

**As Reported by the House Primary and Secondary Education Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. S. B. No. 208**

**Senator Roegner**

**Cosponsors: Senators Brenner, Antonio, Blessing, Cirino, Craig, Dolan, Gavarone, Hackett, Hicks-Hudson, Huffman, S., Johnson, Landis, O'Brien, Reineke, Reynolds, Romanchuk, Schaffer, Schuring, Sykes, Wilkin, Wilson**

**Representatives Brennan, Click**

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**A BILL**

To amend sections 133.06, 3301.0721, 3310.41, 1  
3310.52, 3310.64, 3313.37, 3313.98, 3314.03, 2  
3319.073, 3319.0812, 3326.11, 3328.24, 5104.01, 3  
5104.02, and 5104.38; to enact sections 303.215, 4  
519.215, and 3301.85; and to repeal sections 5  
3313.6025 and 4508.022 of the Revised Code 6  
regarding open enrollment policy exceptions for 7  
military children, school district and 8  
educational service center purchases of 9  
technological equipment, virtual services 10  
provided under special needs scholarship 11  
programs, public school employee in-service 12  
training in child sexual abuse, pre-service 13  
teacher permits, and student and driver training 14  
instruction in peace officer interactions, to 15  
establish the Regional Partnerships Program, and 16  
to exempt home education groups from child care 17  
regulations and county and township zoning 18  
regulations. 19

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

**Section 1.** That sections 133.06, 3301.0721, 3310.41, 20  
3310.52, 3310.64, 3313.37, 3313.98, 3314.03, 3319.073, 21  
3319.0812, 3326.11, 3328.24, 5104.01, 5104.02, and 5104.38 be 22  
amended and sections 303.215, 519.215, and 3301.85 of the 23  
Revised Code be enacted to read as follows: 24

**Sec. 133.06.** (A) A school district shall not incur, 25  
without a vote of the electors, net indebtedness that exceeds an 26  
amount equal to one-tenth of one per cent of its tax valuation, 27  
except as provided in divisions (G) and (H) of this section and 28  
in division (D) of section 3313.372 of the Revised Code, or as 29  
prescribed in section 3318.052 or 3318.44 of the Revised Code, 30  
or as provided in division (J) of this section. 31

(B) Except as provided in divisions (E), (F), and (I) of 32  
this section, a school district shall not incur net indebtedness 33  
that exceeds an amount equal to nine per cent of its tax 34  
valuation. 35

(C) A school district shall not submit to a vote of the 36  
electors the question of the issuance of securities in an amount 37  
that will make the district's net indebtedness after the 38  
issuance of the securities exceed an amount equal to four per 39  
cent of its tax valuation, unless the director of education and 40  
workforce, acting under policies adopted by the department of 41  
education and workforce, and the tax commissioner, acting under 42  
written policies of the commissioner, consent to the submission. 43  
A request for the consents shall be made at least one hundred 44  
twenty days prior to the election at which the question is to be 45  
submitted. 46

The director of education and workforce shall certify to 47  
the district the director's and the tax commissioner's decisions 48  
within thirty days after receipt of the request for consents. 49

If the electors do not approve the issuance of securities 50  
at the election for which the director of education and 51  
workforce and tax commissioner consented to the submission of 52  
the question, the school district may submit the same question 53  
to the electors on the date that the next special election may 54  
be held under section 3501.01 of the Revised Code without 55  
submitting a new request for consent. If the school district 56  
seeks to submit the same question at any other subsequent 57  
election, the district shall first submit a new request for 58  
consent in accordance with this division. 59

(D) In calculating the net indebtedness of a school 60  
district, none of the following shall be considered: 61

(1) Securities issued to acquire school buses and other 62  
equipment used in transporting pupils or issued pursuant to 63  
division (D) of section 133.10 of the Revised Code; 64

(2) Securities issued under division (F) of this section 65  
and, to the extent in excess of the limitation stated in 66  
division (B) of this section, under division (E) of this 67  
section; 68

(3) Indebtedness resulting from the dissolution of a joint 69  
vocational school district under section 3311.217 of the Revised 70  
Code, evidenced by outstanding securities of that joint 71  
vocational school district; 72

(4) Loans, evidenced by any securities, received under 73  
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 74

(5) Debt incurred under section 3313.374 of the Revised 75

Code;	76
(6) Debt incurred pursuant to division <del>(B) (5)</del> <u>(B) (4)</u> of	77
section 3313.37 of the Revised Code to acquire computers and	78
related hardware;	79
(7) Debt incurred under section 3318.042 of the Revised	80
Code;	81
(8) Debt incurred under section 5705.2112 or 5705.2113 of	82
the Revised Code by the fiscal board of a qualifying partnership	83
of which the school district is a participating school district.	84
(E) A school district may become a special needs district	85
as to certain securities as provided in division (E) of this	86
section.	87
(1) A board of education, by resolution, may declare its	88
school district to be a special needs district by determining	89
both of the following:	90
(a) The student population is not being adequately	91
serviced by the existing permanent improvements of the district.	92
(b) The district cannot obtain sufficient funds by the	93
issuance of securities within the limitation of division (B) of	94
this section to provide additional or improved needed permanent	95
improvements in time to meet the needs.	96
(2) The board of education shall certify a copy of that	97
resolution to the director of education and workforce with a	98
statistical report showing all of the following:	99
(a) The history of and a projection of the growth of the	100
tax valuation;	101
(b) The projected needs;	102

(c) The estimated cost of permanent improvements proposed	103
to meet such projected needs.	104
(3) The director of education and workforce shall certify	105
the district as an approved special needs district if the	106
director finds both of the following:	107
(a) The district does not have available sufficient	108
additional funds from state or federal sources to meet the	109
projected needs.	110
(b) The projection of the potential average growth of tax	111
valuation during the next five years, according to the	112
information certified to the director and any other information	113
the director obtains, indicates a likelihood of potential	114
average growth of tax valuation of the district during the next	115
five years of an average of not less than one and one-half per	116
cent per year. The findings and certification of the director	117
shall be conclusive.	118
(4) An approved special needs district may incur net	119
indebtedness by the issuance of securities in accordance with	120
the provisions of this chapter in an amount that does not exceed	121
an amount equal to the greater of the following:	122
(a) Twelve per cent of the sum of its tax valuation plus	123
an amount that is the product of multiplying that tax valuation	124
by the percentage by which the tax valuation has increased over	125
the tax valuation on the first day of the sixtieth month	126
preceding the month in which its board determines to submit to	127
the electors the question of issuing the proposed securities;	128
(b) Twelve per cent of the sum of its tax valuation plus	129
an amount that is the product of multiplying that tax valuation	130
by the percentage, determined by the director of education and	131

workforce, by which that tax valuation is projected to increase 132  
during the next ten years. 133

(F) A school district may issue securities for emergency 134  
purposes, in a principal amount that does not exceed an amount 135  
equal to three per cent of its tax valuation, as provided in 136  
this division. 137

(1) A board of education, by resolution, may declare an 138  
emergency if it determines both of the following: 139

(a) School buildings or other necessary school facilities 140  
in the district have been wholly or partially destroyed, or 141  
condemned by a constituted public authority, or that such 142  
buildings or facilities are partially constructed, or so 143  
constructed or planned as to require additions and improvements 144  
to them before the buildings or facilities are usable for their 145  
intended purpose, or that corrections to permanent improvements 146  
are necessary to remove or prevent health or safety hazards. 147

(b) Existing fiscal and net indebtedness limitations make 148  
adequate replacement, additions, or improvements impossible. 149

(2) Upon the declaration of an emergency, the board of 150  
education may, by resolution, submit to the electors of the 151  
district pursuant to section 133.18 of the Revised Code the 152  
question of issuing securities for the purpose of paying the 153  
cost, in excess of any insurance or condemnation proceeds 154  
received by the district, of permanent improvements to respond 155  
to the emergency need. 156

(3) The procedures for the election shall be as provided 157  
in section 133.18 of the Revised Code, except that: 158

(a) The form of the ballot shall describe the emergency 159  
existing, refer to this division as the authority under which 160

the emergency is declared, and state that the amount of the 161  
proposed securities exceeds the limitations prescribed by 162  
division (B) of this section; 163

(b) The resolution required by division (B) of section 164  
133.18 of the Revised Code shall be certified to the county 165  
auditor and the board of elections at least one hundred days 166  
prior to the election; 167

(c) The county auditor shall advise and, not later than 168  
ninety-five days before the election, confirm that advice by 169  
certification to, the board of education of the information 170  
required by division (C) of section 133.18 of the Revised Code; 171

(d) The board of education shall then certify its 172  
resolution and the information required by division (D) of 173  
section 133.18 of the Revised Code to the board of elections not 174  
less than ninety days prior to the election. 175

(4) Notwithstanding division (B) of section 133.21 of the 176  
Revised Code, the first principal payment of securities issued 177  
under this division may be set at any date not later than sixty 178  
months after the earliest possible principal payment otherwise 179  
provided for in that division. 180

(G) (1) The board of education may contract with an 181  
architect, professional engineer, or other person experienced in 182  
the design and implementation of energy conservation measures 183  
for an analysis and recommendations pertaining to installations, 184  
modifications of installations, or remodeling that would 185  
significantly reduce energy consumption in buildings owned by 186  
the district. The report shall include estimates of all costs of 187  
such installations, modifications, or remodeling, including 188  
costs of design, engineering, installation, maintenance, 189

repairs, measurement and verification of energy savings, and 190  
debt service, forgone residual value of materials or equipment 191  
replaced by the energy conservation measure, as defined by the 192  
Ohio facilities construction commission, a baseline analysis of 193  
actual energy consumption data for the preceding three years 194  
with the utility baseline based on only the actual energy 195  
consumption data for the preceding twelve months, and estimates 196  
of the amounts by which energy consumption and resultant 197  
operational and maintenance costs, as defined by the commission, 198  
would be reduced. 199

If the board finds after receiving the report that the 200  
amount of money the district would spend on such installations, 201  
modifications, or remodeling is not likely to exceed the amount 202  
of money it would save in energy and resultant operational and 203  
maintenance costs over the ensuing fifteen years, the board may 204  
submit to the commission a copy of its findings and a request 205  
for approval to incur indebtedness to finance the making or 206  
modification of installations or the remodeling of buildings for 207  
the purpose of significantly reducing energy consumption. 208

The facilities construction commission, in consultation 209  
with the auditor of state, may deny a request under division (G) 210  
(1) of this section by the board of education of any school 211  
district that is in a state of fiscal watch pursuant to division 212  
(A) of section 3316.03 of the Revised Code, if it determines 213  
that the expenditure of funds is not in the best interest of the 214  
school district. 215

No district board of education of a school district that 216  
is in a state of fiscal emergency pursuant to division (B) of 217  
section 3316.03 of the Revised Code shall submit a request 218  
without submitting evidence that the installations, 219



modifications, or remodeling have been approved by the 220  
district's financial planning and supervision commission 221  
established under section 3316.05 of the Revised Code. 222

No board of education of a school district for which an 223  
academic distress commission has been established under section 224  
3302.10 of the Revised Code shall submit a request without first 225  
receiving approval to incur indebtedness from the district's 226  
academic distress commission established under that section, for 227  
so long as such commission continues to be required for the 228  
district. 229

(2) The board of education may contract with a person 230  
experienced in the implementation of student transportation to 231  
produce a report that includes an analysis of and 232  
recommendations for the use of alternative fuel vehicles by 233  
school districts. The report shall include cost estimates 234  
detailing the return on investment over the life of the 235  
alternative fuel vehicles and environmental impact of 236  
alternative fuel vehicles. The report also shall include 237  
estimates of all costs associated with alternative fuel 238  
transportation, including facility modifications and vehicle 239  
purchase costs or conversion costs. 240

If the board finds after receiving the report that the 241  
amount of money the district would spend on purchasing 242  
alternative fuel vehicles or vehicle conversion is not likely to 243  
exceed the amount of money it would save in fuel and resultant 244  
operational and maintenance costs over the ensuing five years, 245  
the board may submit to the commission a copy of its findings 246  
and a request for approval to incur indebtedness to finance the 247  
purchase of new alternative fuel vehicles or vehicle conversions 248  
for the purpose of reducing fuel costs. 249

The facilities construction commission, in consultation 250  
with the auditor of state, may deny a request under division (G) 251  
(2) of this section by the board of education of any school 252  
district that is in a state of fiscal watch pursuant to division 253  
(A) of section 3316.03 of the Revised Code, if it determines 254  
that the expenditure of funds is not in the best interest of the 255  
school district. 256

No district board of education of a school district that 257  
is in a state of fiscal emergency pursuant to division (B) of 258  
section 3316.03 of the Revised Code shall submit a request 259  
without submitting evidence that the purchase or conversion of 260  
alternative fuel vehicles has been approved by the district's 261  
financial planning and supervision commission established under 262  
section 3316.05 of the Revised Code. 263

No board of education of a school district for which an 264  
academic distress commission has been established under section 265  
3302.10 of the Revised Code shall submit a request without first 266  
receiving approval to incur indebtedness from the district's 267  
academic distress commission established under that section, for 268  
so long as such commission continues to be required for the 269  
district. 270

(3) The facilities construction commission shall approve 271  
the board's request provided that the following conditions are 272  
satisfied: 273

(a) The commission determines that the board's findings 274  
are reasonable. 275

(b) The request for approval is complete. 276

(c) If the request was submitted under division (G) (1) of 277  
this section, the installations, modifications, or remodeling 278

are consistent with any project to construct or acquire 279  
classroom facilities, or to reconstruct or make additions to 280  
existing classroom facilities under sections 3318.01 to 3318.20 281  
or sections 3318.40 to 3318.45 of the Revised Code. 282

Upon receipt of the commission's approval, the district 283  
may issue securities without a vote of the electors in a 284  
principal amount not to exceed nine-tenths of one per cent of 285  
its tax valuation for the purpose specified in division (G) (1) 286  
or (2) of this section, but the total net indebtedness of the 287  
district without a vote of the electors incurred under this and 288  
all other sections of the Revised Code, except section 3318.052 289  
of the Revised Code, shall not exceed one per cent of the 290  
district's tax valuation. 291

(4) (a) So long as any securities issued under division (G) 292  
(1) of this section remain outstanding, the board of education 293  
shall monitor the energy consumption and resultant operational 294  
and maintenance costs of buildings in which installations or 295  
modifications have been made or remodeling has been done 296  
pursuant to that division. Except as provided in division (G) (4) 297  
(b) of this section, the board shall maintain and annually 298  
update a report in a form and manner prescribed by the 299  
facilities construction commission documenting the reductions in 300  
energy consumption and resultant operational and maintenance 301  
cost savings attributable to such installations, modifications, 302  
or remodeling. The resultant operational and maintenance cost 303  
savings shall be certified by the school district treasurer. The 304  
report shall be submitted annually to the commission. 305

(b) If the facilities construction commission verifies 306  
that the certified annual reports submitted to the commission by 307  
a board of education under division (G) (4) (a) of this section 308

fulfill the guarantee required under division (B) of section 309  
3313.372 of the Revised Code for three consecutive years, the 310  
board of education shall no longer be subject to the annual 311  
reporting requirements of division (G) (4) (a) of this section. 312

(5) So long as any securities issued under division (G) (2) 313  
of this section remain outstanding, the board of education shall 314  
monitor the purchase of new alternative fuel vehicles or vehicle 315  
conversions pursuant to that division. The board shall maintain 316  
and annually update a report in a form and manner prescribed by 317  
the facilities construction commission documenting the purchase 318  
of new alternative fuel vehicles or vehicle conversions, the 319  
associated environmental impact, and return on investment. The 320  
resultant fuel and operational and maintenance cost savings 321  
shall be certified by the school district treasurer. The report 322  
shall be submitted annually to the commission. 323

(H) With the consent of the director of education and 324  
workforce, a school district may incur without a vote of the 325  
electors net indebtedness that exceeds the amounts stated in 326  
divisions (A) and (G) of this section for the purpose of paying 327  
costs of permanent improvements, if and to the extent that both 328  
of the following conditions are satisfied: 329

(1) The fiscal officer of the school district estimates 330  
that receipts of the school district from payments made under or 331  
pursuant to agreements entered into pursuant to section 725.02, 332  
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 333  
5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 334  
or 5709.82 of the Revised Code, or distributions under division 335  
(C) of section 5709.43 or division (B) of section 5709.47 of the 336  
Revised Code, or any combination thereof, are, after accounting 337  
for any appropriate coverage requirements, sufficient in time 338

and amount, and are committed by the proceedings, to pay the 339  
debt charges on the securities issued to evidence that 340  
indebtedness and payable from those receipts, and the taxing 341  
authority of the district confirms the fiscal officer's 342  
estimate, which confirmation is approved by the director of 343  
education and workforce; 344

(2) The fiscal officer of the school district certifies, 345  
and the taxing authority of the district confirms, that the 346  
district, at the time of the certification and confirmation, 347  
reasonably expects to have sufficient revenue available for the 348  
purpose of operating such permanent improvements for their 349  
intended purpose upon acquisition or completion thereof, and the 350  
director of education and workforce approves the taxing 351  
authority's confirmation. 352

The maximum maturity of securities issued under division 353  
(H) of this section shall be the lesser of twenty years or the 354  
maximum maturity calculated under section 133.20 of the Revised 355  
Code. 356

(I) A school district may incur net indebtedness by the 357  
issuance of securities in accordance with the provisions of this 358  
chapter in excess of the limit specified in division (B) or (C) 359  
of this section when necessary to raise the school district 360  
portion of the basic project cost and any additional funds 361  
necessary to participate in a project under Chapter 3318. of the 362  
Revised Code, including the cost of items designated by the 363  
facilities construction commission as required locally funded 364  
initiatives, the cost of other locally funded initiatives in an 365  
amount that does not exceed fifty per cent of the district's 366  
portion of the basic project cost, and the cost for site 367  
acquisition. A school district shall notify the director of 368

education and workforce whenever that district will exceed 369  
either limit pursuant to this division. 370

(J) A school district whose portion of the basic project 371  
cost of its classroom facilities project under sections 3318.01 372  
to 3318.20 of the Revised Code is greater than or equal to one 373  
hundred million dollars may incur without a vote of the electors 374  
net indebtedness in an amount up to two per cent of its tax 375  
valuation through the issuance of general obligation securities 376  
in order to generate all or part of the amount of its portion of 377  
the basic project cost if the controlling board has approved the 378  
facilities construction commission's conditional approval of the 379  
project under section 3318.04 of the Revised Code. The school 380  
district board and the Ohio facilities construction commission 381  
shall include the dedication of the proceeds of such securities 382  
in the agreement entered into under section 3318.08 of the 383  
Revised Code. No state moneys shall be released for a project to 384  
which this section applies until the proceeds of any bonds 385  
issued under this section that are dedicated for the payment of 386  
the school district portion of the project are first deposited 387  
into the school district's project construction fund. 388

Sec. 303.215. (A) Except as provided in this section, 389  
sections 303.01 to 303.25 of the Revised Code do not confer on 390  
any county rural zoning commission, board of county 391  
commissioners, or board of zoning appeals the authority to 392  
prohibit or restrict the location of a home education learning 393  
pod, as defined in section 5104.01 of the Revised Code, in any 394  
district or zone in the county. 395

(B) A county rural zoning commission, board of county 396  
commissioners, or board of zoning appeals shall not impose 397  
additional or more stringent regulations on a building or 398

residence based solely on its association with or use by a home 399  
education learning pod. 400

(C) This section does not limit the authority of a county 401  
rural zoning commission, board of county commissioners, or board 402  
of zoning appeals to require that a building or residence used 403  
by a home education learning pod comply with zoning requirements 404  
that would otherwise apply to the building or residence if it 405  
was not associated with or used by a home education learning 406  
pod. 407

**Sec. 519.215.** (A) Except as provided in this section, 408  
sections 519.01 to 519.25 of the Revised Code do not confer on 409  
any township zoning commission, board of township trustees, or 410  
board of zoning appeals the authority to prohibit or restrict 411  
the location of a home education learning pod, as defined in 412  
section 5104.01 of the Revised Code, in any district or zone in 413  
the township. 414

(B) A township zoning commission, board of township 415  
trustees, or board of zoning appeals shall not impose additional 416  
or more stringent regulations on a building or residence based 417  
solely on its association with or use by a home education 418  
learning pod. 419

(C) This section does not limit the authority of a 420  
township zoning commission, board of township trustees, or board 421  
of zoning appeals to require that a building or residence used 422  
by a home education learning pod comply with zoning requirements 423  
that would otherwise apply to the building or residence if it 424  
was not associated with or used by a home education learning 425  
pod. 426

**Sec. 3301.0721.** ~~(A)~~ The department of education and 427

workforce shall develop a model curriculum for instruction in 428  
college and career readiness and financial literacy. The 429  
curriculum shall focus on grades seven through twelve, but may 430  
include other grade levels. When the model curriculum has been 431  
developed, the department shall notify all school districts, 432  
community schools established under Chapter 3314. of the Revised 433  
Code, and STEM schools established under Chapter 3326. of the 434  
Revised Code of the content of the curriculum. Any district or 435  
school may utilize the model curriculum. 436

~~(B) The director of education and workforce, in 437  
collaboration with the director of public safety, shall develop 438  
a model curriculum for instruction in grades nine through twelve 439  
on proper interactions with peace officers during traffic stops 440  
and other in person encounters with peace officers. In 441  
developing the curriculum under division (B) of this section, 442  
the directors may consult with any interested party, including a 443  
volunteer work group convened for the purpose of making 444  
recommendations regarding the instruction. Before finalizing any 445  
curriculum under division (B) of this section, the directors 446  
shall provide a reasonable period for public comment. The 447  
curriculum shall include both of the following: 448~~

~~(1) Information regarding all of the following: 449~~

~~(a) A person's rights during an interaction with a peace 450  
officer; 451~~

~~(b) Proper actions for interacting with a peace officer; 452~~

~~(c) Which individuals are considered peace officers, and 453  
their duties and responsibilities; 454~~

~~(d) Laws regarding questioning and detention by peace 455  
officers, including any law requiring a person to present proof 456~~



~~of identity to a peace officer, and the consequences for a~~ 457  
~~person's or officer's failure to comply with those laws.~~ 458

~~(2) Demonstrations and role play activities in a classroom~~ 459  
~~setting that allow students to better understand how~~ 460  
~~interactions between civilians and peace officers can and should~~ 461  
~~unfold.~~ 462

~~As used in this section, "peace officer" has the same~~ 463  
~~meaning as in section 109.71 of the Revised Code.~~ 464

Sec. 3301.85. (A) The department of education and 465  
workforce, in conjunction with the department of higher 466  
education and the department of children and youth, shall 467  
create, administer, and oversee the prenatal-to-five early 468  
childhood to post-secondary regional partnerships program to 469  
support existing and establish new early childhood to post- 470  
secondary regional partnerships throughout Ohio in regions that 471  
choose to participate. The department of education and workforce 472  
is the agency primarily responsible for implementation of the 473  
program. Each partnership may consist of prenatal-to-five early 474  
learning programs, primary and secondary schools, educational 475  
service centers, out-of-school time providers, post-secondary 476  
institutions, and workforce and community partners that are 477  
located in the same region and that are working collaboratively 478  
to increase educational attainment and economic mobility 479  
outcomes for children and adults. 480

(B) The departments shall do all of the following: 481

(1) Coordinate and convene a cohort of all existing and 482  
emerging regional partnerships at least quarterly to share best 483  
practices and assist in organizational development and growth; 484

(2) Distribute grants, in a manner determined by the 485

departments, to qualifying partnerships to support regional 486  
collaboration programs that align educational resources and 487  
community support with regional in-demand workforce skills, 488  
opportunities, and jobs; 489

(3) Work to ensure that at least one regional partnership 490  
exists within each of the six different regions of the state, as 491  
determined by JobsOhio, as defined in section 187.01 of the 492  
Revised Code; 493

(4) Report the progress and outcomes of each regional 494  
partnership at least twice a year to the director of education 495  
and workforce, the chancellor of higher education, the director 496  
of children and youth, and annually to the governor and the 497  
general assembly. 498

(C)(1) Qualifying partnerships eligible to apply for 499  
grants under this section shall demonstrate all of the 500  
following: 501

(a) An identified theory of action and explicit commitment 502  
to address all areas of the education and workforce continuum 503  
over time, including a commitment to measure and report targeted 504  
attainment outcome metrics; 505

(b) How it will integrate and align its work with business 506  
advisory councils created under section 3313.82 of the Revised 507  
Code within the region, the educational regional service system 508  
established under Chapter 3312. of the Revised Code, industry 509  
sector partnerships, and other regional educational attainment 510  
efforts as appropriate; 511

(c) How it will work with local health care systems, 512  
service providers, and other stakeholders to better address the 513  
workforce readiness, mental health, and well-being skills 514

children and young adults need to be successful in and beyond 515  
elementary and secondary school years. 516

(2) Qualifying partnerships shall report all of the 517  
following performance metrics for their region to the department 518  
of education and workforce, the department of higher education, 519  
and the department of children and youth: 520

(a) Kindergarten readiness; 521

(b) Third-grade reading proficiency; 522

(c) Middle grade math proficiency; 523

(d) High school graduation rates; 524

(e) Free application for federal student aid completion 525  
rates; 526

(f) Post-secondary enrollment; 527

(g) Post-secondary credential or degree completion; 528

(h) Employment for their region that includes the 529  
following: 530

(i) Percentage of recent graduates who found employment 531  
within one year of completing a post-secondary credential or 532  
degree; 533

(ii) Percentage of recent graduates who completed some 534  
form of work-based learning while enrolled in a post-secondary 535  
institution. 536

**Sec. 3310.41.** (A) As used in this section: 537

(1) "Alternative public provider" means either of the 538  
following providers that agrees to enroll a child in the 539  
provider's special education program to implement the child's 540

individualized education program or an education plan developed 541  
by the school district under division ~~(G)~~(K) of this section and 542  
to which the child's parent owes fees for the services provided 543  
to the child: 544

(a) A school district that is not the school district in 545  
which the child is entitled to attend school; 546

(b) A public entity other than a school district. 547

(2) "Entitled to attend school" means entitled to attend 548  
school in a school district under section 3313.64 or 3313.65 of 549  
the Revised Code. 550

(3) "Formula ADM" has the same meaning as in section 551  
3317.02 of the Revised Code. 552

(4) "Preschool child with a disability" and 553  
"individualized education program" have the same meanings as in 554  
section 3323.01 of the Revised Code. 555

(5) "Parent" has the same meaning as in section 3313.64 of 556  
the Revised Code, except that "parent" does not mean a parent 557  
whose custodial rights have been terminated. "Parent" also 558  
includes the custodian of a qualified special education child, 559  
when a court has granted temporary, legal, or permanent custody 560  
of the child to an individual other than either of the natural 561  
or adoptive parents of the child or to a government agency. 562

(6) "Qualified special education child" is a child who 563  
either was enrolled in the school district in which the child is 564  
entitled to attend school in any grade from preschool through 565  
twelve in the school year prior to the year in which a 566  
scholarship under this section is first sought for the child or 567  
is eligible to enter school in any grade preschool through 568  
twelve in the school district in which the child is entitled to 569

attend school in the school year in which a scholarship under 570  
this section is first sought for the child and for whom any of 571  
the following conditions apply: 572

(a) The school district in which the child is entitled to 573  
attend school has identified the child as autistic. A child who 574  
has been identified as having a "pervasive developmental 575  
disorder - not otherwise specified (PPD-NOS)" shall be 576  
considered to be an autistic child for purposes of this section. 577

(b) The school district in which the child is entitled to 578  
attend school has developed an individualized education program 579  
under Chapter 3323. of the Revised Code for the child that 580  
includes services related to autism. 581

(c) The child has been diagnosed as autistic by a 582  
physician or psychologist. 583

(7) "Registered private provider" means a nonpublic school 584  
or other nonpublic entity that has been approved by the 585  
department of education and workforce to participate in the 586  
program established under this section. 587

(8) "Special education program" means a school or facility 588  
that provides special education and related services to children 589  
with disabilities. 590

(B) There is hereby established the autism scholarship 591  
program. Under the program, the department shall pay a 592  
scholarship under section 3317.022 of the Revised Code to the 593  
parent of each qualified special education child upon 594  
application of that parent pursuant to procedures and deadlines 595  
established by rule of the department. Each scholarship shall be 596  
used only to pay tuition for the child on whose behalf the 597  
scholarship is awarded to attend a special education program 598

that implements the child's individualized education program or 599  
education plan and that is operated by an alternative public 600  
provider or by a registered private provider, and to pay for 601  
other services agreed to by the provider and the parent of a 602  
qualified special education child that are not included in the 603  
individualized education program or education plan but are 604  
associated with educating the child. Upon agreement with the 605  
parent of a qualified special education child, the alternative 606  
public provider or the registered private provider may modify 607  
the services provided to the child. The purpose of the 608  
scholarship is to permit the parent of a qualified special 609  
education child the choice to send the child to a special 610  
education program, instead of the one operated by or for the 611  
school district in which the child is entitled to attend school, 612  
to receive the services prescribed in the child's individualized 613  
education program or education plan once the individualized 614  
education program or education plan is finalized and any other 615  
services agreed to by the provider and the parent of a qualified 616  
special education child. The services provided under the 617  
scholarship shall include an educational component or services 618  
designed to assist the child to benefit from the child's 619  
education. 620

(C) Services provided through the program established 621  
under this section may be provided virtually by any of the 622  
following: 623

(1) An educational aide or assistant who holds a valid 624  
permit issued under section 3319.088 of the Revised Code; 625

(2) An instructional assistant who holds a valid permit 626  
issued under section 3310.43 of the Revised Code; 627

(3) A qualified, credentialed ~~providers~~ provider in 628

accordance with standards established by the department. 629

(D) A scholarship under this section shall not be awarded 630  
to the parent of a child while the child's individualized 631  
education program is being developed by the school district in 632  
which the child is entitled to attend school, or while any 633  
administrative or judicial mediation or proceedings with respect 634  
to the content of the child's individualized education program 635  
are pending. A scholarship under this section shall not be used 636  
for a child to attend a public special education program that 637  
operates under a contract, compact, or other bilateral agreement 638  
between the school district in which the child is entitled to 639  
attend school and another school district or other public 640  
provider, or for a child to attend a community school 641  
established under Chapter 3314. of the Revised Code. However, 642  
nothing in this section or in any rule adopted by the department 643  
shall prohibit a parent whose child attends a public special 644  
education program under a contract, compact, or other bilateral 645  
agreement, or a parent whose child attends a community school, 646  
from applying for and accepting a scholarship under this section 647  
so that the parent may withdraw the child from that program or 648  
community school and use the scholarship for the child to attend 649  
a special education program for which the parent is required to 650  
pay for services for the child. 651

(E) Except for development of the child's individualized 652  
education program or education plan, the school district in 653  
which a qualified special education child is entitled to attend 654  
school and the child's school district of residence, as defined 655  
in section 3323.01 of the Revised Code, if different, are not 656  
obligated to provide the child with a free appropriate public 657  
education under Chapter 3323. of the Revised Code for as long as 658  
the child continues to attend the special education program 659

operated by either an alternative public provider or a 660  
registered private provider for which a scholarship is awarded 661  
under the autism scholarship program. If at any time, the 662  
eligible applicant for the child decides no longer to accept 663  
scholarship payments and enrolls the child in the special 664  
education program of the school district in which the child is 665  
entitled to attend school, that district shall provide the child 666  
with a free appropriate public education under Chapter 3323. of 667  
the Revised Code. 668

(F) A child attending a special education program with a 669  
scholarship under this section shall continue to be entitled to 670  
transportation to and from that program in the manner prescribed 671  
by law. 672

~~(C)~~(G) As prescribed in division (A) (2) (h) of section 673  
3317.03 of the Revised Code, a child who is not a preschool 674  
child with a disability for whom a scholarship is awarded under 675  
this section shall be counted in the formula ADM of the district 676  
in which the child is entitled to attend school and not in the 677  
formula ADM of any other school district. 678

~~(D)~~(H) A scholarship shall not be paid under section 679  
3317.022 of the Revised Code to a parent for payment of tuition 680  
owed to a nonpublic entity unless that entity is a registered 681  
private provider. The department shall approve entities that 682  
meet the standards established by rule of the department for the 683  
program established under this section. 684

~~(E)~~(I) The department shall adopt rules under Chapter 119. 685  
of the Revised Code prescribing procedures necessary to 686  
implement this section, including, but not limited to, 687  
procedures and deadlines for parents to apply for scholarships, 688  
standards for registered private providers, and procedures for 689



approval of entities as registered private providers. 690

The rules also shall specify that intervention services, 691  
including virtual services, under the autism scholarship program 692  
may be provided by a qualified, credentialed provider, including 693  
an educator or substitute teacher licensed by the state board of 694  
education, and shall additionally include, but not be limited 695  
to, all of the following: 696

(1) A behavior analyst certified by a nationally 697  
recognized organization that certifies behavior analysts; 698

(2) A psychologist licensed to practice in this state 699  
under Chapter 4732. of the Revised Code; 700

(3) An independent school psychologist or school 701  
psychologist licensed to practice in this state under Chapter 702  
4732. of the Revised Code; 703

(4) Any person employed by a licensed psychologist, 704  
licensed independent school psychologist, or licensed school 705  
psychologist, while carrying out specific tasks, under the 706  
licensee's supervision, as an extension of the licensee's legal 707  
and ethical authority as specified under Chapter 4732. of the 708  
Revised Code who is ascribed as "psychology trainee," 709  
"psychology assistant," "psychology intern," or other 710  
appropriate term that clearly implies their supervised or 711  
training status; 712

(5) Unlicensed persons holding a doctoral degree in 713  
psychology or special education from a program approved by the 714  
department; 715

(6) A "registered behavior technician" as described under 716  
rule 5123-9-41 of the Administrative Code working under the 717  
supervision and following the intervention plan of a certified 718

Ohio behavior analyst or a behavior analyst certified by a	719
nationally recognized organization that certifies behavior	720
analysts;	721
(7) A "certified Ohio behavior analyst" under Chapter	722
4783. of the Revised Code;	723
(8) An occupational therapist or physical therapist	724
licensed to practice in this state under Chapter 4755. of the	725
Revised Code;	726
(9) A speech-language pathologist licensed to practice in	727
this state under Chapter 4753. of the Revised Code;	728
(10) An intervention specialist who holds a valid license	729
issued by the state board;	730
(11) A literacy intervention specialist certified through	731
pathways recognized by the Ohio dyslexia committee established	732
by section 3323.25 of the Revised Code. To the extent that	733
certification for any of the following positions is approved by	734
the Ohio dyslexia committee under section 3323.25 of the Revised	735
Code, literary intervention specialists may include:	736
(a) A structured literacy dyslexia interventionist;	737
(b) A structured literacy dyslexia specialist;	738
(c) A certified academic language practitioner;	739
(d) A certified academic language therapist.	740
(12) Any other qualified individual as determined by the	741
department.	742
<del>(F)</del> <u>(J)</u> The department shall provide reasonable notice to	743
all parents of children receiving a scholarship under the autism	744
scholarship program, alternative public providers, and	745

registered private providers of any amendment to a rule 746  
governing, or change in the administration of, the autism 747  
scholarship program. 748

~~(G)~~(K) If a child qualifies for the autism scholarship 749  
program pursuant to a diagnosis under division (A) (6) (c) of this 750  
section and does not have an individualized education program 751  
that includes services related to autism, the school district in 752  
which the child is entitled to attend school shall develop an 753  
education plan for the child. 754

~~(H)~~(L) Not later than the thirtieth day of June each year, 755  
each alternative public provider and registered private provider 756  
enrolling students receiving autism scholarships shall submit to 757  
the department, in a form and manner prescribed by the 758  
department, the tuition rates charged by the provider for the 759  
following school year. 760

~~(I)~~(M) The department shall not require the parent of a 761  
student who applies for or receives a scholarship under this 762  
section to complete any kind of income verification regarding 763  
the student's family income. 764

**Sec. 3310.52.** (A) The Jon Peterson special needs 765  
scholarship program is hereby established. Under the program, 766  
beginning with the 2012-2013 school year, subject to division 767  
(B) of this section, the department of education and workforce 768  
annually shall pay a scholarship under section 3317.022 of the 769  
Revised Code to an eligible applicant for services provided by 770  
an alternative public provider or a registered private provider 771  
for a qualified special education child. The scholarship shall 772  
be used only to pay all or part of the fees for the child to 773  
attend the special education program operated by the alternative 774  
public provider or registered private provider to implement the 775

child's individualized education program, in lieu of the child's 776  
attending the special education program operated by the school 777  
district in which the child is entitled to attend school, and 778  
other services agreed to by the provider and eligible applicant 779  
that are not included in the individualized education program 780  
but are associated with educating the child. Beginning in the 781  
2014-2015 school year, if the child is receiving special 782  
education services for a disability specified in division (A) of 783  
section 3317.013 of the Revised Code, the scholarship shall be 784  
used only to pay for related services that are included in the 785  
child's individualized education program. Upon agreement with 786  
the eligible applicant, the alternative public provider or 787  
registered private provider may modify the services provided to 788  
the child. 789

Services provided through the program established under 790  
this section may be provided virtually by any of the following: 791

(1) An educational aide or assistant who holds a valid 792  
permit issued under section 3319.088 of the Revised Code; 793

(2) An instructional assistant who holds a valid permit 794  
issued under section 3310.43 of the Revised Code; 795

(3) A qualified, credentialed ~~providers~~ provider in 796  
accordance with standards established by the department. 797

(B) The number of scholarships awarded under the program 798  
in any fiscal year shall not exceed five per cent of the total 799  
number of students residing in the state identified as children 800  
with disabilities during the previous fiscal year. 801

(C) The department shall pay a scholarship under section 802  
3317.022 of the Revised Code to the parent of each qualified 803  
special education child, unless the parent authorizes a direct 804

payment to the child's provider, upon application of that parent 805  
in the manner prescribed by the department. However, the 806  
department shall not adopt specific dates for application 807  
deadlines for scholarships under the program. 808

(D) The department shall not require the parent of a 809  
student who applies for or receives a scholarship under this 810  
section to complete any kind of income verification regarding 811  
the student's family income. 812

**Sec. 3310.64.** The department of education and workforce 813  
shall adopt rules in accordance with Chapter 119. of the Revised 814  
Code prescribing procedures necessary to implement sections 815  
3310.51 to 3310.63 of the Revised Code including, but not 816  
limited to, procedures for parents to apply for scholarships, 817  
standards for registered private providers, and procedures for 818  
registration of private providers. 819

The rules also shall specify that intervention services, 820  
including virtual services, under the Jon Peterson special needs 821  
scholarship program may be provided by a qualified, credentialed 822  
provider, including an educator or substitute teacher licensed 823  
by the state board of education, and shall additionally include, 824  
but not be limited to, the credentialed professionals listed in 825  
division (C) of section 3310.58 of the Revised Code. 826

**Sec. 3313.37.** (A) (1) The board of education of any city, 827  
local, or exempted village school district may build, enlarge, 828  
repair, and furnish the necessary schoolhouses, purchase or 829  
lease sites therefor, or rights-of-way thereto, or purchase or 830  
lease real estate to be used as playgrounds for children or rent 831  
suitable schoolrooms, either within or without the district, and 832  
provide the necessary apparatus and make all other necessary 833  
provisions for the schools under its control. 834

(2) A governing board of an educational service center may 835  
acquire, lease or lease-purchase, or enter into a contract to 836  
purchase, lease or lease-purchase, or sell real and personal 837  
property and may construct, enlarge, repair, renovate, furnish, 838  
or equip facilities, buildings, or structures for the 839  
educational service center's purposes. The board may enter into 840  
loan agreements, including mortgages, for the acquisition of 841  
such property. 842

(3) A board of county commissioners may issue securities 843  
of the county pursuant to Chapter 133. of the Revised Code for 844  
the acquisition of real and personal property or for the 845  
construction, enlargement, repair, or renovation of facilities, 846  
buildings, or structures by an educational service center, but 847  
only if the county has a contract with the educational service 848  
center whereby the educational service center agrees to pay the 849  
county an amount equal to the debt charges on the issued 850  
securities on or before the date those charges fall due. For the 851  
purposes of this section, "debt charges" and "securities" have 852  
the same meanings as in section 133.01 of the Revised Code. 853

(B) (1) Boards of education of city, local, and exempted 854  
village school districts may acquire land by gift or devise, by 855  
purchase, or by appropriation. Lands purchased may be purchased 856  
for cash, by installment payments, with or without a mortgage, 857  
by entering into lease-purchase agreements, or by lease with an 858  
option to purchase, provided that if the purchase price is to be 859  
paid over a period of time, such payments shall not extend for a 860  
period of more than five years. A special tax levy may be 861  
authorized by the voters of the school district in accordance 862  
with section 5705.21 of the Revised Code to provide a special 863  
fund to meet the future time payments. 864

(2) For the purposes of section 5705.21 of the Revised Code, acquisition of land under the provisions of this division shall be considered a necessary requirement of the school district.

(3) Boards of education of city, local, and exempted village school districts may acquire federal land at a discount by a lease-purchase agreement for use as a site for the construction of educational facilities or for other related purposes. External administrative and other costs pertaining to the acquisition of federal land at a discount may be paid from funds available to the school district for operating purposes. Such boards of education may also acquire federal land by lease-purchase agreements, by negotiation, or otherwise.

~~(4)~~ (4) (a) As used in ~~this~~ division (B) (4) of this section:

~~(a)~~ (i) "Office equipment" includes but is not limited to typewriters, copying and duplicating equipment, and computer and data processing equipment.

~~(b)~~ (ii) "Software for instructional purposes" includes computer programs usable for computer assisted instruction, computer managed instruction, drill and practice, and problem simulations.

(b) A board of education or governing board of an educational service center may acquire the necessary office equipment, and computer hardware and software for instructional purposes, for the schools under its control by purchase, by lease, by installment payments, by entering into lease-purchase agreements, or by lease with an option to purchase. In the case of a city, exempted village, or local school district, if the

purchase price is to be paid over a period of time, the contract 894  
setting forth the terms of such purchase shall be considered a 895  
continuing contract pursuant to section 5705.41 of the Revised 896  
Code. Payments shall not extend for a period of more than five 897  
years. Costs relating to the acquisition of necessary apparatus 898  
may be paid from funds available to the school district or 899  
educational service center for operating purposes. 900

(c) In acquiring technological equipment and computer 901  
hardware and software under division (B) (4) (b) of this section, 902  
the board of education or governing board shall seek to meet the 903  
varying and unique needs of students and teachers in the schools 904  
under its control, and shall consider all of the following: 905

(i) The long-term cost of ownership; 906

(ii) Flexibility for innovation; 907

(iii) Any anticipated residual or salvage value at the end 908  
of the target life cycle. 909

(5) A board of education or governing board of an 910  
educational service center may acquire the necessary equipment 911  
for the maintenance or physical upkeep of facilities and land 912  
under its control by entering into lease-purchase agreements. If 913  
payments under the lease-purchase agreement are to be made over 914  
a period of time, the agreement shall be considered a continuing 915  
contract pursuant to section 5705.41 of the Revised Code, and 916  
such payments shall not extend for a period of more than five 917  
years. 918

**Sec. 3313.98.** Notwithstanding division (D) of section 919  
3311.19 and division (D) of section 3311.52 of the Revised Code, 920  
the provisions of this section and sections 3313.981 to 3313.983 921  
of the Revised Code that apply to a city school district do not 922



apply to a joint vocational or cooperative education school	923
district unless expressly specified.	924
(A) As used in this section and sections 3313.981 to	925
3313.983 of the Revised Code:	926
(1) "Parent" means either of the natural or adoptive	927
parents of a student, except under the following conditions:	928
(a) When the marriage of the natural or adoptive parents	929
of the student has been terminated by a divorce, dissolution of	930
marriage, or annulment or the natural or adoptive parents of the	931
student are living separate and apart under a legal separation	932
decree and the court has issued an order allocating the parental	933
rights and responsibilities with respect to the student,	934
"parent" means the residential parent as designated by the court	935
except that "parent" means either parent when the court issues a	936
shared parenting decree.	937
(b) When a court has granted temporary or permanent	938
custody of the student to an individual or agency other than	939
either of the natural or adoptive parents of the student,	940
"parent" means the legal custodian of the child.	941
(c) When a court has appointed a guardian for the student,	942
"parent" means the guardian of the student.	943
(2) "Native student" means a student entitled under	944
section 3313.64 or 3313.65 of the Revised Code to attend school	945
in a district adopting a resolution under this section.	946
(3) "Adjacent district" means a city, exempted village, or	947
local school district having territory that abuts the territory	948
of a district adopting a resolution under this section.	949
(4) "Adjacent district student" means a student entitled	950

under section 3313.64 or 3313.65 of the Revised Code to attend 951  
school in an adjacent district. 952

(5) "Adjacent district joint vocational student" means an 953  
adjacent district student who enrolls in a city, exempted 954  
village, or local school district pursuant to this section and 955  
who also enrolls in a joint vocational school district that does 956  
not contain the territory of the district for which that student 957  
is a native student and does contain the territory of the city, 958  
exempted village, or local district in which the student 959  
enrolls. 960

(6) "Poverty line" means the poverty line established by 961  
the director of the United States office of management and 962  
budget as revised by the secretary of health and human services 963  
in accordance with section 673(2) of the "Community Services 964  
Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 965

(7) "IEP" has the same meaning as in section 3323.01 of 966  
the Revised Code. 967

(8) "Other district" means a city, exempted village, or 968  
local school district having territory outside of the territory 969  
of a district adopting a resolution under this section. 970

(9) "Other district student" means a student entitled 971  
under section 3313.64 or 3313.65 of the Revised Code to attend 972  
school in an other district. 973

(10) "Other district joint vocational student" means a 974  
student who is enrolled in any city, exempted village, or local 975  
school district and who also enrolls in a joint vocational 976  
school district that does not contain the territory of the 977  
district for which that student is a native student in 978  
accordance with a policy adopted under section 3313.983 of the 979

Revised Code.	980
<u>(11) "Active duty member" means a member of the armed</u>	981
<u>forces of the United States who is on full-time duty.</u>	982
<u>(12) "Armed forces" means the United States army, navy,</u>	983
<u>air force, space force, marine corps, and coast guard.</u>	984
(B) (1) <del>The</del> <u>Subject to division (I) of this section, the</u>	985
board of education of each city, local, and exempted village	986
school district shall adopt a resolution establishing for the	987
school district one of the following policies:	988
(a) A policy that entirely prohibits the enrollment of	989
students from adjacent districts or other districts, other than	990
students for whom tuition is paid in accordance with section	991
3317.08 of the Revised Code;	992
(b) A policy that permits enrollment of students from all	993
adjacent districts in accordance with policy statements	994
contained in the resolution;	995
(c) A policy that permits enrollment of students from all	996
other districts in accordance with policy statements contained	997
in the resolution.	998
(2) A policy permitting enrollment of students from	999
adjacent or from other districts, as applicable, shall provide	1000
for all of the following:	1001
(a) Application procedures, including deadlines for	1002
application and for notification of students and the	1003
superintendent of the applicable district whenever an adjacent	1004
or other district student's application is approved.	1005
(b) Procedures for admitting adjacent or other district	1006
applicants free of any tuition obligation to the district's	1007

schools, including, but not limited to:	1008
(i) The establishment of district capacity limits by grade level, school building, and education program;	1009 1010
(ii) A requirement that all native students wishing to be enrolled in the district will be enrolled and that any adjacent or other district students previously enrolled in the district shall receive preference over first-time applicants;	1011 1012 1013 1014
(iii) Procedures to ensure that an appropriate racial balance is maintained in the district schools.	1015 1016
(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting adjacent or other district students, as applicable, shall not include:	1017 1018 1019
(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;	1020 1021
(2) Limitations on admitting applicants because of disability, except that a board may refuse to admit a student receiving services under Chapter 3323. of the Revised Code, if the services described in the student's IEP are not available in the district's schools;	1022 1023 1024 1025 1026
(3) A requirement that the student be proficient in the English language;	1027 1028
(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the student's district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant.	1029 1030 1031 1032 1033 1034 1035

(D) (1) Each school board permitting only enrollment of adjacent district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, to the superintendent and the board of education of each adjacent district and, upon request, to the parent of any adjacent district student.

(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, upon request, to the board of education of any other school district or to the parent of any student anywhere in the state.

(E) Any school board shall accept all credits toward graduation earned in adjacent or other district schools by an adjacent or other district student or a native student.

(F) (1) No board of education may adopt a policy discouraging or prohibiting its native students from applying to enroll in the schools of an adjacent or any other district that has adopted a policy permitting such enrollment, except that:

(a) A district may object to the enrollment of a native student in an adjacent or other district in order to maintain an appropriate racial balance.

(b) The board of education of a district receiving funds under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, may adopt a resolution objecting to the enrollment of its native students in adjacent or other districts if at least ten per cent of its students are included in the determination of the United States secretary of education made under section 20 U.S.C.A. 238(a).

(2) If a board objects to enrollment of native students 1065  
under this division, any adjacent or other district shall refuse 1066  
to enroll such native students unless tuition is paid for the 1067  
students in accordance with section 3317.08 of the Revised Code. 1068  
An adjacent or other district enrolling such students may not 1069  
receive funding for those students in accordance with section 1070  
3313.981 of the Revised Code. 1071

(G) The department of education and workforce shall 1072  
monitor school districts to ensure compliance with this section 1073  
and the districts' policies. The department may adopt rules 1074  
requiring uniform application procedures, deadlines for 1075  
application, notification procedures, and record-keeping 1076  
requirements for all school boards that adopt policies 1077  
permitting the enrollment of adjacent or other district 1078  
students, as applicable. If the department adopts such rules, no 1079  
school board shall adopt a policy that conflicts with those 1080  
rules. 1081

(H) A resolution adopted by a board of education under 1082  
this section that entirely prohibits the enrollment of students 1083  
from adjacent and from other school districts does not abrogate 1084  
any agreement entered into under section 3313.841 or 3313.92 of 1085  
the Revised Code or any contract entered into under section 1086  
3313.90 of the Revised Code between the board of education 1087  
adopting the resolution and the board of education of any 1088  
adjacent or other district or prohibit these boards of education 1089  
from entering into any such agreement or contract. 1090

(I) Notwithstanding anything to the contrary in this 1091  
section or section 3313.981 of the Revised Code, all of the 1092  
following apply: 1093

(1) A policy adopted by a city, exempted village, or local 1094

school district board of education under division (B) (1) (a) or 1095  
(b) of this section shall permit any student who is not a native 1096  
student of the district to enroll in the district if both of the 1097  
following apply: 1098

(a) The student's parent is an active duty member of the 1099  
armed forces stationed in the state. 1100

(b) The student's parent provides to the district a copy 1101  
of the parent's official written order verifying the parent's 1102  
status as an active duty member of the armed forces. 1103

(2) In enrolling a student pursuant to division (I) of 1104  
this section, a district shall comply with procedures prescribed 1105  
under divisions (B) (2) and (C) of this section. In addition, the 1106  
district shall not require tuition to be paid for the student's 1107  
enrollment in the district. 1108

(3) A student who, pursuant to this division, enrolls in a 1109  
district that has adopted a policy under division (B) (1) (a) of 1110  
this section and who is not a native student of that district 1111  
shall, for the purposes of sections 3313.981, 3315.18, 3317.03, 1112  
and 3318.011 of the Revised Code, be considered as an "other 1113  
district student" who enrolls in a district that has adopted a 1114  
policy under division (B) (1) (c) of this section. Such student 1115  
also shall receive transportation services under section 1116  
3313.981 of the Revised Code in the same manner as an "other 1117  
district student." 1118

(4) A student who, pursuant to this division, enrolls in a 1119  
district that has adopted a policy under division (B) (1) (b) of 1120  
this section and who is not a native student of the district or 1121  
an adjacent district shall, nevertheless, be considered an 1122  
"adjacent district student" for the purposes of sections 1123

3313.981, 3315.18, and 3317.03 of the Revised Code. 1124

(5) A student who, pursuant to this division, enrolls in a 1125  
district that has adopted a policy under division (B) (1) (b) of 1126  
this section and whose parent is subsequently discharged or 1127  
released from active duty shall be permitted to attend school in 1128  
that district and receive transportation services under section 1129  
3313.981 of the Revised Code in the same manner as an "other 1130  
district student" for the remainder of the school year in which 1131  
the parent is discharged or released from active duty. After the 1132  
conclusion of that school year, that student shall not be 1133  
eligible under this division, as long as the student does not 1134  
have a parent on active duty. 1135

(J) Nothing in this section shall be construed to permit 1136  
or require the board of education of a city, exempted village, 1137  
or local school district to exclude any native student of the 1138  
district from enrolling in the district. 1139

**Sec. 3314.03.** A copy of every contract entered into under 1140  
this section shall be filed with the director of education and 1141  
workforce. The department of education and workforce shall make 1142  
available on its web site a copy of every approved, executed 1143  
contract filed with the director under this section. 1144

(A) Each contract entered into between a sponsor and the 1145  
governing authority of a community school shall specify the 1146  
following: 1147

(1) That the school shall be established as either of the 1148  
following: 1149

(a) A nonprofit corporation established under Chapter 1150  
1702. of the Revised Code, if established prior to April 8, 1151  
2003; 1152



(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	1153 1154
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	1155 1156 1157 1158
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	1159 1160 1161 1162
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	1163 1164 1165 1166
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	1167 1168 1169
(6) (a) Dismissal procedures;	1170
(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.	1171 1172 1173 1174 1175 1176
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	1177 1178
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the	1179 1180

school to be maintained in the same manner as are financial 1181  
records of school districts, pursuant to rules of the auditor of 1182  
state. Audits shall be conducted in accordance with section 1183  
117.10 of the Revised Code. 1184

(9) An addendum to the contract outlining the facilities 1185  
to be used that contains at least the following information: 1186

(a) A detailed description of each facility used for 1187  
instructional purposes; 1188

(b) The annual costs associated with leasing each facility 1189  
that are paid by or on behalf of the school; 1190

(c) The annual mortgage principal and interest payments 1191  
that are paid by the school; 1192

(d) The name of the lender or landlord, identified as 1193  
such, and the lender's or landlord's relationship to the 1194  
operator, if any. 1195

(10) Qualifications of employees, including both of the 1196  
following: 1197

(a) A requirement that the school's classroom teachers be 1198  
licensed in accordance with sections 3319.22 to 3319.31 of the 1199  
Revised Code, except that a community school may engage 1200  
noncertificated persons to teach up to twelve hours or forty 1201  
hours per week pursuant to section 3319.301 of the Revised Code; 1202

(b) A prohibition against the school employing an 1203  
individual described in section 3314.104 of the Revised Code in 1204  
any position. 1205

(11) That the school will comply with the following 1206  
requirements: 1207

(a) The school will provide learning opportunities to a 1208  
minimum of twenty-five students for a minimum of nine hundred 1209  
twenty hours per school year. 1210

(b) The governing authority will purchase liability 1211  
insurance, or otherwise provide for the potential liability of 1212  
the school. 1213

(c) The school will be nonsectarian in its programs, 1214  
admission policies, employment practices, and all other 1215  
operations, and will not be operated by a sectarian school or 1216  
religious institution. 1217

(d) The school will comply with sections 9.90, 9.91, 1218  
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 1219  
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 1220  
3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 1221  
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 1222  
3313.6024, ~~3313.6025~~, 3313.6026, 3313.6028, 3313.6029, 3313.643, 1223  
3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 1224  
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 1225  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 1226  
3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 1227  
3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 1228  
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 1229  
3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 3319.39, 1230  
3319.391, 3319.393, 3319.41, 3319.46, 3319.614, 3320.01, 1231  
3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 3321.13, 3321.14, 1232  
3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 1233  
3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and 1234  
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 1235  
and 4167. of the Revised Code as if it were a school district 1236  
and will comply with section 3301.0714 of the Revised Code in 1237

the manner specified in section 3314.17 of the Revised Code. 1238

(e) The school shall comply with Chapter 102. and section 1239  
2921.42 of the Revised Code. 1240

(f) The school will comply with sections 3313.61, 1241  
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 1242  
Revised Code, except that for students who enter ninth grade for 1243  
the first time before July 1, 2010, the requirement in sections 1244  
3313.61 and 3313.611 of the Revised Code that a person must 1245  
successfully complete the curriculum in any high school prior to 1246  
receiving a high school diploma may be met by completing the 1247  
curriculum adopted by the governing authority of the community 1248  
school rather than the curriculum specified in Title XXXIII of 1249  
the Revised Code or any rules of the department. Beginning with 1250  
students who enter ninth grade for the first time on or after 1251  
July 1, 2010, the requirement in sections 3313.61 and 3313.611 1252  
of the Revised Code that a person must successfully complete the 1253  
curriculum of a high school prior to receiving a high school 1254  
diploma shall be met by completing the requirements prescribed 1255  
in section 3313.6027 and division (C) of section 3313.603 of the 1256  
Revised Code, unless the person qualifies under division (D) or 1257  
(F) of that section. Each school shall comply with the plan for 1258  
awarding high school credit based on demonstration of subject 1259  
area competency, and beginning with the 2017-2018 school year, 1260  
with the updated plan that permits students enrolled in seventh 1261  
and eighth grade to meet curriculum requirements based on 1262  
subject area competency adopted by the department under 1263  
divisions (J) (1) and (2) of section 3313.603 of the Revised 1264  
Code. Beginning with the 2018-2019 school year, the school shall 1265  
comply with the framework for granting units of high school 1266  
credit to students who demonstrate subject area competency 1267  
through work-based learning experiences, internships, or 1268

cooperative education developed by the department under division	1269
(J) (3) of section 3313.603 of the Revised Code.	1270
(g) The school governing authority will submit within four	1271
months after the end of each school year a report of its	1272
activities and progress in meeting the goals and standards of	1273
divisions (A) (3) and (4) of this section and its financial	1274
status to the sponsor and the parents of all students enrolled	1275
in the school.	1276
(h) The school, unless it is an internet- or computer-	1277
based community school, will comply with section 3313.801 of the	1278
Revised Code as if it were a school district.	1279
(i) If the school is the recipient of moneys from a grant	1280
awarded under the federal race to the top program, Division (A),	1281
Title XIV, Sections 14005 and 14006 of the "American Recovery	1282
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115,	1283
the school will pay teachers based upon performance in	1284
accordance with section 3317.141 and will comply with section	1285
3319.111 of the Revised Code as if it were a school district.	1286
(j) If the school operates a preschool program that is	1287
licensed by the department under sections 3301.52 to 3301.59 of	1288
the Revised Code, the school shall comply with sections 3301.50	1289
to 3301.59 of the Revised Code and the minimum standards for	1290
preschool programs prescribed in rules adopted by the department	1291
of children and youth under section 3301.53 of the Revised Code.	1292
(k) The school will comply with sections 3313.6021 and	1293
3313.6023 of the Revised Code as if it were a school district	1294
unless it is either of the following:	1295
(i) An internet- or computer-based community school;	1296
(ii) A community school in which a majority of the	1297

enrolled students are children with disabilities as described in 1298  
division (B) (2) of section 3314.35 of the Revised Code. 1299

(1) The school will comply with section 3321.191 of the 1300  
Revised Code, unless it is an internet- or computer-based 1301  
community school that is subject to section 3314.261 of the 1302  
Revised Code. 1303

(12) Arrangements for providing health and other benefits 1304  
to employees; 1305

(13) The length of the contract, which shall begin at the 1306  
beginning of an academic year. No contract shall exceed five 1307  
years unless such contract has been renewed pursuant to division 1308  
(E) of this section. 1309

(14) The governing authority of the school, which shall be 1310  
responsible for carrying out the provisions of the contract; 1311

(15) A financial plan detailing an estimated school budget 1312  
for each year of the period of the contract and specifying the 1313  
total estimated per pupil expenditure amount for each such year. 1314

(16) Requirements and procedures regarding the disposition 1315  
of employees of the school in the event the contract is 1316  
terminated or not renewed pursuant to section 3314.07 of the 1317  
Revised Code; 1318

(17) Whether the school is to be created by converting all 1319  
or part of an existing public school or educational service 1320  
center building or is to be a new start-up school, and if it is 1321  
a converted public school or service center building, 1322  
specification of any duties or responsibilities of an employer 1323  
that the board of education or service center governing board 1324  
that operated the school or building before conversion is 1325  
delegating to the governing authority of the community school 1326

with respect to all or any specified group of employees provided 1327  
the delegation is not prohibited by a collective bargaining 1328  
agreement applicable to such employees; 1329

(18) Provisions establishing procedures for resolving 1330  
disputes or differences of opinion between the sponsor and the 1331  
governing authority of the community school; 1332

(19) A provision requiring the governing authority to 1333  
adopt a policy regarding the admission of students who reside 1334  
outside the district in which the school is located. That policy 1335  
shall comply with the admissions procedures specified in 1336  
sections 3314.06 and 3314.061 of the Revised Code and, at the 1337  
sole discretion of the authority, shall do one of the following: 1338

(a) Prohibit the enrollment of students who reside outside 1339  
the district in which the school is located; 1340

(b) Permit the enrollment of students who reside in 1341  
districts adjacent to the district in which the school is 1342  
located; 1343

(c) Permit the enrollment of students who reside in any 1344  
other district in the state. 1345

(20) A provision recognizing the authority of the 1346  
department to take over the sponsorship of the school in 1347  
accordance with the provisions of division (C) of section 1348  
3314.015 of the Revised Code; 1349

(21) A provision recognizing the sponsor's authority to 1350  
assume the operation of a school under the conditions specified 1351  
in division (B) of section 3314.073 of the Revised Code; 1352

(22) A provision recognizing both of the following: 1353

(a) The authority of public health and safety officials to 1354

inspect the facilities of the school and to order the facilities 1355  
closed if those officials find that the facilities are not in 1356  
compliance with health and safety laws and regulations; 1357

(b) The authority of the department as the community 1358  
school oversight body to suspend the operation of the school 1359  
under section 3314.072 of the Revised Code if the department has 1360  
evidence of conditions or violations of law at the school that 1361  
pose an imminent danger to the health and safety of the school's 1362  
students and employees and the sponsor refuses to take such 1363  
action. 1364

(23) A description of the learning opportunities that will 1365  
be offered to students including both classroom-based and non- 1366  
classroom-based learning opportunities that is in compliance 1367  
with criteria for student participation established by the 1368  
department under division (H) (2) of section 3314.08 of the 1369  
Revised Code; 1370

(24) The school will comply with sections 3302.04 and 1371  
3302.041 of the Revised Code, except that any action required to 1372  
be taken by a school district pursuant to those sections shall 1373  
be taken by the sponsor of the school. 1374

(25) Beginning in the 2006-2007 school year, the school 1375  
will open for operation not later than the thirtieth day of 1376  
September each school year, unless the mission of the school as 1377  
specified under division (A) (2) of this section is solely to 1378  
serve dropouts. In its initial year of operation, if the school 1379  
fails to open by the thirtieth day of September, or within one 1380  
year after the adoption of the contract pursuant to division (D) 1381  
of section 3314.02 of the Revised Code if the mission of the 1382  
school is solely to serve dropouts, the contract shall be void. 1383



(26) Whether the school's governing authority is planning 1384  
to seek designation for the school as a STEM school equivalent 1385  
under section 3326.032 of the Revised Code; 1386

(27) That the school's attendance and participation 1387  
policies will be available for public inspection; 1388

(28) That the school's attendance and participation 1389  
records shall be made available to the department, auditor of 1390  
state, and school's sponsor to the extent permitted under and in 1391  
accordance with the "Family Educational Rights and Privacy Act 1392  
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 1393  
regulations promulgated under that act, and section 3319.321 of 1394  
the Revised Code; 1395

(29) If a school operates using the blended learning 1396  
model, as defined in section 3301.079 of the Revised Code, all 1397  
of the following information: 1398

(a) An indication of what blended learning model or models 1399  
will be used; 1400

(b) A description of how student instructional needs will 1401  
be determined and documented; 1402

(c) The method to be used for determining competency, 1403  
granting credit, and promoting students to a higher grade level; 1404

(d) The school's attendance requirements, including how 1405  
the school will document participation in learning 1406  
opportunities; 1407

(e) A statement describing how student progress will be 1408  
monitored; 1409

(f) A statement describing how private student data will 1410  
be protected; 1411

(g) A description of the professional development activities that will be offered to teachers.	1412 1413
(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;	1414 1415 1416 1417
(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.	1418 1419 1420 1421 1422
(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.	1423 1424 1425 1426 1427
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	1428 1429 1430
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	1431 1432 1433
(1) The process by which the governing authority of the school will be selected in the future;	1434 1435
(2) The management and administration of the school;	1436
(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	1437 1438 1439

to attend the converted school and for teachers who choose not	1440
to teach in the school or building after conversion;	1441
(4) The instructional program and educational philosophy	1442
of the school;	1443
(5) Internal financial controls.	1444
When submitting the plan under this division, the school	1445
shall also submit copies of all policies and procedures	1446
regarding internal financial controls adopted by the governing	1447
authority of the school.	1448
(C) A contract entered into under section 3314.02 of the	1449
Revised Code between a sponsor and the governing authority of a	1450
community school may provide for the community school governing	1451
authority to make payments to the sponsor, which is hereby	1452
authorized to receive such payments as set forth in the contract	1453
between the governing authority and the sponsor. The total	1454
amount of such payments for monitoring, oversight, and technical	1455
assistance of the school shall not exceed three per cent of the	1456
total amount of payments for operating expenses that the school	1457
receives from the state.	1458
(D) The contract shall specify the duties of the sponsor	1459
which shall be in accordance with the written agreement entered	1460
into with the department under division (B) of section 3314.015	1461
of the Revised Code and shall include the following:	1462
(1) Monitor the community school's compliance with all	1463
laws applicable to the school and with the terms of the	1464
contract;	1465
(2) Monitor and evaluate the academic and fiscal	1466
performance and the organization and operation of the community	1467
school on at least an annual basis;	1468

(3) Provide technical assistance to the community school 1469  
in complying with laws applicable to the school and terms of the 1470  
contract; 1471

(4) Take steps to intervene in the school's operation to 1472  
correct problems in the school's overall performance, declare 1473  
the school to be on probationary status pursuant to section 1474  
3314.073 of the Revised Code, suspend the operation of the 1475  
school pursuant to section 3314.072 of the Revised Code, or 1476  
terminate the contract of the school pursuant to section 3314.07 1477  
of the Revised Code as determined necessary by the sponsor; 1478

(5) Have in place a plan of action to be undertaken in the 1479  
event the community school experiences financial difficulties or 1480  
closes prior to the end of a school year. 1481

(E) Upon the expiration of a contract entered into under 1482  
this section, the sponsor of a community school may, with the 1483  
approval of the governing authority of the school, renew that 1484  
contract for a period of time determined by the sponsor, but not 1485  
ending earlier than the end of any school year, if the sponsor 1486  
finds that the school's compliance with applicable laws and 1487  
terms of the contract and the school's progress in meeting the 1488  
academic goals prescribed in the contract have been 1489  
satisfactory. Any contract that is renewed under this division 1490  
remains subject to the provisions of sections 3314.07, 3314.072, 1491  
and 3314.073 of the Revised Code. 1492

(F) If a community school fails to open for operation 1493  
within one year after the contract entered into under this 1494  
section is adopted pursuant to division (D) of section 3314.02 1495  
of the Revised Code or permanently closes prior to the 1496  
expiration of the contract, the contract shall be void and the 1497  
school shall not enter into a contract with any other sponsor. A 1498

school shall not be considered permanently closed because the 1499  
operations of the school have been suspended pursuant to section 1500  
3314.072 of the Revised Code. 1501

**Sec. 3319.073.** (A) The board of education of each city and 1502  
exempted village school district and the governing board of each 1503  
educational service center shall adopt or adapt the curriculum 1504  
developed by the department of education and workforce for, or 1505  
shall develop in consultation with public or private agencies or 1506  
persons involved in child abuse prevention or intervention 1507  
programs, a program of in-service training in the prevention of 1508  
child abuse, violence, and substance abuse and the promotion of 1509  
positive youth development. Each person employed by any school 1510  
district or service center to work in a school as a nurse, 1511  
teacher, counselor, school psychologist, or administrator shall 1512  
complete at least four hours of the in-service training within 1513  
two years of commencing employment with the district or center, 1514  
and every five years thereafter. A person who is employed by any 1515  
school district or service center to work in an elementary 1516  
school as a nurse, teacher, counselor, school psychologist, or 1517  
administrator on March 30, 2007, shall complete at least four 1518  
hours of the in-service training not later than March 30, 2009, 1519  
and every five years thereafter. A person who is employed by any 1520  
school district or service center to work in a middle or high 1521  
school as a nurse, teacher, counselor, school psychologist, or 1522  
administrator on October 16, 2009, shall complete at least four 1523  
hours of the in-service training not later than October 16, 1524  
2011, and every five years thereafter. 1525

(B) Each board shall incorporate training in school safety 1526  
and violence prevention, including human trafficking content, 1527  
into the in-service training required by division (A) of this 1528  
section. For this purpose, the board shall adopt or adapt the 1529

curriculum developed by the department or shall develop its own 1530  
curriculum in consultation with public or private agencies or 1531  
persons involved in school safety and violence prevention 1532  
programs. 1533

(C) Each board shall incorporate training on the board's 1534  
harassment, intimidation, or bullying policy adopted under 1535  
section 3313.666 of the Revised Code into the in-service 1536  
training required by division (A) of this section. Each board 1537  
also shall incorporate training in the prevention of dating 1538  
violence into the in-service training required by that division 1539  
for middle and high school employees. The board shall develop 1540  
its own curricula for these purposes. 1541

(D) Each board shall incorporate training in youth suicide 1542  
awareness and prevention into the in-service training required 1543  
by division (A) of this section for each person employed by a 1544  
school district or service center to work in a school as a 1545  
nurse, teacher, counselor, school psychologist, or 1546  
administrator, and any other personnel that the board determines 1547  
appropriate. The board shall require each such person to undergo 1548  
training in youth suicide awareness and prevention programs once 1549  
every two years. For this purpose, the board shall adopt or 1550  
adapt the curriculum developed by the department under section 1551  
3301.221 of the Revised Code or shall develop its own curriculum 1552  
in consultation with public or private agencies or persons 1553  
involved in youth suicide awareness and prevention programs. 1554

The training completed under this division shall count 1555  
toward the satisfaction of requirements for professional 1556  
development required by the school district or service center 1557  
board, and the training may be accomplished through self-review 1558  
of suitable suicide prevention materials approved by the board. 1559

(E) Each board shall incorporate training on child sexual abuse into the in-service training required by division (A) of this section. The training completed under this division shall count toward the satisfaction of requirements for professional development required by the school district or service center board. Any training provided under this section ~~shall~~ may be presented by either of the following ~~who~~, at their own discretion, so long as they have experience in handling cases involving child sexual abuse or child sexual violence:

- (1) Law enforcement officers;
- (2) Prosecutors.

**Sec. 3319.0812.** (A) The state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code, establishing the standards and requirements for obtaining a pre-service teacher permit. The permit shall be required for an individual who is enrolled in an educator preparation program in order to participate in any student classroom teaching or other training experience that involves students in any of grades pre-kindergarten through twelve in a public or chartered nonpublic school and that is required for completion of the program.

(B) Notwithstanding section 3319.226 of the Revised Code, a school district or school may employ an individual who holds a permit issued under this section as a substitute teacher. The individual may teach for up to the equivalent of one full semester, subject to the approval of the employing district board of education or school governing authority and may be compensated for that service. The district superintendent or chief administrator of the school may request that the board or governing authority approve one or more additional subsequent semester-long periods of teaching for the individual.

(C) A pre-service teacher permit shall be valid for one or 1590  
three years. The state board, on a case-by-case basis, may 1591  
extend the permit's duration as needed to enable the permit 1592  
holder to complete the educator preparation program in which the 1593  
permit holder is enrolled. 1594

(D) An individual applying for a pre-service teacher 1595  
permit shall be subject to a criminal records check as 1596  
prescribed by section 3319.39 of the Revised Code. In the manner 1597  
prescribed by the state board, the individual shall submit the 1598  
criminal records check to the state board. The state board shall 1599  
use the information submitted to enroll the individual in the 1600  
retained applicant fingerprint database, established under 1601  
section 109.5721 of the Revised Code, in the same manner as any 1602  
teacher licensed under sections 3319.22 to 3319.31 of the 1603  
Revised Code. 1604

If the state board receives notification of the arrest or 1605  
conviction of an individual under division (D) of this section, 1606  
the state board shall promptly notify the applicable educator 1607  
preparation program and any school district or school in which 1608  
the pre-service teacher has been employed or assigned as part of 1609  
the program and may take any action authorized under sections 1610  
3319.31 and 3319.311 of the Revised Code that it considers to be 1611  
appropriate. Upon receiving notification from the state board of 1612  
an arrest or conviction of an individual under division (D) of 1613  
this section, the educator preparation program shall provide to 1614  
the state board a list of all school districts and schools to 1615  
which the pre-service teacher has been assigned as a part of the 1616  
program. 1617

**Sec. 3326.11.** Each science, technology, engineering, and 1618  
mathematics school established under this chapter and its 1619



governing body shall comply with sections 9.90, 9.91, 109.65, 1620  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 1621  
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 1622  
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 1623  
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 1624  
3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 1625  
3313.6021, 3313.6023, 3313.6024, ~~3313.6025~~, 3313.6026, 1626  
3313.6028, 3313.6029, 3313.61, 3313.611, 3313.614, 3313.615, 1627  
3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 1628  
3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 1629  
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 1630  
3313.673, 3313.69, 3313.71, 3313.716, 3313.717, 3313.718, 1631  
3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.80, 1632  
3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 1633  
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 1634  
3319.0812, 3319.21, 3319.238, 3319.318, 3319.32, 3319.321, 1635  
3319.324, 3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 1636  
3319.45, 3319.46, 3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 1637  
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 1638  
3321.18, 3321.19, 3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 1639  
4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 1640  
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 1641  
4123., 4141., and 4167. of the Revised Code as if it were a 1642  
school district. 1643

**Sec. 3328.24.** A college-preparatory boarding school 1644  
established under this chapter and its board of trustees shall 1645  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 1646  
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.5318, 3313.5319, 1647  
3313.6013, 3313.6021, 3313.6023, 3313.6024, ~~3313.6025~~, 1648  
3313.6026, 3313.6029, 3313.617, 3313.618, 3313.6114, 3313.6411, 1649  
3313.6413, 3313.668, 3313.669, 3313.6610, 3313.717, 3313.7112, 1650

3313.7117, 3313.721, 3313.753, 3313.89, 3319.073, 3319.077, 1651  
3319.078, 3319.318, 3319.324, 3319.39, 3319.391, 3319.393, 1652  
3319.46, 3320.01, 3320.02, 3320.03, 3320.04, 3323.251, and 1653  
5502.262, and Chapter 3365. of the Revised Code as if the school 1654  
were a school district and the school's board of trustees were a 1655  
district board of education. 1656

**Sec. 5104.01.** As used in this chapter: 1657

(A) "Administrator" means the person responsible for the 1658  
daily operation of a center, type A home, or approved child day 1659  
camp. The administrator and the owner may be the same person. 1660

(B) "Approved child day camp" means a child day camp 1661  
approved pursuant to section 5104.22 of the Revised Code. 1662

(C) "Authorized representative" means an individual 1663  
employed by a center, type A home, or approved child day camp 1664  
that is owned by a person other than an individual and who is 1665  
authorized by the owner to do all of the following: 1666

(1) Communicate on the owner's behalf; 1667

(2) Submit on the owner's behalf applications for 1668  
licensure or approval; 1669

(3) Enter into on the owner's behalf provider agreements 1670  
for publicly funded child care. 1671

(D) "Border state child care provider" means a child care 1672  
provider that is located in a state bordering Ohio and that is 1673  
licensed, certified, or otherwise approved by that state to 1674  
provide child care funded by the child care block grant act. 1675

(E) "Career pathways model" means an alternative pathway 1676  
to meeting the requirements to be a child care staff member or 1677  
administrator that does both of the following: 1678

(1) Uses a framework approved by the director of children and youth to document formal education, training, experience, and specialized credentials and certifications;

(2) Allows the child care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.

(F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.

(G) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the director of education and workforce for nonpublic schools pursuant to section 3301.07 of the Revised Code.

(H) "Child" includes an infant, toddler, preschool-age child, or school-age child.

(I) "Child care block grant act" means the "Child Care and Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 U.S.C. 9858, as amended.

(J) "Child day camp" means a program in which only school-age children attend or participate, that operates for no more than twelve hours per day and no more than fifteen weeks during the summer. For purposes of this division, the maximum twelve hours of operation time does not include transportation time from a child's home to a child day camp and from a child day

camp to a child's home. 1708

(K) "Child care" means all of the following: 1709

(1) Administering to the needs of infants, toddlers, 1710  
preschool-age children, and school-age children outside of 1711  
school hours; 1712

(2) By persons other than their parents, guardians, or 1713  
custodians; 1714

(3) For part of the twenty-four-hour day; 1715

(4) In a place other than a child's own home, except that 1716  
an in-home aide provides child care in the child's own home; 1717

(5) By a provider required by this chapter to be licensed 1718  
or approved by the department of children and youth, certified 1719  
by a county department of job and family services, or under 1720  
contract with the department to provide publicly funded child 1721  
care as described in section 5104.32 of the Revised Code. 1722

(L) "Child care center" and "center" mean any place that 1723  
is not the permanent residence of the licensee or administrator 1724  
in which child care or publicly funded child care is provided 1725  
for seven or more children at one time. "Child care center" and 1726  
"center" do not include any of the following: 1727

(1) A place located in and operated by a hospital, as 1728  
defined in section 3727.01 of the Revised Code, in which the 1729  
needs of children are administered to, if all the children whose 1730  
needs are being administered to are monitored under the on-site 1731  
supervision of a physician licensed under Chapter 4731. of the 1732  
Revised Code or a registered nurse licensed under Chapter 4723. 1733  
of the Revised Code, and the services are provided only for 1734  
children who, in the opinion of the child's parent, guardian, or 1735

custodian, are exhibiting symptoms of a communicable disease or	1736
other illness or are injured;	1737
(2) A child day camp;	1738
(3) A place that provides care, if all of the following	1739
apply:	1740
(a) An organized religious body provides the care;	1741
(b) A parent, custodian, or guardian of at least one child	1742
receiving care is on the premises and readily accessible at all	1743
times;	1744
(c) The care is not provided for more than thirty days a	1745
year;	1746
(d) The care is provided only for preschool-age and	1747
school-age children.	1748
(M) "Child care resource and referral service	1749
organization" means a community-based nonprofit organization	1750
that provides child care resource and referral services but not	1751
child care.	1752
(N) "Child care resource and referral services" means all	1753
of the following services:	1754
(1) Maintenance of a uniform data base of all child care	1755
providers in the community that are in compliance with this	1756
chapter, including current occupancy and vacancy data;	1757
(2) Provision of individualized consumer education to	1758
families seeking child care;	1759
(3) Provision of timely referrals of available child care	1760
providers to families seeking child care;	1761
(4) Recruitment of child care providers;	1762

(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;	1763 1764 1765 1766
(6) Collection and analysis of data on the supply of and demand for child care in the community;	1767 1768
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	1769 1770 1771
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	1772 1773 1774
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	1775 1776 1777
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of children and youth;	1778 1779 1780 1781 1782
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family child care homes.	1783 1784 1785 1786
(O) "Child care staff member" means an employee of a child care center, type A family child care home, licensed type B family child care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a	1787 1788 1789 1790 1791

child care staff member when not involved in other duties.	1792
(P) "Drop-in child care center," "drop-in center," "drop-in type A family child care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.	1793 1794 1795 1796 1797
(Q) "Employee" means a person who either:	1798
(1) Receives compensation for duties performed in a child care center, type A family child care home, licensed type B family child care home, or approved child day camp;	1799 1800 1801
(2) Is assigned specific working hours or duties in a child care center, type A family child care home, licensed type B family child care home, or approved child day camp.	1802 1803 1804
(R) "Employer" means a person, firm, institution, organization, or agency that operates a child care center, type A family child care home, licensed type B family child care home, or approved child day camp subject to licensure or approval under this chapter.	1805 1806 1807 1808 1809
(S) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	1810 1811 1812 1813 1814 1815
(T) "Head start program" means a school-readiness program that satisfies all of the following:	1816 1817
(1) Is for children from birth to age five who are from low-income families;	1818 1819

(2) Receives funds distributed under the "Improving Head Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as amended; 1820  
1821  
1822

(3) Is licensed as a child care program. 1823

(U) "Home education" has the same meaning as in section 3321.042 of the Revised Code. 1824  
1825

(V) "Home education learning pod" means a voluntary association of parents who direct their children's education through home education and includes the following characteristics: 1826  
1827  
1828  
1829

(1) The parents choose to group their children together in a home or other location at various times, which may include hours when home education is not provided. 1830  
1831  
1832

(2) The pod includes only the parents' children who are receiving home education, except that it also may include siblings of those children, or other children who are under the care of the parents, regardless of age. 1833  
1834  
1835  
1836

(3) At least one parent of any of the children participating in the pod must be on the premises while the pod is meeting. 1837  
1838  
1839

(W) "Homeless child care" means child care provided to a child who satisfies any of the following: 1840  
1841

(1) Is homeless as defined in 42 U.S.C. 11302; 1842

(2) Is a homeless child or youth as defined in 42 U.S.C. 11434a; 1843  
1844

(3) Resides temporarily with a caretaker in a facility providing emergency shelter for homeless families or is 1845  
1846



determined by a county department of job and family services to 1847  
be homeless. 1848

~~(V)~~ (X) "Income" means gross income, as defined in section 1849  
5107.10 of the Revised Code, less any amounts required by 1850  
federal statutes or regulations to be disregarded. 1851

~~(W)~~ (Y) "Indicator checklist" means an inspection tool, 1852  
used in conjunction with an instrument-based program monitoring 1853  
information system, that contains selected licensing 1854  
requirements that are statistically reliable indicators or 1855  
predictors of a child care center's, type A family child care 1856  
home's, or licensed type B family child care home's compliance 1857  
with licensing requirements. 1858

~~(X)~~ (Z) "Infant" means a child who is less than eighteen 1859  
months of age. 1860

~~(Y)~~ (AA) "In-home aide" means a person who does not reside 1861  
with the child but provides care in the child's home and is 1862  
certified by a county director of job and family services 1863  
pursuant to section 5104.12 of the Revised Code to provide 1864  
publicly funded child care to a child in a child's own home 1865  
pursuant to this chapter and any rules adopted under it. 1866

~~(Z)~~ (BB) "Instrument-based program monitoring information 1867  
system" means a method to assess compliance with licensing 1868  
requirements for child care centers, type A family child care 1869  
homes, and licensed type B family child care homes in which each 1870  
licensing requirement is assigned a weight indicative of the 1871  
relative importance of the requirement to the health, growth, 1872  
and safety of the children that is used to develop an indicator 1873  
checklist. 1874

~~(AA)~~ (CC) "License capacity" means the maximum number in 1875

each age category of children who may be cared for in a child 1876  
care center, type A family child care home, or licensed type B 1877  
family child care home at one time as determined by the director 1878  
of children and youth considering building occupancy limits 1879  
established by the department of commerce, amount of available 1880  
indoor floor space and outdoor play space, and amount of 1881  
available play equipment, materials, and supplies. 1882

~~(BB)~~ (DD) "Licensed child care program" means any of the 1883  
following: 1884

(1) A child care center licensed by the department of 1885  
children and youth pursuant to this chapter; 1886

(2) A type A family child care home or type B family child 1887  
care home licensed by the department of children and youth 1888  
pursuant to this chapter; 1889

(3) A licensed preschool program or licensed school child 1890  
program. 1891

~~(CC)~~ (EE) "Licensed preschool program" or "licensed school 1892  
child program" means a preschool program or school child 1893  
program, as defined in section 3301.52 of the Revised Code, that 1894  
is licensed by the department of children and youth pursuant to 1895  
sections 3301.52 to 3301.59 of the Revised Code. 1896

~~(DD)~~ (FF) "Licensed type B family child care home" and 1897  
"licensed type B home" mean a type B family child care home for 1898  
which there is a valid license issued by the director of 1899  
children and youth pursuant to section 5104.03 of the Revised 1900  
Code. 1901

~~(EE)~~ (GG) "Licensee" means the owner of a child care 1902  
center, type A family child care home, or type B family child 1903  
care home that is licensed pursuant to this chapter and who is 1904

responsible for ensuring compliance with this chapter and rules	1905
adopted pursuant to this chapter.	1906
<del>(FF)</del> <u>(HH)</u> "Operate a child day camp" means to operate,	1907
establish, manage, conduct, or maintain a child day camp.	1908
<del>(GG)</del> <u>(II)</u> "Owner" includes a person, as defined in section	1909
1.59 of the Revised Code, or government entity.	1910
<del>(HH)</del> <u>(JJ)</u> "Parent cooperative child care center," "parent	1911
cooperative center," "parent cooperative type A family child	1912
care home," and "parent cooperative type A home" mean a	1913
corporation or association organized for providing educational	1914
services to the children of members of the corporation or	1915
association, without gain to the corporation or association as	1916
an entity, in which the services of the corporation or	1917
association are provided only to children of the members of the	1918
corporation or association, ownership and control of the	1919
corporation or association rests solely with the members of the	1920
corporation or association, and at least one parent-member of	1921
the corporation or association is on the premises of the center	1922
or type A home during its hours of operation.	1923
<del>(II)</del> <u>(KK)</u> "Part-time child care center," "part-time	1924
center," "part-time type A family child care home," and "part-	1925
time type A home" mean a center or type A home that provides	1926
child care or publicly funded child care for not more than four	1927
hours a day for any child or not more than fifteen consecutive	1928
weeks per year, regardless of the number of hours per day.	1929
<del>(JJ)</del> <u>(LL)</u> "Place of worship" means a building where	1930
activities of an organized religious group are conducted and	1931
includes the grounds and any other buildings on the grounds used	1932
for such activities.	1933

<del>(KK)</del> <u>(MM)</u> "Preschool-age child" means a child who is three	1934
years old or older but is not a school-age child.	1935
<del>(LL)</del> <u>(NN)</u> "Protective child care" means publicly funded	1936
child care for the direct care and protection of a child to whom	1937
all of the following apply:	1938
(1) A case plan has been prepared and maintained for the	1939
child pursuant to section 2151.412 of the Revised Code.	1940
(2) The case plan indicates a need for protective care.	1941
(3) The child resides with a parent, stepparent, guardian,	1942
or another person who stands in loco parentis as defined in	1943
rules adopted under section 5104.38 of the Revised Code.	1944
<del>(MM)</del> <u>(OO)</u> "Publicly funded child care" means administering	1945
to the needs of infants, toddlers, preschool-age children, and	1946
school-age children under age thirteen during any part of the	1947
twenty-four-hour day by persons other than their caretaker	1948
parents for remuneration wholly or in part with federal or state	1949
funds, including funds available under the child care block	1950
grant act, Title IV-A, and Title XX, distributed by the	1951
department of children and youth.	1952
<del>(NN)</del> <u>(PP)</u> "Religious activities" means any of the	1953
following: worship or other religious services; religious	1954
instruction; Sunday school classes or other religious classes	1955
conducted during or prior to worship or other religious	1956
services; youth or adult fellowship activities; choir or other	1957
musical group practices or programs; meals; festivals; or	1958
meetings conducted by an organized religious group.	1959
<del>(OO)</del> <u>(QQ)</u> "School-age child" means a child who is enrolled	1960
in or is eligible to be enrolled in a grade of kindergarten or	1961
above but is less than fifteen years old or, in the case of a	1962

child who is receiving special needs child care, is less than 1963  
eighteen years old. 1964

~~(PP)~~(RR) "Serious risk noncompliance" means a licensure 1965  
or certification rule violation that leads to a great risk of 1966  
harm to, or death of, a child, and is observable, not inferable. 1967

~~(QQ)~~(SS) "Special needs child care" means child care 1968  
provided to a child who is less than eighteen years of age and 1969  
either has one or more chronic health conditions or does not 1970  
meet age appropriate expectations in one or more areas of 1971  
development, including social, emotional, cognitive, 1972  
communicative, perceptual, motor, physical, and behavioral 1973  
development and that may include on a regular basis such 1974  
services, adaptations, modifications, or adjustments needed to 1975  
assist in the child's function or development. 1976

~~(RR)~~(TT) "Title IV-A" means Title IV-A of the "Social 1977  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 1978

~~(SS)~~(UU) "Title XX" means Title XX of the "Social 1979  
Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 1980

~~(TT)~~(VV) "Toddler" means a child who is at least eighteen 1981  
months of age but less than three years of age. 1982

~~(UU)~~(WW) "Type A family child care home" and "type A 1983  
home" mean the permanent residence of the administrator in which 1984  
child care or publicly funded child care is provided for seven 1985  
to twelve children at one time or a permanent residence of the 1986  
administrator in which child care is provided for four to twelve 1987  
children at one time if four or more children at one time are 1988  
under two years of age. In counting children for the purposes of 1989  
this division, any children under six years of age who are 1990  
related to a licensee, administrator, or employee and who are on 1991

the premises of the type A home shall be counted. "Type A family child care home" and "type A home" do not include any child day camp. 1992  
1993  
1994

~~(VV)~~ (XX) "Type B family child care home" and "type B home" mean a permanent residence of the provider in which care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family child care home" and "type B home" do not include any child day camp. 1995  
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**Sec. 5104.02.** (A) The director of children and youth is responsible for licensing child care centers, type A family child care homes, and type B family child care homes. Each entity operating a head start program shall meet the criteria for, and be licensed as, a child care center. The director is responsible for the enforcement of this chapter and of rules promulgated pursuant to this chapter. 2004  
2005  
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No person, firm, organization, institution, or agency shall operate, establish, manage, conduct, or maintain a child care center or type A family child care home without a license issued under section 5104.03 of the Revised Code. The current license shall be posted in the center or home in a conspicuous place that is accessible to parents, custodians, or guardians and employees of the center or home at all times when the center or home is in operation. 2011  
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(B) A person, firm, institution, organization, or agency operating any of the following programs is exempt from the requirements of this chapter: 2019  
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- (1) A program caring for children that operates for two consecutive weeks or less and not more than six weeks total in each calendar year; 2022  
2023  
2024
- (2) Caring for children in places of worship during religious activities while at least one parent, guardian, or custodian of each child is participating in such activities and is readily available; 2025  
2026  
2027  
2028
- (3) Supervised training, instruction, or activities of children in specific areas, including, but not limited to: art; drama; dance; music; athletic skills or sports; computers; or an educational subject conducted on an organized or periodic basis that a child does not attend for more than eight total hours per week; 2029  
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- (4) Programs in which the director determines that at least one parent, custodian, or guardian of each child is on the premises of the facility that offers care and is readily accessible at all times and care is not provided for more than two and one-half hours a day per child; 2035  
2036  
2037  
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2039
- (5) Programs that provide care and are regulated by state departments other than the department of children and youth or the department of education and workforce. 2040  
2041  
2042
- (6) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of children and youth under sections 3301.52 to 3301.59 of the Revised Code. 2043  
2044  
2045  
2046
- (7) Any program providing care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued under section 3301.16 of the Revised Code for kindergarten only; 2047  
2048  
2049  
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(a) The nonpublic school has given the notice to the state board of education and the director of children and youth required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly;

(b) The nonpublic school continues to be chartered by the department of education and workforce for kindergarten, or receives and continues to hold a charter from the department for kindergarten through grade five;

(c) The program is conducted in a school building;

(d) The program is operated in accordance with rules promulgated by the department of children and youth under section 3301.53 of the Revised Code.

(8) A youth development program operated outside of school hours to which all of the following apply:

(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above.

(b) The program provides informal care, which is care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program.

(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities.

(d) The entity operating the program is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3).

(9) A program caring for children that is operated by a nonchartered, nontax-supported school if the program meets all of the following conditions:



(a) The program complies with state and local health,	2079
fire, and safety laws.	2080
(b) The program annually certifies in a report to the	2081
children's parents that the program is in compliance with	2082
division (B) (9) (a) of this section and files a copy of the	2083
report with the department of children and youth on or before	2084
the thirtieth day of September of each year.	2085
(c) The program complies with all applicable reporting	2086
requirements in the same manner as required by the department of	2087
education and workforce for nonchartered, nonpublic primary and	2088
secondary schools.	2089
(d) The program is associated with a nonchartered, nontax-	2090
supported primary or secondary school.	2091
(10) A program that provides activities for children who	2092
are five years of age or older and is operated by a county,	2093
township, municipal corporation, township park district created	2094
under section 511.18 of the Revised Code, park district created	2095
under section 1545.04 of the Revised Code, or joint recreation	2096
district established under section 755.14 of the Revised Code.	2097
<u>(11) A home education learning pod.</u>	2098
<b>Sec. 5104.38.</b> In addition to any other rules adopted under	2099
this chapter, the director of children and youth <del>services</del> shall	2100
adopt rules in accordance with Chapter 119. of the Revised Code	2101
governing financial and administrative requirements for publicly	2102
funded child care and establishing all of the following:	2103
(A) Procedures and criteria to be used in making	2104
determinations of eligibility for publicly funded child care	2105
that give priority to children of families with lower incomes	2106
and procedures and criteria for eligibility for publicly funded	2107

protective child care or homeless child care. The rules shall 2108  
specify the maximum amount of income a family may have for 2109  
initial and continued eligibility. The maximum amount shall not 2110  
exceed three hundred per cent of the federal poverty line. The 2111  
rules may specify exceptions to the eligibility requirements in 2112  
the case of a family that previously received publicly funded 2113  
child care and is seeking to have the child care reinstated 2114  
after the family's eligibility was terminated. 2115

(B) Procedures under which an applicant for publicly 2116  
funded child care may receive publicly funded child care while 2117  
the county department of job and family services determines 2118  
eligibility and under which a child care provider may appeal a 2119  
denial of payment under division (A) (2) (b) of section 5104.34 of 2120  
the Revised Code; 2121

(C) A schedule of fees requiring all eligible caretaker 2122  
parents to pay a fee for publicly funded child care according to 2123  
income and family size, which shall be uniform for all types of 2124  
publicly funded child care, except as authorized by rule, and, 2125  
to the extent permitted by federal law, shall permit the use of 2126  
state and federal funds to pay the customary deposits and other 2127  
advance payments that a provider charges all children who 2128  
receive child care from that provider. 2129

(D) A formula for determining the amount of state and 2130  
federal funds appropriated for publicly funded child care that 2131  
may be allocated to a county department to use for 2132  
administrative purposes; 2133

(E) Procedures to be followed by the department and county 2134  
departments in recruiting individuals and groups to become 2135  
providers of child care; 2136

(F) Procedures to be followed in establishing state or local programs designed to assist individuals who are eligible for publicly funded child care in identifying the resources available to them and to refer the individuals to appropriate sources to obtain child care;	2137 2138 2139 2140 2141
(G) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care;	2142 2143
(H) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act;	2144 2145
(I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans;	2146 2147 2148
(J) A definition of "person who stands in loco parentis" for the purposes of division <del>(LL) (3)</del> <u>(NN) (3)</u> of section 5104.01 of the Revised Code;	2149 2150 2151
(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department;	2152 2153 2154 2155 2156
(L) If the director establishes a different reimbursement rate under division (E) (3) (d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served;	2157 2158 2159 2160 2161
(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities	2162 2163 2164 2165

in anticipation of enrolling in or attending an education or 2166  
training program or activity, if the employment or the education 2167  
or training program or activity is expected to begin within the 2168  
thirty-day period; 2169

(N) Any other rules necessary to carry out sections 2170  
5104.30 to 5104.43 of the Revised Code. 2171

**Section 2.** That existing sections 133.06, 3301.0721, 2172  
3310.41, 3310.52, 3310.64, 3313.37, 3313.98, 3314.03, 3319.073, 2173  
3319.0812, 3326.11, 3328.24, 5104.01, 5104.02, and 5104.38 of 2174  
the Revised Code are hereby repealed. 2175

**Section 3.** That sections 3313.6025 and 4508.022 of the 2176  
Revised Code are hereby repealed. 2177

**Section 4.** The General Assembly, applying the principle 2178  
stated in division (B) of section 1.52 of the Revised Code that 2179  
amendments are to be harmonized if reasonably capable of 2180  
simultaneous operation, finds that the following sections, 2181  
presented in this act as composites of the sections as amended 2182  
by the acts indicated, are the resulting versions of the 2183  
sections in effect prior to the effective date of the sections 2184  
as presented in this act: 2185

Section 3314.03 of the Revised Code as amended by H.B. 2186  
214, H.B. 250, and S.B. 168, all of the 135th General Assembly. 2187

Section 3326.11 of the Revised Code as amended by H.B. 47, 2188  
H.B. 214, and S.B. 168, all of the 135th General Assembly. 2189

Section 3328.24 of the Revised Code as amended by both 2190  
H.B. 47 and H.B. 214 of the 135th General Assembly. 2191