estimate of the amount to be invested by the 1057

enterprise to establish, expand, renovate, or occupy a facility, 1058
including investment in new buildings, additions or improvements 1059
to existing buildings, machinery, equipment, furniture, 1060
fixtures, and inventory; 1061

(3) A listing of the enterprise's current investment, if 1062
any, in a facility as of the date of the proposal's submission. 1063

The enterprise shall review and update the listings 1064
required under this division to reflect material changes, and 1065
any agreement entered into under division (C) of this section 1066
shall set forth final estimates and listings as of the time the 1067
agreement is entered into. The legislative authority may, on a 1068
separate form and at any time, require any additional 1069
information necessary to determine whether an enterprise is in 1070
compliance with an agreement and to collect the information 1071
required to be reported under section 5709.68 of the Revised 1072
Code. 1073

(C) Upon receipt and investigation of a proposal under 1074
division (B) of this section, if the legislative authority finds 1075
that the enterprise submitting the proposal is qualified by 1076
financial responsibility and business experience to create and 1077
preserve employment opportunities in the zone and improve the 1078
economic climate of the municipal corporation, the legislative 1079
authority may do one of the following: 1080

(1) Enter into an agreement with the enterprise under 1081
which the enterprise agrees to establish, expand, renovate, or 1082
occupy a facility and hire new employees, or preserve employment 1083
opportunities for existing employees, in return for one or more 1084
of the following incentives: 1085

(a) Exemption for a specified number of years, not to 1086

exceed fifteen, of a specified portion, up to seventy-five per 1087
cent, of the assessed value of tangible personal property first 1088
used in business at the project site as a result of the 1089
agreement. If an exemption for inventory is specifically granted 1090
in the agreement pursuant to this division, the exemption 1091
applies to inventory required to be listed pursuant to sections 1092
5711.15 and 5711.16 of the Revised Code, except that, in the 1093
instance of an expansion or other situations in which an 1094
enterprise was in business at the facility prior to the 1095
establishment of the zone, the inventory that is exempt is that 1096
amount or value of inventory in excess of the amount or value of 1097
inventory required to be listed in the personal property tax 1098
return of the enterprise in the return for the tax year in which 1099
the agreement is entered into. 1100

(b) Exemption for a specified number of years, not to 1101
exceed fifteen, of a specified portion, up to seventy-five per 1102
cent, of the increase in the assessed valuation of real property 1103
constituting the project site subsequent to formal approval of 1104
the agreement by the legislative authority; 1105

(c) Provision for a specified number of years, not to 1106
exceed fifteen, of any optional services or assistance that the 1107
municipal corporation is authorized to provide with regard to 1108
the project site. 1109

(2) Enter into an agreement under which the enterprise 1110
agrees to remediate an environmentally contaminated facility, to 1111
spend an amount equal to at least two hundred fifty per cent of 1112
the true value in money of the real property of the facility 1113
prior to remediation as determined for the purposes of property 1114
taxation to establish, expand, renovate, or occupy the 1115
remediated facility, and to hire new employees or preserve 1116

employment opportunities for existing employees at the 1117
remediated facility, in return for one or more of the following 1118
incentives: 1119

(a) Exemption for a specified number of years, not to 1120
exceed fifteen, of a specified portion, not to exceed fifty per 1121
cent, of the assessed valuation of the real property of the 1122
facility prior to remediation; 1123

(b) Exemption for a specified number of years, not to 1124
exceed fifteen, of a specified portion, not to exceed one 1125
hundred per cent, of the increase in the assessed valuation of 1126
the real property of the facility during or after remediation; 1127

(c) The incentive under division (C) (1) (a) of this 1128
section, except that the percentage of the assessed value of 1129
such property exempted from taxation shall not exceed one 1130
hundred per cent; 1131

(d) The incentive under division (C) (1) (c) of this 1132
section. 1133

(3) Enter into an agreement with an enterprise that plans 1134
to purchase and operate a large manufacturing facility that has 1135
ceased operation or announced its intention to cease operation, 1136
in return for exemption for a specified number of years, not to 1137
exceed fifteen, of a specified portion, up to one hundred per 1138
cent, of the assessed value of tangible personal property used 1139
in business at the project site as a result of the agreement, or 1140
of the assessed valuation of real property constituting the 1141
project site, or both. 1142

(D) (1) Notwithstanding divisions (C) (1) (a) and (b) of this 1143
section, the portion of the assessed value of tangible personal 1144
property or of the increase in the assessed valuation of real 1145

property exempted from taxation under those divisions may exceed 1146
seventy-five per cent in any year for which that portion is 1147
exempted if the average percentage exempted for all years in 1148
which the agreement is in effect does not exceed sixty per cent, 1149
or if the board of education of the city, local, or exempted 1150
village school district within the territory of which the 1151
property is or will be located approves a percentage in excess 1152
of seventy-five per cent. 1153

(2) Notwithstanding any provision of the Revised Code to 1154
the contrary, the exemptions described in divisions (C) (1) (a), 1155
(b), and (c), (C) (2) (a), (b), and (c), and (C) (3) of this 1156
section may be for up to fifteen years if the board of education 1157
of the city, local, or exempted village school district within 1158
the territory of which the property is or will be located 1159
approves a number of years in excess of ten. 1160

(3) For the purpose of obtaining the approval of a city, 1161
local, or exempted village school district under division (D) (1) 1162
or (2) of this section, the legislative authority shall deliver 1163
to the board of education a notice not later than forty-five 1164
days prior to approving the agreement, excluding Saturdays, 1165
Sundays, and legal holidays as defined in section 1.14 of the 1166
Revised Code. The notice shall state the percentage to be 1167
exempted, an estimate of the true value of the property to be 1168
exempted, and the number of years the property is to be 1169
exempted. The board of education, by resolution adopted by a 1170
majority of the board, shall approve or disapprove the agreement 1171
and certify a copy of the resolution to the legislative 1172
authority not later than fourteen days prior to the date 1173
stipulated by the legislative authority as the date upon which 1174
approval of the agreement is to be formally considered by the 1175
legislative authority. The board of education may include in the 1176

resolution conditions under which the board would approve the 1177
agreement, including the execution of an agreement to compensate 1178
the school district under division (B) of section 5709.82 of the 1179
Revised Code. The legislative authority may approve the 1180
agreement at any time after the board of education certifies its 1181
resolution approving the agreement to the legislative authority, 1182
or, if the board approves the agreement conditionally, at any 1183
time after the conditions are agreed to by the board and the 1184
legislative authority. If an agreement is negotiated between the 1185
legislative authority and the board to compensate the school 1186
district for all or part of the taxes exempted, the legislative 1187
authority shall compensate the joint vocational school district 1188
within which the property is located at the same rate and under 1189
the same terms received by the city, local, or exempted village 1190
school district. 1191

If a board of education has adopted a resolution waiving 1192
its right to approve agreements and the resolution remains in 1193
effect, approval of an agreement by the board is not required 1194
under this division. If a board of education has adopted a 1195
resolution allowing a legislative authority to deliver the 1196
notice required under this division fewer than forty-five 1197
business days prior to the legislative authority's approval of 1198
the agreement, the legislative authority shall deliver the 1199
notice to the board not later than the number of days prior to 1200
such approval as prescribed by the board in its resolution. If a 1201
board of education adopts a resolution waiving its right to 1202
approve agreements or shortening the notification period, the 1203
board shall certify a copy of the resolution to the legislative 1204
authority. If the board of education rescinds such a resolution, 1205
it shall certify notice of the rescission to the legislative 1206
authority. 1207

(4) The legislative authority shall comply with section 1208
5709.83 of the Revised Code unless the board of education has 1209
adopted a resolution under that section waiving its right to 1210
receive such notice. 1211

(E) This division applies to zones certified by the 1212
director of development services under this section prior to 1213
July 22, 1994. 1214

The legislative authority that designated a zone to which 1215
this division applies may enter into an agreement with an 1216
enterprise if the legislative authority finds that the 1217
enterprise satisfies one of the criteria described in divisions 1218
(E) (1) to (5) of this section: 1219

(1) The enterprise currently has no operations in this 1220
state and, subject to approval of the agreement, intends to 1221
establish operations in the zone; 1222

(2) The enterprise currently has operations in this state 1223
and, subject to approval of the agreement, intends to establish 1224
operations at a new location in the zone that would not result 1225
in a reduction in the number of employee positions at any of the 1226
enterprise's other locations in this state; 1227

(3) The enterprise, subject to approval of the agreement, 1228
intends to relocate operations, currently located in another 1229
state, to the zone; 1230

(4) The enterprise, subject to approval of the agreement, 1231
intends to expand operations at an existing site in the zone 1232
that the enterprise currently operates; 1233

(5) The enterprise, subject to approval of the agreement, 1234
intends to relocate operations, currently located in this state, 1235
to the zone, and the director of development services has issued 1236

a waiver for the enterprise under division (B) of section 1237
5709.633 of the Revised Code. 1238

The agreement shall require the enterprise to agree to 1239
establish, expand, renovate, or occupy a facility in the zone 1240
and hire new employees, or preserve employment opportunities for 1241
existing employees, in return for one or more of the incentives 1242
described in division (C) of this section. 1243

(F) All agreements entered into under this section shall 1244
be in the form prescribed under section 5709.631 of the Revised 1245
Code. After an agreement is entered into under this section, if 1246
the legislative authority revokes its designation of a zone, or 1247
if the director of development services revokes a zone's 1248
certification, any entitlements granted under the agreement 1249
shall continue for the number of years specified in the 1250
agreement. 1251

(G) Except as otherwise provided in this division, an 1252
agreement entered into under this section shall require that the 1253
enterprise pay an annual fee equal to the greater of one per 1254
cent of the dollar value of incentives offered under the 1255
agreement or five hundred dollars; provided, however, that if 1256
the value of the incentives exceeds two hundred fifty thousand 1257
dollars, the fee shall not exceed two thousand five hundred 1258
dollars. The fee shall be payable to the legislative authority 1259
once per year for each year the agreement is effective on the 1260
days and in the form specified in the agreement. Fees paid shall 1261
be deposited in a special fund created for such purpose by the 1262
legislative authority and shall be used by the legislative 1263
authority exclusively for the purpose of complying with section 1264
5709.68 of the Revised Code and by the tax incentive review 1265
council created under section 5709.85 of the Revised Code 1266

exclusively for the purposes of performing the duties prescribed 1267
under that section. The legislative authority may waive or 1268
reduce the amount of the fee charged against an enterprise, but 1269
such a waiver or reduction does not affect the obligations of 1270
the legislative authority or the tax incentive review council to 1271
comply with section 5709.68 or 5709.85 of the Revised Code. 1272

(H) When an agreement is entered into pursuant to this 1273
section, the legislative authority authorizing the agreement 1274
shall forward a copy of the agreement to the director of 1275
development services and to the tax commissioner within fifteen 1276
days after the agreement is entered into. If any agreement 1277
includes terms not provided for in section 5709.631 of the 1278
Revised Code affecting the revenue of a city, local, ~~or~~-exempted 1279
village, or joint vocational school district or causing revenue 1280
to be forgone by the district, including any compensation to be 1281
paid to the school district pursuant to section 5709.82 of the 1282
Revised Code, those terms also shall be forwarded in writing to 1283
the director of development services along with the copy of the 1284
agreement forwarded under this division. 1285

(I) After an agreement is entered into, the enterprise 1286
shall file with each personal property tax return required to be 1287
filed, or annual report required to be filed under section 1288
5727.08 of the Revised Code, while the agreement is in effect, 1289
an informational return, on a form prescribed by the tax 1290
commissioner for that purpose, setting forth separately the 1291
property, and related costs and values, exempted from taxation 1292
under the agreement. 1293

(J) Enterprises may agree to give preference to residents 1294
of the zone within which the agreement applies relative to 1295
residents of this state who do not reside in the zone when 1296

hiring new employees under the agreement. 1297

(K) An agreement entered into under this section may 1298
include a provision requiring the enterprise to create one or 1299
more temporary internship positions for students enrolled in a 1300
course of study at a school or other educational institution in 1301
the vicinity, and to create a scholarship or provide another 1302
form of educational financial assistance for students holding 1303
such a position in exchange for the student's commitment to work 1304
for the enterprise at the completion of the internship. 1305

(L) The tax commissioner's authority in determining the 1306
accuracy of any exemption granted by an agreement entered into 1307
under this section is limited to divisions (C) (1) (a) and (b), 1308
(C) (2) (a), (b), and (c), (C) (3), (D), and (I) of this section 1309
and divisions (B) (1) to (10) of section 5709.631 of the Revised 1310
Code and, as authorized by law, to enforcing any modification 1311
to, or revocation of, that agreement by the legislative 1312
authority of a municipal corporation or the director of 1313
development services. 1314

Sec. 5709.63. (A) With the consent of the legislative 1315
authority of each affected municipal corporation or of a board 1316
of township trustees, a board of county commissioners may, in 1317
the manner set forth in section 5709.62 of the Revised Code, 1318
designate one or more areas in one or more municipal 1319
corporations or in unincorporated areas of the county as 1320
proposed enterprise zones. A board of county commissioners may 1321
designate no more than one area within a township, or within 1322
adjacent townships, as a proposed enterprise zone. The board 1323
shall petition the director of development services for 1324
certification of the area as having the characteristics set 1325
forth in division (A) (1) or (2) of section 5709.61 of the 1326

Revised Code as amended by Substitute Senate Bill No. 19 of the 120th general assembly. Except as otherwise provided in division (D) of this section, on and after July 1, 1994, boards of county commissioners shall not enter into agreements under this section unless the board has petitioned the director and the director has certified the zone under this section as amended by that act; however, all agreements entered into under this section as it existed prior to July 1, 1994, and the incentives granted under those agreements shall remain in effect for the period agreed to under those agreements. The director shall make the determination in the manner provided under section 5709.62 of the Revised Code.

Any enterprise wishing to enter into an agreement with the board under division (B) or (D) of this section shall submit a proposal to the board on the form and accompanied by the application fee prescribed under division (B) of section 5709.62 of the Revised Code. The enterprise shall review and update the estimates and listings required by the form in the manner required under that division. The board may, on a separate form and at any time, require any additional information necessary to determine whether an enterprise is in compliance with an agreement and to collect the information required to be reported under section 5709.68 of the Revised Code.

(B) If the board of county commissioners finds that an enterprise submitting a proposal is qualified by financial responsibility and business experience to create and preserve employment opportunities in the zone and to improve the economic climate of the municipal corporation or municipal corporations or the unincorporated areas in which the zone is located and to which the proposal applies, the board, with the consent of the legislative authority of each affected municipal corporation or

of the board of township trustees, may do either of the 1358
following: 1359

(1) Enter into an agreement with the enterprise under 1360
which the enterprise agrees to establish, expand, renovate, or 1361
occupy a facility in the zone and hire new employees, or 1362
preserve employment opportunities for existing employees, in 1363
return for the following incentives: 1364

(a) When the facility is located in a municipal 1365
corporation, the board may enter into an agreement for one or 1366
more of the incentives provided in division (C) of section 1367
5709.62 of the Revised Code, subject to division (D) of that 1368
section; 1369

(b) When the facility is located in an unincorporated 1370
area, the board may enter into an agreement for one or more of 1371
the following incentives: 1372

(i) Exemption for a specified number of years, not to 1373
exceed fifteen, of a specified portion, up to sixty per cent, of 1374
the assessed value of tangible personal property first used in 1375
business at a project site as a result of the agreement. If an 1376
exemption for inventory is specifically granted in the agreement 1377
pursuant to this division, the exemption applies to inventory 1378
required to be listed pursuant to sections 5711.15 and 5711.16 1379
of the Revised Code, except, in the instance of an expansion or 1380
other situations in which an enterprise was in business at the 1381
facility prior to the establishment of the zone, the inventory 1382
that is exempt is that amount or value of inventory in excess of 1383
the amount or value of inventory required to be listed in the 1384
personal property tax return of the enterprise in the return for 1385
the tax year in which the agreement is entered into. 1386

(ii) Exemption for a specified number of years, not to	1387
exceed fifteen, of a specified portion, up to sixty per cent, of	1388
the increase in the assessed valuation of real property	1389
constituting the project site subsequent to formal approval of	1390
the agreement by the board;	1391
(iii) Provision for a specified number of years, not to	1392
exceed fifteen, of any optional services or assistance the board	1393
is authorized to provide with regard to the project site;	1394
(iv) The incentive described in division (C) (2) of section	1395
5709.62 of the Revised Code.	1396
(2) Enter into an agreement with an enterprise that plans	1397
to purchase and operate a large manufacturing facility that has	1398
ceased operation or has announced its intention to cease	1399
operation, in return for exemption for a specified number of	1400
years, not to exceed fifteen, of a specified portion, up to one	1401
hundred per cent, of tangible personal property used in business	1402
at the project site as a result of the agreement, or of real	1403
property constituting the project site, or both.	1404
(C) (1) (a) Notwithstanding divisions (B) (1) (b) (i) and (ii)	1405
of this section, the portion of the assessed value of tangible	1406
personal property or of the increase in the assessed valuation	1407
of real property exempted from taxation under those divisions	1408
may exceed sixty per cent in any year for which that portion is	1409
exempted if the average percentage exempted for all years in	1410
which the agreement is in effect does not exceed fifty per cent,	1411
or if the board of education of the city, local, or exempted	1412
village school district within the territory of which the	1413
property is or will be located approves a percentage in excess	1414
of sixty per cent.	1415

(b) Notwithstanding any provision of the Revised Code to 1416
the contrary, the exemptions described in divisions (B) (1) (b) 1417
(i), (ii), (iii), and (iv) and (B) (2) of this section may be for 1418
up to fifteen years if the board of education of the city, 1419
local, or exempted village school district within the territory 1420
of which the property is or will be located approves a number of 1421
years in excess of ten. 1422

(c) For the purpose of obtaining the approval of a city, 1423
local, or exempted village school district under division (C) (1) 1424
(a) or (b) of this section, the board of county commissioners 1425
shall deliver to the board of education a notice not later than 1426
forty-five days prior to approving the agreement, excluding 1427
Saturdays, Sundays, and legal holidays as defined in section 1428
1.14 of the Revised Code. The notice shall state the percentage 1429
to be exempted, an estimate of the true value of the property to 1430
be exempted, and the number of years the property is to be 1431
exempted. The board of education, by resolution adopted by a 1432
majority of the board, shall approve or disapprove the agreement 1433
and certify a copy of the resolution to the board of county 1434
commissioners not later than fourteen days prior to the date 1435
stipulated by the board of county commissioners as the date upon 1436
which approval of the agreement is to be formally considered by 1437
the board of county commissioners. The board of education may 1438
include in the resolution conditions under which the board would 1439
approve the agreement, including the execution of an agreement 1440
to compensate the school district under division (B) of section 1441
5709.82 of the Revised Code. The board of county commissioners 1442
may approve the agreement at any time after the board of 1443
education certifies its resolution approving the agreement to 1444
the board of county commissioners, or, if the board of education 1445
approves the agreement conditionally, at any time after the 1446

conditions are agreed to by the board of education and the board 1447
of county commissioners. If an agreement is negotiated between 1448
the legislative authority and the board to compensate the school 1449
district for all or part of the taxes exempted, the legislative 1450
authority shall compensate the joint vocational school district 1451
within which the property is located at the same rate and under 1452
the same terms received by the city, local, or exempted village 1453
school district. 1454

If a board of education has adopted a resolution waiving 1455
its right to approve agreements and the resolution remains in 1456
effect, approval of an agreement by the board of education is 1457
not required under division (C) of this section. If a board of 1458
education has adopted a resolution allowing a board of county 1459
commissioners to deliver the notice required under this division 1460
fewer than forty-five business days prior to approval of the 1461
agreement by the board of county commissioners, the board of 1462
county commissioners shall deliver the notice to the board of 1463
education not later than the number of days prior to such 1464
approval as prescribed by the board of education in its 1465
resolution. If a board of education adopts a resolution waiving 1466
its right to approve agreements or shortening the notification 1467
period, the board of education shall certify a copy of the 1468
resolution to the board of county commissioners. If the board of 1469
education rescinds such a resolution, it shall certify notice of 1470
the rescission to the board of county commissioners. 1471

(2) The board of county commissioners shall comply with 1472
section 5709.83 of the Revised Code unless the board of 1473
education has adopted a resolution under that section waiving 1474
its right to receive such notice. 1475

(D) This division applies to zones certified by the 1476

director of development services under this section prior to 1477
July 22, 1994. 1478

With the consent of the legislative authority of each 1479
affected municipal corporation or board of township trustees of 1480
each affected township, the board of county commissioners that 1481
designated a zone to which this division applies may enter into 1482
an agreement with an enterprise if the board finds that the 1483
enterprise satisfies one of the criteria described in divisions 1484
(D) (1) to (5) of this section: 1485

(1) The enterprise currently has no operations in this 1486
state and, subject to approval of the agreement, intends to 1487
establish operations in the zone; 1488

(2) The enterprise currently has operations in this state 1489
and, subject to approval of the agreement, intends to establish 1490
operations at a new location in the zone that would not result 1491
in a reduction in the number of employee positions at any of the 1492
enterprise's other locations in this state; 1493

(3) The enterprise, subject to approval of the agreement, 1494
intends to relocate operations, currently located in another 1495
state, to the zone; 1496

(4) The enterprise, subject to approval of the agreement, 1497
intends to expand operations at an existing site in the zone 1498
that the enterprise currently operates; 1499

(5) The enterprise, subject to approval of the agreement, 1500
intends to relocate operations, currently located in this state, 1501
to the zone, and the director of development services has issued 1502
a waiver for the enterprise under division (B) of section 1503
5709.633 of the Revised Code. 1504

The agreement shall require the enterprise to agree to 1505

establish, expand, renovate, or occupy a facility in the zone 1506
and hire new employees, or preserve employment opportunities for 1507
existing employees, in return for one or more of the incentives 1508
described in division (B) of this section. 1509

(E) All agreements entered into under this section shall 1510
be in the form prescribed under section 5709.631 of the Revised 1511
Code. After an agreement under this section is entered into, if 1512
the board of county commissioners revokes its designation of a 1513
zone, or if the director of development services revokes a 1514
zone's certification, any entitlements granted under the 1515
agreement shall continue for the number of years specified in 1516
the agreement. 1517

(F) Except as otherwise provided in this division, an 1518
agreement entered into under this section shall require that the 1519
enterprise pay an annual fee equal to the greater of one per 1520
cent of the dollar value of incentives offered under the 1521
agreement or five hundred dollars; provided, however, that if 1522
the value of the incentives exceeds two hundred fifty thousand 1523
dollars, the fee shall not exceed two thousand five hundred 1524
dollars. The fee shall be payable to the board of county 1525
commissioners once per year for each year the agreement is 1526
effective on the days and in the form specified in the 1527
agreement. Fees paid shall be deposited in a special fund 1528
created for such purpose by the board and shall be used by the 1529
board exclusively for the purpose of complying with section 1530
5709.68 of the Revised Code and by the tax incentive review 1531
council created under section 5709.85 of the Revised Code 1532
exclusively for the purposes of performing the duties prescribed 1533
under that section. The board may waive or reduce the amount of 1534
the fee charged against an enterprise, but such waiver or 1535
reduction does not affect the obligations of the board or the 1536

tax incentive review council to comply with section 5709.68 or 1537
5709.85 of the Revised Code, respectively. 1538

(G) With the approval of the legislative authority of a 1539
municipal corporation or the board of township trustees of a 1540
township in which a zone is designated under division (A) of 1541
this section, the board of county commissioners may delegate to 1542
that legislative authority or board any powers and duties of the 1543
board of county commissioners to negotiate and administer 1544
agreements with regard to that zone under this section. 1545

(H) When an agreement is entered into pursuant to this 1546
section, the board of county commissioners authorizing the 1547
agreement or the legislative authority or board of township 1548
trustees that negotiates and administers the agreement shall 1549
forward a copy of the agreement to the director of development 1550
services and to the tax commissioner within fifteen days after 1551
the agreement is entered into. If any agreement includes terms 1552
not provided for in section 5709.631 of the Revised Code 1553
affecting the revenue of a city, local, ~~or~~ exempted village, or 1554
joint vocational school district or causing revenue to be 1555
foregone by the district, including any compensation to be paid 1556
to the school district pursuant to section 5709.82 of the 1557
Revised Code, those terms also shall be forwarded in writing to 1558
the director of development services along with the copy of the 1559
agreement forwarded under this division. 1560

(I) After an agreement is entered into, the enterprise 1561
shall file with each personal property tax return required to be 1562
filed, or annual report that is required to be filed under 1563
section 5727.08 of the Revised Code, while the agreement is in 1564
effect, an informational return, on a form prescribed by the tax 1565
commissioner for that purpose, setting forth separately the 1566

property, and related costs and values, exempted from taxation 1567
under the agreement. 1568

(J) Enterprises may agree to give preference to residents 1569
of the zone within which the agreement applies relative to 1570
residents of this state who do not reside in the zone when 1571
hiring new employees under the agreement. 1572

(K) An agreement entered into under this section may 1573
include a provision requiring the enterprise to create one or 1574
more temporary internship positions for students enrolled in a 1575
course of study at a school or other educational institution in 1576
the vicinity, and to create a scholarship or provide another 1577
form of educational financial assistance for students holding 1578
such a position in exchange for the student's commitment to work 1579
for the enterprise at the completion of the internship. 1580

(L) The tax commissioner's authority in determining the 1581
accuracy of any exemption granted by an agreement entered into 1582
under this section is limited to divisions (B) (1) (b) (i) and 1583
(ii), (B) (2), (C), and (I) of this section, division (B) (1) (b) 1584
(iv) of this section as it pertains to divisions (C) (2) (a), (b), 1585
and (c) of section 5709.62 of the Revised Code, and divisions 1586
(B) (1) to (10) of section 5709.631 of the Revised Code and, as 1587
authorized by law, to enforcing any modification to, or 1588
revocation of, that agreement by the board of county 1589
commissioners or the director of development services or, if the 1590
board's powers and duties are delegated under division (G) of 1591
this section, by the legislative authority of a municipal 1592
corporation or board of township trustees. 1593

Sec. 5709.632. (A) (1) The legislative authority of a 1594
municipal corporation defined by the United States office of 1595
management and budget as a principal city of a metropolitan 1596

statistical area may, in the manner set forth in section 5709.62 1597
of the Revised Code, designate one or more areas in the 1598
municipal corporation as a proposed enterprise zone. 1599

(2) With the consent of the legislative authority of each 1600
affected municipal corporation or of a board of township 1601
trustees, a board of county commissioners may, in the manner set 1602
forth in section 5709.62 of the Revised Code, designate one or 1603
more areas in one or more municipal corporations or in 1604
unincorporated areas of the county as proposed urban jobs and 1605
enterprise zones, except that a board of county commissioners 1606
may designate no more than one area within a township, or within 1607
adjacent townships, as a proposed urban jobs and enterprise 1608
zone. 1609

(3) The legislative authority or board of county 1610
commissioners may petition the director of development services 1611
for certification of the area as having the characteristics set 1612
forth in division (A)(3) of section 5709.61 of the Revised Code. 1613
Within sixty days after receiving such a petition, the director 1614
shall determine whether the area has the characteristics set 1615
forth in that division and forward the findings to the 1616
legislative authority or board of county commissioners. If the 1617
director certifies the area as having those characteristics and 1618
thereby certifies it as a zone, the legislative authority or 1619
board may enter into agreements with enterprises under division 1620
(B) of this section. Any enterprise wishing to enter into an 1621
agreement with a legislative authority or board of county 1622
commissioners under this section and satisfying one of the 1623
criteria described in divisions (B)(1) to (5) of this section 1624
shall submit a proposal to the legislative authority or board on 1625
the form prescribed under division (B) of section 5709.62 of the 1626
Revised Code and shall review and update the estimates and 1627

listings required by the form in the manner required under that 1628
division. The legislative authority or board may, on a separate 1629
form and at any time, require any additional information 1630
necessary to determine whether an enterprise is in compliance 1631
with an agreement and to collect the information required to be 1632
reported under section 5709.68 of the Revised Code. 1633

(B) Prior to entering into an agreement with an 1634
enterprise, the legislative authority or board of county 1635
commissioners shall determine whether the enterprise submitting 1636
the proposal is qualified by financial responsibility and 1637
business experience to create and preserve employment 1638
opportunities in the zone and to improve the economic climate of 1639
the municipal corporation or municipal corporations or the 1640
unincorporated areas in which the zone is located and to which 1641
the proposal applies, and whether the enterprise satisfies one 1642
of the following criteria: 1643

(1) The enterprise currently has no operations in this 1644
state and, subject to approval of the agreement, intends to 1645
establish operations in the zone; 1646

(2) The enterprise currently has operations in this state 1647
and, subject to approval of the agreement, intends to establish 1648
operations at a new location in the zone that would not result 1649
in a reduction in the number of employee positions at any of the 1650
enterprise's other locations in this state; 1651

(3) The enterprise, subject to approval of the agreement, 1652
intends to relocate operations, currently located in another 1653
state, to the zone; 1654

(4) The enterprise, subject to approval of the agreement, 1655
intends to expand operations at an existing site in the zone 1656

that the enterprise currently operates; 1657

(5) The enterprise, subject to approval of the agreement, 1658
intends to relocate operations, currently located in this state, 1659
to the zone, and the director of development services has issued 1660
a waiver for the enterprise under division (B) of section 1661
5709.633 of the Revised Code. 1662

(C) If the legislative authority or board determines that 1663
the enterprise is so qualified and satisfies one of the criteria 1664
described in divisions (B)(1) to (5) of this section, the 1665
legislative authority or board may, after complying with section 1666
5709.83 of the Revised Code and, in the case of a board of 1667
commissioners, with the consent of the legislative authority of 1668
each affected municipal corporation or of the board of township 1669
trustees, enter into an agreement with the enterprise under 1670
which the enterprise agrees to establish, expand, renovate, or 1671
occupy a facility in the zone and hire new employees, or 1672
preserve employment opportunities for existing employees, in 1673
return for the following incentives: 1674

(1) When the facility is located in a municipal 1675
corporation, a legislative authority or board of commissioners 1676
may enter into an agreement for one or more of the incentives 1677
provided in division (C) of section 5709.62 of the Revised Code, 1678
subject to division (D) of that section; 1679

(2) When the facility is located in an unincorporated 1680
area, a board of commissioners may enter into an agreement for 1681
one or more of the incentives provided in divisions (B)(1)(b), 1682
(B)(2), and (B)(3) of section 5709.63 of the Revised Code, 1683
subject to division (C) of that section. 1684

(D) All agreements entered into under this section shall 1685

be in the form prescribed under section 5709.631 of the Revised 1686
Code. After an agreement under this section is entered into, if 1687
the legislative authority or board of county commissioners 1688
revokes its designation of the zone, or if the director of 1689
development services revokes the zone's certification, any 1690
entitlements granted under the agreement shall continue for the 1691
number of years specified in the agreement. 1692

(E) Except as otherwise provided in this division, an 1693
agreement entered into under this section shall require that the 1694
enterprise pay an annual fee equal to the greater of one per 1695
cent of the dollar value of incentives offered under the 1696
agreement or five hundred dollars; provided, however, that if 1697
the value of the incentives exceeds two hundred fifty thousand 1698
dollars, the fee shall not exceed two thousand five hundred 1699
dollars. The fee shall be payable to the legislative authority 1700
or board of commissioners once per year for each year the 1701
agreement is effective on the days and in the form specified in 1702
the agreement. Fees paid shall be deposited in a special fund 1703
created for such purpose by the legislative authority or board 1704
and shall be used by the legislative authority or board 1705
exclusively for the purpose of complying with section 5709.68 of 1706
the Revised Code and by the tax incentive review council created 1707
under section 5709.85 of the Revised Code exclusively for the 1708
purposes of performing the duties prescribed under that section. 1709
The legislative authority or board may waive or reduce the 1710
amount of the fee charged against an enterprise, but such waiver 1711
or reduction does not affect the obligations of the legislative 1712
authority or board or the tax incentive review council to comply 1713
with section 5709.68 or 5709.85 of the Revised Code, 1714
respectively. 1715

(F) With the approval of the legislative authority of a 1716

municipal corporation or the board of township trustees of a 1717
township in which a zone is designated under division (A) (2) of 1718
this section, the board of county commissioners may delegate to 1719
that legislative authority or board any powers and duties of the 1720
board to negotiate and administer agreements with regard to that 1721
zone under this section. 1722

(G) When an agreement is entered into pursuant to this 1723
section, the legislative authority or board of commissioners 1724
authorizing the agreement shall forward a copy of the agreement 1725
to the director of development services and to the tax 1726
commissioner within fifteen days after the agreement is entered 1727
into. If any agreement includes terms not provided for in 1728
section 5709.631 of the Revised Code affecting the revenue of a 1729
city, local, ~~or~~-exempted village, or joint vocational school 1730
district or causing revenue to be forgone by the district, 1731
including any compensation to be paid to the school district 1732
pursuant to section 5709.82 of the Revised Code, those terms 1733
also shall be forwarded in writing to the director of 1734
development services along with the copy of the agreement 1735
forwarded under this division. 1736

(H) After an agreement is entered into, the enterprise 1737
shall file with each personal property tax return required to be 1738
filed while the agreement is in effect, an informational return, 1739
on a form prescribed by the tax commissioner for that purpose, 1740
setting forth separately the property, and related costs and 1741
values, exempted from taxation under the agreement. 1742

(I) An agreement entered into under this section may 1743
include a provision requiring the enterprise to create one or 1744
more temporary internship positions for students enrolled in a 1745
course of study at a school or other educational institution in 1746

the vicinity, and to create a scholarship or provide another 1747
form of educational financial assistance for students holding 1748
such a position in exchange for the student's commitment to work 1749
for the enterprise at the completion of the internship. 1750

Sec. 5709.82. (A) As used in this section: 1751

(1) "New employee" means both of the following: 1752

(a) Persons employed in the construction of real property 1753
exempted from taxation under the chapters or sections of the 1754
Revised Code enumerated in division (B) of this section; 1755

(b) Persons not described by division (A)(1)(a) of this 1756
section who are first employed at the site of such property and 1757
who within the two previous years have not been subject, prior 1758
to being employed at that site, to income taxation by the 1759
municipal corporation within whose territory the site is located 1760
on income derived from employment for the person's current 1761
employer. "New employee" does not include any person who 1762
replaces a person who is not a new employee under division (A) 1763
(1) of this section. 1764

(2) "Infrastructure costs" means costs incurred by a 1765
municipal corporation in a calendar year to acquire, construct, 1766
reconstruct, improve, plan, or equip real or tangible personal 1767
property that directly benefits or will directly benefit the 1768
exempted property. If the municipal corporation finances the 1769
acquisition, construction, reconstruction, improvement, 1770
planning, or equipping of real or tangible personal property 1771
that directly benefits the exempted property by issuing debt, 1772
"infrastructure costs" means the annual debt charges incurred by 1773
the municipal corporation from the issuance of such debt. Real 1774
or tangible personal property directly benefits exempted 1775

property only if the exempted property places or will place 1776
direct, additional demand on the real or tangible personal 1777
property for which such costs were or will be incurred. 1778

(3) "Taxing unit" has the same meaning as in division (H) 1779
of section 5705.01 of the Revised Code. 1780

(B) (1) Except as otherwise provided under division (C) of 1781
this section, the legislative authority of any political 1782
subdivision that has acted under the authority of Chapter 725. 1783
or 1728., sections 3735.65 to 3735.70, or section 5709.40, 1784
5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 1785
5709.84, or 5709.88 of the Revised Code to grant an exemption 1786
from taxation for real or tangible personal property may 1787
negotiate with the board of education of each city, local, 1788
exempted village, or joint vocational school district or other 1789
taxing unit within the territory of which the exempted property 1790
is located, and enter into an agreement whereby the school 1791
district or taxing unit is compensated for tax revenue foregone 1792
by the school district or taxing unit as a result of the 1793
exemption. Except as otherwise provided in division (B) (1) of 1794
this section, if a political subdivision enters into more than 1795
one agreement under this section with respect to a tax 1796
exemption, the political subdivision shall provide to each 1797
school district or taxing unit with which it contracts the same 1798
percentage of tax revenue foregone by the school district or 1799
taxing unit, which may be based on a good faith projection made 1800
at the time the exemption is granted. Such percentage shall be 1801
calculated on the basis of amounts paid by the political 1802
subdivision and any amounts paid by an owner under division (B) 1803
(2) of this section. A political subdivision may provide a 1804
school district or other taxing unit with a smaller percentage 1805
of foregone tax revenue than that provided to other school 1806

districts or taxing units only if the school district or taxing 1807
unit expressly consents in the agreement to receiving a smaller 1808
percentage. If a subdivision has acted under the authority of 1809
section 5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 1810
5709.73, or 5709.78 of the Revised Code and enters into a 1811
compensation agreement with a city, local, or exempted village 1812
school district, the subdivision shall provide compensation to 1813
the joint vocational school district within the territory of 1814
which the exempted property is located at the same rate and 1815
under the same terms as received by the city, local, or exempted 1816
village school district. 1817

(2) An owner of property exempted from taxation under the 1818
authority described in division (B)(1) of this section may, by 1819
becoming a party to an agreement described in division (B)(1) of 1820
this section or by entering into a separate agreement with a 1821
school district or other taxing unit, agree to compensate the 1822
school district or taxing unit by paying cash or by providing 1823
property or services by gift, loan, or otherwise. If the owner's 1824
property is exempted under the authority of section 5709.40, 1825
5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, or 1826
5709.78 of the Revised Code and the owner enters into a 1827
compensation agreement with a city, local, or exempted village 1828
school district, the owner shall provide compensation to the 1829
joint vocational school district within the territory of which 1830
the owner's property is located at the same rate and under the 1831
same terms as received by the city, local, or exempted village 1832
school district. 1833

(C) This division does not apply to the following: 1834

(1) The legislative authority of a municipal corporation 1835
that has acted under the authority of division (H) of section 1836

715.70 or division (U) of section 715.72 of the Revised Code to 1837
consent to the granting of an exemption from taxation for real 1838
or tangible personal property in a joint economic development 1839
district. 1840

(2) The legislative authority of a municipal corporation 1841
that has specified in an ordinance adopted under section 1842
5709.40, 5709.41, or 5709.45 of the Revised Code that payments 1843
in lieu of taxes provided for under section 5709.42 or 5709.46 1844
of the Revised Code shall be paid to the city, local, or 1845
exempted village school district in which the improvements are 1846
located in the amount of taxes that would have been payable to 1847
the school district if the improvements had not been exempted 1848
from taxation, as directed in the ordinance. 1849

If the legislative authority of any municipal corporation 1850
has acted under the authority of Chapter 725. or 1728. or 1851
section 3735.671, 5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 1852
5709.632, or 5709.88, or a housing officer under section 3735.67 1853
of the Revised Code, to grant or consent to the granting of an 1854
exemption from taxation for real or tangible personal property 1855
on or after July 1, 1994, the municipal corporation imposes a 1856
tax on incomes, and the payroll of new employees resulting from 1857
the exercise of that authority equals or exceeds one million 1858
dollars in any tax year for which such property is exempted, the 1859
legislative authority and the board of education of each city, 1860
local, or exempted village school district within the territory 1861
of which the exempted property is located shall attempt to 1862
negotiate an agreement providing for compensation to the school 1863
district for all or a portion of the tax revenue the school 1864
district would have received had the property not been exempted 1865
from taxation. The agreement may include as a party the owner of 1866
the property exempted or to be exempted from taxation and may 1867

include provisions obligating the owner to compensate the school 1868
district by paying cash or providing property or services by 1869
gift, loan, or otherwise. Such an obligation is enforceable by 1870
the board of education of the school district pursuant to the 1871
terms of the agreement. 1872

If the legislative authority and board of education fail 1873
to negotiate an agreement that is mutually acceptable within six 1874
months of formal approval by the legislative authority of the 1875
instrument granting the exemption, the legislative authority 1876
shall compensate the school district in the amount and manner 1877
prescribed by division (D) of this section. 1878

(D) Annually, the legislative authority of a municipal 1879
corporation subject to this division shall pay to the city, 1880
local, or exempted village school district within the territory 1881
of which the exempted property is located an amount equal to 1882
fifty per cent of the difference between the amount of taxes 1883
levied and collected by the municipal corporation on the incomes 1884
of new employees in the calendar year ending on the day the 1885
payment is required to be made, and the amount of any 1886
infrastructure costs incurred in that calendar year. For 1887
purposes of such computation, the amount of infrastructure costs 1888
shall not exceed thirty-five per cent of the amount of those 1889
taxes unless the board of education of the school district, by 1890
resolution adopted by a majority of the board, approves an 1891
amount in excess of that percentage. If the amount of those 1892
taxes or infrastructure costs must be estimated at the time the 1893
payment is made, payments in subsequent years shall be adjusted 1894
to compensate for any departure of those estimates from the 1895
actual amount of those taxes. 1896

A municipal corporation required to make a payment under 1897

this section shall make the payment from its general fund or a 1898
special fund established for the purpose. The payment is payable 1899
on the thirty-first day of December of the tax year for or in 1900
which the exemption from taxation commences and on that day for 1901
each subsequent tax year property is exempted and the 1902
legislative authority and board fail to negotiate an acceptable 1903
agreement under division (C) of this section. 1904

Sec. 5709.83. (A) Except as otherwise provided in division 1905
(B) or (C) of this section, prior to taking formal action to 1906
adopt or enter into any instrument granting a tax exemption 1907
under section 725.02, 1728.06, 5709.40, 5709.41, 5709.45, 1908
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 1909
5709.88 of the Revised Code or formally approving an agreement 1910
under section 3735.671 of the Revised Code, or prior to 1911
forwarding an application for a tax exemption for residential 1912
property under section 3735.67 of the Revised Code to the county 1913
auditor, the legislative authority of the political subdivision 1914
or housing officer shall notify the board of education of each 1915
city, local, exempted village, or joint vocational school 1916
district in which the proposed tax-exempted property is located. 1917
The notice shall include a copy of the instrument or 1918
application. The notice shall be delivered not later than 1919
fourteen days prior to the day the legislative authority takes 1920
formal action to adopt or enter into the instrument, or not 1921
later than fourteen days prior to the day the housing officer 1922
forwards the application to the county auditor. If the board of 1923
education comments on the instrument or application to the 1924
legislative authority or housing officer, the legislative 1925
authority or housing officer shall consider the comments. If the 1926
board of education of the city, local, exempted village, or 1927
joint vocational school district so requests, the legislative 1928

authority or the housing officer shall meet in person with a 1929
representative designated by the board of education to discuss 1930
the terms of the instrument or application. 1931

(B) The notice otherwise required to be provided to boards 1932
of education under division (A) of this section is not required 1933
if the board has adopted a resolution waiving its right to 1934
receive such notices, and that resolution remains in effect. If 1935
a board of education adopts such a resolution, the board shall 1936
cause a copy of the resolution to be certified to the 1937
legislative authority. If the board of education rescinds such a 1938
resolution, it shall certify notice of the rescission to the 1939
legislative authority. A board of education may adopt such a 1940
resolution with respect to any one or more counties, townships, 1941
or municipal corporations situated in whole or in part within 1942
the school district. 1943

(C) If a legislative authority is required to provide 1944
notice to a city, local, or exempted village school district of 1945
its intent to grant such an exemption as required by section 1946
5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, 1947
or 5709.78 of the Revised Code, the legislative authority, 1948
before adopting a resolution or ordinance under that section, 1949
shall notify the board of education of each joint vocational 1950
school district in which the property to be exempted is located 1951
using the same time requirements for the notice that applies to 1952
notices to city, local, and exempted village school districts. 1953
The content of the notice and procedures for responding to the 1954
notice are the same as required in division (A) of this section. 1955

Sec. 6301.23. (A) As used in this section: 1956

(1) "Ohio career-technical associations" includes all of 1957
the following: 1958

<u>(a) The Ohio association of career and technical education;</u>	1959 1960
<u>(b) The Ohio association of career-technical superintendents;</u>	1961 1962
<u>(c) The Ohio association of compact and comprehensive career-technical schools.</u>	1963 1964
<u>(2) "Other public school" has the same meaning as in section 3301.0711 of the Revised Code.</u>	1965 1966
<u>(3) "State agency" has the same meaning as in section 1.60 of the Revised Code.</u>	1967 1968
<u>(B) Not later than July 1, 2020, the governor's office of workforce transformation, the department of education, and the chancellor of higher education, in consultation with Ohio career-technical associations and other appropriate stakeholders, shall develop model guidance for maintaining a statewide inventory of industry-recognized credentials. The guidance shall address the following:</u>	1969 1970 1971 1972 1973 1974 1975
<u>(1) Methods for state agencies to efficiently and effectively organize the different categories of industry-recognized credentials in a manner that allows students, school districts, other public schools, chartered nonpublic schools, and institutions of higher education to easily understand available credentialing options, based on the unique circumstances of each individual student;</u>	1976 1977 1978 1979 1980 1981 1982
<u>(2) The potential creation of a centralized, inter-agency database of information on all industry-recognized credentials that is accessible to the public;</u>	1983 1984 1985
<u>(3) Methods to streamline the process to add career-</u>	1986

<u>technical programs to the various approved credentialing lists;</u>	1987
<u>(4) Methods to increase transparency in the approval</u>	1988
<u>process for industry-recognized credentials.</u>	1989
Section 2. That existing sections 3313.14, 3313.482,	1990
3313.82, 3313.903, 3314.03, 3314.19, 3319.226, 3319.301,	1991
3326.032, 3326.17, 5709.62, 5709.63, 5709.632, 5709.82, and	1992
5709.83 of the Revised Code are hereby repealed.	1993
Section 3. The amendment by this act of sections 5709.62,	1994
5709.63, 5709.632, 5709.82, and 5709.83 of the Revised Code	1995
applies to agreements entered into under sections 5709.62,	1996
5709.63, and 5709.632 of the Revised Code on or after the	1997
effective date of this act.	1998
Section 4. Section 5709.82 of the Revised Code is	1999
presented in this act as a composite of the section as amended	2000
by both H.B. 182 and H.B. 233 of the 131st General Assembly. The	2001
General Assembly, applying the principle stated in division (B)	2002
of section 1.52 of the Revised Code that amendments are to be	2003
harmonized if reasonably capable of simultaneous operation,	2004
finds that the composite is the resulting version of the section	2005
in effect prior to the effective date of the section as	2006
presented in this act.	2007