## As Introduced

# 134th General Assembly Regular Session 2021-2022

S. B. No. 209

#### **Senator Brenner**

# A BILL

| То | amend sections 3314.03, 3326.11, and 3328.24 and | 1 |
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|    | to enact sections 3313.7117, 3345.0215, and      | 2 |
|    | 4101.17 of the Revised Code with regard to mask  | 3 |
|    | mandates and facial covering requirements for    | 4 |
|    | public schools, state institutions of higher     | 5 |
|    | education, and businesses.                       | 6 |

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

| <b>Section 1.</b> That sections 3314.03, 3326.11, and 3328.24 be | 7  |
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| amended and sections 3313.7117, 3345.0215, and 4101.17 of the    | 8  |
| Revised Code be enacted to read as follows:                      | 9  |
| Sec. 3313.7117. Notwithstanding any provision of the             | 10 |
| Revised Code or any order, rule, or other law to the contrary,   | 11 |
| after the 2020-2021 school year, the state board of education,   | 12 |
| the department of education, and the board of education of any   | 13 |
| school district shall not require any individual, including      | 14 |
| students, teachers, other school employees, and visitors, to     | 15 |
| wear a facial covering to attend or participate in in-person     | 16 |
| instruction, school-sponsored athletics, or another school-      | 17 |
| sponsored extracurricular activity, or in any other place on     | 18 |
| school premises, as defined in section 3313.77 of the Revised    | 19 |

| Code. An individual may choose to wear a facial covering but     | 20 |
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| shall not be required to do so.                                  | 21 |
| Nothing in this section restricts a board of health of a         | 22 |
| city or general health district or the authority having the      | 23 |
| duties of a board of health under section 3709.05 of the Revised | 24 |
| Code, from taking action to prevent the spread of a communicable | 25 |
| or contagious disease.   | 26 |
| Sec. 3314.03. A copy of every contract entered into under        | 27 |
| this section shall be filed with the superintendent of public    | 28 |
| instruction. The department of education shall make available on | 29 |
| its web site a copy of every approved, executed contract filed   | 30 |
| with the superintendent under this section.                      | 31 |
| (A) Each contract entered into between a sponsor and the         | 32 |
| governing authority of a community school shall specify the      | 33 |
| following:   | 34 |
| (1) That the school shall be established as either of the        | 35 |
| following:   | 36 |
| (a) A nonprofit corporation established under Chapter            | 37 |
| 1702. of the Revised Code, if established prior to April 8,      | 38 |
| 2003;  | 39 |
| (b) A public benefit corporation established under Chapter       | 40 |
| 1702. of the Revised Code, if established after April 8, 2003.   | 41 |
| (2) The education program of the school, including the           | 42 |
| school's mission, the characteristics of the students the school | 43 |
| is expected to attract, the ages and grades of students, and the | 44 |
| focus of the curriculum;   | 45 |
| (3) The academic goals to be achieved and the method of          | 46 |
| measurement that will be used to determine progress toward those | 47 |

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| goals, which shall include the statewide achievement             | 48 |
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| assessments;   | 49 |
| (4) Performance standards, including but not limited to          | 50 |
| all applicable report card measures set forth in section 3302.03 | 51 |
| or 3314.017 of the Revised Code, by which the success of the     | 52 |
| school will be evaluated by the sponsor;                         | 53 |
| (5) The admission standards of section 3314.06 of the            | 54 |
| Revised Code and, if applicable, section 3314.061 of the Revised | 55 |
| Code;  | 56 |
| (6)(a) Dismissal procedures;                                     | 57 |
| (b) A requirement that the governing authority adopt an          | 58 |
| attendance policy that includes a procedure for automatically    | 59 |
| withdrawing a student from the school if the student without a   | 60 |
| legitimate excuse fails to participate in seventy-two            | 61 |
| consecutive hours of the learning opportunities offered to the   | 62 |
| student.   | 63 |
| (7) The ways by which the school will achieve racial and         | 64 |
| ethnic balance reflective of the community it serves;            | 65 |
| (8) Requirements for financial audits by the auditor of          | 66 |
| state. The contract shall require financial records of the       | 67 |
| school to be maintained in the same manner as are financial      | 68 |
| records of school districts, pursuant to rules of the auditor of | 69 |
| state. Audits shall be conducted in accordance with section      | 70 |
| 117.10 of the Revised Code.                                      | 71 |
| (9) An addendum to the contract outlining the facilities         | 72 |
| to be used that contains at least the following information:     | 73 |
| (a) A detailed description of each facility used for             | 74 |
| instructional purposes;  | 75 |

| (b) The annual costs associated with leasing each facility      | 76  |
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| that are paid by or on behalf of the school;                    | 77  |
| (c) The annual mortgage principal and interest payments         | 78  |
| that are paid by the school;                                    | 79  |
| (d) The name of the lender or landlord, identified as           | 80  |
| such, and the lender's or landlord's relationship to the        | 81  |
| operator, if any.   | 82  |
| (10) Qualifications of teachers, including a requirement        | 83  |
| that the school's classroom teachers be licensed in accordance  | 84  |
| with sections 3319.22 to 3319.31 of the Revised Code, except    | 85  |
| that a community school may engage noncertificated persons to   | 86  |
| teach up to twelve hours or forty hours per week pursuant to    | 87  |
| section 3319.301 of the Revised Code.                           | 88  |
| (11) That the school will comply with the following             | 89  |
| requirements:   | 90  |
| (a) The school will provide learning opportunities to a         | 91  |
| minimum of twenty-five students for a minimum of nine hundred   | 92  |
| twenty hours per school year.                                   | 93  |
| (b) The governing authority will purchase liability             | 94  |
| insurance, or otherwise provide for the potential liability of  | 95  |
| the school.   | 96  |
| (c) The school will be nonsectarian in its programs,            | 97  |
| admission policies, employment practices, and all other         | 98  |
| operations, and will not be operated by a sectarian school or   | 99  |
| religious institution.  | 100 |
| (d) The school will comply with sections 9.90, 9.91,            | 101 |
| 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, | 102 |
| 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, | 103 |

| 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012,         | 104 |
|--|-----|
| 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024,               | 105 |
| 3313.6025, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661,         | 106 |
| 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610,         | 107 |
| 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71,             | 108 |
| 3313.716, 3313.718, 3313.719, 3313.7112, <u>3313.7117,</u> 3313.721, | 109 |
| 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86,            | 110 |
| 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.321,            | 111 |
| 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03,      | 112 |
| 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18,     | 113 |
| 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and          | 114 |
| 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112.,       | 115 |
| 4123., 4141., and 4167. of the Revised Code as if it were a          | 116 |
| school district and will comply with section 3301.0714 of the        | 117 |
| Revised Code in the manner specified in section 3314.17 of the       | 118 |
| Revised Code.  | 119 |
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- (e) The school shall comply with Chapter 102. and section 120 2921.42 of the Revised Code. 121
- (f) The school will comply with sections 3313.61, 122 3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 123 Revised Code, except that for students who enter ninth grade for 124 the first time before July 1, 2010, the requirement in sections 125 3313.61 and 3313.611 of the Revised Code that a person must 126 successfully complete the curriculum in any high school prior to 127 receiving a high school diploma may be met by completing the 128 curriculum adopted by the governing authority of the community 129 school rather than the curriculum specified in Title XXXIII of 130 the Revised Code or any rules of the state board of education. 131 Beginning with students who enter ninth grade for the first time 132 on or after July 1, 2010, the requirement in sections 3313.61 133 and 3313.611 of the Revised Code that a person must successfully 134

| complete the curriculum of a high school prior to receiving a    | 135 |
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| high school diploma shall be met by completing the requirements  | 136 |
| prescribed in division (C) of section 3313.603 of the Revised    | 137 |
| Code, unless the person qualifies under division (D) or (F) of   | 138 |
| that section. Each school shall comply with the plan for         | 139 |
| awarding high school credit based on demonstration of subject    | 140 |
| area competency, and beginning with the 2017-2018 school year,   | 141 |
| with the updated plan that permits students enrolled in seventh  | 142 |
| and eighth grade to meet curriculum requirements based on        | 143 |
| subject area competency adopted by the state board of education  | 144 |
| under divisions (J)(1) and (2) of section 3313.603 of the        | 145 |
| Revised Code. Beginning with the 2018-2019 school year, the      | 146 |
| school shall comply with the framework for granting units of     | 147 |
| high school credit to students who demonstrate subject area      | 148 |
| competency through work-based learning experiences, internships, | 149 |
| or cooperative education developed by the department under       | 150 |
| division (J)(3) of section 3313.603 of the Revised Code.         | 151 |
| (g) The school governing authority will submit within four       | 152 |
| months after the end of each school year a report of its         | 153 |
| activities and progress in meeting the goals and standards of    | 154 |
| divisions (A)(3) and (4) of this section and its financial       | 155 |

(h) The school, unless it is an internet- or computerbased community school, will comply with section 3313.801 of the Revised Code as if it were a school district. 156

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status to the sponsor and the parents of all students enrolled

in the school.

(i) If the school is the recipient of moneys from a grant 161 awarded under the federal race to the top program, Division (A), 162 Title XIV, Sections 14005 and 14006 of the "American Recovery 163 and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 164

| the school will pay teachers based upon performance in           | 165 |
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| accordance with section 3317.141 and will comply with section    | 166 |
| 3319.111 of the Revised Code as if it were a school district.    | 167 |
| (j) If the school operates a preschool program that is           | 168 |
| licensed by the department of education under sections 3301.52   | 169 |
| to 3301.59 of the Revised Code, the school shall comply with     | 170 |
| sections 3301.50 to 3301.59 of the Revised Code and the minimum  | 171 |
| standards for preschool programs prescribed in rules adopted by  | 172 |
| the state board under section 3301.53 of the Revised Code.       | 173 |
| (k) The school will comply with sections 3313.6021 and           | 174 |
| 3313.6023 of the Revised Code as if it were a school district    | 175 |
| unless it is either of the following:                            | 176 |
| (i) An internet- or computer-based community school;             | 177 |
| (ii) A community school in which a majority of the               | 178 |
| enrolled students are children with disabilities as described in | 179 |
| division (A)(4)(b) of section 3314.35 of the Revised Code.       | 180 |
| (1) The school will comply with section 3321.191 of the          | 181 |
| Revised Code, unless it is an internet- or computer-based        | 182 |
| community school that is subject to section 3314.261 of the      | 183 |
| Revised Code.  | 184 |
| (12) Arrangements for providing health and other benefits        | 185 |
| to employees;  | 186 |
| (13) The length of the contract, which shall begin at the        | 187 |
| beginning of an academic year. No contract shall exceed five     | 188 |
| years unless such contract has been renewed pursuant to division | 189 |
| (E) of this section.   | 190 |
| (14) The governing authority of the school, which shall be       | 191 |
| responsible for carrying out the provisions of the contract;     | 192 |

| (15) A financial plan detailing an estimated school budget       | 193 |
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| for each year of the period of the contract and specifying the   | 194 |
| total estimated per pupil expenditure amount for each such year. | 195 |
| (16) Requirements and procedures regarding the disposition       | 196 |
| of employees of the school in the event the contract is          | 197 |
| terminated or not renewed pursuant to section 3314.07 of the     | 198 |
| Revised Code;  | 199 |
| (17) Whether the school is to be created by converting all       | 200 |
| or part of an existing public school or educational service      | 201 |
| center building or is to be a new start-up school, and if it is  | 202 |
| a converted public school or service center building,            | 203 |
| specification of any duties or responsibilities of an employer   | 204 |
| that the board of education or service center governing board    | 205 |
| that operated the school or building before conversion is        | 206 |
| delegating to the governing authority of the community school    | 207 |
| with respect to all or any specified group of employees provided | 208 |
| the delegation is not prohibited by a collective bargaining      | 209 |
| agreement applicable to such employees;                          | 210 |
| (18) Provisions establishing procedures for resolving            | 211 |
| disputes or differences of opinion between the sponsor and the   | 212 |
| governing authority of the community school;                     | 213 |
| (19) A provision requiring the governing authority to            | 214 |
| adopt a policy regarding the admission of students who reside    | 215 |
| outside the district in which the school is located. That policy | 216 |
| shall comply with the admissions procedures specified in         | 217 |
| sections 3314.06 and 3314.061 of the Revised Code and, at the    | 218 |
| sole discretion of the authority, shall do one of the following: | 219 |
| (a) Prohibit the enrollment of students who reside outside       | 220 |
| the district in which the school is located;                     | 221 |

| (b) Permit the enrollment of students who reside in              | 222 |
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| districts adjacent to the district in which the school is        | 223 |
| located;   | 224 |
| (c) Permit the enrollment of students who reside in any          | 225 |
| other district in the state.                                     | 226 |
| (20) A provision recognizing the authority of the                | 227 |
| department of education to take over the sponsorship of the      | 228 |
| school in accordance with the provisions of division (C) of      | 229 |
| section 3314.015 of the Revised Code;                            | 230 |
| (21) A provision recognizing the sponsor's authority to          | 231 |
| assume the operation of a school under the conditions specified  | 232 |
| in division (B) of section 3314.073 of the Revised Code;         | 233 |
| (22) A provision recognizing both of the following:              | 234 |
| (a) The authority of public health and safety officials to       | 235 |
| inspect the facilities of the school and to order the facilities | 236 |
| closed if those officials find that the facilities are not in    | 237 |
| compliance with health and safety laws and regulations;          | 238 |
| (b) The authority of the department of education as the          | 239 |
| community school oversight body to suspend the operation of the  | 240 |
| school under section 3314.072 of the Revised Code if the         | 241 |
| department has evidence of conditions or violations of law at    | 242 |
| the school that pose an imminent danger to the health and safety | 243 |
| of the school's students and employees and the sponsor refuses   | 244 |
| to take such action.   | 245 |
| (23) A description of the learning opportunities that will       | 246 |
| be offered to students including both classroom-based and non-   | 247 |
| classroom-based learning opportunities that is in compliance     | 248 |
| with criteria for student participation established by the       | 249 |
| department under division (H)(2) of section 3314.08 of the       | 250 |

| Revised Code;  | 251 |
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| (24) The school will comply with sections 3302.04 and            | 252 |
| 3302.041 of the Revised Code, except that any action required to | 253 |
| be taken by a school district pursuant to those sections shall   | 254 |
| be taken by the sponsor of the school. However, the sponsor      | 255 |
| shall not be required to take any action described in division   | 256 |
| (F) of section 3302.04 of the Revised Code.                      | 257 |
| (25) Beginning in the 2006-2007 school year, the school          | 258 |
| will open for operation not later than the thirtieth day of      | 259 |
| September each school year, unless the mission of the school as  | 260 |
| specified under division (A)(2) of this section is solely to     | 261 |
| serve dropouts. In its initial year of operation, if the school  | 262 |
| fails to open by the thirtieth day of September, or within one   | 263 |
| year after the adoption of the contract pursuant to division (D) | 264 |
| of section 3314.02 of the Revised Code if the mission of the     | 265 |
| school is solely to serve dropouts, the contract shall be void.  | 266 |
| (26) Whether the school's governing authority is planning        | 267 |
| to seek designation for the school as a STEM school equivalent   | 268 |
| under section 3326.032 of the Revised Code;                      | 269 |
| (27) That the school's attendance and participation              | 270 |
| policies will be available for public inspection;                | 271 |
| (28) That the school's attendance and participation              | 272 |
| records shall be made available to the department of education,  | 273 |
| auditor of state, and school's sponsor to the extent permitted   | 274 |
| under and in accordance with the "Family Educational Rights and  | 275 |
| Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, | 276 |
| and any regulations promulgated under that act, and section      | 277 |
| 3319.321 of the Revised Code;                                    | 278 |
| (29) If a school operates using the blended learning             | 279 |

| model, as defined in section 3301.079 of the Revised Code, all   | 280 |
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| of the following information:  | 281 |
| (a) An indication of what blended learning model or models   | 282 |
| will be used;  | 283 |
| (b) A description of how student instructional needs will  | 284 |
| be determined and documented;  | 285 |
| (a) The method to be used for determining competency   | 286 |
| (c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level; | 287 |
| granting create, and promoting students to a higher grade rever,   | 207 |
| (d) The school's attendance requirements, including how  | 288 |
| the school will document participation in learning   | 289 |
| opportunities;   | 290 |
| (e) A statement describing how student progress will be  | 291 |
| monitored;   | 292 |
| (f) A statement describing how private student data will   | 293 |
| be protected;  | 294 |
| (g) A description of the professional development  | 295 |
| activities that will be offered to teachers.   | 296 |
| (30) A provision requiring that all moneys the school's  | 297 |
| operator loans to the school, including facilities loans or cash   | 298 |
| flow assistance, must be accounted for, documented, and bear   | 299 |
| interest at a fair market rate;  | 300 |
| (31) A provision requiring that, if the governing  | 301 |
| authority contracts with an attorney, accountant, or entity  | 302 |
| specializing in audits, the attorney, accountant, or entity  | 303 |
| shall be independent from the operator with which the school has   | 304 |
| contracted.  | 305 |
| (32) A provision requiring the governing authority to  | 306 |

| adopt an enrollment and attendance policy that requires a       | 307 |
|---|-----|
| student's parent to notify the community school in which the    | 308 |
| student is enrolled when there is a change in the location of   | 309 |
| the parent's or student's primary residence.                    | 310 |
| (33) A provision requiring the governing authority to           | 311 |
| adopt a student residence and address verification policy for   | 312 |
| students enrolling in or attending the school.                  | 313 |
| (B) The community school shall also submit to the sponsor       | 314 |
| a comprehensive plan for the school. The plan shall specify the | 315 |
| following:  | 316 |
| (1) The process by which the governing authority of the         | 317 |
| school will be selected in the future;                          | 318 |
| (2) The management and administration of the school;            | 319 |
| (3) If the community school is a currently existing public      | 320 |
| school or educational service center building, alternative      | 321 |
| arrangements for current public school students who choose not  | 322 |
| to attend the converted school and for teachers who choose not  | 323 |
| to teach in the school or building after conversion;            | 324 |
| (4) The instructional program and educational philosophy        | 325 |
| of the school;  | 326 |
| (5) Internal financial controls.                                | 327 |
| When submitting the plan under this division, the school        | 328 |
| shall also submit copies of all policies and procedures         | 329 |
| regarding internal financial controls adopted by the governing  | 330 |
| authority of the school.  | 331 |
| (C) A contract entered into under section 3314.02 of the        | 332 |
| Revised Code between a sponsor and the governing authority of a | 333 |
| community school may provide for the community school governing | 334 |

| authority to make payments to the sponsor, which is hereby       | 335 |
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| authorized to receive such payments as set forth in the contract | 336 |
| between the governing authority and the sponsor. The total       | 337 |
| amount of such payments for monitoring, oversight, and technical | 338 |
| assistance of the school shall not exceed three per cent of the  | 339 |
| total amount of payments for operating expenses that the school  | 340 |
| receives from the state.   | 341 |
| (D) The contract shall specify the duties of the sponsor         | 342 |
| which shall be in accordance with the written agreement entered  | 343 |
| into with the department of education under division (B) of      | 344 |
| section 3314.015 of the Revised Code and shall include the       | 345 |
| following:   | 346 |
| (1) Monitor the community school's compliance with all           | 347 |
| laws applicable to the school and with the terms of the          | 348 |
| contract;  | 349 |
| (2) Monitor and evaluate the academic and fiscal                 | 350 |
| performance and the organization and operation of the community  | 351 |
| school on at least an annual basis;                              | 352 |
| (3) Report on an annual basis the results of the                 | 353 |
| evaluation conducted under division (D)(2) of this section to    | 354 |
| the department of education and to the parents of students       | 355 |
| enrolled in the community school;                                | 356 |
| (4) Provide technical assistance to the community school         | 357 |
| in complying with laws applicable to the school and terms of the | 358 |
| contract;  | 359 |
| (5) Take steps to intervene in the school's operation to         | 360 |
| correct problems in the school's overall performance, declare    | 361 |
| the school to be on probationary status pursuant to section      | 362 |
| 3314 073 of the Revised Code, suspend the operation of the       | 363 |

| school pursuant to section 3314.072 of the Revised Code, or      | 364 |
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| terminate the contract of the school pursuant to section 3314.07 | 365 |
| of the Revised Code as determined necessary by the sponsor;      | 366 |
| (6) Have in place a plan of action to be undertaken in the       | 367 |
| event the community school experiences financial difficulties or | 368 |
| closes prior to the end of a school year.                        | 369 |
| (E) Upon the expiration of a contract entered into under         | 370 |
| this section, the sponsor of a community school may, with the    | 371 |
| approval of the governing authority of the school, renew that    | 372 |
| contract for a period of time determined by the sponsor, but not | 373 |
| ending earlier than the end of any school year, if the sponsor   | 374 |
| finds that the school's compliance with applicable laws and      | 375 |
| terms of the contract and the school's progress in meeting the   | 376 |
| academic goals prescribed in the contract have been              | 377 |
| satisfactory. Any contract that is renewed under this division   | 378 |
| remains subject to the provisions of sections 3314.07, 3314.072, | 379 |
| and 3314.073 of the Revised Code.                                | 380 |
| (F) If a community school fails to open for operation            | 381 |
| within one year after the contract entered into under this       | 382 |
| section is adopted pursuant to division (D) of section 3314.02   | 383 |
| of the Revised Code or permanently closes prior to the           | 384 |
| expiration of the contract, the contract shall be void and the   | 385 |
| school shall not enter into a contract with any other sponsor. A | 386 |
| school shall not be considered permanently closed because the    | 387 |
| operations of the school have been suspended pursuant to section | 388 |
| 3314.072 of the Revised Code.                                    | 389 |
| Sec. 3326.11. Each science, technology, engineering, and         | 390 |
| mathematics school established under this chapter and its        | 391 |
| governing body shall comply with sections 9.90, 9.91, 109.65,    | 392 |
| 121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43,   | 393 |

| 3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15,         | 394 |
|--|-----|
| 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48,              | 395 |
| 3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608,          | 396 |
| 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020,               | 397 |
| 3313.6021, 3313.6024, 3313.6025, 3313.61, 3313.611, 3313.614,        | 398 |
| 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 3313.648,         | 399 |
| 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667,          | 400 |
| 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672,          | 401 |
| 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719,            | 402 |
| 3313.7112, <u>3313.7117,</u> 3313.721, 3313.80, 3313.801, 3313.814,  | 403 |
| 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96,             | 404 |
| 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 3319.321,            | 405 |
| 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3320.01,      | 406 |
| 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14,      | 407 |
| 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3323.251,             | 408 |
| 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters       | 409 |
| 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112.,         | 410 |
| 4123., 4141., and 4167. of the Revised Code as if it were a          | 411 |
| school district.   | 412 |
| Sec. 3328.24. A college-preparatory boarding school                  | 413 |
| established under this chapter and its board of trustees shall       | 414 |
| comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712,        | 415 |
| 3301.0714, 3301.0729, 3301.948, 3313.6013, 3313.6021, 3313.6024,     | 416 |
| 3313.6025, 3313.617, 3313.618, 3313.6114, 3313.6411, 3313.668,       | 417 |
| 3313.669, 3313.6610, 3313.7112, <u>3313.7117,</u> 3313.721, 3313.89, | 418 |
| 3319.073, 3319.077, 3319.078, 3319.39, 3319.391, 3319.46,            | 419 |
| 3320.01, 3320.02, 3320.03, 3323.251, and 5502.262, and Chapter       | 420 |
| 3365. of the Revised Code as if the school were a school             | 421 |
| district and the school's board of trustees were a district          | 422 |
| board of education.  | 423 |
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Sec. 3345.0215. (A) Notwithstanding any provision of the

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| Revised Code or any order, rule, or other law to the contrary,   | 425 |
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| after the 2020-2021 academic year, no state institution of       | 426 |
| higher education, as defined in section 3345.011 of the Revised  | 427 |
| Code, shall require an individual to wear a facial covering to   | 428 |
| attend or participate in in-person instruction, institution-     | 429 |
| sponsored athletics, institution-sponsored extracurricular       | 430 |
| activities, in dormitories, or at any other time in any location | 431 |
| on an institution's or university's campus. An individual may    | 432 |
| choose to wear a facial covering but shall not be required to do | 433 |
| <u>so.</u>   | 434 |
| (B) The requirements prescribed in division (A) of this          | 435 |
| section do not apply to an individual in a medical setting at a  | 436 |
| state institution of higher education.                           | 437 |
| Nothing in this section restricts a board of health of a         | 438 |
| city or general health district or the authority having the      | 439 |
| duties of a board of health under section 3709.05 of the Revised | 440 |
| Code, from taking action to prevent the spread of a communicable | 441 |
| or contagious disease.   | 442 |
| Sec. 4101.17. If any business elects to require the              | 443 |
| wearing of facial coverings by employees, visitors, and patrons  | 444 |
| while on the business's premises, the business shall post notice | 445 |
| of the requirement in a conspicuous place. The notice shall      | 446 |
| state that an exemption to the requirement exists for            | 447 |
| individuals that have a documented medical condition that        | 448 |
| contraindicates the wearing of a facial covering.                | 449 |
| Section 2. That existing sections 3314.03, 3326.11, and          | 450 |
| 3328.24 of the Revised Code are hereby repealed.                 | 451 |
| Section 3. The General Assembly, applying the principle          | 452 |
| stated in division (B) of section 1.52 of the Revised Code that  | 453 |

| S. B. No. 209 | Page 17 |
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| As Introduced | _       |

| amendments are to be harmonized if reasonably capable of         | 454 |
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| simultaneous operation, finds that the following sections,       | 455 |
| presented in this act as composites of the sections as amended   | 456 |
| by the acts indicated, are the resulting versions of the         | 457 |
| sections in effect prior to the effective date of the sections   | 458 |
| as presented in this act:  | 459 |
| Section 3314.03 of the Revised Code as amended by H.B.           | 460 |
| 123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B.   | 461 |
| 89, all of the 133rd General Assembly.                           | 462 |
| Section 3326.11 of the Revised Code as amended by H.B.           | 463 |
| 123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd | 464 |
| General Assembly.  | 465 |
| Section 3328.24 of the Revised Code as amended by H.B.           | 466 |
| 123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd | 467 |
| General Assembly.  | 468 |