

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 233

Senator Blessing

Cosponsors: Senators Antonio, Sykes, Brenner, Fedor



A BILL

To amend sections 3307.01, 3309.01, 3313.68, 1
3313.7110, 3313.7113, 3313.721, 3319.221, and 2
3319.222 and to enact section 3319.2212 of the 3
Revised Code regarding licensure and state 4
retirement system membership for school nurses. 5

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

Section 1. That sections 3307.01, 3309.01, 3313.68, 6
3313.7110, 3313.7113, 3313.721, 3319.221, and 3319.222 be 7
amended and section 3319.2212 of the Revised Code be enacted to 8
read as follows: 9

Sec. 3307.01. As used in this chapter: 10

(A) "Employer" means the board of education, school 11
district, governing authority of any community school 12
established under Chapter 3314. of the Revised Code, a science, 13
technology, engineering, and mathematics school established 14
under Chapter 3326. of the Revised Code, college, university, 15
institution, or other agency within the state by which a teacher 16
is employed and paid. 17

(B) (1) "Teacher" means all of the following: 18

(a) Any person paid from public funds and employed in the public schools of the state under any type of contract described in section 3311.77 or 3319.08 of the Revised Code in a position for which the person is required to have a license or registration issued pursuant to sections 3319.22 to 3319.31 of the Revised Code;

(b) Except as provided in division (B) (2) (b) or (c) of this section, any person employed as a teacher or faculty member in a community school or a science, technology, engineering, and mathematics school pursuant to Chapter 3314. or 3326. of the Revised Code;

(c) Any person having a license or registration issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in a public school in this state in an educational position, as determined by the state board of education, under programs provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirements for the position can be made under the provisions of such federal acts or regulations;

(d) Any other teacher or faculty member employed in any school, college, university, institution, or other agency wholly controlled and managed, and supported in whole or in part, by the state or any political subdivision thereof, including Central state university, Cleveland state university, and the university of Toledo;

(e) The educational employees of the department of education, as determined by the state superintendent of public instruction.

In all cases of doubt, the state teachers retirement board

shall determine whether any person is a teacher, and its 48
decision shall be final. 49

(2) "Teacher" does not include any of the following: 50

(a) Any eligible employee of a public institution of 51
higher education, as defined in section 3305.01 of the Revised 52
Code, who elects to participate in an alternative retirement 53
plan established under Chapter 3305. of the Revised Code; 54

(b) Any person employed by a community school operator, as 55
defined in section 3314.02 of the Revised Code, if on or before 56
February 1, 2016, the school's operator was withholding and 57
paying employee and employer taxes pursuant to 26 U.S.C. 3101(a) 58
and 3111(a) for persons employed in the school as teachers, 59
unless the person had contributing service in a community school 60
in the state within one year prior to the later of February 1, 61
2016, or the date on which the operator for the first time 62
withholds and pays employee and employer taxes pursuant to 26 63
U.S.C. 3101(a) and 3111(a) for that person; 64

(c) Any person who would otherwise be a teacher under 65
division (B) (2) (b) of this section who terminates employment 66
with a community school operator and has no contributing service 67
in a community school in the state for a period of at least one 68
year from the date of termination of employment; 69

(d) A person employed by an employer in a school as a 70
registered nurse or licensed practical nurse, licensed under 71
Chapter 4723. of the Revised Code, who does not hold a license 72
issued under former section 3319.221 of the Revised Code, as it 73
existed before April 12, 2021, or under section 3319.2212 of the 74
Revised Code. 75

(C) "Member" means any person included in the membership 76

of the state teachers retirement system, which shall consist of 77
all teachers and contributors as defined in divisions (B) and 78
(D) of this section and all disability benefit recipients, as 79
defined in section 3307.50 of the Revised Code. However, for 80
purposes of this chapter, the following persons shall not be 81
considered members: 82

(1) A student, intern, or resident who is not a member 83
while employed part-time by a school, college, or university at 84
which the student, intern, or resident is regularly attending 85
classes; 86

(2) A person denied membership pursuant to section 3307.24 87
of the Revised Code; 88

(3) An other system retirant, as defined in section 89
3307.35 of the Revised Code, or a superannuate; 90

(4) An individual employed in a program established 91
pursuant to the "Job Training Partnership Act," 96 Stat. 1322 92
(1982), 29 U.S.C.A. 1501; 93

(5) The surviving spouse of a member or retirant if the 94
surviving spouse's only connection to the retirement system is 95
an account in an STRS defined contribution plan. 96

(D) "Contributor" means any person who has an account in 97
the teachers' savings fund or defined contribution fund, except 98
that "contributor" does not mean a member or retirant's 99
surviving spouse with an account in an STRS defined contribution 100
plan. 101

(E) "Beneficiary" means any person eligible to receive, or 102
in receipt of, a retirement allowance or other benefit provided 103
by this chapter. 104

(F) "Year" means the year beginning the first day of July 105
and ending with the thirtieth day of June next following, except 106
that for the purpose of determining final average salary under 107
the plan described in sections 3307.50 to 3307.79 of the Revised 108
Code, "year" may mean the contract year. 109

(G) "Local district pension system" means any school 110
teachers pension fund created in any school district of the 111
state in accordance with the laws of the state prior to 112
September 1, 1920. 113

(H) "Employer contribution" means the amount paid by an 114
employer, as determined by the employer rate, including the 115
normal and deficiency rates, contributions, and funds wherever 116
used in this chapter. 117

(I) "Five years of service credit" means employment 118
covered under this chapter and employment covered under a former 119
retirement plan operated, recognized, or endorsed by a college, 120
institute, university, or political subdivision of this state 121
prior to coverage under this chapter. 122

(J) "Actuary" means an actuarial professional contracted 123
with or employed by the state teachers retirement board, who 124
shall be either of the following: 125

(1) A member of the American academy of actuaries; 126

(2) A firm, partnership, or corporation of which at least 127
one person is a member of the American academy of actuaries. 128

(K) "Fiduciary" means a person who does any of the 129
following: 130

(1) Exercises any discretionary authority or control with 131
respect to the management of the system, or with respect to the 132

management or disposition of its assets;	133
(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	134 135
(3) Has any discretionary authority or responsibility in the administration of the system.	136 137
(L) (1) (a) Except as provided in this division, "compensation" means all salary, wages, and other earnings paid to a teacher by reason of the teacher's employment, including compensation paid pursuant to a supplemental contract. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the teachers' savings fund or defined contribution fund under section 3307.26 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.	138 139 140 141 142 143 144 145 146 147
(b) Except as provided in division (L) (1) (c) of this section, "compensation" includes amounts paid by an employer as a retroactive payment of earnings, damages, or back pay pursuant to a court order, court-adopted settlement agreement, or other settlement agreement if the retirement system receives both of the following:	148 149 150 151 152 153
(i) Teacher and employer contributions under sections 3307.26 and 3307.28 of the Revised Code, plus interest compounded annually at a rate determined by the state teachers retirement board, for each year or portion of a year for which amounts are paid under the order or agreement;	154 155 156 157 158
(ii) Teacher and employer contributions under sections 3307.26 and 3307.28 of the Revised Code, plus interest compounded annually at a rate determined by the board, for each	159 160 161

year or portion of a year not subject to division (L) (1) (b) (i) 162
of this section for which the board determines the teacher was 163
improperly paid, regardless of the teacher's ability to recover 164
on such amounts improperly paid. 165

(c) If any portion of an amount paid by an employer as a 166
retroactive payment of earnings, damages, or back pay is for an 167
amount, benefit, or payment described in division (L) (2) of this 168
section, that portion of the amount is not compensation under 169
this section. 170

(2) Compensation does not include any of the following: 171

(a) Payments for accrued but unused sick leave or personal 172
leave, including payments made under a plan established pursuant 173
to section 124.39 of the Revised Code or any other plan 174
established by the employer; 175

(b) Payments made for accrued but unused vacation leave, 176
including payments made pursuant to section 124.13 of the 177
Revised Code or a plan established by the employer; 178

(c) Payments made for vacation pay covering concurrent 179
periods for which other salary, compensation, or benefits under 180
this chapter or Chapter 145. or 3309. of the Revised Code are 181
paid; 182

(d) Amounts paid by the employer to provide life 183
insurance, sickness, accident, endowment, health, medical, 184
hospital, dental, or surgical coverage, or other insurance for 185
the teacher or the teacher's family, or amounts paid by the 186
employer to the teacher in lieu of providing the insurance; 187

(e) Incidental benefits, including lodging, food, laundry, 188
parking, or services furnished by the employer, use of the 189
employer's property or equipment, and reimbursement for job- 190

related expenses authorized by the employer, including moving	191
and travel expenses and expenses related to professional	192
development;	193
(f) Payments made by the employer in exchange for a	194
member's waiver of a right to receive any payment, amount, or	195
benefit described in division (L) (2) of this section;	196
(g) Payments by the employer for services not actually	197
rendered;	198
(h) Any amount paid by the employer as a retroactive	199
increase in salary, wages, or other earnings, unless the	200
increase is one of the following:	201
(i) A retroactive increase paid to a member employed by a	202
school district board of education in a position that requires a	203
license designated for teaching and not designated for being an	204
administrator issued under section 3319.22 of the Revised Code	205
that is paid in accordance with uniform criteria applicable to	206
all members employed by the board in positions requiring the	207
licenses;	208
(ii) A retroactive increase paid to a member employed by a	209
school district board of education in a position that requires a	210
license designated for being an administrator issued under	211
section 3319.22 of the Revised Code that is paid in accordance	212
with uniform criteria applicable to all members employed by the	213
board in positions requiring the licenses;	214
(iii) A retroactive increase paid to a member employed by	215
a school district board of education as a superintendent that is	216
also paid as described in division (L) (2) (h) (i) of this section;	217
(iv) A retroactive increase paid to a member employed by	218
an employer other than a school district board of education in	219

accordance with uniform criteria applicable to all members	220
employed by the employer.	221
(i) Payments made to or on behalf of a teacher that are in	222
excess of the annual compensation that may be taken into account	223
by the retirement system under division (a) (17) of section 401	224
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26	225
U.S.C.A. 401(a) (17), as amended. For a teacher who first	226
establishes membership before July 1, 1996, the annual	227
compensation that may be taken into account by the retirement	228
system shall be determined under division (d) (3) of section	229
13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub.	230
L. No. 103-66, 107 Stat. 472.	231
(j) Payments made under division (B), (C), or (E) of	232
section 5923.05 of the Revised Code, Section 4 of Substitute	233
Senate Bill No. 3 of the 119th general assembly, Section 3 of	234
Amended Substitute Senate Bill No. 164 of the 124th general	235
assembly, or Amended Substitute House Bill No. 405 of the 124th	236
general assembly;	237
(k) Anything of value received by the teacher that is	238
based on or attributable to retirement or an agreement to	239
retire.	240
(3) The retirement board shall determine both of the	241
following:	242
(a) Whether particular forms of earnings are included in	243
any of the categories enumerated in this division;	244
(b) Whether any form of earnings not enumerated in this	245
division is to be included in compensation.	246
Decisions of the board made under this division shall be	247
final.	248

(M) "Superannuate" means both of the following:	249
(1) A former teacher receiving from the system a retirement allowance under section 3307.58 or 3307.59 of the Revised Code;	250 251 252
(2) A former teacher receiving a benefit from the system under a plan established under section 3307.81 of the Revised Code, except that "superannuate" does not include a former teacher who is receiving a benefit based on disability under a plan established under section 3307.81 of the Revised Code.	253 254 255 256 257
For purposes of sections 3307.35 and 3307.353 of the Revised Code, "superannuate" also means a former teacher receiving from the system a combined service retirement benefit paid in accordance with section 3307.57 of the Revised Code, regardless of which retirement system is paying the benefit.	258 259 260 261 262
(N) "STRS defined benefit plan" means the plan described in sections 3307.50 to 3307.79 of the Revised Code.	263 264
(O) "STRS defined contribution plan" means the plans established under section 3307.81 of the Revised Code and includes the STRS combined plan under that section.	265 266 267
(P) "Faculty" means the teaching staff of a university, college, or school, including any academic administrators.	268 269
Sec. 3309.01. As used in this chapter:	270
(A) "Employer" or "public employer" means boards of education, school districts, joint vocational districts, governing authorities of community schools established under Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, educational institutions, technical	271 272 273 274 275 276

colleges, state, municipal, and community colleges, community 277
college branches, universities, university branches, other 278
educational institutions, or other agencies within the state by 279
which an employee is employed and paid, including any 280
organization using federal funds, provided the federal funds are 281
disbursed by an employer as determined by the above. In all 282
cases of doubt, the school employees retirement board shall 283
determine whether any employer is an employer as defined in this 284
chapter, and its decision shall be final. 285

(B) (1) "Employee" means all of the following: 286

~~(1)~~ (a) Except as provided in division (B) (2) of this 287
section, any person employed by a public employer in a position 288
for which the person is not required to have a registration, 289
certificate, or license issued pursuant to sections 3319.22 to 290
3319.31 of the Revised Code; 291

~~(2)~~ (b) Any person who performs a service common to the 292
normal daily operation of an educational unit even though the 293
person is employed and paid by one who has contracted with an 294
employer to perform the service, and the contracting board or 295
educational unit shall be the employer for the purposes of 296
administering the provisions of this chapter; 297

~~(3)~~ (c) Any person, not a faculty member, employed in any 298
school or college or other institution wholly controlled and 299
managed, and wholly or partly supported by the state or any 300
political subdivision thereof, the board of trustees, or other 301
managing body of which shall accept the requirements and 302
obligations of this chapter. 303

(2) "Employee" includes a person employed by a public 304
employer in a school as a registered nurse or licensed practical 305

nurse, licensed under Chapter 4723. of the Revised Code, who 306
does not hold a license issued under former section 3319.221 of 307
the Revised Code, as it existed before April 12, 2021, or 308
section 3319.2212 of the Revised Code. 309

(3) In all cases of doubt, the school employees retirement 310
board shall determine whether any person is an employee, as 311
defined in ~~this~~ division (B) of this section, and its decision 312
is final. 313

(C) "Prior service" means all service rendered prior to 314
September 1, 1937: 315

(1) As an employee as defined in division (B) of this 316
section; 317

(2) As an employee in a capacity covered by the public 318
employees retirement system or the state teachers retirement 319
system; 320

(3) As an employee of an institution in another state, 321
service credit for which was procured by a member under the 322
provisions of section 3309.31 of the Revised Code. 323

Prior service, for service as an employee in a capacity 324
covered by the public employees retirement system or the state 325
teachers retirement system, shall be granted a member under 326
qualifications identical to the laws and rules applicable to 327
service credit in those systems. 328

Prior service shall not be granted any member for service 329
rendered in a capacity covered by the public employees 330
retirement system, the state teachers retirement system, and 331
this system in the event the service credit has, in the 332
respective systems, been received, waived by exemption, or 333
forfeited by withdrawal of contributions, except as provided in 334

this chapter. 335

If a member who has been granted prior service should, 336
subsequent to September 16, 1957, and before retirement, 337
establish three years of contributing service in the public 338
employees retirement system, or one year in the state teachers 339
retirement system, then the prior service granted shall become, 340
at retirement, the liability of the other system, if the prior 341
service or employment was in a capacity that is covered by that 342
system. 343

The provisions of this division shall not cancel any prior 344
service granted a member by the school employees retirement 345
board prior to August 1, 1959. 346

(D) "Total service," "total service credit," or "Ohio 347
service credit" means all contributing service of a member of 348
the school employees retirement system, and all prior service, 349
computed as provided in this chapter, and all service 350
established pursuant to sections 3309.31, 3309.311, and 3309.33 351
of the Revised Code. In addition, "total service" includes any 352
period, not in excess of three years, during which a member was 353
out of service and receiving benefits from the state insurance 354
fund, provided the injury or incapacitation was the direct 355
result of school employment. 356

(E) "Member" means any employee, except an SERS retirant 357
or other system retirant as defined in section 3309.341 of the 358
Revised Code, who has established membership in the school 359
employees retirement system. "Member" includes a disability 360
benefit recipient. 361

(F) "Contributor" means any person who has an account in 362
the employees' savings fund. When used in the sections listed in 363

division (B) of section 3309.82 of the Revised Code, 364
"contributor" includes any person participating in a plan 365
established under section 3309.81 of the Revised Code. 366

(G) "Retirant" means any former member who retired and is 367
receiving a retirement allowance under section 3309.36 or 368
3309.381 or former section 3309.38 of the Revised Code. 369

(H) "Beneficiary" or "beneficiaries" means the estate or a 370
person or persons who, as the result of the death of a 371
contributor or retirant, qualifies for or is receiving some 372
right or benefit under this chapter. 373

(I) "Interest," as specified in division (E) of section 374
3309.60 of the Revised Code, means interest at the rates for the 375
respective funds and accounts as the school employees retirement 376
board may determine from time to time. 377

(J) "Accumulated contributions" means the sum of all 378
amounts credited to a contributor's account in the employees' 379
savings fund together with any regular interest credited thereon 380
at the rates approved by the retirement board prior to 381
retirement. 382

(K) "Final average salary" means the sum of the annual 383
compensation for the three highest years of compensation for 384
which contributions were made by the member, divided by three. 385
If the member has a partial year of contributing service in the 386
year in which the member terminates employment and the partial 387
year is at a rate of compensation that is higher than the rate 388
of compensation for any one of the highest three years of annual 389
earnings, the board shall substitute the compensation earned for 390
the partial year for the compensation earned for a similar 391
fractional portion in the lowest of the three high years of 392

annual compensation before dividing by three. If a member has 393
less than three years of contributing membership, the final 394
average salary shall be the total compensation divided by the 395
total number of years, including any fraction of a year, of 396
contributing service. 397

(L) "Annuity" means payments for life derived from 398
contributions made by a contributor and paid from the annuity 399
and pension reserve fund as provided in this chapter. All 400
annuities shall be paid in twelve equal monthly installments. 401

(M) (1) "Pension" means annual payments for life derived 402
from appropriations made by an employer and paid from the 403
employers' trust fund or the annuity and pension reserve fund. 404
All pensions shall be paid in twelve equal monthly installments. 405

(2) "Disability retirement" means retirement as provided 406
in section 3309.40 of the Revised Code. 407

(N) "Retirement allowance" means the pension plus the 408
annuity. 409

(O) (1) "Benefit" means a payment, other than a retirement 410
allowance or the annuity paid under section 3309.344 of the 411
Revised Code, payable from the accumulated contributions of the 412
member or the employer, or both, under this chapter and includes 413
a disability allowance or disability benefit. 414

(2) "Disability allowance" means an allowance paid on 415
account of disability under section 3309.401 of the Revised 416
Code. 417

(3) "Disability benefit" means a benefit paid as 418
disability retirement under section 3309.40 of the Revised Code, 419
as a disability allowance under section 3309.401 of the Revised 420
Code, or as a disability benefit under section 3309.35 of the 421

Revised Code.	422
(P) "Annuity reserve" means the present value, computed upon the basis of mortality tables adopted by the school employees retirement board, of all payments to be made on account of any annuity, or benefit in lieu of any annuity, granted to a retirant.	423 424 425 426 427
(Q) "Pension reserve" means the present value, computed upon the basis of mortality tables adopted by the school employees retirement board, of all payments to be made on account of any pension, or benefit in lieu of any pension, granted to a retirant or a beneficiary.	428 429 430 431 432
(R) "Year" means the year beginning the first day of July and ending with the thirtieth day of June next following.	433 434
(S) "Local district pension system" means any school employees' pension fund created in any school district of the state prior to September 1, 1937.	435 436 437
(T) "Employer contribution" means the amount paid by an employer as determined under section 3309.49 of the Revised Code.	438 439 440
(U) "Fiduciary" means a person who does any of the following:	441 442
(1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;	443 444 445
(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	446 447
(3) Has any discretionary authority or responsibility in the administration of the system.	448 449

(V) (1) Except as otherwise provided in this division, 450
"compensation" means all salary, wages, and other earnings paid 451
to a contributor by reason of employment. The salary, wages, and 452
other earnings shall be determined prior to determination of the 453
amount required to be contributed to the employees' savings fund 454
under section 3309.47 of the Revised Code and without regard to 455
whether any of the salary, wages, or other earnings are treated 456
as deferred income for federal income tax purposes. 457

(2) Compensation does not include any of the following: 458

(a) Payments for accrued but unused sick leave or personal 459
leave, including payments made under a plan established pursuant 460
to section 124.39 of the Revised Code or any other plan 461
established by the employer; 462

(b) Payments made for accrued but unused vacation leave, 463
including payments made pursuant to section 124.13 of the 464
Revised Code or a plan established by the employer; 465

(c) Payments made for vacation pay covering concurrent 466
periods for which other salary or compensation is also paid or 467
during which benefits are paid under this chapter; 468

(d) Amounts paid by the employer to provide life 469
insurance, sickness, accident, endowment, health, medical, 470
hospital, dental, or surgical coverage, or other insurance for 471
the contributor or the contributor's family, or amounts paid by 472
the employer to the contributor in lieu of providing the 473
insurance; 474

(e) Incidental benefits, including lodging, food, laundry, 475
parking, or services furnished by the employer, use of the 476
employer's property or equipment, and reimbursement for job- 477
related expenses authorized by the employer, including moving 478

and travel expenses and expenses related to professional 479
development; 480

(f) Payments made to or on behalf of a contributor that 481
are in excess of the annual compensation that may be taken into 482
account by the retirement system under division (a) (17) of 483
section 401 of the "Internal Revenue Code of 1986," 100 Stat. 484
2085, 26 U.S.C.A. 401(a) (17), as amended. For a contributor who 485
first establishes membership before July 1, 1996, the annual 486
compensation that may be taken into account by the retirement 487
system shall be determined under division (d) (3) of section 488
13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. 489
L. No. 103-66, 107 Stat. 472; 490

(g) Payments made under division (B), (C), or (E) of 491
section 5923.05 of the Revised Code, Section 4 of Substitute 492
Senate Bill No. 3 of the 119th general assembly, Section 3 of 493
Amended Substitute Senate Bill No. 164 of the 124th general 494
assembly, or Amended Substitute House Bill No. 405 of the 124th 495
general assembly; 496

(h) Anything of value received by the contributor that is 497
based on or attributable to retirement or an agreement to 498
retire, except that payments made on or before January 1, 1989, 499
that are based on or attributable to an agreement to retire 500
shall be included in compensation if both of the following 501
apply: 502

(i) The payments are made in accordance with contract 503
provisions that were in effect prior to January 1, 1986. 504

(ii) The employer pays the retirement system an amount 505
specified by the retirement board equal to the additional 506
liability from the payments. 507

(3) The retirement board shall determine by rule whether 508
any form of earnings not enumerated in this division is to be 509
included in compensation, and its decision shall be final. 510

(W) "Disability benefit recipient" means a member who is 511
receiving a disability benefit. 512

(X) "Actuary" means an individual who satisfies all of the 513
following requirements: 514

(1) Is a member of the American academy of actuaries; 515

(2) Is an associate or fellow of the society of actuaries; 516

(3) Has a minimum of five years' experience in providing 517
actuarial services to public retirement plans. 518

Sec. 3313.68. (A) The board of education of each city, 519
exempted village, or local school district may appoint one or 520
more school physicians and one or more school dentists. Two or 521
more school districts may unite and employ one such physician 522
and at least one such dentist whose duties shall be such as are 523
prescribed by law. Said school physician shall hold a license to 524
practice medicine in Ohio, and each school dentist shall be 525
licensed to practice in this state. School physicians and 526
dentists may be discharged at any time by the board of 527
education. School physicians and dentists shall serve one year 528
and until their successors are appointed and shall receive such 529
compensation as the board of education determines. The board of 530
education may also employ registered nurses, as defined by 531
section 4723.01 and licensed as school nurses under section 532
3319.2212 of the Revised Code, to aid in such inspection in such 533
ways as are prescribed by it, and to aid in the conduct and 534
coordination of the school health service program. The school 535
dentists shall make such examinations and diagnoses and render 536

such remedial or corrective treatment for the school children as 537
is prescribed by the board of education; provided that all such 538
remedial or corrective treatment shall be limited to the 539
children whose parents cannot otherwise provide for same, and 540
then only with the written consent of the parents or guardians 541
of such children. School dentists may also conduct such oral 542
hygiene educational work as is authorized by the board of 543
education. 544

The board of education may delegate the duties and powers 545
provided for in this section to the board of health or officer 546
performing the functions of a board of health within the school 547
district, if such board or officer is willing to assume the 548
same. Boards of education shall co-operate with boards of health 549
in the prevention and control of epidemics. 550

(B) Notwithstanding any provision of the Revised Code to 551
the contrary, the board of education of each city, exempted 552
village, or local school district may contract with an 553
educational service center for the services of a school nurse or 554
of a registered nurse, licensed under section 3319.2212 of the 555
Revised Code, or licensed practical nurse, licensed under 556
Chapter 4723. of the Revised Code, to provide services to 557
students in the district pursuant to section 3313.7112 of the 558
Revised Code. 559

(C) In lieu of appointing or employing a school physician 560
or dentist pursuant to division (A) of this section or entering 561
into a contract for the services of a school nurse pursuant to 562
division (B) of this section, the board of education of each 563
city, exempted village, or local school district may enter into 564
a contract under section 3313.721 of the Revised Code for the 565
purpose of providing health care services to students. 566

Sec. 3313.7110. (A) The board of education of each city, 567
local, exempted village, or joint vocational school district may 568
procure epinephrine autoinjectors for each school operated by 569
the district to have on the school premises for use in emergency 570
situations identified under division (C) (5) of this section by 571
doing one of the following: 572

(1) Having a licensed health professional authorized to 573
prescribe drugs, acting in accordance with section 4723.483, 574
4730.433, or 4731.96 of the Revised Code, personally furnish the 575
epinephrine autoinjectors to the school or school district or 576
issue a prescription for them in the name of the school or 577
district; 578

(2) Having the district's superintendent obtain a 579
prescriber-issued protocol that includes definitive orders for 580
epinephrine autoinjectors and the dosages of epinephrine to be 581
administered through them. 582

A district board that elects to procure epinephrine 583
autoinjectors under this section is encouraged to maintain, at 584
all times, at least two epinephrine autoinjectors at each school 585
operated by the district. 586

(B) A district board that elects to procure epinephrine 587
autoinjectors under this section shall require the district's 588
superintendent to adopt a policy governing their maintenance and 589
use. Before adopting the policy, the superintendent shall 590
consult with a licensed health professional authorized to 591
prescribe drugs. 592

(C) The policy adopted under division (B) of this section 593
shall do all of the following: 594

(1) Identify the one or more locations in each school 595

operated by the district in which an epinephrine autoinjector	596
must be stored;	597
(2) Specify the conditions under which an epinephrine	598
autoinjector must be stored, replaced, and disposed;	599
(3) Specify the individuals employed by or under contract	600
with the district board, in addition to a school nurse <u>licensed</u>	601
<u>under section 3319.2212 of the Revised Code</u> or an athletic	602
trainer, licensed under Chapter 4755. of the Revised Code, who	603
may access and use an epinephrine autoinjector to provide a	604
dosage of epinephrine to an individual in an emergency situation	605
identified under division (C) (5) of this section;	606
(4) Specify any training that employees or contractors	607
specified under division (C) (3) of this section, other than a	608
school nurse or athletic trainer, must complete before being	609
authorized to access and use an epinephrine autoinjector;	610
(5) Identify the emergency situations, including when an	611
individual exhibits signs and symptoms of anaphylaxis, in which	612
a school nurse, athletic trainer, or other employees or	613
contractors specified under division (C) (3) of this section may	614
access and use an epinephrine autoinjector;	615
(6) Specify that assistance from an emergency medical	616
service provider must be requested immediately after an	617
epinephrine autoinjector is used;	618
(7) Specify the individuals, in addition to students,	619
school employees or contractors, and school visitors, to whom a	620
dosage of epinephrine may be administered through an epinephrine	621
autoinjector in an emergency situation specified under division	622
(C) (5) of this section.	623
(D) (1) The following are not liable in damages in a civil	624

action for injury, death, or loss to person or property that 625
allegedly arises from an act or omission associated with 626
procuring, maintaining, accessing, or using an epinephrine 627
autoinjector under this section, unless the act or omission 628
constitutes willful or wanton misconduct: 629

(a) A school or school district; 630

(b) A member of a district board of education; 631

(c) A district or school employee or contractor; 632

(d) A licensed health professional authorized to prescribe 633
drugs who personally furnishes or prescribes epinephrine 634
autoinjectors, consults with a superintendent, or issues a 635
protocol pursuant to this section. 636

(2) This section does not eliminate, limit, or reduce any 637
other immunity or defense that a school or school district, 638
member of a district board of education, district or school 639
employee or contractor, or licensed health professional may be 640
entitled to under Chapter 2744. or any other provision of the 641
Revised Code or under the common law of this state. 642

(E) A school district board of education may accept 643
donations of epinephrine autoinjectors from a wholesale 644
distributor of dangerous drugs or a manufacturer of dangerous 645
drugs, as defined in section 4729.01 of the Revised Code, and 646
may accept donations of money from any person to purchase 647
epinephrine autoinjectors. 648

(F) A district board that elects to procure epinephrine 649
autoinjectors under this section shall report to the department 650
of education each procurement and occurrence in which an 651
epinephrine autoinjector is used from a school's supply of 652
epinephrine autoinjectors. 653

(G) As used in this section, "licensed health professional 654
authorized to prescribe drugs" and "prescriber" have the same 655
meanings as in section 4729.01 of the Revised Code. 656

Sec. 3313.7113. (A) As used in this section, "inhaler" 657
means a device that delivers medication to alleviate asthmatic 658
symptoms, is manufactured in the form of a metered dose inhaler 659
or dry powdered inhaler, and may include a spacer, holding 660
chamber, or other device that attaches to the inhaler and is 661
used to improve the delivery of the medication. 662

(B) The board of education of each city, local, exempted 663
village, or joint vocational school district may procure 664
inhalers for each school operated by the district to have on the 665
school premises for use in emergency situations identified under 666
division (D) (5) of this section. A district board that elects to 667
procure inhalers under this section is encouraged to maintain, 668
at all times, at least two inhalers at each school operated by 669
the district. 670

(C) A district board that elects to procure inhalers under 671
this section shall require the district's superintendent to 672
adopt a policy governing their maintenance and use. Before 673
adopting the policy, the superintendent shall consult with a 674
licensed health professional authorized to prescribe drugs, as 675
defined in section 4729.01 of the Revised Code. 676

(D) A component of a policy adopted by a superintendent 677
under division (C) of this section shall be a prescriber-issued 678
protocol specifying definitive orders for inhalers, including 679
the dosages of medication to be administered through them, the 680
number of times that each inhaler may be used before disposal, 681
and the methods of disposal. The policy also shall do all of the 682
following: 683

(1) Identify the one or more locations in each school	684
operated by the district in which an inhaler must be stored;	685
(2) Specify the conditions under which an inhaler must be	686
stored, replaced, and disposed;	687
(3) Specify the individuals employed by or under contract	688
with the district board, in addition to a school nurse <u>licensed</u>	689
<u>under section 3319.2212 of the Revised Code</u> or an athletic	690
trainer, licensed under Chapter 4755. of the Revised Code, who	691
may access and use an inhaler to provide a dosage of medication	692
to an individual in an emergency situation identified under	693
division (D) (5) of this section;	694
(4) Specify any training that employees or contractors	695
specified under division (D) (3) of this section, other than a	696
school nurse or athletic trainer, must complete before being	697
authorized to access and use an inhaler;	698
(5) Identify the emergency situations, including when an	699
individual exhibits signs and symptoms of asthma, in which a	700
school nurse, athletic trainer, or other employees or	701
contractors specified under division (D) (3) of this section may	702
access and use an inhaler;	703
(6) Specify that assistance from an emergency medical	704
service provider must be requested immediately after an employee	705
or contractor, other than a school nurse, athletic trainer, or	706
another licensed health professional, uses an inhaler;	707
(7) Specify the individuals, in addition to students,	708
school employees or contractors, and school visitors, to whom a	709
dosage of medication may be administered through an inhaler in	710
an emergency situation specified under division (D) (5) of this	711
section.	712

(E) A school or school district, a member of a district board of education, or a district or school employee or contractor is not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an inhaler under this section, unless the act or omission constitutes willful or wanton misconduct.

This section does not eliminate, limit, or reduce any other immunity or defense that a school or school district, member of a district board of education, or district or school employee or contractor may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(F) A school district board of education may accept donations of inhalers from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase inhalers.

(G) A district board that elects to procure inhalers under this section shall report to the department of education each procurement and occurrence in which an inhaler is used from a school's supply of inhalers.

Sec. 3313.721. (A) Notwithstanding anything to the contrary in the Revised Code, the board of education of a school district may enter into a contract with a hospital registered under section 3701.07 of the Revised Code or an appropriately licensed health care provider for the purpose of providing health care services specifically authorized by the Revised Code to students.

(B) Notwithstanding anything to the contrary in the Revised Code, the board of education of a school district may enter into a contract with a federally qualified health center or federally qualified health center look-alike for the purpose of providing health care services specifically authorized by the Revised Code to students.

(C) If the board enters into a contract with a hospital or health care provider under division (A) of this section or with a federally qualified health center or federally qualified health center look-alike under division (B) of this section, each the requirement to obtain a school nurse license or school nurse wellness coordinator license under section 3319.2212 of the Revised Code, or any rules related to this requirement, does not apply to an employee of the hospital, health care provider, federally qualified health center, or federally qualified health center look-alike who is providing the services of a nurse under that contract. However, at minimum, the employee shall hold a credential that is equivalent to being licensed as a registered nurse or licensed practical nurse under Chapter 4723. of the Revised Code.

(D) As used in this section, "federally qualified health center" and "federally qualified health center look-alike" have the same meanings as in section 3701.047 of the Revised Code.

Sec. 3319.221. (A) The state board of education, the department of education, any city, local, exempted village, and joint vocational school district board of education, and any other public school, as defined in section 3301.0711 of the Revised Code, shall not require a separate pupil services license issued by the state board as a credential for working in a public school, on either a permanent basis or a substitute or

other temporary basis, for the following licensed professionals:	773
(1) A speech-language pathologist who holds a currently	774
valid license issued under Chapter 4753. of the Revised Code;	775
(2) An audiologist who holds a currently valid license	776
issued under Chapter 4753. of the Revised Code;	777
(3) A registered nurse who holds a bachelor's degree and a	778
currently valid license issued under Chapter 4723. of the	779
Revised Code;	780
(4) A physical therapist who holds a currently valid	781
license issued under Chapter 4755. of the Revised Code;	782
(5) <u>(4)</u> An occupational therapist who holds a currently	783
valid license issued under Chapter 4755. of the Revised Code;	784
(6) <u>(5)</u> A physical therapy assistant who holds a currently	785
valid license issued under Chapter 4755. of the Revised Code;	786
(7) <u>(6)</u> An occupational therapy assistant who holds a	787
currently valid license issued under Chapter 4755. of the	788
Revised Code;	789
(8) <u>(7)</u> A social worker who holds a currently valid	790
license issued under Chapter 4757. of the Revised Code.	791
(B) A person employed by a school district or school for	792
any of the occupations listed in divisions (A) (1) to (8) <u>(7)</u> of	793
this section shall be required to apply for and receive a	794
registration from the department of education. The registration	795
shall be valid for five years. As a condition of registration	796
under this section, an individual shall be subject to a criminal	797
records check as prescribed by section 3319.391 of the Revised	798
Code. In the manner prescribed by the department, the individual	799
shall submit the criminal records check to the department. The	800

department shall use the information submitted to enroll the 801
individual in the retained applicant fingerprint database, 802
established under section 109.5721 of the Revised Code, in the 803
same manner as any teacher licensed under sections 3319.22 to 804
3319.31 of the Revised Code. 805

If the department receives notification of the arrest or 806
conviction of an individual registered under division (B) of 807
this section, the department shall promptly notify the employing 808
district and may take any action authorized under sections 809
3319.31 and 3319.311 of the Revised Code that it considers 810
appropriate. No district shall employ any individual under 811
division (A) of this section if the district learns that the 812
individual has plead guilty to, has been found guilty by a jury 813
or court of, or has been convicted of any of the offenses listed 814
in division (C) of section 3319.31 of the Revised Code. 815

(C) The department shall charge a registration fee of one 816
hundred fifty dollars each for the initial registration and one 817
hundred fifty dollars for renewal of the registration. 818

Sec. 3319.222. (A) Notwithstanding the amendments to and 819
repeal of statutes by the act that enacted this section, the 820
state board of education shall accept applications for new, and 821
renewal and upgrade of, temporary, associate, provisional, and 822
professional educator licenses, alternative educator licenses, 823
one-year conditional teaching permits, and school nurse licenses 824
through December 31, 2010, and issue them on the basis of the 825
applications received by that date in accordance with the former 826
statutes in effect immediately prior to amendment or repeal by 827
the act that enacted this section. 828

(B) A permanent teacher's certificate issued under former 829
sections 3319.22 to 3319.31 of the Revised Code prior to October 830

29, 1996, or under former section 3319.222 of the Revised Code 831
as it existed prior to October 16, 2009, shall be valid for 832
teaching in the subject areas and grades for which the 833
certificate was issued, except as the certificate is limited, 834
suspended, or revoked under section 3319.31 of the Revised Code. 835

(C) The following certificates, permits, or licenses shall 836
be valid until the certificate, permit, or license expires for 837
teaching in the subject areas and grades for which the 838
certificate, permit, or license was issued, except as the 839
certificate, permit, or license is limited, suspended, or 840
revoked under section 3319.31 of the Revised Code: 841

(1) Any professional teacher's certificate issued under 842
former section 3319.222 of the Revised Code, as it existed prior 843
to October 16, 2009; 844

(2) Any temporary, associate, provisional, or professional 845
educator license issued under former section 3319.22 of the 846
Revised Code, as it existed prior to October 16, 2009, or under 847
division (A) of this section; 848

(3) Any alternative educator license issued under former 849
section 3319.26 of the Revised Code, as it existed prior to 850
October 16, 2009, or under division (A) of this section; 851

(4) Any one-year conditional teaching permit issued under 852
former section 3319.302 or 3319.304 of the Revised Code, as it 853
existed prior to October 16, 2009, or under division (A) of this 854
section. 855

(D) Any school nurse license issued under former section 856
3319.22 of the Revised Code, as it existed prior to October 16, 857
2009, or under division (A) of this section shall be valid until 858
the license expires for employment as a school nurse, except as 859

the license is limited, suspended, or revoked under section 860
3319.31 of the Revised Code. 861

(E) Nothing in this section shall be construed to prohibit 862
a person from applying to the state board for an educator 863
license issued under section 3319.22 of the Revised Code, a 864
school nurse license or a school nurse wellness coordinator 865
license issued under ~~former~~ section ~~3319.221~~ 3319.2212 of the 866
Revised Code, or an alternative resident educator license issued 867
under section 3319.26 of the Revised Code, as the section exists 868
on and after October 16, 2009. 869

(F) On and after October 16, 2009, any reference in the 870
Revised Code to educator licensing is hereby deemed to refer 871
also to certification or licensure under divisions (A) to (D) of 872
this section. 873

Sec. 3319.2212. (A) The state board of education shall 874
adopt rules establishing the standards and requirements for 875
obtaining a school nurse license and a school nurse wellness 876
coordinator license. At a minimum, the rules shall require that 877
an applicant for a school nurse license be licensed as a 878
registered nurse under Chapter 4723. of the Revised Code. 879

(B) If the state board requires any examinations for 880
licensure under this section, the department of education shall 881
provide the examination results received by the department to 882
the chancellor of higher education, in the manner and to the 883
extent permitted by state and federal law. 884

(C) Any rules for licenses described in this section that 885
the state board adopts, amends, or rescinds under this section, 886
division (D) of section 3301.07 of the Revised Code, or any 887
other law shall be adopted, amended, or rescinded under Chapter 888

119. of the Revised Code, except that the authority to adopt, 889
amend, or rescind emergency rules under division (G) of section 890
119.03 of the Revised Code does not apply to the state board 891
with respect to rules for licenses described in this section. 892

(D) (1) For any individual registered as a school nurse 893
under section 3319.221 of the Revised Code prior to the 894
effective date of this section, the state board shall issue a 895
temporary license, which shall be valid until the earlier of one 896
year from the date the temporary license is issued or the date 897
the individual completes any additional education requirements 898
for licensure as described under this section. Upon completion 899
of the prescribed requirements, such an individual shall be 900
issued a school nurse license or school nurse wellness 901
coordinator license as described under this section. 902

(2) An individual who is issued a school nurse license or 903
school nurse wellness coordinator license under division (D) (1) 904
of this section shall pay the difference of any fees accrued 905
from registering as a school nurse under section 3319.221 of the 906
Revised Code and any fees associated with issuance of a license 907
under this section. 908

(3) Any individual registered as a school nurse under 909
section 3319.221 of the Revised Code prior to the effective date 910
of this section and who meets the requirements for a license 911
prescribed under this section, shall be issued a license under 912
this section once any difference of fees accrued from 913
registering as a school nurse under section 3319.221 of the 914
Revised Code and any fees associated with issuance of a license 915
under this section have been paid. 916

Section 2. That existing sections 3307.01, 3309.01, 917
3313.68, 3313.7110, 3313.7113, 3313.721, 3319.221, and 3319.222 918

of the Revised Code are hereby repealed.

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