

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 512**

**Representative Reineke**

**Cosponsors: Representatives Blessing, Carfagna, Pelanda, Brenner, Riedel,  
Hoops, Koehler**

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**A BILL**

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

<b>Section 1.</b> That sections 5.224, 9.231, 9.55, 102.02,	220
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6301.111, 6301.112, 6301.15, 6301.20, and 6301.21 be amended; 368  
section 3313.536 (5502.262) be amended for the purpose of 369

adopting a new section number as indicated in parentheses; and 370  
sections 3301.061, 3301.062, 3301.0730, 3301.0731, 3301.0732, 371  
and 3301.123 of the Revised Code be enacted to read as follows: 372

**Sec. 5.224.** The first day of March is designated as "Ohio 373  
statehood day," in recognition of the date in 1803 when Ohio 374  
became a state. In addition to those duties imposed on the Ohio 375  
history connection under section 149.30 of the Revised Code, ~~and~~ 376  
~~those duties imposed on the superintendent of public instruction~~ 377  
~~under section 3301.12 of the Revised Code,~~ the Ohio history 378  
connection shall, throughout the state, and the ~~superintendent-~~ 379  
department of learning and achievement shall, in all school 380  
districts, encourage and promote the celebration of "Ohio 381  
statehood day." 382

**Sec. 9.231.** (A) (1) Subject to divisions (A) (2) and (3) of 383  
this section, a governmental entity shall not disburse money 384  
totaling twenty-five thousand dollars or more to any person for 385  
the provision of services for the primary benefit of individuals 386  
or the public and not for the primary benefit of a governmental 387  
entity or the employees of a governmental entity, unless the 388  
contracting authority of the governmental entity first enters 389  
into a written contract with the person that is signed by the 390  
person or by an officer or agent of the person authorized to 391  
legally bind the person and that embodies all of the 392  
requirements and conditions set forth in sections 9.23 to 9.236 393  
of the Revised Code. If the disbursement of money occurs over 394  
the course of a governmental entity's fiscal year, rather than 395  
in a lump sum, the contracting authority of the governmental 396  
entity shall enter into the written contract with the person at 397  
the point during the governmental entity's fiscal year that at 398  
least seventy-five thousand dollars has been disbursed by the 399  
governmental entity to the person. Thereafter, the contracting 400

authority of the governmental entity shall enter into the 401  
written contract with the person at the beginning of the 402  
governmental entity's fiscal year, if, during the immediately 403  
preceding fiscal year, the governmental entity disbursed to that 404  
person an aggregate amount totaling at least seventy-five 405  
thousand dollars. 406

(2) If the money referred to in division (A)(1) of this 407  
section is disbursed by or through more than one state agency to 408  
the person for the provision of services to the same population, 409  
the contracting authorities of those agencies shall determine 410  
which one of them will enter into the written contract with the 411  
person. 412

(3) The requirements and conditions set forth in divisions 413  
(A), (B), (C), and (F) of section 9.232, divisions (A)(1) and 414  
(2) and (B) of section 9.234, divisions (A)(2) and (B) of 415  
section 9.235, and sections 9.233 and 9.236 of the Revised Code 416  
do not apply with respect to the following: 417

(a) Contracts to which all of the following apply: 418

(i) The amount received for the services is a set fee for 419  
each time the services are provided, is determined in accordance 420  
with a fixed rate per unit of time or per service, or is a 421  
capitated rate, and the fee or rate is established by 422  
competitive bidding or by a market rate survey of similar 423  
services provided in a defined market area. The market rate 424  
survey may be one conducted by or on behalf of the governmental 425  
entity or an independent survey accepted by the governmental 426  
entity as statistically valid and reliable. 427

(ii) The services are provided in accordance with 428  
standards established by state or federal law, or by rules or 429

regulations adopted thereunder, for their delivery, which 430  
standards are enforced by the federal government, a governmental 431  
entity, or an accrediting organization recognized by the federal 432  
government or a governmental entity. 433

(iii) Payment for the services is made after the services 434  
are delivered and upon submission to the governmental entity of 435  
an invoice or other claim for payment as required by any 436  
applicable local, state, or federal law or, if no such law 437  
applies, by the terms of the contract. 438

(b) Contracts under which the services are reimbursed 439  
through or in a manner consistent with a federal program that 440  
meets all of the following requirements: 441

(i) The program calculates the reimbursement rate on the 442  
basis of the previous year's experience or in accordance with an 443  
alternative method set forth in rules adopted by the Ohio 444  
department of job and family services. 445

(ii) The reimbursement rate is derived from a breakdown of 446  
direct and indirect costs. 447

(iii) The program's guidelines describe types of 448  
expenditures that are allowable and not allowable under the 449  
program and delineate which costs are acceptable as direct costs 450  
for purposes of calculating the reimbursement rate. 451

(iv) The program includes a uniform cost reporting system 452  
with specific audit requirements. 453

(c) Contracts under which the services are reimbursed 454  
through or in a manner consistent with a federal program that 455  
calculates the reimbursement rate on a fee for service basis in 456  
compliance with United States office of management and budget 457  
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(d) Contracts for services that are paid pursuant to the 459  
earmarking of an appropriation made by the general assembly for 460  
that purpose. 461

(B) Division (A) of this section does not apply if the 462  
money is disbursed to a person pursuant to a contract with the 463  
United States or a governmental entity under any of the 464  
following circumstances: 465

(1) The person receives the money directly or indirectly 466  
from the United States, and no governmental entity exercises any 467  
oversight or control over the use of the money. 468

(2) The person receives the money solely in return for the 469  
performance of one or more of the following types of services: 470

(a) Medical, therapeutic, or other health-related services 471  
provided by a person if the amount received is a set fee for 472  
each time the person provides the services, is determined in 473  
accordance with a fixed rate per unit of time, or is a capitated 474  
rate, and the fee or rate is reasonable and customary in the 475  
person's trade or profession; 476

(b) Medicaid-funded services, including administrative and 477  
management services, provided pursuant to a contract or medicaid 478  
provider agreement that meets the requirements of the medicaid 479  
program. 480

(c) Services, other than administrative or management 481  
services or any of the services described in division (B) (2) (a) 482  
or (b) of this section, that are commonly purchased by the 483  
public at an hourly rate or at a set fee for each time the 484  
services are provided, unless the services are performed for the 485  
benefit of children, persons who are eligible for the services 486  
by reason of advanced age, medical condition, or financial need, 487

or persons who are confined in a detention facility as defined 488  
in section 2921.01 of the Revised Code, and the services are 489  
intended to help promote the health, safety, or welfare of those 490  
children or persons; 491

(d) Educational services provided by a school to children 492  
eligible to attend that school. For purposes of division (B) (2) 493  
(d) of this section, "school" means any school operated by a 494  
school district board of education, any community school 495  
established under Chapter 3314. of the Revised Code, or any 496  
nonpublic school for which the ~~state board of education~~ 497  
department of learning and achievement prescribes minimum 498  
education standards under section 3301.07 of the Revised Code. 499

(e) Services provided by a foster home as defined in 500  
section 5103.02 of the Revised Code; 501

(f) "Routine business services other than administrative 502  
or management services," as that term is defined by the attorney 503  
general by rule adopted in accordance with Chapter 119. of the 504  
Revised Code; 505

(g) Services to protect the environment or promote 506  
environmental education that are provided by a nonprofit entity 507  
or services to protect the environment that are funded with 508  
federal grants or revolving loan funds and administered in 509  
accordance with federal law. 510

(3) The person receives the money solely in return for the 511  
performance of services intended to help preserve public health 512  
or safety under circumstances requiring immediate action as a 513  
result of a natural or man-made emergency. 514

(C) With respect to an unincorporated nonprofit 515  
association, corporation, or organization established for the 516

purpose of providing educational, technical, consulting, 517  
training, financial, or other services to its members in 518  
exchange for membership dues and other fees, any of the services 519  
provided to a member that is a governmental entity shall, for 520  
purposes of this section, be considered services "for the 521  
primary benefit of a governmental entity or the employees of a 522  
governmental entity." 523

**Sec. 9.55.** (A) As used in this section, "state agency" 524  
means the house of representatives, the senate, the governor, 525  
the secretary of state, the auditor of state, the treasurer of 526  
state, the attorney general, the department of job and family 527  
services, the department of commerce, the department of 528  
developmental disabilities, the department of ~~education~~ learning 529  
and achievement, the department of health, the department of 530  
aging, the governor's office of advocacy for disabled persons, 531  
and the civil rights commission. 532

(B) Each state agency shall install in its offices at 533  
least one teletypewriter designed to receive printed messages 534  
from and transmit printed messages to deaf or hearing-impaired 535  
persons. 536

**Sec. 102.02.** (A) (1) Except as otherwise provided in 537  
division (H) of this section, all of the following shall file 538  
with the appropriate ethics commission the disclosure statement 539  
described in this division on a form prescribed by the 540  
appropriate commission: every person who is elected to or is a 541  
candidate for a state, county, or city office and every person 542  
who is appointed to fill a vacancy for an unexpired term in such 543  
an elective office; all members of the state board of education; 544  
the director, assistant directors, deputy directors, division 545  
chiefs, or persons of equivalent rank of any administrative 546

department of the state; the president or other chief 547  
administrative officer of every state institution of higher 548  
education as defined in section 3345.011 of the Revised Code; 549  
the executive director and the members of the capitol square 550  
review and advisory board appointed or employed pursuant to 551  
section 105.41 of the Revised Code; all members of the Ohio 552  
casino control commission, the executive director of the 553  
commission, all professional employees of the commission, and 554  
all technical employees of the commission who perform an 555  
internal audit function; the individuals set forth in division 556  
(B) (2) of section 187.03 of the Revised Code; the chief 557  
executive officer and the members of the board of each state 558  
retirement system; each employee of a state retirement board who 559  
is a state retirement system investment officer licensed 560  
pursuant to section 1707.163 of the Revised Code; the members of 561  
the Ohio retirement study council appointed pursuant to division 562  
(C) of section 171.01 of the Revised Code; employees of the Ohio 563  
retirement study council, other than employees who perform 564  
purely administrative or clerical functions; the administrator 565  
of workers' compensation and each member of the bureau of 566  
workers' compensation board of directors; the bureau of workers' 567  
compensation director of investments; the chief investment 568  
officer of the bureau of workers' compensation; all members of 569  
the board of commissioners on grievances and discipline of the 570  
supreme court and the ethics commission created under section 571  
102.05 of the Revised Code; every business manager, treasurer, 572  
or superintendent of a city, local, exempted village, joint 573  
vocational, or cooperative education school district or an 574  
educational service center; every person who is elected to or is 575  
a candidate for the office of member of a board of education of 576  
a city, local, exempted village, joint vocational, or 577  
cooperative education school district or of a governing board of 578

an educational service center that has a total student count of 579  
twelve thousand or more as most recently determined by the 580  
department of ~~education~~ learning and achievement pursuant to 581  
section 3317.03 of the Revised Code; every person who is 582  
appointed to the board of education of a municipal school 583  
district pursuant to division (B) or (F) of section 3311.71 of 584  
the Revised Code; all members of the board of directors of a 585  
sanitary district that is established under Chapter 6115. of the 586  
Revised Code and organized wholly for the purpose of providing a 587  
water supply for domestic, municipal, and public use, and that 588  
includes two municipal corporations in two counties; every 589  
public official or employee who is paid a salary or wage in 590  
accordance with schedule C of section 124.15 or schedule E-2 of 591  
section 124.152 of the Revised Code; members of the board of 592  
trustees and the executive director of the southern Ohio 593  
agricultural and community development foundation; all members 594  
appointed to the Ohio livestock care standards board under 595  
section 904.02 of the Revised Code; all entrepreneurs in 596  
residence assigned by the LeanOhio office in the department of 597  
administrative services under section 125.65 of the Revised Code 598  
and every other public official or employee who is designated by 599  
the appropriate ethics commission pursuant to division (B) of 600  
this section. 601

(2) The disclosure statement shall include all of the 602  
following: 603

(a) The name of the person filing the statement and each 604  
member of the person's immediate family and all names under 605  
which the person or members of the person's immediate family do 606  
business; 607

(b) (i) Subject to divisions (A) (2) (b) (ii) and (iii) of 608

this section and except as otherwise provided in section 102.022 609  
of the Revised Code, identification of every source of income, 610  
other than income from a legislative agent identified in 611  
division (A) (2) (b) (ii) of this section, received during the 612  
preceding calendar year, in the person's own name or by any 613  
other person for the person's use or benefit, by the person 614  
filing the statement, and a brief description of the nature of 615  
the services for which the income was received. If the person 616  
filing the statement is a member of the general assembly, the 617  
statement shall identify the amount of every source of income 618  
received in accordance with the following ranges of amounts: 619  
zero or more, but less than one thousand dollars; one thousand 620  
dollars or more, but less than ten thousand dollars; ten 621  
thousand dollars or more, but less than twenty-five thousand 622  
dollars; twenty-five thousand dollars or more, but less than 623  
fifty thousand dollars; fifty thousand dollars or more, but less 624  
than one hundred thousand dollars; and one hundred thousand 625  
dollars or more. Division (A) (2) (b) (i) of this section shall not 626  
be construed to require a person filing the statement who 627  
derives income from a business or profession to disclose the 628  
individual items of income that constitute the gross income of 629  
that business or profession, except for those individual items 630  
of income that are attributable to the person's or, if the 631  
income is shared with the person, the partner's, solicitation of 632  
services or goods or performance, arrangement, or facilitation 633  
of services or provision of goods on behalf of the business or 634  
profession of clients, including corporate clients, who are 635  
legislative agents. A person who files the statement under this 636  
section shall disclose the identity of and the amount of income 637  
received from a person who the public official or employee knows 638  
or has reason to know is doing or seeking to do business of any 639  
kind with the public official's or employee's agency. 640

(ii) If the person filing the statement is a member of the general assembly, the statement shall identify every source of income and the amount of that income that was received from a legislative agent during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. Division (A) (2) (b) (ii) of this section requires the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons licensed under section 4731.14 of the Revised Code, if those clients or patients are legislative agents. Division (A) (2) (b) (ii) of this section requires a person filing the statement who derives income from a business or profession to disclose those individual items of income that constitute the gross income of that business or profession that are received from legislative agents.

(iii) Except as otherwise provided in division (A) (2) (b) (iii) of this section, division (A) (2) (b) (i) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A) (2) (b) (i) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A) (2) (b) (iii) of this section to disclose

the name, other identity, or address of a client, patient, or 672  
other recipient of professional services if the disclosure would 673  
threaten the client, patient, or other recipient of professional 674  
services, would reveal details of the subject matter for which 675  
legal, medical, or professional advice or other services were 676  
sought, or would reveal an otherwise privileged communication 677  
involving the client, patient, or other recipient of 678  
professional services. Division (A) (2) (b) (i) of this section 679  
does not require an attorney, physician, or other professional 680  
subject to a confidentiality requirement as described in 681  
division (A) (2) (b) (iii) of this section to disclose in the brief 682  
description of the nature of services required by division (A) 683  
(2) (b) (i) of this section any information pertaining to specific 684  
professional services rendered for a client, patient, or other 685  
recipient of professional services that would reveal details of 686  
the subject matter for which legal, medical, or professional 687  
advice was sought or would reveal an otherwise privileged 688  
communication involving the client, patient, or other recipient 689  
of professional services. 690

(c) The name of every corporation on file with the 691  
secretary of state that is incorporated in this state or holds a 692  
certificate of compliance authorizing it to do business in this 693  
state, trust, business trust, partnership, or association that 694  
transacts business in this state in which the person filing the 695  
statement or any other person for the person's use and benefit 696  
had during the preceding calendar year an investment of over one 697  
thousand dollars at fair market value as of the thirty-first day 698  
of December of the preceding calendar year, or the date of 699  
disposition, whichever is earlier, or in which the person holds 700  
any office or has a fiduciary relationship, and a description of 701  
the nature of the investment, office, or relationship. Division 702

(A) (2) (c) of this section does not require disclosure of the 703  
name of any bank, savings and loan association, credit union, or 704  
building and loan association with which the person filing the 705  
statement has a deposit or a withdrawable share account. 706

(d) All fee simple and leasehold interests to which the 707  
person filing the statement holds legal title to or a beneficial 708  
interest in real property located within the state, excluding 709  
the person's residence and property used primarily for personal 710  
recreation; 711

(e) The names of all persons residing or transacting 712  
business in the state to whom the person filing the statement 713  
owes, in the person's own name or in the name of any other 714  
person, more than one thousand dollars. Division (A) (2) (e) of 715  
this section shall not be construed to require the disclosure of 716  
debts owed by the person resulting from the ordinary conduct of 717  
a business or profession or debts on the person's residence or 718  
real property used primarily for personal recreation, except 719  
that the superintendent of financial institutions and any deputy 720  
superintendent of banks shall disclose the names of all state- 721  
chartered banks and all bank subsidiary corporations subject to 722  
regulation under section 1109.44 of the Revised Code to whom the 723  
superintendent or deputy superintendent owes any money. 724

(f) The names of all persons residing or transacting 725  
business in the state, other than a depository excluded under 726  
division (A) (2) (c) of this section, who owe more than one 727  
thousand dollars to the person filing the statement, either in 728  
the person's own name or to any person for the person's use or 729  
benefit. Division (A) (2) (f) of this section shall not be 730  
construed to require the disclosure of clients of attorneys or 731  
persons licensed under section 4732.12 of the Revised Code, or 732

patients of persons licensed under section 4731.14 of the Revised Code, nor the disclosure of debts owed to the person resulting from the ordinary conduct of a business or profession.

(g) Except as otherwise provided in section 102.022 of the Revised Code, the source of each gift of over seventy-five dollars, or of each gift of over twenty-five dollars received by a member of the general assembly from a legislative agent, received by the person in the person's own name or by any other person for the person's use or benefit during the preceding calendar year, except gifts received by will or by virtue of section 2105.06 of the Revised Code, or received from spouses, parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or any person to whom the person filing the statement stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor;

(h) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source and amount of every payment of expenses incurred for travel to destinations inside or outside this state that is received by the person in the person's own name or by any other person for the person's use or benefit and that is incurred in connection with the person's official duties, except for expenses for travel to meetings or conventions of a national or state organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues;

(i) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source of payment of expenses for meals and other food and beverages, other than for meals and other food and beverages provided at a meeting at which the person participated in a panel, seminar, or speaking engagement or at a meeting or convention of a national or state organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues, that are incurred in connection with the person's official duties and that exceed one hundred dollars aggregated per calendar year;

(j) If the disclosure statement is filed by a public official or employee described in division (B)(2) of section 101.73 of the Revised Code or division (B)(2) of section 121.63 of the Revised Code who receives a statement from a legislative agent, executive agency lobbyist, or employer that contains the information described in division (F)(2) of section 101.73 of the Revised Code or division (G)(2) of section 121.63 of the Revised Code, all of the nondisputed information contained in the statement delivered to that public official or employee by the legislative agent, executive agency lobbyist, or employer under division (F)(2) of section 101.73 or (G)(2) of section 121.63 of the Revised Code.

(3) A person may file a statement required by this section in person, by mail, or by electronic means.

(4) A person who is required to file a statement under this section shall file that statement according to the

following deadlines, as applicable: 794

(a) Except as otherwise provided in divisions (A) (4) (b), 795  
(c), and (d) of this section, the person shall file the 796  
statement not later than the fifteenth day of May of each year. 797

(b) A person who is a candidate for elective office shall 798  
file the statement no later than the thirtieth day before the 799  
primary, special, or general election at which the candidacy is 800  
to be voted on, whichever election occurs soonest, except that a 801  
person who is a write-in candidate shall file the statement no 802  
later than the twentieth day before the earliest election at 803  
which the person's candidacy is to be voted on. 804

(c) A person who is appointed to fill a vacancy for an 805  
unexpired term in an elective office shall file the statement 806  
within fifteen days after the person qualifies for office. 807

(d) A person who is appointed or employed after the 808  
fifteenth day of May, other than a person described in division 809  
(A) (4) (c) of this section, shall file an annual statement within 810  
ninety days after appointment or employment. 811

(5) No person shall be required to file with the 812  
appropriate ethics commission more than one statement or pay 813  
more than one filing fee for any one calendar year. 814

(6) The appropriate ethics commission, for good cause, may 815  
extend for a reasonable time the deadline for filing a statement 816  
under this section. 817

(7) A statement filed under this section is subject to 818  
public inspection at locations designated by the appropriate 819  
ethics commission except as otherwise provided in this section. 820

(B) The Ohio ethics commission, the joint legislative 821

ethics committee, and the board of commissioners on grievances 822  
and discipline of the supreme court, using the rule-making 823  
procedures of Chapter 119. of the Revised Code, may require any 824  
class of public officials or employees under its jurisdiction 825  
and not specifically excluded by this section whose positions 826  
involve a substantial and material exercise of administrative 827  
discretion in the formulation of public policy, expenditure of 828  
public funds, enforcement of laws and rules of the state or a 829  
county or city, or the execution of other public trusts, to file 830  
an annual statement under division (A) of this section. The 831  
appropriate ethics commission shall send the public officials or 832  
employees written notice of the requirement not less than thirty 833  
days before the applicable filing deadline unless the public 834  
official or employee is appointed after that date, in which case 835  
the notice shall be sent within thirty days after appointment, 836  
and the filing shall be made not later than ninety days after 837  
appointment. 838

Disclosure statements filed under this division with the 839  
Ohio ethics commission by members of boards, commissions, or 840  
bureaus of the state for which no compensation is received other 841  
than reasonable and necessary expenses shall be kept 842  
confidential. Disclosure statements filed with the Ohio ethics 843  
commission under division (A) of this section by business 844  
managers, treasurers, and superintendents of city, local, 845  
exempted village, joint vocational, or cooperative education 846  
school districts or educational service centers shall be kept 847  
confidential, except that any person conducting an audit of any 848  
such school district or educational service center pursuant to 849  
section 115.56 or Chapter 117. of the Revised Code may examine 850  
the disclosure statement of any business manager, treasurer, or 851  
superintendent of that school district or educational service 852

center. Disclosure statements filed with the Ohio ethics 853  
commission under division (A) of this section by the individuals 854  
set forth in division (B) (2) of section 187.03 of the Revised 855  
Code shall be kept confidential. The Ohio ethics commission 856  
shall examine each disclosure statement required to be kept 857  
confidential to determine whether a potential conflict of 858  
interest exists for the person who filed the disclosure 859  
statement. A potential conflict of interest exists if the 860  
private interests of the person, as indicated by the person's 861  
disclosure statement, might interfere with the public interests 862  
the person is required to serve in the exercise of the person's 863  
authority and duties in the person's office or position of 864  
employment. If the commission determines that a potential 865  
conflict of interest exists, it shall notify the person who 866  
filed the disclosure statement and shall make the portions of 867  
the disclosure statement that indicate a potential conflict of 868  
interest subject to public inspection in the same manner as is 869  
provided for other disclosure statements. Any portion of the 870  
disclosure statement that the commission determines does not 871  
indicate a potential conflict of interest shall be kept 872  
confidential by the commission and shall not be made subject to 873  
public inspection, except as is necessary for the enforcement of 874  
Chapters 102. and 2921. of the Revised Code and except as 875  
otherwise provided in this division. 876

(C) No person shall knowingly fail to file, on or before 877  
the applicable filing deadline established under this section, a 878  
statement that is required by this section. 879

(D) No person shall knowingly file a false statement that 880  
is required to be filed under this section. 881

(E) (1) Except as provided in divisions (E) (2) and (3) of 882

this section, the statement required by division (A) or (B) of 883  
this section shall be accompanied by a filing fee of sixty 884  
dollars. 885

(2) The statement required by division (A) of this section 886  
shall be accompanied by the following filing fee to be paid by 887  
the person who is elected or appointed to, or is a candidate 888  
for, any of the following offices: 889

- For state office, except member of the 891  
state board of education \$95 892
- For office of member of general assembly \$40 893
- For county office \$60 894
- For city office \$35 895
- For office of member of the state board 896  
of education \$35 897
- For office of member of a city, local, 898  
exempted village, or cooperative 899  
education board of 900  
education or educational service 901  
center governing board \$30 902
- For position of business manager, 903  
treasurer, or superintendent of a 904  
city, local, exempted village, joint 905  
vocational, or cooperative education 906  
school district or 907  
educational service center \$30 908

(3) No judge of a court of record or candidate for judge 909  
of a court of record, and no referee or magistrate serving a 910  
court of record, shall be required to pay the fee required under 911  
division (E)(1) or (2) or (F) of this section. 912

(4) For any public official who is appointed to a 913  
nonelective office of the state and for any employee who holds a 914  
nonelective position in a public agency of the state, the state 915  
agency that is the primary employer of the state official or 916  
employee shall pay the fee required under division (E)(1) or (F) 917  
of this section. 918

(F) If a statement required to be filed under this section 919  
is not filed by the date on which it is required to be filed, 920  
the appropriate ethics commission shall assess the person 921  
required to file the statement a late filing fee of ten dollars 922  
for each day the statement is not filed, except that the total 923  
amount of the late filing fee shall not exceed two hundred fifty 924  
dollars. 925

(G)(1) The appropriate ethics commission other than the 926  
Ohio ethics commission and the joint legislative ethics 927  
committee shall deposit all fees it receives under divisions (E) 928  
and (F) of this section into the general revenue fund of the 929  
state. 930

(2) The Ohio ethics commission shall deposit all receipts, 931  
including, but not limited to, fees it receives under divisions 932  
(E) and (F) of this section, investigative or other fees, costs, 933  
or other funds it receives as a result of court orders, and all 934  
moneys it receives from settlements under division (G) of 935  
section 102.06 of the Revised Code, into the Ohio ethics 936  
commission fund, which is hereby created in the state treasury. 937  
All moneys credited to the fund shall be used solely for 938  
expenses related to the operation and statutory functions of the 939  
commission. 940

(3) The joint legislative ethics committee shall deposit 941  
all receipts it receives from the payment of financial 942

disclosure statement filing fees under divisions (E) and (F) of 943  
this section into the joint legislative ethics committee 944  
investigative and financial disclosure fund. 945

(H) Division (A) of this section does not apply to a 946  
person elected or appointed to the office of precinct, ward, or 947  
district committee member under Chapter 3517. of the Revised 948  
Code; a presidential elector; a delegate to a national 949  
convention; village or township officials and employees; any 950  
physician or psychiatrist who is paid a salary or wage in 951  
accordance with schedule C of section 124.15 or schedule E-2 of 952  
section 124.152 of the Revised Code and whose primary duties do 953  
not require the exercise of administrative discretion; or any 954  
member of a board, commission, or bureau of any county or city 955  
who receives less than one thousand dollars per year for serving 956  
in that position. 957

**Sec. 103.48.** The chairperson of the joint education 958  
oversight committee may request that the ~~superintendent of~~ 959  
~~public instruction or the chancellor of higher education~~ 960  
director of learning and achievement appear before the 961  
committee. If so requested, the ~~superintendent or the chancellor~~ 962  
director shall appear before the committee at the time and place 963  
specified in the request. 964

**Sec. 107.35.** The ~~governor's~~ office of workforce 965  
transformation created under section 3301.0732 of the Revised 966  
Code, with staff support and assistance from the departments of 967  
job and family services, ~~education, and higher education~~ 968  
learning and achievement, and the opportunities for Ohioans with 969  
disabilities agency, shall establish criteria to use for 970  
evaluating the performance of state and local workforce programs 971  
using basic, aligned workforce measures related to system 972

efficiency and effectiveness. The office shall include in the 973  
criteria a measure to determine the effectiveness of a workforce 974  
program in transitioning individuals participating in any 975  
federal, state, or local means-tested public assistance program 976  
to unsubsidized employment. The office shall develop and make 977  
available on the internet through a web site a public dashboard 978  
to display metrics regarding the state's administration of 979  
primary workforce programs, including the following programs: 980

(A) The adult basic and literacy education program; 981

(B) Programs administered under the federal "Carl D. 982  
Perkins Career and Technical Education Act of 2006," 120 Stat. 983  
683, 20 U.S.C. 2301 et seq., as amended; 984

(C) State aid and scholarships administered by the 985  
department of ~~higher education~~ learning and achievement; 986

(D) Programs administered under title I of the federal 987  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 988  
seq.; 989

(E) The state vocational rehabilitation program 990  
administered under title I of the federal "Rehabilitation Act of 991  
1973," 29 U.S.C. 701, et seq. 992

**Sec. 109.57.** (A) (1) The superintendent of the bureau of 993  
criminal identification and investigation shall procure from 994  
wherever procurable and file for record photographs, pictures, 995  
descriptions, fingerprints, measurements, and other information 996  
that may be pertinent of all persons who have been convicted of 997  
committing within this state a felony, any crime constituting a 998  
misdemeanor on the first offense and a felony on subsequent 999  
offenses, or any misdemeanor described in division (A) (1) (a), 1000  
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 1001

of all children under eighteen years of age who have been 1002  
adjudicated delinquent children for committing within this state 1003  
an act that would be a felony or an offense of violence if 1004  
committed by an adult or who have been convicted of or pleaded 1005  
guilty to committing within this state a felony or an offense of 1006  
violence, and of all well-known and habitual criminals. The 1007  
person in charge of any county, multicounty, municipal, 1008  
municipal-county, or multicounty-municipal jail or workhouse, 1009  
community-based correctional facility, halfway house, 1010  
alternative residential facility, or state correctional 1011  
institution and the person in charge of any state institution 1012  
having custody of a person suspected of having committed a 1013  
felony, any crime constituting a misdemeanor on the first 1014  
offense and a felony on subsequent offenses, or any misdemeanor 1015  
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 1016  
section 109.572 of the Revised Code or having custody of a child 1017  
under eighteen years of age with respect to whom there is 1018  
probable cause to believe that the child may have committed an 1019  
act that would be a felony or an offense of violence if 1020  
committed by an adult shall furnish such material to the 1021  
superintendent of the bureau. Fingerprints, photographs, or 1022  
other descriptive information of a child who is under eighteen 1023  
years of age, has not been arrested or otherwise taken into 1024  
custody for committing an act that would be a felony or an 1025  
offense of violence who is not in any other category of child 1026  
specified in this division, if committed by an adult, has not 1027  
been adjudicated a delinquent child for committing an act that 1028  
would be a felony or an offense of violence if committed by an 1029  
adult, has not been convicted of or pleaded guilty to committing 1030  
a felony or an offense of violence, and is not a child with 1031  
respect to whom there is probable cause to believe that the 1032  
child may have committed an act that would be a felony or an 1033

offense of violence if committed by an adult shall not be 1034  
procured by the superintendent or furnished by any person in 1035  
charge of any county, multicounty, municipal, municipal-county, 1036  
or multicounty-municipal jail or workhouse, community-based 1037  
correctional facility, halfway house, alternative residential 1038  
facility, or state correctional institution, except as 1039  
authorized in section 2151.313 of the Revised Code. 1040

(2) Every clerk of a court of record in this state, other 1041  
than the supreme court or a court of appeals, shall send to the 1042  
superintendent of the bureau a weekly report containing a 1043  
summary of each case involving a felony, involving any crime 1044  
constituting a misdemeanor on the first offense and a felony on 1045  
subsequent offenses, involving a misdemeanor described in 1046  
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 1047  
of the Revised Code, or involving an adjudication in a case in 1048  
which a child under eighteen years of age was alleged to be a 1049  
delinquent child for committing an act that would be a felony or 1050  
an offense of violence if committed by an adult. The clerk of 1051  
the court of common pleas shall include in the report and 1052  
summary the clerk sends under this division all information 1053  
described in divisions (A) (2) (a) to (f) of this section 1054  
regarding a case before the court of appeals that is served by 1055  
that clerk. The summary shall be written on the standard forms 1056  
furnished by the superintendent pursuant to division (B) of this 1057  
section and shall include the following information: 1058

(a) The incident tracking number contained on the standard 1059  
forms furnished by the superintendent pursuant to division (B) 1060  
of this section; 1061

(b) The style and number of the case; 1062

(c) The date of arrest, offense, summons, or arraignment; 1063

(d) The date that the person was convicted of or pleaded 1064  
guilty to the offense, adjudicated a delinquent child for 1065  
committing the act that would be a felony or an offense of 1066  
violence if committed by an adult, found not guilty of the 1067  
offense, or found not to be a delinquent child for committing an 1068  
act that would be a felony or an offense of violence if 1069  
committed by an adult, the date of an entry dismissing the 1070  
charge, an entry declaring a mistrial of the offense in which 1071  
the person is discharged, an entry finding that the person or 1072  
child is not competent to stand trial, or an entry of a nolle 1073  
prosequi, or the date of any other determination that 1074  
constitutes final resolution of the case; 1075

(e) A statement of the original charge with the section of 1076  
the Revised Code that was alleged to be violated; 1077

(f) If the person or child was convicted, pleaded guilty, 1078  
or was adjudicated a delinquent child, the sentence or terms of 1079  
probation imposed or any other disposition of the offender or 1080  
the delinquent child. 1081

If the offense involved the disarming of a law enforcement 1082  
officer or an attempt to disarm a law enforcement officer, the 1083  
clerk shall clearly state that fact in the summary, and the 1084  
superintendent shall ensure that a clear statement of that fact 1085  
is placed in the bureau's records. 1086

(3) The superintendent shall cooperate with and assist 1087  
sheriffs, chiefs of police, and other law enforcement officers 1088  
in the establishment of a complete system of criminal 1089  
identification and in obtaining fingerprints and other means of 1090  
identification of all persons arrested on a charge of a felony, 1091  
any crime constituting a misdemeanor on the first offense and a 1092  
felony on subsequent offenses, or a misdemeanor described in 1093

division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 1094  
of the Revised Code and of all children under eighteen years of 1095  
age arrested or otherwise taken into custody for committing an 1096  
act that would be a felony or an offense of violence if 1097  
committed by an adult. The superintendent also shall file for 1098  
record the fingerprint impressions of all persons confined in a 1099  
county, multicounty, municipal, municipal-county, or 1100  
multicounty-municipal jail or workhouse, community-based 1101  
correctional facility, halfway house, alternative residential 1102  
facility, or state correctional institution for the violation of 1103  
state laws and of all children under eighteen years of age who 1104  
are confined in a county, multicounty, municipal, municipal- 1105  
county, or multicounty-municipal jail or workhouse, community- 1106  
based correctional facility, halfway house, alternative 1107  
residential facility, or state correctional institution or in 1108  
any facility for delinquent children for committing an act that 1109  
would be a felony or an offense of violence if committed by an 1110  
adult, and any other information that the superintendent may 1111  
receive from law enforcement officials of the state and its 1112  
political subdivisions. 1113

(4) The superintendent shall carry out Chapter 2950. of 1114  
the Revised Code with respect to the registration of persons who 1115  
are convicted of or plead guilty to a sexually oriented offense 1116  
or a child-victim oriented offense and with respect to all other 1117  
duties imposed on the bureau under that chapter. 1118

(5) The bureau shall perform centralized recordkeeping 1119  
functions for criminal history records and services in this 1120  
state for purposes of the national crime prevention and privacy 1121  
compact set forth in section 109.571 of the Revised Code and is 1122  
the criminal history record repository as defined in that 1123  
section for purposes of that compact. The superintendent or the 1124

superintendent's designee is the compact officer for purposes of 1125  
that compact and shall carry out the responsibilities of the 1126  
compact officer specified in that compact. 1127

(6) The superintendent shall, upon request, assist a 1128  
county coroner in the identification of a deceased person 1129  
through the use of fingerprint impressions obtained pursuant to 1130  
division (A)(1) of this section or collected pursuant to section 1131  
109.572 or 311.41 of the Revised Code. 1132

(B) The superintendent shall prepare and furnish to every 1133  
county, multicounty, municipal, municipal-county, or 1134  
multicounty-municipal jail or workhouse, community-based 1135  
correctional facility, halfway house, alternative residential 1136  
facility, or state correctional institution and to every clerk 1137  
of a court in this state specified in division (A)(2) of this 1138  
section standard forms for reporting the information required 1139  
under division (A) of this section. The standard forms that the 1140  
superintendent prepares pursuant to this division may be in a 1141  
tangible format, in an electronic format, or in both tangible 1142  
formats and electronic formats. 1143

(C)(1) The superintendent may operate a center for 1144  
electronic, automated, or other data processing for the storage 1145  
and retrieval of information, data, and statistics pertaining to 1146  
criminals and to children under eighteen years of age who are 1147  
adjudicated delinquent children for committing an act that would 1148  
be a felony or an offense of violence if committed by an adult, 1149  
criminal activity, crime prevention, law enforcement, and 1150  
criminal justice, and may establish and operate a statewide 1151  
communications network to be known as the Ohio law enforcement 1152  
gateway to gather and disseminate information, data, and 1153  
statistics for the use of law enforcement agencies and for other 1154

uses specified in this division. The superintendent may gather, 1155  
store, retrieve, and disseminate information, data, and 1156  
statistics that pertain to children who are under eighteen years 1157  
of age and that are gathered pursuant to sections 109.57 to 1158  
109.61 of the Revised Code together with information, data, and 1159  
statistics that pertain to adults and that are gathered pursuant 1160  
to those sections. 1161

(2) The superintendent or the superintendent's designee 1162  
shall gather information of the nature described in division (C) 1163  
(1) of this section that pertains to the offense and delinquency 1164  
history of a person who has been convicted of, pleaded guilty 1165  
to, or been adjudicated a delinquent child for committing a 1166  
sexually oriented offense or a child-victim oriented offense for 1167  
inclusion in the state registry of sex offenders and child- 1168  
victim offenders maintained pursuant to division (A) (1) of 1169  
section 2950.13 of the Revised Code and in the internet database 1170  
operated pursuant to division (A) (13) of that section and for 1171  
possible inclusion in the internet database operated pursuant to 1172  
division (A) (11) of that section. 1173

(3) In addition to any other authorized use of 1174  
information, data, and statistics of the nature described in 1175  
division (C) (1) of this section, the superintendent or the 1176  
superintendent's designee may provide and exchange the 1177  
information, data, and statistics pursuant to the national crime 1178  
prevention and privacy compact as described in division (A) (5) 1179  
of this section. 1180

(4) The Ohio law enforcement gateway shall contain the 1181  
name, confidential address, and telephone number of program 1182  
participants in the address confidentiality program established 1183  
under sections 111.41 to 111.47 of the Revised Code. 1184

(5) The attorney general may adopt rules under Chapter 1185  
119. of the Revised Code establishing guidelines for the 1186  
operation of and participation in the Ohio law enforcement 1187  
gateway. The rules may include criteria for granting and 1188  
restricting access to information gathered and disseminated 1189  
through the Ohio law enforcement gateway. The attorney general 1190  
shall adopt rules under Chapter 119. of the Revised Code that 1191  
grant access to information in the gateway regarding an address 1192  
confidentiality program participant under sections 111.41 to 1193  
111.47 of the Revised Code to only chiefs of police, village 1194  
marshals, county sheriffs, county prosecuting attorneys, and a 1195  
designee of each of these individuals. The attorney general 1196  
shall permit the state medical board and board of nursing to 1197  
access and view, but not alter, information gathered and 1198  
disseminated through the Ohio law enforcement gateway. 1199

The attorney general may appoint a steering committee to 1200  
advise the attorney general in the operation of the Ohio law 1201  
enforcement gateway that is comprised of persons who are 1202  
representatives of the criminal justice agencies in this state 1203  
that use the Ohio law enforcement gateway and is chaired by the 1204  
superintendent or the superintendent's designee. 1205

(D) (1) The following are not public records under section 1206  
149.43 of the Revised Code: 1207

(a) Information and materials furnished to the 1208  
superintendent pursuant to division (A) of this section; 1209

(b) Information, data, and statistics gathered or 1210  
disseminated through the Ohio law enforcement gateway pursuant 1211  
to division (C) (1) of this section; 1212

(c) Information and materials furnished to any board or 1213

person under division (F) or (G) of this section. 1214

(2) The superintendent or the superintendent's designee 1215  
shall gather and retain information so furnished under division 1216  
(A) of this section that pertains to the offense and delinquency 1217  
history of a person who has been convicted of, pleaded guilty 1218  
to, or been adjudicated a delinquent child for committing a 1219  
sexually oriented offense or a child-victim oriented offense for 1220  
the purposes described in division (C) (2) of this section. 1221

(E) (1) The attorney general shall adopt rules, in 1222  
accordance with Chapter 119. of the Revised Code and subject to 1223  
division (E) (2) of this section, setting forth the procedure by 1224  
which a person may receive or release information gathered by 1225  
the superintendent pursuant to division (A) of this section. A 1226  
reasonable fee may be charged for this service. If a temporary 1227  
employment service submits a request for a determination of 1228  
whether a person the service plans to refer to an employment 1229  
position has been convicted of or pleaded guilty to an offense 1230  
listed or described in division (A) (1), (2), or (3) of section 1231  
109.572 of the Revised Code, the request shall be treated as a 1232  
single request and only one fee shall be charged. 1233

(2) Except as otherwise provided in this division or 1234  
division (E) (3) or (4) of this section, a rule adopted under 1235  
division (E) (1) of this section may provide only for the release 1236  
of information gathered pursuant to division (A) of this section 1237  
that relates to the conviction of a person, or a person's plea 1238  
of guilty to, a criminal offense or to the arrest of a person as 1239  
provided in division (E) (3) of this section. The superintendent 1240  
shall not release, and the attorney general shall not adopt any 1241  
rule under division (E) (1) of this section that permits the 1242  
release of, any information gathered pursuant to division (A) of 1243

this section that relates to an adjudication of a child as a delinquent child, or that relates to a criminal conviction of a person under eighteen years of age if the person's case was transferred back to a juvenile court under division (B) (2) or (3) of section 2152.121 of the Revised Code and the juvenile court imposed a disposition or serious youthful offender disposition upon the person under either division, unless either of the following applies with respect to the adjudication or conviction:

(a) The adjudication or conviction was for a violation of section 2903.01 or 2903.02 of the Revised Code.

(b) The adjudication or conviction was for a sexually oriented offense, the juvenile court was required to classify the child a juvenile offender registrant for that offense under section 2152.82, 2152.83, or 2152.86 of the Revised Code, that classification has not been removed, and the records of the adjudication or conviction have not been sealed or expunged pursuant to sections 2151.355 to 2151.358 or sealed pursuant to section 2952.32 of the Revised Code.

(3) A rule adopted under division (E) (1) of this section may provide for the release of information gathered pursuant to division (A) of this section that relates to the arrest of a person who is eighteen years of age or older when the person has not been convicted as a result of that arrest if any of the following applies:

(a) The arrest was made outside of this state.

(b) A criminal action resulting from the arrest is pending, and the superintendent confirms that the criminal action has not been resolved at the time the criminal records

check is performed. 1273

(c) The bureau cannot reasonably determine whether a 1274  
criminal action resulting from the arrest is pending, and not 1275  
more than one year has elapsed since the date of the arrest. 1276

(4) A rule adopted under division (E) (1) of this section 1277  
may provide for the release of information gathered pursuant to 1278  
division (A) of this section that relates to an adjudication of 1279  
a child as a delinquent child if not more than five years have 1280  
elapsed since the date of the adjudication, the adjudication was 1281  
for an act that would have been a felony if committed by an 1282  
adult, the records of the adjudication have not been sealed or 1283  
expunged pursuant to sections 2151.355 to 2151.358 of the 1284  
Revised Code, and the request for information is made under 1285  
division (F) of this section or under section 109.572 of the 1286  
Revised Code. In the case of an adjudication for a violation of 1287  
the terms of community control or supervised release, the five- 1288  
year period shall be calculated from the date of the 1289  
adjudication to which the community control or supervised 1290  
release pertains. 1291

(F) (1) As used in division (F) (2) of this section, "head 1292  
start agency" means an entity in this state that has been 1293  
approved to be an agency for purposes of subchapter II of the 1294  
"Community Economic Development Act," 95 Stat. 489 (1981), 42 1295  
U.S.C.A. 9831, as amended. 1296

(2) (a) In addition to or in conjunction with any request 1297  
that is required to be made under section 109.572, 2151.86, 1298  
3301.32, 3301.541, division (C) of section 3310.58, or section 1299  
3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 1300  
5153.111 of the Revised Code or that is made under section 1301  
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 1302

board of education of any school district; the director of 1303  
developmental disabilities; any county board of developmental 1304  
disabilities; any provider or subcontractor as defined in 1305  
section 5123.081 of the Revised Code; the chief administrator of 1306  
any chartered nonpublic school; the chief administrator of a 1307  
registered private provider that is not also a chartered 1308  
nonpublic school; the chief administrator of any home health 1309  
agency; the chief administrator of or person operating any child 1310  
day-care center, type A family day-care home, or type B family 1311  
day-care home licensed under Chapter 5104. of the Revised Code; 1312  
the chief administrator of any head start agency; the executive 1313  
director of a public children services agency; a private company 1314  
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 1315  
the Revised Code; or an employer described in division (J) (2) of 1316  
section 3327.10 of the Revised Code may request that the 1317  
superintendent of the bureau investigate and determine, with 1318  
respect to any individual who has applied for employment in any 1319  
position after October 2, 1989, or any individual wishing to 1320  
apply for employment with a board of education may request, with 1321  
regard to the individual, whether the bureau has any information 1322  
gathered under division (A) of this section that pertains to 1323  
that individual. On receipt of the request, subject to division 1324  
(E) (2) of this section, the superintendent shall determine 1325  
whether that information exists and, upon request of the person, 1326  
board, or entity requesting information, also shall request from 1327  
the federal bureau of investigation any criminal records it has 1328  
pertaining to that individual. The superintendent or the 1329  
superintendent's designee also may request criminal history 1330  
records from other states or the federal government pursuant to 1331  
the national crime prevention and privacy compact set forth in 1332  
section 109.571 of the Revised Code. Within thirty days of the 1333  
date that the superintendent receives a request, subject to 1334

division (E) (2) of this section, the superintendent shall send 1335  
to the board, entity, or person a report of any information that 1336  
the superintendent determines exists, including information 1337  
contained in records that have been sealed under section 2953.32 1338  
of the Revised Code, and, within thirty days of its receipt, 1339  
subject to division (E) (2) of this section, shall send the 1340  
board, entity, or person a report of any information received 1341  
from the federal bureau of investigation, other than information 1342  
the dissemination of which is prohibited by federal law. 1343

(b) When a board of education or a registered private 1344  
provider is required to receive information under this section 1345  
as a prerequisite to employment of an individual pursuant to 1346  
division (C) of section 3310.58 or section 3319.39 of the 1347  
Revised Code, it may accept a certified copy of records that 1348  
were issued by the bureau of criminal identification and 1349  
investigation and that are presented by an individual applying 1350  
for employment with the district in lieu of requesting that 1351  
information itself. In such a case, the board shall accept the 1352  
certified copy issued by the bureau in order to make a photocopy 1353  
of it for that individual's employment application documents and 1354  
shall return the certified copy to the individual. In a case of 1355  
that nature, a district or provider only shall accept a 1356  
certified copy of records of that nature within one year after 1357  
the date of their issuance by the bureau. 1358

(c) Notwithstanding division (F) (2) (a) of this section, in 1359  
the case of a request under section 3319.39, 3319.391, or 1360  
3327.10 of the Revised Code only for criminal records maintained 1361  
by the federal bureau of investigation, the superintendent shall 1362  
not determine whether any information gathered under division 1363  
(A) of this section exists on the person for whom the request is 1364  
made. 1365

(3) The state board of education, the superintendent of public instruction, or the department of learning and achievement may request, with respect to any individual who has applied for employment after October 2, 1989, in any position with the state board, the state superintendent, the department of learning and achievement, or the department of education, any information that a school district board of education is authorized to request under division (F) (2) of this section, and the superintendent of the bureau shall proceed as if the request has been received from a school district board of education under division (F) (2) of this section.

(4) When the superintendent of the bureau receives a request for information under section 3319.291 of the Revised Code, the superintendent shall proceed as if the request has been received from a school district board of education and shall comply with divisions (F) (2) (a) and (c) of this section.

(5) When a recipient of a classroom reading improvement grant paid under section 3301.86 of the Revised Code requests, with respect to any individual who applies to participate in providing any program or service funded in whole or in part by the grant, the information that a school district board of education is authorized to request under division (F) (2) (a) of this section, the superintendent of the bureau shall proceed as if the request has been received from a school district board of education under division (F) (2) (a) of this section.

(G) In addition to or in conjunction with any request that is required to be made under section 3701.881, 3712.09, or 3721.121 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing direct care to an older adult or adult resident, the chief

administrator of a home health agency, hospice care program, 1396  
home licensed under Chapter 3721. of the Revised Code, or adult 1397  
day-care program operated pursuant to rules adopted under 1398  
section 3721.04 of the Revised Code may request that the 1399  
superintendent of the bureau investigate and determine, with 1400  
respect to any individual who has applied after January 27, 1401  
1997, for employment in a position that does not involve 1402  
providing direct care to an older adult or adult resident, 1403  
whether the bureau has any information gathered under division 1404  
(A) of this section that pertains to that individual. 1405

In addition to or in conjunction with any request that is 1406  
required to be made under section 173.27 of the Revised Code 1407  
with respect to an individual who has applied for employment in 1408  
a position that involves providing ombudsman services to 1409  
residents of long-term care facilities or recipients of 1410  
community-based long-term care services, the state long-term 1411  
care ombudsman, the director of aging, a regional long-term care 1412  
ombudsman program, or the designee of the ombudsman, director, 1413  
or program may request that the superintendent investigate and 1414  
determine, with respect to any individual who has applied for 1415  
employment in a position that does not involve providing such 1416  
ombudsman services, whether the bureau has any information 1417  
gathered under division (A) of this section that pertains to 1418  
that applicant. 1419

In addition to or in conjunction with any request that is 1420  
required to be made under section 173.38 of the Revised Code 1421  
with respect to an individual who has applied for employment in 1422  
a direct-care position, the chief administrator of a provider, 1423  
as defined in section 173.39 of the Revised Code, may request 1424  
that the superintendent investigate and determine, with respect 1425  
to any individual who has applied for employment in a position 1426

that is not a direct-care position, whether the bureau has any 1427  
information gathered under division (A) of this section that 1428  
pertains to that applicant. 1429

In addition to or in conjunction with any request that is 1430  
required to be made under section 3712.09 of the Revised Code 1431  
with respect to an individual who has applied for employment in 1432  
a position that involves providing direct care to a pediatric 1433  
respite care patient, the chief administrator of a pediatric 1434  
respite care program may request that the superintendent of the 1435  
bureau investigate and determine, with respect to any individual 1436  
who has applied for employment in a position that does not 1437  
involve providing direct care to a pediatric respite care 1438  
patient, whether the bureau has any information gathered under 1439  
division (A) of this section that pertains to that individual. 1440

On receipt of a request under this division, the 1441  
superintendent shall determine whether that information exists 1442  
and, on request of the individual requesting information, shall 1443  
also request from the federal bureau of investigation any 1444  
criminal records it has pertaining to the applicant. The 1445  
superintendent or the superintendent's designee also may request 1446  
criminal history records from other states or the federal 1447  
government pursuant to the national crime prevention and privacy 1448  
compact set forth in section 109.571 of the Revised Code. Within 1449  
thirty days of the date a request is received, subject to 1450  
division (E) (2) of this section, the superintendent shall send 1451  
to the requester a report of any information determined to 1452  
exist, including information contained in records that have been 1453  
sealed under section 2953.32 of the Revised Code, and, within 1454  
thirty days of its receipt, shall send the requester a report of 1455  
any information received from the federal bureau of 1456  
investigation, other than information the dissemination of which 1457

is prohibited by federal law. 1458

(H) Information obtained by a government entity or person 1459  
under this section is confidential and shall not be released or 1460  
disseminated. 1461

(I) The superintendent may charge a reasonable fee for 1462  
providing information or criminal records under division (F) (2) 1463  
or (G) of this section. 1464

(J) As used in this section: 1465

(1) "Pediatric respite care program" and "pediatric care 1466  
patient" have the same meanings as in section 3712.01 of the 1467  
Revised Code. 1468

(2) "Sexually oriented offense" and "child-victim oriented 1469  
offense" have the same meanings as in section 2950.01 of the 1470  
Revised Code. 1471

(3) "Registered private provider" means a nonpublic school 1472  
or entity registered with the ~~superintendent of public~~ 1473  
~~instruction department of learning and achievement~~ under section 1474  
3310.41 of the Revised Code to participate in the autism 1475  
scholarship program or section 3310.58 of the Revised Code to 1476  
participate in the Jon Peterson special needs scholarship 1477  
program. 1478

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 1479  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 1480  
Code, a completed form prescribed pursuant to division (C) (1) of 1481  
this section, and a set of fingerprint impressions obtained in 1482  
the manner described in division (C) (2) of this section, the 1483  
superintendent of the bureau of criminal identification and 1484  
investigation shall conduct a criminal records check in the 1485  
manner described in division (B) of this section to determine 1486

whether any information exists that indicates that the person 1487  
who is the subject of the request previously has been convicted 1488  
of or pleaded guilty to any of the following: 1489

(a) A violation of section 2903.01, 2903.02, 2903.03, 1490  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1491  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1492  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1493  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1494  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 1495  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 1496  
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 1497  
sexual penetration in violation of former section 2907.12 of the 1498  
Revised Code, a violation of section 2905.04 of the Revised Code 1499  
as it existed prior to July 1, 1996, a violation of section 1500  
2919.23 of the Revised Code that would have been a violation of 1501  
section 2905.04 of the Revised Code as it existed prior to July 1502  
1, 1996, had the violation been committed prior to that date, or 1503  
a violation of section 2925.11 of the Revised Code that is not a 1504  
minor drug possession offense; 1505

(b) A violation of an existing or former law of this 1506  
state, any other state, or the United States that is 1507  
substantially equivalent to any of the offenses listed in 1508  
division (A)(1)(a) of this section; 1509

(c) If the request is made pursuant to section 3319.39 of 1510  
the Revised Code for an applicant who is a teacher, any offense 1511  
specified in section 3319.31 of the Revised Code. 1512

(2) On receipt of a request pursuant to section 3712.09 or 1513  
3721.121 of the Revised Code, a completed form prescribed 1514  
pursuant to division (C)(1) of this section, and a set of 1515  
fingerprint impressions obtained in the manner described in 1516

division (C) (2) of this section, the superintendent of the 1517  
bureau of criminal identification and investigation shall 1518  
conduct a criminal records check with respect to any person who 1519  
has applied for employment in a position for which a criminal 1520  
records check is required by those sections. The superintendent 1521  
shall conduct the criminal records check in the manner described 1522  
in division (B) of this section to determine whether any 1523  
information exists that indicates that the person who is the 1524  
subject of the request previously has been convicted of or 1525  
pleaded guilty to any of the following: 1526

(a) A violation of section 2903.01, 2903.02, 2903.03, 1527  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1528  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1529  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1530  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1531  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1532  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1533  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1534  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1535

(b) An existing or former law of this state, any other 1536  
state, or the United States that is substantially equivalent to 1537  
any of the offenses listed in division (A) (2) (a) of this 1538  
section. 1539

(3) On receipt of a request pursuant to section 173.27, 1540  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 1541  
5123.081, or 5123.169 of the Revised Code, a completed form 1542  
prescribed pursuant to division (C) (1) of this section, and a 1543  
set of fingerprint impressions obtained in the manner described 1544  
in division (C) (2) of this section, the superintendent of the 1545  
bureau of criminal identification and investigation shall 1546

conduct a criminal records check of the person for whom the 1547  
request is made. The superintendent shall conduct the criminal 1548  
records check in the manner described in division (B) of this 1549  
section to determine whether any information exists that 1550  
indicates that the person who is the subject of the request 1551  
previously has been convicted of, has pleaded guilty to, or 1552  
(except in the case of a request pursuant to section 5164.34, 1553  
5164.341, or 5164.342 of the Revised Code) has been found 1554  
eligible for intervention in lieu of conviction for any of the 1555  
following, regardless of the date of the conviction, the date of 1556  
entry of the guilty plea, or (except in the case of a request 1557  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 1558  
Revised Code) the date the person was found eligible for 1559  
intervention in lieu of conviction: 1560

(a) A violation of section 959.13, 959.131, 2903.01, 1561  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 1562  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 1563  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 1564  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1565  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 1566  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 1567  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 1568  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 1569  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 1570  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 1571  
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 1572  
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 1573  
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 1574  
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 1575  
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 1576  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 1577

2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 1578  
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 1579

(b) Felonious sexual penetration in violation of former 1580  
section 2907.12 of the Revised Code; 1581

(c) A violation of section 2905.04 of the Revised Code as 1582  
it existed prior to July 1, 1996; 1583

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 1584  
the Revised Code when the underlying offense that is the object 1585  
of the conspiracy, attempt, or complicity is one of the offenses 1586  
listed in divisions (A) (3) (a) to (c) of this section; 1587

(e) A violation of an existing or former municipal 1588  
ordinance or law of this state, any other state, or the United 1589  
States that is substantially equivalent to any of the offenses 1590  
listed in divisions (A) (3) (a) to (d) of this section. 1591

(4) On receipt of a request pursuant to section 2151.86 of 1592  
the Revised Code, a completed form prescribed pursuant to 1593  
division (C) (1) of this section, and a set of fingerprint 1594  
impressions obtained in the manner described in division (C) (2) 1595  
of this section, the superintendent of the bureau of criminal 1596  
identification and investigation shall conduct a criminal 1597  
records check in the manner described in division (B) of this 1598  
section to determine whether any information exists that 1599  
indicates that the person who is the subject of the request 1600  
previously has been convicted of or pleaded guilty to any of the 1601  
following: 1602

(a) A violation of section 959.13, 2903.01, 2903.02, 1603  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 1604  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 1605  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1606

2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 1607  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 1608  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 1609  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 1610  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1611  
2927.12, or 3716.11 of the Revised Code, a violation of section 1612  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1613  
a violation of section 2919.23 of the Revised Code that would 1614  
have been a violation of section 2905.04 of the Revised Code as 1615  
it existed prior to July 1, 1996, had the violation been 1616  
committed prior to that date, a violation of section 2925.11 of 1617  
the Revised Code that is not a minor drug possession offense, 1618  
two or more OVI or OVUAC violations committed within the three 1619  
years immediately preceding the submission of the application or 1620  
petition that is the basis of the request, or felonious sexual 1621  
penetration in violation of former section 2907.12 of the 1622  
Revised Code; 1623

(b) A violation of an existing or former law of this 1624  
state, any other state, or the United States that is 1625  
substantially equivalent to any of the offenses listed in 1626  
division (A) (4) (a) of this section. 1627

(5) Upon receipt of a request pursuant to section 5104.013 1628  
of the Revised Code, a completed form prescribed pursuant to 1629  
division (C) (1) of this section, and a set of fingerprint 1630  
impressions obtained in the manner described in division (C) (2) 1631  
of this section, the superintendent of the bureau of criminal 1632  
identification and investigation shall conduct a criminal 1633  
records check in the manner described in division (B) of this 1634  
section to determine whether any information exists that 1635  
indicates that the person who is the subject of the request has 1636  
been convicted of or pleaded guilty to any of the following: 1637

(a) A violation of section 2151.421, 2903.01, 2903.02, 1638  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1639  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 1640  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1641  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 1642  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1643  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 1644  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 1645  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 1646  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 1647  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 1648  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 1649  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 1650  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 1651  
3716.11 of the Revised Code, felonious sexual penetration in 1652  
violation of former section 2907.12 of the Revised Code, a 1653  
violation of section 2905.04 of the Revised Code as it existed 1654  
prior to July 1, 1996, a violation of section 2919.23 of the 1655  
Revised Code that would have been a violation of section 2905.04 1656  
of the Revised Code as it existed prior to July 1, 1996, had the 1657  
violation been committed prior to that date, a violation of 1658  
section 2925.11 of the Revised Code that is not a minor drug 1659  
possession offense, a violation of section 2923.02 or 2923.03 of 1660  
the Revised Code that relates to a crime specified in this 1661  
division, or a second violation of section 4511.19 of the 1662  
Revised Code within five years of the date of application for 1663  
licensure or certification. 1664

(b) A violation of an existing or former law of this 1665  
state, any other state, or the United States that is 1666  
substantially equivalent to any of the offenses or violations 1667  
described in division (A) (5) (a) of this section. 1668

(6) Upon receipt of a request pursuant to section 5153.111 1669  
of the Revised Code, a completed form prescribed pursuant to 1670  
division (C)(1) of this section, and a set of fingerprint 1671  
impressions obtained in the manner described in division (C)(2) 1672  
of this section, the superintendent of the bureau of criminal 1673  
identification and investigation shall conduct a criminal 1674  
records check in the manner described in division (B) of this 1675  
section to determine whether any information exists that 1676  
indicates that the person who is the subject of the request 1677  
previously has been convicted of or pleaded guilty to any of the 1678  
following: 1679

(a) A violation of section 2903.01, 2903.02, 2903.03, 1680  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1681  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1682  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1683  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1684  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1685  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1686  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 1687  
Code, felonious sexual penetration in violation of former 1688  
section 2907.12 of the Revised Code, a violation of section 1689  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1690  
a violation of section 2919.23 of the Revised Code that would 1691  
have been a violation of section 2905.04 of the Revised Code as 1692  
it existed prior to July 1, 1996, had the violation been 1693  
committed prior to that date, or a violation of section 2925.11 1694  
of the Revised Code that is not a minor drug possession offense; 1695

(b) A violation of an existing or former law of this 1696  
state, any other state, or the United States that is 1697  
substantially equivalent to any of the offenses listed in 1698  
division (A)(6)(a) of this section. 1699

(7) On receipt of a request for a criminal records check 1700  
from an individual pursuant to section 4749.03 or 4749.06 of the 1701  
Revised Code, accompanied by a completed copy of the form 1702  
prescribed in division (C)(1) of this section and a set of 1703  
fingerprint impressions obtained in a manner described in 1704  
division (C)(2) of this section, the superintendent of the 1705  
bureau of criminal identification and investigation shall 1706  
conduct a criminal records check in the manner described in 1707  
division (B) of this section to determine whether any 1708  
information exists indicating that the person who is the subject 1709  
of the request has been convicted of or pleaded guilty to a 1710  
felony in this state or in any other state. If the individual 1711  
indicates that a firearm will be carried in the course of 1712  
business, the superintendent shall require information from the 1713  
federal bureau of investigation as described in division (B)(2) 1714  
of this section. Subject to division (F) of this section, the 1715  
superintendent shall report the findings of the criminal records 1716  
check and any information the federal bureau of investigation 1717  
provides to the director of public safety. 1718

(8) On receipt of a request pursuant to section 1321.37, 1719  
1321.53, or 4763.05 of the Revised Code, a completed form 1720  
prescribed pursuant to division (C)(1) of this section, and a 1721  
set of fingerprint impressions obtained in the manner described 1722  
in division (C)(2) of this section, the superintendent of the 1723  
bureau of criminal identification and investigation shall 1724  
conduct a criminal records check with respect to any person who 1725  
has applied for a license, permit, or certification from the 1726  
department of commerce or a division in the department. The 1727  
superintendent shall conduct the criminal records check in the 1728  
manner described in division (B) of this section to determine 1729  
whether any information exists that indicates that the person 1730

who is the subject of the request previously has been convicted 1731  
of or pleaded guilty to any of the following: a violation of 1732  
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 1733  
Revised Code; any other criminal offense involving theft, 1734  
receiving stolen property, embezzlement, forgery, fraud, passing 1735  
bad checks, money laundering, or drug trafficking, or any 1736  
criminal offense involving money or securities, as set forth in 1737  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 1738  
the Revised Code; or any existing or former law of this state, 1739  
any other state, or the United States that is substantially 1740  
equivalent to those offenses. 1741

(9) On receipt of a request for a criminal records check 1742  
from the treasurer of state under section 113.041 of the Revised 1743  
Code or from an individual under section 4701.08, 4715.101, 1744  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1745  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1746  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1747  
4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 1748  
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 1749  
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 1750  
Code, accompanied by a completed form prescribed under division 1751  
(C) (1) of this section and a set of fingerprint impressions 1752  
obtained in the manner described in division (C) (2) of this 1753  
section, the superintendent of the bureau of criminal 1754  
identification and investigation shall conduct a criminal 1755  
records check in the manner described in division (B) of this 1756  
section to determine whether any information exists that 1757  
indicates that the person who is the subject of the request has 1758  
been convicted of or pleaded guilty to any criminal offense in 1759  
this state or any other state. Subject to division (F) of this 1760  
section, the superintendent shall send the results of a check 1761

requested under section 113.041 of the Revised Code to the 1762  
treasurer of state and shall send the results of a check 1763  
requested under any of the other listed sections to the 1764  
licensing board specified by the individual in the request. 1765

(10) On receipt of a request pursuant to section 1121.23, 1766  
1315.141, 1733.47, or 1761.26 of the Revised Code, a completed 1767  
form prescribed pursuant to division (C) (1) of this section, and 1768  
a set of fingerprint impressions obtained in the manner 1769  
described in division (C) (2) of this section, the superintendent 1770  
of the bureau of criminal identification and investigation shall 1771  
conduct a criminal records check in the manner described in 1772  
division (B) of this section to determine whether any 1773  
information exists that indicates that the person who is the 1774  
subject of the request previously has been convicted of or 1775  
pleaded guilty to any criminal offense under any existing or 1776  
former law of this state, any other state, or the United States. 1777

(11) On receipt of a request for a criminal records check 1778  
from an appointing or licensing authority under section 3772.07 1779  
of the Revised Code, a completed form prescribed under division 1780  
(C) (1) of this section, and a set of fingerprint impressions 1781  
obtained in the manner prescribed in division (C) (2) of this 1782  
section, the superintendent of the bureau of criminal 1783  
identification and investigation shall conduct a criminal 1784  
records check in the manner described in division (B) of this 1785  
section to determine whether any information exists that 1786  
indicates that the person who is the subject of the request 1787  
previously has been convicted of or pleaded guilty or no contest 1788  
to any offense under any existing or former law of this state, 1789  
any other state, or the United States that is a disqualifying 1790  
offense as defined in section 3772.07 of the Revised Code or 1791  
substantially equivalent to such an offense. 1792

(12) On receipt of a request pursuant to section 2151.33 1793  
or 2151.412 of the Revised Code, a completed form prescribed 1794  
pursuant to division (C)(1) of this section, and a set of 1795  
fingerprint impressions obtained in the manner described in 1796  
division (C)(2) of this section, the superintendent of the 1797  
bureau of criminal identification and investigation shall 1798  
conduct a criminal records check with respect to any person for 1799  
whom a criminal records check is required under that section. 1800  
The superintendent shall conduct the criminal records check in 1801  
the manner described in division (B) of this section to 1802  
determine whether any information exists that indicates that the 1803  
person who is the subject of the request previously has been 1804  
convicted of or pleaded guilty to any of the following: 1805

(a) A violation of section 2903.01, 2903.02, 2903.03, 1806  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1807  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1808  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1809  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1810  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1811  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1812  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1813  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1814

(b) An existing or former law of this state, any other 1815  
state, or the United States that is substantially equivalent to 1816  
any of the offenses listed in division (A)(12)(a) of this 1817  
section. 1818

(13) On receipt of a request pursuant to section 3796.12 1819  
of the Revised Code, a completed form prescribed pursuant to 1820  
division (C)(1) of this section, and a set of fingerprint 1821  
impressions obtained in a manner described in division (C)(2) of 1822

this section, the superintendent of the bureau of criminal 1823  
identification and investigation shall conduct a criminal 1824  
records check in the manner described in division (B) of this 1825  
section to determine whether any information exists that 1826  
indicates that the person who is the subject of the request 1827  
previously has been convicted of or pleaded guilty to the 1828  
following: 1829

(a) A disqualifying offense as specified in rules adopted 1830  
under division (B) (2) (b) of section 3796.03 of the Revised Code 1831  
if the person who is the subject of the request is an 1832  
administrator or other person responsible for the daily 1833  
operation of, or an owner or prospective owner, officer or 1834  
prospective officer, or board member or prospective board member 1835  
of, an entity seeking a license from the department of commerce 1836  
under Chapter 3796. of the Revised Code; 1837

(b) A disqualifying offense as specified in rules adopted 1838  
under division (B) (2) (b) of section 3796.04 of the Revised Code 1839  
if the person who is the subject of the request is an 1840  
administrator or other person responsible for the daily 1841  
operation of, or an owner or prospective owner, officer or 1842  
prospective officer, or board member or prospective board member 1843  
of, an entity seeking a license from the state board of pharmacy 1844  
under Chapter 3796. of the Revised Code. 1845

(14) On receipt of a request required by section 3796.13 1846  
of the Revised Code, a completed form prescribed pursuant to 1847  
division (C) (1) of this section, and a set of fingerprint 1848  
impressions obtained in a manner described in division (C) (2) of 1849  
this section, the superintendent of the bureau of criminal 1850  
identification and investigation shall conduct a criminal 1851  
records check in the manner described in division (B) of this 1852

section to determine whether any information exists that 1853  
indicates that the person who is the subject of the request 1854  
previously has been convicted of or pleaded guilty to the 1855  
following: 1856

(a) A disqualifying offense as specified in rules adopted 1857  
under division (B) (8) (a) of section 3796.03 of the Revised Code 1858  
if the person who is the subject of the request is seeking 1859  
employment with an entity licensed by the department of commerce 1860  
under Chapter 3796. of the Revised Code; 1861

(b) A disqualifying offense as specified in rules adopted 1862  
under division (B) (14) (a) of section 3796.04 of the Revised Code 1863  
if the person who is the subject of the request is seeking 1864  
employment with an entity licensed by the state board of 1865  
pharmacy under Chapter 3796. of the Revised Code. 1866

(B) Subject to division (F) of this section, the 1867  
superintendent shall conduct any criminal records check to be 1868  
conducted under this section as follows: 1869

(1) The superintendent shall review or cause to be 1870  
reviewed any relevant information gathered and compiled by the 1871  
bureau under division (A) of section 109.57 of the Revised Code 1872  
that relates to the person who is the subject of the criminal 1873  
records check, including, if the criminal records check was 1874  
requested under section 113.041, 121.08, 173.27, 173.38, 1875  
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 1876  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 1877  
3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 4749.06, 4763.05, 1878  
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 1879  
5153.111 of the Revised Code, any relevant information contained 1880  
in records that have been sealed under section 2953.32 of the 1881  
Revised Code; 1882

(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 if the request is made pursuant to section 2151.86 or 5104.013 of the Revised Code or if any other Revised Code section requires fingerprint-based checks of that nature, and shall review or cause to be reviewed any information the superintendent receives from that bureau. If a request under section 3319.39 of the Revised Code asks only for information from the federal bureau of investigation, the superintendent shall not conduct the review prescribed by division (B)(1) of this section.

(3) The superintendent or the superintendent's designee may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code.

(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), or (14) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law.

(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent

not later than the following number of days after the date the  
superintendent receives the request for the criminal records  
check, the completed form prescribed under division (C) (1) of  
this section, and the set of fingerprint impressions obtained in  
the manner described in division (C) (2) of this section:

(a) If the superintendent is required by division (A) of  
this section (other than division (A) (3) of this section) to  
conduct the criminal records check, thirty;

(b) If the superintendent is required by division (A) (3)  
of this section to conduct the criminal records check, sixty.

(C) (1) The superintendent shall prescribe a form to obtain  
the information necessary to conduct a criminal records check  
from any person for whom a criminal records check is to be  
conducted under this section. The form that the superintendent  
prescribes pursuant to this division may be in a tangible  
format, in an electronic format, or in both tangible and  
electronic formats.

(2) The superintendent shall prescribe standard impression  
sheets to obtain the fingerprint impressions of any person for  
whom a criminal records check is to be conducted under this  
section. Any person for whom a records check is to be conducted  
under this section shall obtain the fingerprint impressions at a  
county sheriff's office, municipal police department, or any  
other entity with the ability to make fingerprint impressions on  
the standard impression sheets prescribed by the superintendent.  
The office, department, or entity may charge the person a  
reasonable fee for making the impressions. The standard  
impression sheets the superintendent prescribes pursuant to this  
division may be in a tangible format, in an electronic format,  
or in both tangible and electronic formats.

(3) Subject to division (D) of this section, the 1943  
superintendent shall prescribe and charge a reasonable fee for 1944  
providing a criminal records check under this section. The 1945  
person requesting the criminal records check shall pay the fee 1946  
prescribed pursuant to this division. In the case of a request 1947  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1948  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 1949  
fee shall be paid in the manner specified in that section. 1950

(4) The superintendent of the bureau of criminal 1951  
identification and investigation may prescribe methods of 1952  
forwarding fingerprint impressions and information necessary to 1953  
conduct a criminal records check, which methods shall include, 1954  
but not be limited to, an electronic method. 1955

(D) The results of a criminal records check conducted 1956  
under this section, other than a criminal records check 1957  
specified in division (A)(7) of this section, are valid for the 1958  
person who is the subject of the criminal records check for a 1959  
period of one year from the date upon which the superintendent 1960  
completes the criminal records check. If during that period the 1961  
superintendent receives another request for a criminal records 1962  
check to be conducted under this section for that person, the 1963  
superintendent shall provide the results from the previous 1964  
criminal records check of the person at a lower fee than the fee 1965  
prescribed for the initial criminal records check. 1966

(E) When the superintendent receives a request for 1967  
information from a registered private provider, the 1968  
superintendent shall proceed as if the request was received from 1969  
a school district board of education under section 3319.39 of 1970  
the Revised Code. The superintendent shall apply division (A)(1) 1971  
(c) of this section to any such request for an applicant who is 1972

a teacher. 1973

(F) (1) Subject to division (F) (2) of this section, all 1974  
information regarding the results of a criminal records check 1975  
conducted under this section that the superintendent reports or 1976  
sends under division (A) (7) or (9) of this section to the 1977  
director of public safety, the treasurer of state, or the 1978  
person, board, or entity that made the request for the criminal 1979  
records check shall relate to the conviction of the subject 1980  
person, or the subject person's plea of guilty to, a criminal 1981  
offense. 1982

(2) Division (F) (1) of this section does not limit, 1983  
restrict, or preclude the superintendent's release of 1984  
information that relates to the arrest of a person who is 1985  
eighteen years of age or older, to an adjudication of a child as 1986  
a delinquent child, or to a criminal conviction of a person 1987  
under eighteen years of age in circumstances in which a release 1988  
of that nature is authorized under division (E) (2), (3), or (4) 1989  
of section 109.57 of the Revised Code pursuant to a rule adopted 1990  
under division (E) (1) of that section. 1991

(G) As used in this section: 1992

(1) "Criminal records check" means any criminal records 1993  
check conducted by the superintendent of the bureau of criminal 1994  
identification and investigation in accordance with division (B) 1995  
of this section. 1996

(2) "Minor drug possession offense" has the same meaning 1997  
as in section 2925.01 of the Revised Code. 1998

(3) "OVI or OVUAC violation" means a violation of section 1999  
4511.19 of the Revised Code or a violation of an existing or 2000  
former law of this state, any other state, or the United States 2001

that is substantially equivalent to section 4511.19 of the Revised Code.

(4) "Registered private provider" means a nonpublic school or entity registered with the ~~superintendent of public instruction~~ department of learning and achievement under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.

**Sec. 109.64.** The bureau of criminal identification and investigation shall prepare a periodic information bulletin concerning missing children whom it determines may be present in this state. The bureau shall compile the bulletin from information contained in the national crime information center computer. The bulletin shall indicate the names and addresses of these minors who are the subject of missing children cases and other information that the superintendent of the bureau considers appropriate. The bulletin shall contain a reminder to law enforcement agencies of their responsibilities under section 2901.30 of the Revised Code.

The bureau shall send a copy of each periodic information bulletin to the missing children clearinghouse established under section 109.65 of the Revised Code for use in connection with its responsibilities under division (E) of that section. Upon receipt of each periodic information bulletin from the bureau, the missing children clearinghouse shall send a copy of the bulletin to each sheriff, marshal, police department of a municipal corporation, police force of a township police district or joint police district, and township constable in this state, to the board of education of each school district in

this state, and to each nonpublic school in this state. The 2032  
bureau shall provide a copy of the bulletin, upon request, to 2033  
other persons or entities. The superintendent of the bureau, 2034  
with the approval of the attorney general, may establish a 2035  
reasonable fee for a copy of a bulletin provided to persons or 2036  
entities other than law enforcement agencies in this or other 2037  
states or of the federal government, the department of 2038  
education, the department of learning and achievement, 2039  
governmental entities of this state, and libraries in this 2040  
state. The superintendent shall deposit all such fees collected 2041  
into the missing children fund created by section 109.65 of the 2042  
Revised Code. 2043

As used in this section, "missing children," 2044  
"information," and "minor" have the same meanings as in section 2045  
2901.30 of the Revised Code. 2046

**Sec. 109.65.** (A) As used in this section, "minor," 2047  
"missing child," and "missing children" have the same meanings 2048  
as in section 2901.30 of the Revised Code. 2049

(B) There is hereby created within the office of the 2050  
attorney general the missing children clearinghouse. The 2051  
attorney general shall administer the clearinghouse. The 2052  
clearinghouse is established as a central repository of 2053  
information to coordinate and improve the availability of 2054  
information regarding missing children, which information shall 2055  
be collected and disseminated by the clearinghouse to assist in 2056  
the location of missing children. The clearinghouse shall act as 2057  
an information repository separate from and in addition to law 2058  
enforcement agencies within this state. 2059

(C) The missing children clearinghouse may perform any of 2060  
the following functions: 2061

(1) The establishment of services to aid in the location 2062  
of missing children that include, but are not limited to, any of 2063  
the following services: 2064

(a) Assistance in the preparation and dissemination of 2065  
flyers identifying and describing missing children and their 2066  
abductors; 2067

(b) The development of informational forms for the 2068  
reporting of missing children that may be used by parents, 2069  
guardians, and law enforcement officials to facilitate the 2070  
location of a missing child; 2071

(c) The provision of assistance to public and private 2072  
organizations, boards of education, nonpublic schools, 2073  
preschools, child care facilities, and law enforcement agencies 2074  
in planning and implementing voluntary programs to fingerprint 2075  
children. 2076

(2) The establishment and operation of a toll-free 2077  
telephone line for supplemental reports of missing children and 2078  
reports of sightings of missing children; 2079

(3) Upon the request of any person or entity and upon 2080  
payment of any applicable fee established by the attorney 2081  
general under division (H) of this section, the provision to the 2082  
person or entity who makes the request of a copy of any 2083  
information possessed by the clearinghouse that was acquired or 2084  
prepared pursuant to division (E) (3) of this section; 2085

(4) The performance of liaison services between 2086  
individuals and public and private agencies regarding procedures 2087  
for handling and responding to missing children reports; 2088

(5) The participation as a member in any networks of other 2089  
missing children centers or clearinghouses; 2090

(6) The creation and operation of an intrastate network of communication designed for the speedy collection and processing of information concerning missing children.

(D) If a board of education is notified by school personnel that a missing child is attending any school under the board's jurisdiction, or if the principal or chief administrative officer of a nonpublic school is notified by school personnel that a missing child is attending that school, the board or the principal or chief administrative officer immediately shall give notice of that fact to the missing children clearinghouse and to the law enforcement agency with jurisdiction over the area where the missing child resides.

(E) (1) The attorney general, in cooperation with the department of job and family services, shall establish a "missing child educational program" within the missing children clearinghouse that shall perform the functions specified in divisions (E) (1) to (3) of this section. The program shall operate under the supervision and control of the attorney general in accordance with procedures that the attorney general shall develop to implement divisions (E) (1) to (3) of this section. The attorney general shall cooperate with the department of ~~education~~ learning and achievement in developing and disseminating information acquired or prepared pursuant to division (E) (3) of this section.

(2) Upon the request of any board of education in this state or any nonpublic school in this state, the missing child educational program shall provide to the board or school a reasonable number of copies of the information acquired or prepared pursuant to division (E) (3) of this section.

Upon the request of any board of education in this state

or any nonpublic school in this state that, pursuant to section 2121  
3313.96 of the Revised Code, is developing an information 2122  
program concerning missing children issues and matters, the 2123  
missing child educational program shall provide to the board or 2124  
nonpublic school assistance in developing the information 2125  
program. The assistance may include, but is not limited to, the 2126  
provision of any or all of the following: 2127

(a) If the requesting entity is a board of education of a 2128  
school district, sample policies on missing and exploited 2129  
children issues to assist the board in complying with section 2130  
3313.205 of the Revised Code; 2131

(b) Suggested safety curricula regarding missing children 2132  
issues, including child safety and abduction prevention issues; 2133

(c) Assistance in developing, with local law enforcement 2134  
agencies, prosecuting attorneys, boards of education, school 2135  
districts, and nonpublic schools, cooperative programs for 2136  
fingerprinting children; 2137

(d) Other assistance to further the goals of the program. 2138

(3) The missing child educational program shall acquire or 2139  
prepare informational materials relating to missing children 2140  
issues and matters. These issues and matters include, but are 2141  
not limited to, the following: 2142

(a) The types of missing children; 2143

(b) The reasons why and how minors become missing 2144  
children, the potential adverse consequences of a minor becoming 2145  
a missing child, and, in the case of minors who are considering 2146  
running away from home or from the care, custody, and control of 2147  
their parents, parent who is the residential parent and legal 2148  
custodian, guardian, legal custodian, or another person 2149

responsible for them, alternatives that may be available to	2150
address their concerns and problems;	2151
(c) Offenses under federal law that could relate to	2152
missing children and other provisions of federal law that focus	2153
on missing children;	2154
(d) Offenses under the Revised Code that could relate to	2155
missing children, including, but not limited to, kidnapping,	2156
abduction, unlawful restraint, child stealing, interference with	2157
custody, endangering children, domestic violence, abuse of a	2158
child and contributing to the dependency, neglect, unruliness,	2159
or delinquency of a child, sexual offenses, drug offenses,	2160
prostitution offenses, and obscenity offenses, and other	2161
provisions of the Revised Code that could relate to missing	2162
children;	2163
(e) Legislation being considered by the general assembly,	2164
legislatures of other states, the congress of the United States,	2165
and political subdivisions in this or any other state to address	2166
missing children issues;	2167
(f) Sources of information on missing children issues;	2168
(g) State, local, federal, and private systems for	2169
locating and identifying missing children;	2170
(h) Law enforcement agency programs, responsibilities, and	2171
investigative techniques in missing children matters;	2172
(i) Efforts on the community level in this and other	2173
states, concerning missing children issues and matters, by	2174
governmental entities and private organizations;	2175
(j) The identification of private organizations that,	2176
among their primary objectives, address missing children issues	2177

and matters; 2178

(k) How to avoid becoming a missing child and what to do 2179  
if one becomes a missing child; 2180

(l) Efforts that schools, parents, and members of a 2181  
community can undertake to reduce the risk that a minor will 2182  
become a missing child and to quickly locate or identify a minor 2183  
if he becomes a missing child, including, but not limited to, 2184  
fingerprinting programs. 2185

(F) Each year the missing children clearinghouse shall 2186  
issue a report describing its performance of the functions 2187  
specified in division (E) of this section and shall provide a 2188  
copy of the report to the speaker of the house of 2189  
representatives, the president of the senate, the governor, the 2190  
superintendent of the bureau of criminal identification and 2191  
investigation, and the director of job and family services. 2192

(G) Any state agency or political subdivision of this 2193  
state that operates a missing children program or a 2194  
clearinghouse for information about missing children shall 2195  
coordinate its activities with the missing children 2196  
clearinghouse. 2197

(H) The attorney general shall determine a reasonable fee 2198  
to be charged for providing to any person or entity other than a 2199  
state or local law enforcement agency of this or any other 2200  
state, a law enforcement agency of the United States, a board of 2201  
education of a school district in this state, a nonpublic school 2202  
in this state, a governmental entity in this state, or a public 2203  
library in this state, pursuant to division (A)(3) of this 2204  
section, copies of any information acquired or prepared pursuant 2205  
to division (E)(3) of this section. The attorney general shall 2206

collect the fee prior to sending or giving copies of any 2207  
information to any person or entity for whom or which this 2208  
division requires the fee to be charged and shall deposit the 2209  
fee into the missing children fund created by division (I) of 2210  
this section. 2211

(I) There is hereby created in the state treasury the 2212  
missing children fund that shall consist of all moneys awarded 2213  
to the state by donation, gift, or bequest, all other moneys 2214  
received for purposes of this section, and all fees collected 2215  
pursuant to this section or section 109.64 of the Revised Code. 2216  
The attorney general shall use the moneys in the missing 2217  
children fund only for purposes of the office of the attorney 2218  
general acquiring or preparing information pursuant to division 2219  
(E) (3) of this section. 2220

(J) The failure of the missing children clearinghouse to 2221  
undertake any function or activity authorized in this section 2222  
does not create a cause of action against the state. 2223

**Sec. 109.71.** There is hereby created in the office of the 2224  
attorney general the Ohio peace officer training commission. The 2225  
commission shall consist of ten members appointed by the 2226  
governor with the advice and consent of the senate and selected 2227  
as follows: one member representing the public; one member who 2228  
represents a fraternal organization representing law enforcement 2229  
officers; two members who are incumbent sheriffs; two members 2230  
who are incumbent chiefs of police; one member from the bureau 2231  
of criminal identification and investigation; one member from 2232  
the state highway patrol; one member who is the special agent in 2233  
charge of a field office of the federal bureau of investigation 2234  
in this state; and one member from the department of ~~education~~ 2235  
learning and achievement, trade and industrial education 2236

services, law enforcement training. 2237

This section does not confer any arrest authority or any 2238  
ability or authority to detain a person, write or issue any 2239  
citation, or provide any disposition alternative, as granted 2240  
under Chapter 2935. of the Revised Code. 2241

Pursuant to division (A) (9) of section 101.82 of the 2242  
Revised Code, the commission is exempt from the requirements of 2243  
sections 101.82 to 101.87 of the Revised Code. 2244

As used in sections 109.71 to 109.801 of the Revised Code: 2245

(A) "Peace officer" means: 2246

(1) A deputy sheriff, marshal, deputy marshal, member of 2247  
the organized police department of a township or municipal 2248  
corporation, member of a township police district or joint 2249  
police district police force, member of a police force employed 2250  
by a metropolitan housing authority under division (D) of 2251  
section 3735.31 of the Revised Code, or township constable, who 2252  
is commissioned and employed as a peace officer by a political 2253  
subdivision of this state or by a metropolitan housing 2254  
authority, and whose primary duties are to preserve the peace, 2255  
to protect life and property, and to enforce the laws of this 2256  
state, ordinances of a municipal corporation, resolutions of a 2257  
township, or regulations of a board of county commissioners or 2258  
board of township trustees, or any of those laws, ordinances, 2259  
resolutions, or regulations; 2260

(2) A police officer who is employed by a railroad company 2261  
and appointed and commissioned by the secretary of state 2262  
pursuant to sections 4973.17 to 4973.22 of the Revised Code; 2263

(3) Employees of the department of taxation engaged in the 2264  
enforcement of Chapter 5743. of the Revised Code and designated 2265

by the tax commissioner for peace officer training for purposes	2266
of the delegation of investigation powers under section 5743.45	2267
of the Revised Code;	2268
(4) An undercover drug agent;	2269
(5) Enforcement agents of the department of public safety	2270
whom the director of public safety designates under section	2271
5502.14 of the Revised Code;	2272
(6) An employee of the department of natural resources who	2273
is a natural resources law enforcement staff officer designated	2274
pursuant to section 1501.013, a natural resources officer	2275
appointed pursuant to section 1501.24, a forest-fire	2276
investigator appointed pursuant to section 1503.09, or a	2277
wildlife officer designated pursuant to section 1531.13 of the	2278
Revised Code;	2279
(7) An employee of a park district who is designated	2280
pursuant to section 511.232 or 1545.13 of the Revised Code;	2281
(8) An employee of a conservancy district who is	2282
designated pursuant to section 6101.75 of the Revised Code;	2283
(9) A police officer who is employed by a hospital that	2284
employs and maintains its own proprietary police department or	2285
security department, and who is appointed and commissioned by	2286
the secretary of state pursuant to sections 4973.17 to 4973.22	2287
of the Revised Code;	2288
(10) Veterans' homes police officers designated under	2289
section 5907.02 of the Revised Code;	2290
(11) A police officer who is employed by a qualified	2291
nonprofit corporation police department pursuant to section	2292
1702.80 of the Revised Code;	2293

(12) A state university law enforcement officer appointed	2294
under section 3345.04 of the Revised Code or a person serving as	2295
a state university law enforcement officer on a permanent basis	2296
on June 19, 1978, who has been awarded a certificate by the	2297
executive director of the Ohio peace officer training commission	2298
attesting to the person's satisfactory completion of an approved	2299
state, county, municipal, or department of natural resources	2300
peace officer basic training program;	2301
(13) A special police officer employed by the department	2302
of mental health and addiction services pursuant to section	2303
5119.08 of the Revised Code or the department of developmental	2304
disabilities pursuant to section 5123.13 of the Revised Code;	2305
(14) A member of a campus police department appointed	2306
under section 1713.50 of the Revised Code;	2307
(15) A member of a police force employed by a regional	2308
transit authority under division (Y) of section 306.35 of the	2309
Revised Code;	2310
(16) Investigators appointed by the auditor of state	2311
pursuant to section 117.091 of the Revised Code and engaged in	2312
the enforcement of Chapter 117. of the Revised Code;	2313
(17) A special police officer designated by the	2314
superintendent of the state highway patrol pursuant to section	2315
5503.09 of the Revised Code or a person who was serving as a	2316
special police officer pursuant to that section on a permanent	2317
basis on October 21, 1997, and who has been awarded a	2318
certificate by the executive director of the Ohio peace officer	2319
training commission attesting to the person's satisfactory	2320
completion of an approved state, county, municipal, or	2321
department of natural resources peace officer basic training	2322

program; 2323

(18) A special police officer employed by a port authority 2324  
under section 4582.04 or 4582.28 of the Revised Code or a person 2325  
serving as a special police officer employed by a port authority 2326  
on a permanent basis on May 17, 2000, who has been awarded a 2327  
certificate by the executive director of the Ohio peace officer 2328  
training commission attesting to the person's satisfactory 2329  
completion of an approved state, county, municipal, or 2330  
department of natural resources peace officer basic training 2331  
program; 2332

(19) A special police officer employed by a municipal 2333  
corporation who has been awarded a certificate by the executive 2334  
director of the Ohio peace officer training commission for 2335  
satisfactory completion of an approved peace officer basic 2336  
training program and who is employed on a permanent basis on or 2337  
after March 19, 2003, at a municipal airport, or other municipal 2338  
air navigation facility, that has scheduled operations, as 2339  
defined in section 119.3 of Title 14 of the Code of Federal 2340  
Regulations, 14 C.F.R. 119.3, as amended, and that is required 2341  
to be under a security program and is governed by aviation 2342  
security rules of the transportation security administration of 2343  
the United States department of transportation as provided in 2344  
Parts 1542. and 1544. of Title 49 of the Code of Federal 2345  
Regulations, as amended; 2346

(20) A police officer who is employed by an owner or 2347  
operator of an amusement park that has an average yearly 2348  
attendance in excess of six hundred thousand guests and that 2349  
employs and maintains its own proprietary police department or 2350  
security department, and who is appointed and commissioned by a 2351  
judge of the appropriate municipal court or county court 2352

pursuant to section 4973.17 of the Revised Code; 2353

(21) A police officer who is employed by a bank, savings 2354  
and loan association, savings bank, credit union, or association 2355  
of banks, savings and loan associations, savings banks, or 2356  
credit unions, who has been appointed and commissioned by the 2357  
secretary of state pursuant to sections 4973.17 to 4973.22 of 2358  
the Revised Code, and who has been awarded a certificate by the 2359  
executive director of the Ohio peace officer training commission 2360  
attesting to the person's satisfactory completion of a state, 2361  
county, municipal, or department of natural resources peace 2362  
officer basic training program; 2363

(22) An investigator, as defined in section 109.541 of the 2364  
Revised Code, of the bureau of criminal identification and 2365  
investigation who is commissioned by the superintendent of the 2366  
bureau as a special agent for the purpose of assisting law 2367  
enforcement officers or providing emergency assistance to peace 2368  
officers pursuant to authority granted under that section; 2369

(23) A state fire marshal law enforcement officer 2370  
appointed under section 3737.22 of the Revised Code or a person 2371  
serving as a state fire marshal law enforcement officer on a 2372  
permanent basis on or after July 1, 1982, who has been awarded a 2373  
certificate by the executive director of the Ohio peace officer 2374  
training commission attesting to the person's satisfactory 2375  
completion of an approved state, county, municipal, or 2376  
department of natural resources peace officer basic training 2377  
program; 2378

(24) A gaming agent employed under section 3772.03 of the 2379  
Revised Code. 2380

(B) "Undercover drug agent" has the same meaning as in 2381

division (B) (2) of section 109.79 of the Revised Code. 2382

(C) "Crisis intervention training" means training in the 2383  
use of interpersonal and communication skills to most 2384  
effectively and sensitively interview victims of rape. 2385

(D) "Missing children" has the same meaning as in section 2386  
2901.30 of the Revised Code. 2387

**Sec. 109.72.** Ohio peace officer training commission member 2388  
terms shall be for three years, commencing on the twentieth day 2389  
of September and ending on the nineteenth day of September. Each 2390  
member shall hold office from the date of appointment until the 2391  
end of the term to which the member was appointed. Any member 2392  
appointed to fill a vacancy occurring prior to the expiration of 2393  
the term for which the member's predecessor was appointed shall 2394  
hold office for the remainder of such term. Any member shall 2395  
continue in office subsequent to the expiration date of the 2396  
member's term until the member's successor takes office, or 2397  
until a period of sixty days has elapsed, whichever occurs 2398  
first. An interim chairperson shall be appointed by the governor 2399  
until such time as the commission elects a permanent 2400  
chairperson. 2401

Any member of the commission appointed pursuant to section 2402  
109.71 of the Revised Code as an incumbent sheriff, incumbent 2403  
chief of police, representative of the state highway patrol, 2404  
~~state department of education~~ learning and achievement, federal 2405  
bureau of investigation, and bureau of criminal identification 2406  
and investigation, shall immediately, upon termination of 2407  
holding such office, cease to be a member of the commission, and 2408  
a successor shall be appointed. 2409

The commission shall meet at least four times each year. 2410

Special meetings may be called by the chairperson and shall be 2411  
called by the chairperson at the request of the attorney general 2412  
or upon the written request of five members of the commission. 2413  
The commission may establish its own requirements as to quorum 2414  
and its own procedures with respect to the conduct of its 2415  
meetings and other affairs; provided, that all recommendations 2416  
by the commission to the attorney general pursuant to section 2417  
109.74 of the Revised Code shall require the affirmative vote of 2418  
five members of the commission. 2419

Membership on the commission does not constitute the 2420  
holding of an office, and members of the commission shall not be 2421  
required to take and file oaths of office before serving on the 2422  
commission. The commission shall not exercise any portion of the 2423  
sovereign power of the state. 2424

The members of the commission shall receive no 2425  
compensation for their services but shall be allowed their 2426  
actual and necessary expenses incurred in the performance of 2427  
their duties. 2428

No member of the commission shall be disqualified from 2429  
holding any public office or employment, nor shall the member 2430  
forfeit any such office or employment, by reason of appointment 2431  
to the commission, notwithstanding any general, special, or 2432  
local law, ordinance, or city charter to the contrary. 2433

**Sec. 109.746.** (A) The attorney general may prepare public 2434  
awareness programs that are designed to educate potential 2435  
victims of violations of section 2905.32 of the Revised Code and 2436  
their families of the risks of becoming a victim of a violation 2437  
of that section. The attorney general may prepare these programs 2438  
with assistance from the department of health, the department of 2439  
mental health and addiction services, the department of job and 2440

family services, and the department of ~~education~~ learning and 2441  
achievement. 2442

(B) Any organization, person, or other governmental agency 2443  
with an interest and expertise in trafficking in persons may 2444  
submit information or materials to the attorney general 2445  
regarding the preparation of the programs and materials 2446  
permitted under this section. The attorney general, in 2447  
developing the programs and materials permitted by this section, 2448  
shall consider any information submitted pursuant to this 2449  
division. 2450

**Sec. 117.464.** (A) (1) For purposes of this section and 2451  
section 117.465 of the Revised Code, "state university or 2452  
college" has the same meaning as in section 3345.12 of the 2453  
Revised Code. 2454

(2) For purposes of this section, "full-time-equivalent 2455  
enrollment" means the total number of students enrolled full 2456  
time at a state university or college main campus as reported 2457  
for the most recent fiscal year in the department of ~~higher-~~ 2458  
~~education's~~ learning and achievement's annual report, "Full-Time 2459  
Equivalent Enrollment Trends by Ohio Public Institutions." 2460

(B) The cost of a performance audit under section 117.46 2461  
of the Revised Code of a state university or college shall not 2462  
exceed the following: 2463

(1) One hundred twenty-five thousand dollars, if full-time 2464  
equivalent enrollment is five thousand or less; 2465

(2) Two hundred fifty thousand dollars, if full-time- 2466  
equivalent enrollment is greater than five thousand but not more 2467  
than thirty thousand; 2468

(3) Three hundred fifty thousand dollars, if full-time- 2469

equivalent enrollment is greater than thirty thousand. 2470

**Sec. 121.02.** The following administrative departments and 2471  
their respective directors are hereby created: 2472

(A) The office of budget and management, which shall be 2473  
administered by the director of budget and management; 2474

(B) The department of commerce, which shall be 2475  
administered by the director of commerce; 2476

(C) The department of administrative services, which shall 2477  
be administered by the director of administrative services; 2478

(D) The department of transportation, which shall be 2479  
administered by the director of transportation; 2480

(E) The department of agriculture, which shall be 2481  
administered by the director of agriculture; 2482

(F) The department of natural resources, which shall be 2483  
administered by the director of natural resources; 2484

(G) The department of health, which shall be administered 2485  
by the director of health; 2486

(H) The department of job and family services, which shall 2487  
be administered by the director of job and family services; 2488

(I) Until July 1, 1997, the department of liquor control, 2489  
which shall be administered by the director of liquor control; 2490

(J) The department of public safety, which shall be 2491  
administered by the director of public safety; 2492

(K) The department of mental health and addiction 2493  
services, which shall be administered by the director of mental 2494  
health and addiction services; 2495

(L) The department of developmental disabilities, which 2496  
shall be administered by the director of developmental 2497  
disabilities; 2498

(M) The department of insurance, which shall be 2499  
administered by the superintendent of insurance as director 2500  
thereof; 2501

(N) The development services agency, which shall be 2502  
administered by the director of development services; 2503

(O) The department of youth services, which shall be 2504  
administered by the director of youth services; 2505

(P) The department of rehabilitation and correction, which 2506  
shall be administered by the director of rehabilitation and 2507  
correction; 2508

(Q) The environmental protection agency, which shall be 2509  
administered by the director of environmental protection; 2510

(R) The department of aging, which shall be administered 2511  
by the director of aging; 2512

(S) The department of veterans services, which shall be 2513  
administered by the director of veterans services; 2514

(T) The department of medicaid, which shall be 2515  
administered by the medicaid director; 2516

(U) The department of learning and achievement, which 2517  
shall be administered by the director of learning and 2518  
achievement. 2519

The director of each department shall exercise the powers 2520  
and perform the duties vested by law in such department. 2521

**Sec. 121.03.** The following administrative department heads 2522

shall be appointed by the governor, with the advice and consent 2523  
of the senate, and shall hold their offices during the term of 2524  
the appointing governor, and are subject to removal at the 2525  
pleasure of the governor. 2526

- (A) The director of budget and management; 2527
- (B) The director of commerce; 2528
- (C) The director of transportation; 2529
- (D) The director of agriculture; 2530
- (E) The director of job and family services; 2531
- (F) Until July 1, 1997, the director of liquor control; 2532
- (G) The director of public safety; 2533
- (H) The superintendent of insurance; 2534
- (I) The director of development services; 2535
- (J) The tax commissioner; 2536
- (K) The director of administrative services; 2537
- (L) The director of natural resources; 2538
- (M) The director of mental health and addiction services; 2539
- (N) The director of developmental disabilities; 2540
- (O) The director of health; 2541
- (P) The director of youth services; 2542
- (Q) The director of rehabilitation and correction; 2543
- (R) The director of environmental protection; 2544
- (S) The director of aging; 2545

(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	2546 2547 2548
(U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	2549 2550 2551
(V) <del>The chancellor of higher education</del> <u>director of learning and achievement</u> ;	2552 2553
(W) The medicaid director.	2554
<b>Sec. 121.35.</b> (A) Subject to division (B) of this section, the following state agencies shall collaborate to revise and make more uniform the eligibility standards and eligibility determination procedures of programs the state agencies administer:	2555 2556 2557 2558 2559
(1) The department of aging;	2560
(2) The development services agency;	2561
(3) The department of developmental disabilities;	2562
(4) The department of <del>education</del> <u>learning and achievement</u> ;	2563
(5) The department of health;	2564
(6) The department of job and family services;	2565
(7) The department of medicaid;	2566
(8) The department of mental health and addiction services;	2567 2568
(9) The opportunities for Ohioans with disabilities agency.	2569 2570
(B) In revising eligibility standards and eligibility	2571

determination procedures, a state agency shall not make any 2572  
program's eligibility standards or eligibility determination 2573  
procedures inconsistent with state or federal law. To the extent 2574  
authorized by state and federal law, the revisions may provide 2575  
for the state agencies to share administrative operations. 2576

**Sec. 121.37.** (A) (1) There is hereby created the Ohio 2577  
family and children first cabinet council. The council shall be 2578  
composed of the ~~superintendent of public instruction~~ director of 2579  
learning and achievement, the executive director of the 2580  
opportunities for Ohioans with disabilities agency, the medicaid 2581  
director, and the directors of youth services, job and family 2582  
services, mental health and addiction services, health, 2583  
developmental disabilities, aging, rehabilitation and 2584  
correction, and budget and management. The chairperson of the 2585  
council shall be the governor or the governor's designee and 2586  
shall establish procedures for the council's internal control 2587  
and management. 2588

The purpose of the cabinet council is to help families 2589  
seeking government services. This section shall not be 2590  
interpreted or applied to usurp the role of parents, but solely 2591  
to streamline and coordinate existing government services for 2592  
families seeking assistance for their children. 2593

(2) In seeking to fulfill its purpose, the council may do 2594  
any of the following: 2595

(a) Advise and make recommendations to the governor and 2596  
general assembly regarding the provision of services to 2597  
children; 2598

(b) Advise and assess local governments on the 2599  
coordination of service delivery to children; 2600

(c) Hold meetings at such times and places as may be 2601  
prescribed by the council's procedures and maintain records of 2602  
the meetings, except that records identifying individual 2603  
children are confidential and shall be disclosed only as 2604  
provided by law; 2605

(d) Develop programs and projects, including pilot 2606  
projects, to encourage coordinated efforts at the state and 2607  
local level to improve the state's social service delivery 2608  
system; 2609

(e) Enter into contracts with and administer grants to 2610  
county family and children first councils, as well as other 2611  
county or multicounty organizations to plan and coordinate 2612  
service delivery between state agencies and local service 2613  
providers for families and children; 2614

(f) Enter into contracts with and apply for grants from 2615  
federal agencies or private organizations; 2616

(g) Enter into interagency agreements to encourage 2617  
coordinated efforts at the state and local level to improve the 2618  
state's social service delivery system. The agreements may 2619  
include provisions regarding the receipt, transfer, and 2620  
expenditure of funds; 2621

(h) Identify public and private funding sources for 2622  
services provided to alleged or adjudicated unruly children and 2623  
children who are at risk of being alleged or adjudicated unruly 2624  
children, including regulations governing access to and use of 2625  
the services; 2626

(i) Collect information provided by local communities 2627  
regarding successful programs for prevention, intervention, and 2628  
treatment of unruly behavior, including evaluations of the 2629

programs;	2630
(j) Identify and disseminate publications regarding	2631
alleged or adjudicated unruly children and children who are at	2632
risk of being alleged or adjudicated unruly children and	2633
regarding programs serving those types of children;	2634
(k) Maintain an inventory of strategic planning	2635
facilitators for use by government or nonprofit entities that	2636
serve alleged or adjudicated unruly children or children who are	2637
at risk of being alleged or adjudicated unruly children.	2638
(3) The cabinet council shall provide for the following:	2639
(a) Reviews of service and treatment plans for children	2640
for which such reviews are requested;	2641
(b) Assistance as the council determines to be necessary	2642
to meet the needs of children referred by county family and	2643
children first councils;	2644
(c) Monitoring and supervision of a statewide,	2645
comprehensive, coordinated, multi-disciplinary, interagency	2646
system for infants and toddlers with developmental disabilities	2647
or delays and their families, as established pursuant to federal	2648
grants received and administered by the department of health for	2649
early intervention services under the "Individuals with	2650
Disabilities Education Act of 2004," 118 Stat. 2744, 20 U.S.C.A.	2651
1400, as amended.	2652
(4) The cabinet council shall develop and implement the	2653
following:	2654
(a) An interagency process to select the indicators that	2655
will be used to measure progress toward increasing child well-	2656
being in the state and to update the indicators on an annual	2657

basis. The indicators shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood.

(b) An interagency system to offer guidance and monitor progress toward increasing child well-being in the state and in each county;

(c) An annual plan that identifies state-level agency efforts taken to ensure progress towards increasing child well-being in the state.

On an annual basis, the cabinet council shall submit to the governor and the general assembly a report on the status of efforts to increase child well-being in the state. This report shall be made available to any other person on request.

(B) (1) Each board of county commissioners shall establish a county family and children first council. The board may invite any local public or private agency or group that funds, advocates, or provides services to children and families to have a representative become a permanent or temporary member of its county council. Each county council must include the following individuals:

(a) At least three individuals who are not employed by an agency represented on the council and whose families are or have received services from an agency represented on the council or another county's council. Where possible, the number of members representing families shall be equal to twenty per cent of the council's membership.

(b) The director of the board of alcohol, drug addiction,

and mental health services that serves the county, or, in the 2687  
case of a county that has a board of alcohol and drug addiction 2688  
services and a community mental health board, the directors of 2689  
both boards. If a board of alcohol, drug addiction, and mental 2690  
health services covers more than one county, the director may 2691  
designate a person to participate on the county's council. 2692

(c) The health commissioner, or the commissioner's 2693  
designee, of the board of health of each city and general health 2694  
district in the county. If the county has two or more health 2695  
districts, the health commissioner membership may be limited to 2696  
the commissioners of the two districts with the largest 2697  
populations. 2698

(d) The director of the county department of job and 2699  
family services; 2700

(e) The executive director of the public children services 2701  
agency; 2702

(f) The superintendent of the county board of 2703  
developmental disabilities or, if the superintendent serves as 2704  
superintendent of more than one county board of developmental 2705  
disabilities, the superintendent's designee; 2706

(g) The superintendent of the city, exempted village, or 2707  
local school district with the largest number of pupils residing 2708  
in the county, as determined by the department of ~~education~~ 2709  
learning and achievement, which shall notify each board of 2710  
county commissioners of its determination at least biennially; 2711

(h) A school superintendent representing all other school 2712  
districts with territory in the county, as designated at a 2713  
biennial meeting of the superintendents of those districts; 2714

(i) A representative of the municipal corporation with the 2715

largest population in the county;	2716
(j) The president of the board of county commissioners or an individual designated by the board;	2717 2718
(k) A representative of the regional office of the department of youth services;	2719 2720
(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;	2721 2722
(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";	2723 2724 2725 2726
(n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.	2727 2728
Notwithstanding any other provision of law, the public members of a county council are not prohibited from serving on the council and making decisions regarding the duties of the council, including those involving the funding of joint projects and those outlined in the county's service coordination mechanism implemented pursuant to division (C) of this section.	2729 2730 2731 2732 2733 2734
The cabinet council shall establish a state appeals process to resolve disputes among the members of a county council concerning whether reasonable responsibilities as members are being shared. The appeals process may be accessed only by a majority vote of the council members who are required to serve on the council. Upon appeal, the cabinet council may order that state funds for services to children and families be redirected to a county's board of county commissioners.	2735 2736 2737 2738 2739 2740 2741 2742
The county's juvenile court judge senior in service or	2743

another judge of the juvenile court designated by the 2744  
administrative judge or, where there is no administrative judge,  
by the judge senior in service shall serve as the judicial 2745  
advisor to the county family and children first council. The 2746  
judge may advise the county council on the court's utilization 2747  
of resources, services, or programs provided by the entities 2748  
represented by the members of the county council and how those 2749  
resources, services, or programs assist the court in its 2750  
administration of justice. Service of a judge as a judicial 2751  
advisor pursuant to this section is a judicial function. 2752  
2753

(2) The purpose of the county council is to streamline and 2754  
coordinate existing government services for families seeking 2755  
services for their children. In seeking to fulfill its purpose,  
a county council shall provide for the following: 2756  
2757

(a) Referrals to the cabinet council of those children for 2758  
whom the county council cannot provide adequate services; 2759

(b) Development and implementation of a process that 2760  
annually evaluates and prioritizes services, fills service gaps 2761  
where possible, and invents new approaches to achieve better 2762  
results for families and children; 2763

(c) Participation in the development of a countywide, 2764  
comprehensive, coordinated, multi-disciplinary, interagency 2765  
system for infants and toddlers with developmental disabilities 2766  
or delays and their families, as established pursuant to federal 2767  
grants received and administered by the department of health for 2768  
early intervention services under the "Individuals with 2769  
Disabilities Education Act of 2004"; 2770

(d) Maintenance of an accountability system to monitor the 2771  
county council's progress in achieving results for families and 2772

children; 2773

(e) Establishment of a mechanism to ensure ongoing input 2774  
from a broad representation of families who are receiving 2775  
services within the county system. 2776

(3) A county council shall develop and implement the 2777  
following: 2778

(a) An interagency process to establish local indicators 2779  
and monitor the county's progress toward increasing child well- 2780  
being in the county; 2781

(b) An interagency process to identify local priorities to 2782  
increase child well-being. The local priorities shall focus on 2783  
expectant parents and newborns thriving; infants and toddlers 2784  
thriving; children being ready for school; children and youth 2785  
succeeding in school; youth choosing healthy behaviors; and 2786  
youth successfully transitioning into adulthood and take into 2787  
account the indicators established by the cabinet council under 2788  
division (A) (4) (a) of this section. 2789

(c) An annual plan that identifies the county's 2790  
interagency efforts to increase child well-being in the county. 2791

On an annual basis, the county council shall submit a 2792  
report on the status of efforts by the county to increase child 2793  
well-being in the county to the county's board of county 2794  
commissioners and the cabinet council. This report shall be made 2795  
available to any other person on request. 2796

(4) (a) Except as provided in division (B) (4) (b) of this 2797  
section, a county council shall comply with the policies, 2798  
procedures, and activities prescribed by the rules or 2799  
interagency agreements of a state department participating on 2800  
the cabinet council whenever the county council performs a 2801

function subject to those rules or agreements. 2802

(b) On application of a county council, the cabinet 2803  
council may grant an exemption from any rules or interagency 2804  
agreements of a state department participating on the council if 2805  
an exemption is necessary for the council to implement an 2806  
alternative program or approach for service delivery to families 2807  
and children. The application shall describe the proposed 2808  
program or approach and specify the rules or interagency 2809  
agreements from which an exemption is necessary. The cabinet 2810  
council shall approve or disapprove the application in 2811  
accordance with standards and procedures it shall adopt. If an 2812  
application is approved, the exemption is effective only while 2813  
the program or approach is being implemented, including a 2814  
reasonable period during which the program or approach is being 2815  
evaluated for effectiveness. 2816

(5) (a) Each county council shall designate an 2817  
administrative agent for the council from among the following 2818  
public entities: the board of alcohol, drug addiction, and 2819  
mental health services, including a board of alcohol and drug 2820  
addiction or a community mental health board if the county is 2821  
served by separate boards; the board of county commissioners; 2822  
any board of health of the county's city and general health 2823  
districts; the county department of job and family services; the 2824  
county agency responsible for the administration of children 2825  
services pursuant to section 5153.15 of the Revised Code; the 2826  
county board of developmental disabilities; any of the county's 2827  
boards of education or governing boards of educational service 2828  
centers; or the county's juvenile court. Any of the foregoing 2829  
public entities, other than the board of county commissioners, 2830  
may decline to serve as the council's administrative agent. 2831

A county council's administrative agent shall serve as the council's appointing authority for any employees of the council. The council shall file an annual budget with its administrative agent, with copies filed with the county auditor and with the board of county commissioners, unless the board is serving as the council's administrative agent. The council's administrative agent shall ensure that all expenditures are handled in accordance with policies, procedures, and activities prescribed by state departments in rules or interagency agreements that are applicable to the council's functions.

The administrative agent of a county council shall send notice of a member's absence if a member listed in division (B) (1) of this section has been absent from either three consecutive meetings of the county council or a county council subcommittee, or from one-quarter of such meetings in a calendar year, whichever is less. The notice shall be sent to the board of county commissioners that establishes the county council and, for the members listed in divisions (B) (1) (b), (c), (e), and (l) of this section, to the governing board overseeing the respective entity; for the member listed in division (B) (1) (f) of this section, to the county board of developmental disabilities that employs the superintendent; for a member listed in division (B) (1) (g) or (h) of this section, to the school board that employs the superintendent; for the member listed in division (B) (1) (i) of this section, to the mayor of the municipal corporation; for the member listed in division (B) (1) (k) of this section, to the director of youth services; and for the member listed in division (B) (1) (n) of this section, to that member's board of trustees.

The administrative agent for a county council may do any of the following on behalf of the council:

(i) Enter into agreements or administer contracts with public or private entities to fulfill specific council business. Such agreements and contracts are exempt from the competitive bidding requirements of section 307.86 of the Revised Code if they have been approved by the county council and they are for the purchase of family and child welfare or child protection services or other social or job and family services for families and children. The approval of the county council is not required to exempt agreements or contracts entered into under section 5139.34, 5139.41, or 5139.43 of the Revised Code from the competitive bidding requirements of section 307.86 of the Revised Code.

(ii) As determined by the council, provide financial stipends, reimbursements, or both, to family representatives for expenses related to council activity;

(iii) Receive by gift, grant, devise, or bequest any moneys, lands, or other property for the purposes for which the council is established. The agent shall hold, apply, and dispose of the moneys, lands, or other property according to the terms of the gift, grant, devise, or bequest. Any interest or earnings shall be treated in the same manner and are subject to the same terms as the gift, grant, devise, or bequest from which it accrues.

(b) (i) If the county council designates the board of county commissioners as its administrative agent, the board may, by resolution, delegate any of its powers and duties as administrative agent to an executive committee the board establishes from the membership of the county council. The board shall name to the executive committee at least the individuals described in divisions (B) (1) (b) to (h) of this section and may

appoint the president of the board or another individual as the 2893  
chair of the executive committee. The executive committee must 2894  
include at least one family county council representative who 2895  
does not have a family member employed by an agency represented 2896  
on the council. 2897

(ii) The executive committee may, with the approval of the 2898  
board, hire an executive director to assist the county council 2899  
in administering its powers and duties. The executive director 2900  
shall serve in the unclassified civil service at the pleasure of 2901  
the executive committee. The executive director may, with the 2902  
approval of the executive committee, hire other employees as 2903  
necessary to properly conduct the county council's business. 2904

(iii) The board may require the executive committee to 2905  
submit an annual budget to the board for approval and may amend 2906  
or repeal the resolution that delegated to the executive 2907  
committee its authority as the county council's administrative 2908  
agent. 2909

(6) Two or more county councils may enter into an 2910  
agreement to administer their county councils jointly by 2911  
creating a regional family and children first council. A 2912  
regional council possesses the same duties and authority 2913  
possessed by a county council, except that the duties and 2914  
authority apply regionally rather than to individual counties. 2915  
Prior to entering into an agreement to create a regional 2916  
council, the members of each county council to be part of the 2917  
regional council shall meet to determine whether all or part of 2918  
the members of each county council will serve as members of the 2919  
regional council. 2920

(7) A board of county commissioners may approve a 2921  
resolution by a majority vote of the board's members that 2922

requires the county council to submit a statement to the board 2923  
each time the council proposes to enter into an agreement, adopt 2924  
a plan, or make a decision, other than a decision pursuant to 2925  
section 121.38 of the Revised Code, that requires the 2926  
expenditure of funds for two or more families. The statement 2927  
shall describe the proposed agreement, plan, or decision. 2928

Not later than fifteen days after the board receives the 2929  
statement, it shall, by resolution approved by a majority of its 2930  
members, approve or disapprove the agreement, plan, or decision. 2931  
Failure of the board to pass a resolution during that time 2932  
period shall be considered approval of the agreement, plan, or 2933  
decision. 2934

An agreement, plan, or decision for which a statement is 2935  
required to be submitted to the board shall be implemented only 2936  
if it is approved by the board. 2937

(C) Each county shall develop a county service 2938  
coordination mechanism. The county service coordination 2939  
mechanism shall serve as the guiding document for coordination 2940  
of services in the county. For children who also receive 2941  
services under the help me grow program, the service 2942  
coordination mechanism shall be consistent with rules adopted by 2943  
the department of health under section 3701.61 of the Revised 2944  
Code. All family service coordination plans shall be developed 2945  
in accordance with the county service coordination mechanism. 2946  
The mechanism shall be developed and approved with the 2947  
participation of the county entities representing child welfare; 2948  
developmental disabilities; alcohol, drug addiction, and mental 2949  
health services; health; juvenile judges; education; the county 2950  
family and children first council; and the county early 2951  
intervention collaborative established pursuant to the federal 2952

early intervention program operated under the "Individuals with 2953  
Disabilities Education Act of 2004." The county shall establish 2954  
an implementation schedule for the mechanism. The cabinet 2955  
council may monitor the implementation and administration of 2956  
each county's service coordination mechanism. 2957

Each mechanism shall include all of the following: 2958

(1) A procedure for an agency, including a juvenile court, 2959  
or a family voluntarily seeking service coordination, to refer 2960  
the child and family to the county council for service 2961  
coordination in accordance with the mechanism; 2962

(2) A procedure ensuring that a family and all appropriate 2963  
staff from involved agencies, including a representative from 2964  
the appropriate school district, are notified of and invited to 2965  
participate in all family service coordination plan meetings; 2966

(3) A procedure that permits a family to initiate a 2967  
meeting to develop or review the family's service coordination 2968  
plan and allows the family to invite a family advocate, mentor, 2969  
or support person of the family's choice to participate in any 2970  
such meeting; 2971

(4) A procedure for ensuring that a family service 2972  
coordination plan meeting is conducted for each child who 2973  
receives service coordination under the mechanism and for whom 2974  
an emergency out-of-home placement has been made or for whom a 2975  
nonemergency out-of-home placement is being considered. The 2976  
meeting shall be conducted within ten days of an emergency out- 2977  
of-home placement. The meeting shall be conducted before a 2978  
nonemergency out-of-home placement. The family service 2979  
coordination plan shall outline how the county council members 2980  
will jointly pay for services, where applicable, and provide 2981

services in the least restrictive environment.	2982
(5) A procedure for monitoring the progress and tracking	2983
the outcomes of each service coordination plan requested in the	2984
county including monitoring and tracking children in out-of-home	2985
placements to assure continued progress, appropriateness of	2986
placement, and continuity of care after discharge from placement	2987
with appropriate arrangements for housing, treatment, and	2988
education;	2989
(6) A procedure for protecting the confidentiality of all	2990
personal family information disclosed during service	2991
coordination meetings or contained in the comprehensive family	2992
service coordination plan;	2993
(7) A procedure for assessing the needs and strengths of	2994
any child or family that has been referred to the council for	2995
service coordination, including a child whose parent or	2996
custodian is voluntarily seeking services, and for ensuring that	2997
parents and custodians are afforded the opportunity to	2998
participate;	2999
(8) A procedure for development of a family service	3000
coordination plan described in division (D) of this section;	3001
(9) A local dispute resolution process to serve as the	3002
process that must be used first to resolve disputes among the	3003
agencies represented on the county council concerning the	3004
provision of services to children, including children who are	3005
abused, neglected, dependent, unruly, alleged unruly, or	3006
delinquent children and under the jurisdiction of the juvenile	3007
court and children whose parents or custodians are voluntarily	3008
seeking services. The local dispute resolution process shall	3009
comply with sections 121.38, 121.381, and 121.382 of the Revised	3010

Code. The local dispute resolution process shall be used to 3011  
resolve disputes between a child's parents or custodians and the 3012  
county council regarding service coordination. The county 3013  
council shall inform the parents or custodians of their right to 3014  
use the dispute resolution process. Parents or custodians shall 3015  
use existing local agency grievance procedures to address 3016  
disputes not involving service coordination. The dispute 3017  
resolution process is in addition to and does not replace other 3018  
rights or procedures that parents or custodians may have under 3019  
other sections of the Revised Code. 3020

The cabinet council shall adopt rules in accordance with 3021  
Chapter 119. of the Revised Code establishing an administrative 3022  
review process to address problems that arise concerning the 3023  
operation of a local dispute resolution process. 3024

Nothing in division (C) (4) of this section shall be 3025  
interpreted as overriding or affecting decisions of a juvenile 3026  
court regarding an out-of-home placement, long-term placement, 3027  
or emergency out-of-home placement. 3028

(D) Each county shall develop a family service 3029  
coordination plan that does all of the following: 3030

(1) Designates service responsibilities among the various 3031  
state and local agencies that provide services to children and 3032  
their families, including children who are abused, neglected, 3033  
dependent, unruly, or delinquent children and under the 3034  
jurisdiction of the juvenile court and children whose parents or 3035  
custodians are voluntarily seeking services; 3036

(2) Designates an individual, approved by the family, to 3037  
track the progress of the family service coordination plan, 3038  
schedule reviews as necessary, and facilitate the family service 3039

coordination plan meeting process; 3040

(3) Ensures that assistance and services to be provided 3041  
are responsive to the strengths and needs of the family, as well 3042  
as the family's culture, race, and ethnic group, by allowing the 3043  
family to offer information and suggestions and participate in 3044  
decisions. Identified assistance and services shall be provided 3045  
in the least restrictive environment possible. 3046

(4) Includes a process for dealing with a child who is 3047  
alleged to be an unruly child. The process shall include methods 3048  
to divert the child from the juvenile court system; 3049

(5) Includes timelines for completion of goals specified 3050  
in the plan with regular reviews scheduled to monitor progress 3051  
toward those goals; 3052

(6) Includes a plan for dealing with short-term crisis 3053  
situations and safety concerns. 3054

(E) (1) The process provided for under division (D) (4) of 3055  
this section may include, but is not limited to, the following: 3056

(a) Designation of the person or agency to conduct the 3057  
assessment of the child and the child's family as described in 3058  
division (C) (7) of this section and designation of the 3059  
instrument or instruments to be used to conduct the assessment; 3060

(b) An emphasis on the personal responsibilities of the 3061  
child and the parental responsibilities of the parents, 3062  
guardian, or custodian of the child; 3063

(c) Involvement of local law enforcement agencies and 3064  
officials. 3065

(2) The method to divert a child from the juvenile court 3066  
system that must be included in the service coordination process 3067

- may include, but is not limited to, the following: 3068
- (a) The preparation of a complaint under section 2151.27 3069  
of the Revised Code alleging that the child is an unruly child 3070  
and notifying the child and the parents, guardian, or custodian 3071  
that the complaint has been prepared to encourage the child and 3072  
the parents, guardian, or custodian to comply with other methods 3073  
to divert the child from the juvenile court system; 3074
- (b) Conducting a meeting with the child, the parents, 3075  
guardian, or custodian, and other interested parties to 3076  
determine the appropriate methods to divert the child from the 3077  
juvenile court system; 3078
- (c) A method to provide to the child and the child's 3079  
family a short-term respite from a short-term crisis situation 3080  
involving a confrontation between the child and the parents, 3081  
guardian, or custodian; 3082
- (d) A program to provide a mentor to the child or the 3083  
parents, guardian, or custodian; 3084
- (e) A program to provide parenting education to the 3085  
parents, guardian, or custodian; 3086
- (f) An alternative school program for children who are 3087  
truant from school, repeatedly disruptive in school, or 3088  
suspended or expelled from school; 3089
- (g) Other appropriate measures, including, but not limited 3090  
to, any alternative methods to divert a child from the juvenile 3091  
court system that are identified by the Ohio family and children 3092  
first cabinet council. 3093
- (F) Each county may review and revise the service 3094  
coordination process described in division (D) of this section 3095

based on the availability of funds under Title IV-A of the 3096  
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, 3097  
as amended, or to the extent resources are available from any 3098  
other federal, state, or local funds. 3099

**Sec. 121.40.** (A) There is hereby created the Ohio 3100  
commission on service and volunteerism consisting of ~~nineteen-~~ 3101  
~~eighteen~~ voting members including the ~~superintendent of public-~~ 3102  
~~instruction or the superintendent's designee, the chancellor of-~~ 3103  
~~higher education or the chancellor's~~ director of learning and 3104  
achievement or the director's designee, the director of youth 3105  
services or the director's designee, the director of aging or 3106  
the director's designee, and fifteen members who shall be 3107  
appointed by the governor with the advice and consent of the 3108  
senate and who shall serve terms of office of three years. The 3109  
appointees shall include educators, including teachers and 3110  
administrators; representatives of youth organizations; students 3111  
and parents; representatives of organizations engaged in 3112  
volunteer program development and management throughout the 3113  
state, including youth and conservation programs; and 3114  
representatives of business, government, nonprofit 3115  
organizations, social service agencies, veterans organizations, 3116  
religious organizations, or philanthropies that support or 3117  
encourage volunteerism within the state. The director of the 3118  
governor's office of faith-based and community initiatives shall 3119  
serve as a nonvoting ex officio member of the commission. 3120  
Members of the commission shall receive no compensation, but 3121  
shall be reimbursed for actual and necessary expenses incurred 3122  
in the performance of their official duties. 3123

(B) The commission shall appoint an executive director for 3124  
the commission, who shall be in the unclassified civil service. 3125  
The governor shall be informed of the appointment of an 3126

executive director before such an appointment is made. The 3127  
executive director shall supervise the commission's activities 3128  
and report to the commission on the progress of those 3129  
activities. The executive director shall do all things necessary 3130  
for the efficient and effective implementation of the duties of 3131  
the commission. 3132

The responsibilities assigned to the executive director do 3133  
not relieve the members of the commission from final 3134  
responsibility for the proper performance of the requirements of 3135  
this section. 3136

(C) The commission or its designee shall do all of the 3137  
following: 3138

(1) Employ, promote, supervise, and remove all employees 3139  
as needed in connection with the performance of its duties under 3140  
this section and may assign duties to those employees as 3141  
necessary to achieve the most efficient performance of its 3142  
functions, and to that end may establish, change, or abolish 3143  
positions, and assign and reassign duties and responsibilities 3144  
of any employee of the commission. Personnel employed by the 3145  
commission who are subject to Chapter 4117. of the Revised Code 3146  
shall retain all of their rights and benefits conferred pursuant 3147  
to that chapter. Nothing in this chapter shall be construed as 3148  
eliminating or interfering with Chapter 4117. of the Revised 3149  
Code or the rights and benefits conferred under that chapter to 3150  
public employees or to any bargaining unit. 3151

(2) Maintain its office in Columbus, and may hold sessions 3152  
at any place within the state; 3153

(3) Acquire facilities, equipment, and supplies necessary 3154  
to house the commission, its employees, and files and records 3155

under its control, and to discharge any duty imposed upon it by 3156  
law. The expense of these acquisitions shall be audited and paid 3157  
for in the same manner as other state expenses. For that 3158  
purpose, the commission shall prepare and submit to the office 3159  
of budget and management a budget for each biennium according to 3160  
sections 101.532 and 107.03 of the Revised Code. The budget 3161  
submitted shall cover the costs of the commission and its staff 3162  
in the discharge of any duty imposed upon the commission by law. 3163  
The commission shall not delegate any authority to obligate 3164  
funds. 3165

(4) Pay its own payroll and other operating expenses from 3166  
line items designated by the general assembly; 3167

(5) Retain its fiduciary responsibility as appointing 3168  
authority. Any transaction instructions shall be certified by 3169  
the appointing authority or its designee. 3170

(6) Establish the overall policy and management of the 3171  
commission in accordance with this chapter; 3172

(7) Assist in coordinating and preparing the state 3173  
application for funds under sections 101 to 184 of the "National 3174  
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 3175  
U.S.C.A. 12411 to 12544, as amended, assist in administering and 3176  
overseeing the "National and Community Service Trust Act of 3177  
1993," P.L. 103-82, 107 Stat. 785, and the americorps program in 3178  
this state, and assist in developing objectives for a 3179  
comprehensive strategy to encourage and expand community service 3180  
programs throughout the state; 3181

(8) Assist the ~~state board of education~~ department of 3182  
learning and achievement, school districts, ~~the chancellor of~~ 3183  
~~higher education~~, and institutions of higher education in 3184

coordinating community service education programs through 3185  
cooperative efforts between institutions and organizations in 3186  
the public and private sectors; 3187

(9) Assist the departments of natural resources, youth 3188  
services, aging, and job and family services in coordinating 3189  
community service programs through cooperative efforts between 3190  
institutions and organizations in the public and private 3191  
sectors; 3192

(10) Suggest individuals and organizations that are 3193  
available to assist school districts, institutions of higher 3194  
education, and the departments of natural resources, youth 3195  
services, aging, and job and family services in the 3196  
establishment of community service programs and assist in 3197  
investigating sources of funding for implementing these 3198  
programs; 3199

(11) Assist in evaluating the state's efforts in providing 3200  
community service programs using standards and methods that are 3201  
consistent with any statewide objectives for these programs and 3202  
provide information to the ~~state board of education~~ department 3203  
of learning and achievement, school districts, ~~the chancellor of~~ 3204  
~~higher education~~, institutions of higher education, and the 3205  
departments of natural resources, youth services, aging, and job 3206  
and family services to guide them in making decisions about 3207  
these programs; 3208

(12) Assist the ~~state board of education~~ department of 3209  
learning and achievement in complying with section 3301.70 of 3210  
the Revised Code and ~~the chancellor of higher education in~~ 3211  
~~complying with~~ division (B) (2) of section 3333.043 of the 3212  
Revised Code. 3213

(D) The commission shall in writing enter into an agreement with another state agency to serve as the commission's fiscal agent. Before entering into such an agreement, the commission shall inform the governor of the terms of the agreement and of the state agency designated to serve as the commission's fiscal agent. The fiscal agent shall be responsible for all the commission's fiscal matters and financial transactions, as specified in the agreement. Services to be provided by the fiscal agent include, but are not limited to, the following:

(1) Preparing and processing payroll and other personnel documents that the commission executes as the appointing authority;

(2) Maintaining ledgers of accounts and reports of account balances, and monitoring budgets and allotment plans in consultation with the commission; and

(3) Performing other routine support services that the fiscal agent considers appropriate to achieve efficiency.

(E) (1) The commission, in conjunction and consultation with the fiscal agent, has the following authority and responsibility relative to fiscal matters:

(a) Sole authority to draw funds for any and all federal programs in which the commission is authorized to participate;

(b) Sole authority to expend funds from their accounts for programs and any other necessary expenses the commission may incur and its subgrantees may incur; and

(c) Responsibility to cooperate with and inform the fiscal agent fully of all financial transactions.

(2) The commission shall follow all state procurement, 3242  
fiscal, human resources, statutory, and administrative rule 3243  
requirements. 3244

(3) The fiscal agent shall determine fees to be charged to 3245  
the commission, which shall be in proportion to the services 3246  
performed for the commission. 3247

(4) The commission shall pay fees owed to the fiscal agent 3248  
from a general revenue fund of the commission or from any other 3249  
fund from which the operating expenses of the commission are 3250  
paid. Any amounts set aside for a fiscal year for the payment of 3251  
these fees shall be used only for the services performed for the 3252  
commission by the fiscal agent in that fiscal year. 3253

(F) The commission may accept and administer grants from 3254  
any source, public or private, to carry out any of the 3255  
commission's functions this section establishes. 3256

**Sec. 122.33.** The director of development services shall 3257  
administer the following programs: 3258

(A) The industrial technology and enterprise development 3259  
grant program, to provide capital to acquire, construct, 3260  
enlarge, improve, or equip and to sell, lease, exchange, and 3261  
otherwise dispose of property, structures, equipment, and 3262  
facilities within the state. 3263

Such funding may be made to enterprises that propose to 3264  
develop new products or technologies when the director finds all 3265  
of the following factors to be present: 3266

(1) The undertaking will benefit the people of the state 3267  
by creating or preserving jobs and employment opportunities or 3268  
improving the economic welfare of the people of the state, and 3269  
promoting the development of new technology. 3270

(2) There is reasonable assurance that the potential 3271  
royalties to be derived from the sale of the product or process 3272  
described in the proposal will be sufficient to repay the 3273  
funding pursuant to sections 122.28 and 122.30 to 122.36 of the 3274  
Revised Code and that, in making the agreement, as it relates to 3275  
patents, copyrights, and other ownership rights, there is 3276  
reasonable assurance that the resulting new technology will be 3277  
utilized to the maximum extent possible in facilities located in 3278  
Ohio. 3279

(3) The technology and research to be undertaken will 3280  
allow enterprises to compete more effectively in the 3281  
marketplace. Grants of capital may be in such form and 3282  
conditioned upon such terms as the director deems appropriate. 3283

(B) The industrial technology and enterprise resources 3284  
program to provide for the collection, dissemination, and 3285  
exchange of information regarding equipment, facilities, and 3286  
business planning consultation resources available in business, 3287  
industry, and educational institutions and to establish methods 3288  
by which small businesses may use available facilities and 3289  
resources. The methods may include, but need not be limited to, 3290  
leases reimbursing the educational institutions for their actual 3291  
costs incurred in maintaining the facilities and agreements 3292  
assigning royalties from development of successful products or 3293  
processes through the use of the facilities and resources. The 3294  
director shall operate this program in conjunction with the 3295  
~~board of regents~~ department of learning and achievement. 3296

(C) The Thomas Alva Edison grant program to provide grants 3297  
to foster research, development, or technology transfer efforts 3298  
involving enterprises and educational institutions that will 3299  
lead to the creation of jobs. 3300

(1) Grants may be made to a nonprofit organization or a public or private educational institution, department, college, institute, faculty member, or other administrative subdivision or related entity of an educational institution when the director finds that the undertaking will benefit the people of the state by supporting research in advanced technology areas likely to improve the economic welfare of the people of the state through promoting the development of new commercial technology.

(2) Grants may be made in a form and conditioned upon terms as the director considers appropriate.

(3) Grants made under this program shall in all instances be in conjunction with a contribution to the project by a cooperating enterprise which maintains or proposes to maintain a relevant research, development, or manufacturing facility in the state, by a nonprofit organization, or by an educational institution or related entity; however, funding provided by an educational institution or related entity shall not be from general revenue funds appropriated by the Ohio general assembly. No grant made under this program shall exceed the contribution made by the cooperating enterprise, nonprofit organization, or educational institution or related entity. The director may consider cooperating contributions in the form of state of the art new equipment or in other forms provided the director determines that the contribution is essential to the successful implementation of the project. The director may adopt rules or guidelines for the valuation of contributions of equipment or other property.

(4) The director may determine fields of research from which grant applications will be accepted under this program.

**Sec. 122.76.** (A) The director of development services, 3331  
with controlling board approval, may lend funds to minority 3332  
business enterprises and to community improvement corporations, 3333  
Ohio development corporations, minority contractors business 3334  
assistance organizations, and minority business supplier 3335  
development councils for the purpose of loaning funds to 3336  
minority business enterprises, for the purpose of procuring or 3337  
improving real or personal property, or both, for the 3338  
establishment, location, or expansion of industrial, 3339  
distribution, commercial, or research facilities in the state, 3340  
and for the purpose of contract financing, and to community 3341  
development corporations that predominantly benefit minority 3342  
business enterprises or are located in a census tract that has a 3343  
population that is sixty per cent or more minority, if the 3344  
director determines, in the director's sole discretion, that all 3345  
of the following apply: 3346

(1) The project is economically sound and will benefit the 3347  
people of the state by increasing opportunities for employment, 3348  
by strengthening the economy of the state, or expanding minority 3349  
business enterprises. 3350

(2) The proposed minority business enterprise borrower is 3351  
unable to finance the proposed project through ordinary 3352  
financial channels at comparable terms. 3353

(3) The value of the project is or, upon completion, will 3354  
be at least equal to the total amount of the money expended in 3355  
the procurement or improvement of the project. 3356

(4) The amount to be loaned by the director will not 3357  
exceed seventy-five per cent of the total amount expended in the 3358  
procurement or improvement of the project. 3359

(5) The amount to be loaned by the director will be 3360  
adequately secured by a first or second mortgage upon the 3361  
project or by mortgages, leases, liens, assignments, or pledges 3362  
on or of other property or contracts as the director requires, 3363  
and such mortgage will not be subordinate to any other liens or 3364  
mortgages except the liens securing loans or investments made by 3365  
financial institutions referred to in division (A) (3) of this 3366  
section, and the liens securing loans previously made by any 3367  
financial institution in connection with the procurement or 3368  
expansion of all or part of a project. 3369

(B) Any proposed minority business enterprise borrower 3370  
submitting an application for assistance under this section 3371  
shall not have defaulted on a previous loan from the director, 3372  
and no full or limited partner, major shareholder, or holder of 3373  
an equity interest of the proposed minority business enterprise 3374  
borrower shall have defaulted on a loan from the director. 3375

(C) The proposed minority business enterprise borrower 3376  
shall demonstrate to the satisfaction of the director that it is 3377  
able to successfully compete in the private sector if it obtains 3378  
the necessary financial, technical, or managerial support and 3379  
that support is available through the director, the minority 3380  
business development office of the development services agency, 3381  
or other identified and acceptable sources. In determining 3382  
whether a minority business enterprise borrower will be able to 3383  
successfully compete, the director may give consideration to 3384  
such factors as the successful completion of or participation in 3385  
courses of study, recognized by the ~~board of regents~~ department 3386  
of learning and achievement as providing financial, technical, 3387  
or managerial skills related to the operation of the business, 3388  
by the economically disadvantaged individual, owner, or partner, 3389  
and the prior success of the individual, owner, or partner in 3390

personal, career, or business activities, as well as to other 3391  
factors identified by the director. 3392

(D) The director shall not lend funds for the purpose of 3393  
procuring or improving motor vehicles or accounts receivable. 3394

**Sec. 122.77.** (A) The director of development with 3395  
controlling board approval may make loan guarantees to small 3396  
businesses and corporations for the purpose of guaranteeing 3397  
loans made to small businesses by financial institutions for the 3398  
purpose of procuring or improving real or personal property, or 3399  
both, for the establishment, location, or expansion of 3400  
industrial, distribution, commercial, or research facilities in 3401  
the state, if the director determines, in the director's sole 3402  
discretion, that all of the following apply: 3403

(1) The project is economically sound and will benefit the 3404  
people of the state by increasing opportunities for employment, 3405  
by strengthening the economy of the state, or expanding minority 3406  
business enterprises. 3407

(2) The proposed small business borrower is unable to 3408  
finance the proposed project through ordinary financial channels 3409  
at comparable terms. 3410

(3) The value of the project is, or upon completion of it 3411  
will be, at least equal to the total amount of the money 3412  
expended in the procurement or improvement of the project and of 3413  
which amount one or more financial institutions or other 3414  
governmental entities have loaned not less than thirty per cent. 3415

(4) The amount to be guaranteed by the director will not 3416  
exceed eighty per cent of the total amount expended in the 3417  
procurement or improvement of the project. 3418

(5) The amount to be guaranteed by the director will be 3419

adequately secured by a first or second mortgage upon the 3420  
project, or by mortgages, leases, liens, assignments, or pledges 3421  
on or of other property or contracts as the director shall 3422  
require and that such mortgage will not be subordinate to any 3423  
other liens or mortgages except the liens securing loans or 3424  
investments made by financial institutions referred to in 3425  
division (A) (3) of this section, and the liens securing loans 3426  
previously made by any financial institution in connection with 3427  
the procurement or expansion of all or part of a project. 3428

(B) The proposed small business borrower shall not have 3429  
defaulted on a previous loan or guarantee from the director, and 3430  
no full or limited partner, or major shareholder, or holder of 3431  
any equity interest of the proposed minority business enterprise 3432  
borrower shall have defaulted on a loan or guarantee from the 3433  
director. 3434

(C) The proposed small business borrower shall demonstrate 3435  
to the satisfaction of the director that it is able to 3436  
successfully compete in the private sector if it obtains the 3437  
necessary financial, technical, or managerial support and that 3438  
support is available through the director, the minority business 3439  
development office of the department of development, or other 3440  
identified and acceptable sources. In determining whether a 3441  
small business borrower will be able to successfully compete, 3442  
the director may give consideration to such factors as the 3443  
successful completion of or participation in courses of study, 3444  
recognized by the ~~board of regents~~ department of learning and 3445  
achievement as providing financial, technical, or managerial 3446  
skills related to the operation of the business, by the 3447  
economically disadvantaged individual, owner, or partner, and 3448  
the prior success of the individual, owner, or partner in 3449  
personal, career, or business activities, as well as to other 3450

factors identified by the director. 3451

(D) The director shall not guarantee funds for the purpose 3452  
of procuring or improving motor vehicles or accounts receivable. 3453

**Sec. 124.11.** The civil service of the state and the 3454  
several counties, cities, civil service townships, city health 3455  
districts, general health districts, and city school districts 3456  
of the state shall be divided into the unclassified service and 3457  
the classified service. 3458

(A) The unclassified service shall comprise the following 3459  
positions, which shall not be included in the classified 3460  
service, and which shall be exempt from all examinations 3461  
required by this chapter: 3462

(1) All officers elected by popular vote or persons 3463  
appointed to fill vacancies in those offices; 3464

(2) All election officers as defined in section 3501.01 of 3465  
the Revised Code; 3466

(3) (a) The members of all boards and commissions, and 3467  
heads of principal departments, boards, and commissions 3468  
appointed by the governor or by and with the governor's consent; 3469

(b) The heads of all departments appointed by a board of 3470  
county commissioners; 3471

(c) The members of all boards and commissions and all 3472  
heads of departments appointed by the mayor, or, if there is no 3473  
mayor, such other similar chief appointing authority of any city 3474  
or city school district; 3475

Except as otherwise provided in division (A) (17) or (C) of 3476  
this section, this chapter does not exempt the chiefs of police 3477  
departments and chiefs of fire departments of cities or civil 3478

service townships from the competitive classified service.	3479
(4) The members of county or district licensing boards or	3480
commissions and boards of revision, and not more than five	3481
deputy county auditors;	3482
(5) All officers and employees elected or appointed by	3483
either or both branches of the general assembly, and employees	3484
of the city legislative authority engaged in legislative duties;	3485
(6) All commissioned, warrant, and noncommissioned	3486
officers and enlisted persons in the Ohio organized militia,	3487
including military appointees in the adjutant general's	3488
department;	3489
(7) (a) All presidents, business managers, administrative	3490
officers, superintendents, assistant superintendents,	3491
principals, deans, assistant deans, instructors, teachers, and	3492
such employees as are engaged in educational or research duties	3493
connected with the public school system, colleges, and	3494
universities, as determined by the governing body of the public	3495
school system, colleges, and universities;	3496
(b) The library staff of any library in the state	3497
supported wholly or in part at public expense.	3498
(8) Four clerical and administrative support employees for	3499
each of the elective state officers, four clerical and	3500
administrative support employees for each board of county	3501
commissioners and one such employee for each county	3502
commissioner, and four clerical and administrative support	3503
employees for other elective officers and each of the principal	3504
appointive executive officers, boards, or commissions, except	3505
for civil service commissions, that are authorized to appoint	3506
such clerical and administrative support employees;	3507

(9) The deputies and assistants of state agencies 3508  
authorized to act for and on behalf of the agency, or holding a 3509  
fiduciary or administrative relation to that agency and those 3510  
persons employed by and directly responsible to elected county 3511  
officials or a county administrator and holding a fiduciary or 3512  
administrative relationship to such elected county officials or 3513  
county administrator, and the employees of such county officials 3514  
whose fitness would be impracticable to determine by competitive 3515  
examination, provided that division (A) (9) of this section shall 3516  
not affect those persons in county employment in the classified 3517  
service as of September 19, 1961. Nothing in division (A) (9) of 3518  
this section applies to any position in a county department of 3519  
job and family services created pursuant to Chapter 329. of the 3520  
Revised Code. 3521

(10) Bailiffs, constables, official stenographers, and 3522  
commissioners of courts of record, deputies of clerks of the 3523  
courts of common pleas who supervise or who handle public moneys 3524  
or secured documents, and such officers and employees of courts 3525  
of record and such deputies of clerks of the courts of common 3526  
pleas as the appointing authority finds it impracticable to 3527  
determine their fitness by competitive examination; 3528

(11) Assistants to the attorney general, special counsel 3529  
appointed or employed by the attorney general, assistants to 3530  
county prosecuting attorneys, and assistants to city directors 3531  
of law; 3532

(12) Such teachers and employees in the agricultural 3533  
experiment stations; such students in normal schools, colleges, 3534  
and universities of the state who are employed by the state or a 3535  
political subdivision of the state in student or intern 3536  
classifications; and such unskilled labor positions as the 3537

director of administrative services, with respect to positions 3538  
in the service of the state, or any municipal civil service 3539  
commission may find it impracticable to include in the 3540  
competitive classified service; provided such exemptions shall 3541  
be by order of the commission or the director, duly entered on 3542  
the record of the commission or the director with the reasons 3543  
for each such exemption; 3544

(13) Any physician or dentist who is a full-time employee 3545  
of the department of mental health and addiction services, the 3546  
department of developmental disabilities, or an institution 3547  
under the jurisdiction of either department; and physicians who 3548  
are in residency programs at the institutions; 3549

(14) Up to twenty positions at each institution under the 3550  
jurisdiction of the department of mental health and addiction 3551  
services or the department of developmental disabilities that 3552  
the department director determines to be primarily 3553  
administrative or managerial; and up to fifteen positions in any 3554  
division of either department, excluding administrative 3555  
assistants to the director and division chiefs, which are within 3556  
the immediate staff of a division chief and which the director 3557  
determines to be primarily and distinctively administrative and 3558  
managerial; 3559

(15) Noncitizens of the United States employed by the 3560  
state, or its counties or cities, as physicians or nurses who 3561  
are duly licensed to practice their respective professions under 3562  
the laws of this state, or medical assistants, in mental or 3563  
chronic disease hospitals, or institutions; 3564

(16) Employees of the governor's office; 3565

(17) Fire chiefs and chiefs of police in civil service 3566

townships appointed by boards of township trustees under section 505.38 or 505.49 of the Revised Code;	3567 3568
(18) Executive directors, deputy directors, and program directors employed by boards of alcohol, drug addiction, and mental health services under Chapter 340. of the Revised Code, and secretaries of the executive directors, deputy directors, and program directors;	3569 3570 3571 3572 3573
(19) Superintendents, and management employees as defined in section 5126.20 of the Revised Code, of county boards of developmental disabilities;	3574 3575 3576
(20) Physicians, nurses, and other employees of a county hospital who are appointed pursuant to sections 339.03 and 339.06 of the Revised Code;	3577 3578 3579
(21) The executive director of the state medical board, who is appointed pursuant to division (B) of section 4731.05 of the Revised Code;	3580 3581 3582
(22) County directors of job and family services as provided in section 329.02 of the Revised Code and administrators appointed under section 329.021 of the Revised Code;	3583 3584 3585 3586
(23) A director of economic development who is hired pursuant to division (A) of section 307.07 of the Revised Code;	3587 3588
(24) Chiefs of construction and compliance, of operations and maintenance, of worker protection, and of licensing and certification in the division of industrial compliance in the department of commerce;	3589 3590 3591 3592
(25) The executive director of a county transit system appointed under division (A) of section 306.04 of the Revised	3593 3594

Code; 3595

(26) Up to five positions at each of the administrative 3596  
departments listed in section 121.02 of the Revised Code and at 3597  
the department of taxation, department of the adjutant general, 3598  
~~department of education, Ohio board of regents,~~ bureau of 3599  
workers' compensation, industrial commission, state lottery 3600  
commission, opportunities for Ohioans with disabilities agency, 3601  
and public utilities commission of Ohio and up to ten positions 3602  
at the department of learning and achievement that the head of 3603  
that administrative department or of that other state agency 3604  
determines to be involved in policy development and 3605  
implementation. The head of the administrative department or 3606  
other state agency shall set the compensation for employees in 3607  
these positions at a rate that is not less than the minimum 3608  
compensation specified in pay range 41 but not more than the 3609  
maximum compensation specified in pay range 47 of salary 3610  
schedule E-2 in section 124.152 of the Revised Code. The 3611  
authority to establish positions in the unclassified service 3612  
under division (A) (26) of this section is in addition to and 3613  
does not limit any other authority that an administrative 3614  
department or state agency has under the Revised Code to 3615  
establish positions, appoint employees, or set compensation. 3616

(27) Employees of the department of agriculture employed 3617  
under section 901.09 of the Revised Code; 3618

(28) For cities, counties, civil service townships, city 3619  
health districts, general health districts, and city school 3620  
districts, the deputies and assistants of elective or principal 3621  
executive officers authorized to act for and in the place of 3622  
their principals or holding a fiduciary relation to their 3623  
principals; 3624

(29) Employees who receive intermittent or temporary 3625  
appointments under division (B) of section 124.30 of the Revised 3626  
Code; 3627

(30) Employees appointed to administrative staff positions 3628  
for which an appointing authority is given specific statutory 3629  
authority to set compensation; 3630

(31) Employees appointed to highway patrol cadet or 3631  
highway patrol cadet candidate classifications; 3632

(32) Employees placed in the unclassified service by 3633  
another section of the Revised Code. 3634

(B) The classified service shall comprise all persons in 3635  
the employ of the state and the several counties, cities, city 3636  
health districts, general health districts, and city school 3637  
districts of the state, not specifically included in the 3638  
unclassified service. Upon the creation by the board of trustees 3639  
of a civil service township civil service commission, the 3640  
classified service shall also comprise, except as otherwise 3641  
provided in division (A) (17) or (C) of this section, all persons 3642  
in the employ of a civil service township police or fire 3643  
department having ten or more full-time paid employees. The 3644  
classified service consists of two classes, which shall be 3645  
designated as the competitive class and the unskilled labor 3646  
class. 3647

(1) The competitive class shall include all positions and 3648  
employments in the state and the counties, cities, city health 3649  
districts, general health districts, and city school districts 3650  
of the state, and, upon the creation by the board of trustees of 3651  
a civil service township of a township civil service commission, 3652  
all positions in a civil service township police or fire 3653

department having ten or more full-time paid employees, for 3654  
which it is practicable to determine the merit and fitness of 3655  
applicants by competitive examinations. Appointments shall be 3656  
made to, or employment shall be given in, all positions in the 3657  
competitive class that are not filled by promotion, 3658  
reinstatement, transfer, or reduction, as provided in this 3659  
chapter, and the rules of the director of administrative 3660  
services, by appointment from those certified to the appointing 3661  
officer in accordance with this chapter. 3662

(2) The unskilled labor class shall include ordinary 3663  
unskilled laborers. Vacancies in the labor class for positions 3664  
in service of the state shall be filled by appointment from 3665  
lists of applicants registered by the director or the director's 3666  
designee. Vacancies in the labor class for all other positions 3667  
shall be filled by appointment from lists of applicants 3668  
registered by a commission. The director or the commission, as 3669  
applicable, by rule, shall require an applicant for registration 3670  
in the labor class to furnish evidence or take tests as the 3671  
director or commission considers proper with respect to age, 3672  
residence, physical condition, ability to labor, honesty, 3673  
sobriety, industry, capacity, and experience in the work or 3674  
employment for which application is made. Laborers who fulfill 3675  
the requirements shall be placed on the eligible list for the 3676  
kind of labor or employment sought, and preference shall be 3677  
given in employment in accordance with the rating received from 3678  
that evidence or in those tests. Upon the request of an 3679  
appointing officer, stating the kind of labor needed, the pay 3680  
and probable length of employment, and the number to be 3681  
employed, the director or commission, as applicable, shall 3682  
certify from the highest on the list double the number to be 3683  
employed; from this number, the appointing officer shall appoint 3684

the number actually needed for the particular work. If more than 3685  
one applicant receives the same rating, priority in time of 3686  
application shall determine the order in which their names shall 3687  
be certified for appointment. 3688

(C) A municipal or civil service township civil service 3689  
commission may place volunteer firefighters who are paid on a 3690  
fee-for-service basis in either the classified or the 3691  
unclassified civil service. 3692

(D) (1) This division does not apply to persons in the 3693  
unclassified service who have the right to resume positions in 3694  
the classified service under sections 4121.121, 5119.18, 3695  
5120.38, 5120.381, 5120.382, 5123.08, and 5139.02 of the Revised 3696  
Code or to cities, counties, or political subdivisions of the 3697  
state. 3698

(2) A person who holds a position in the classified 3699  
service of the state and who is appointed to a position in the 3700  
unclassified service shall retain the right to resume the 3701  
position and status held by the person in the classified service 3702  
immediately prior to the person's appointment to the position in 3703  
the unclassified service, regardless of the number of positions 3704  
the person held in the unclassified service. An employee's right 3705  
to resume a position in the classified service may only be 3706  
exercised when an appointing authority demotes the employee to a 3707  
pay range lower than the employee's current pay range or revokes 3708  
the employee's appointment to the unclassified service and any 3709  
of the following apply: 3710

(a) That person held a certified position prior to July 1, 3711  
2007, in the classified service within the appointing 3712  
authority's agency; 3713

(b) That person held a permanent position on or after July 3714  
1, 2007, in the classified service within the appointing 3715  
authority's agency, and was appointed to the position in the 3716  
unclassified service prior to January 1, 2016; 3717

(c) That person held a permanent position on or after 3718  
January 1, 2016, in the classified service within the appointing 3719  
authority's agency, and is within five years from the effective 3720  
date of the person's appointment in the unclassified service. 3721

(3) An employee forfeits the right to resume a position in 3722  
the classified service when: 3723

(a) The employee is removed from the position in the 3724  
unclassified service due to incompetence, inefficiency, 3725  
dishonesty, drunkenness, immoral conduct, insubordination, 3726  
discourteous treatment of the public, neglect of duty, violation 3727  
of this chapter or the rules of the director of administrative 3728  
services, any other failure of good behavior, any other acts of 3729  
misfeasance, malfeasance, or nonfeasance in office, or 3730  
conviction of a felony while employed in the civil service; or 3731

(b) Upon transfer to a different agency. 3732

(4) Reinstatement to a position in the classified service 3733  
shall be to a position substantially equal to that position in 3734  
the classified service held previously, as certified by the 3735  
director of administrative services. If the position the person 3736  
previously held in the classified service has been placed in the 3737  
unclassified service or is otherwise unavailable, the person 3738  
shall be appointed to a position in the classified service 3739  
within the appointing authority's agency that the director of 3740  
administrative services certifies is comparable in compensation 3741  
to the position the person previously held in the classified 3742

service. Service in the position in the unclassified service 3743  
shall be counted as service in the position in the classified 3744  
service held by the person immediately prior to the person's 3745  
appointment to the position in the unclassified service. When a 3746  
person is reinstated to a position in the classified service as 3747  
provided in this division, the person is entitled to all rights, 3748  
status, and benefits accruing to the position in the classified 3749  
service during the person's time of service in the position in 3750  
the unclassified service. 3751

**Sec. 124.382.** (A) As used in this section and sections 3752  
124.383, 124.386, 124.387, and 124.388 of the Revised Code: 3753

(1) "Pay period" means the fourteen-day period of time 3754  
during which the payroll is accumulated, as determined by the 3755  
director of administrative services. 3756

(2) "Active pay status" means the conditions under which 3757  
an employee is eligible to receive pay, and includes, but is not 3758  
limited to, vacation leave, sick leave, personal leave, 3759  
bereavement leave, and administrative leave. 3760

(3) "No pay status" means the conditions under which an 3761  
employee is ineligible to receive pay and includes, but is not 3762  
limited to, leave without pay, leave of absence, and disability 3763  
leave. 3764

(4) "Disability leave" means the leave granted pursuant to 3765  
section 124.385 of the Revised Code. 3766

(5) "Full-time permanent employee" means an employee whose 3767  
regular hours of duty total eighty hours in a pay period in a 3768  
state agency and whose appointment is not for a limited period 3769  
of time. 3770

(6) "Base rate of pay" means the rate of pay established 3771

under schedule B or C of section 124.15 of the Revised Code or 3772  
under schedule E-1 or schedule E-2 of section 124.152 of the 3773  
Revised Code, plus any supplement provided under section 124.181 3774  
of the Revised Code, plus any supplements enacted into law which 3775  
are added to schedule B or C of section 124.15 of the Revised 3776  
Code or to schedule E-1 or schedule E-2 of section 124.152 of 3777  
the Revised Code. 3778

(7) "Part-time permanent employee" means an employee whose 3779  
regular hours of duty total less than eighty hours in a pay 3780  
period in a state agency and whose appointment is not for a 3781  
limited period of time. 3782

(B) Each full-time permanent and part-time permanent 3783  
employee whose salary or wage is paid directly by warrant of the 3784  
director of budget and management shall be credited with sick 3785  
leave of three and one-tenth hours for each completed eighty 3786  
hours of service, excluding overtime hours worked. Sick leave is 3787  
not available for use until it appears on the employee's earning 3788  
statement and the compensation described in the earning 3789  
statement is available to the employee. 3790

(C) Any sick leave credit provided pursuant to division 3791  
(B) of this section, remaining as of the last day of the pay 3792  
period preceding the first paycheck the employee receives in 3793  
December, shall be converted pursuant to section 124.383 of the 3794  
Revised Code. 3795

(D) Employees may use sick leave, provided a credit 3796  
balance is available, upon approval of the responsible 3797  
administrative officer of the employing unit, for absence due to 3798  
personal illness, pregnancy, injury, exposure to contagious 3799  
disease that could be communicated to other employees, and 3800  
illness, injury, or death in the employee's immediate family. 3801

When sick leave is used, it shall be deducted from the 3802  
employee's credit on the basis of absence from previously 3803  
scheduled work in such increments of an hour and at such a 3804  
compensation rate as the director of administrative services 3805  
determines. The appointing authority of each employing unit may 3806  
require an employee to furnish a satisfactory, signed statement 3807  
to justify the use of sick leave. 3808

If, after having utilized the credit provided by this 3809  
section, an employee utilizes sick leave that was accumulated 3810  
prior to November 15, 1981, compensation for such sick leave 3811  
used shall be at a rate as the director determines. 3812

(E) (1) The previously accumulated sick leave balance of an 3813  
employee who has been separated from the public service, for 3814  
which separation payments pursuant to section 124.384 of the 3815  
Revised Code have not been made, shall be placed to the 3816  
employee's credit upon the employee's reemployment in the public 3817  
service, if the reemployment takes place within ten years of the 3818  
date on which the employee was last terminated from public 3819  
service. 3820

(2) The previously accumulated sick leave balance of an 3821  
employee who has separated from a school district shall be 3822  
placed to the employee's credit upon the employee's appointment 3823  
as an unclassified employee of the ~~state department of education~~ 3824  
learning and achievement, if all of the following apply: 3825

(a) The employee accumulated the sick leave balance while 3826  
employed by the school district. 3827

(b) The employee did not receive any separation payments 3828  
for the sick leave balance. 3829

(c) The employee's employment with the department takes 3830

place within ten years after the date on which the employee 3831  
separated from the school district. 3832

(F) An employee who transfers from one public agency to 3833  
another shall be credited with the unused balance of the 3834  
employee's accumulated sick leave. 3835

(G) The director of administrative services shall 3836  
establish procedures to uniformly administer this section. No 3837  
sick leave may be granted to a state employee upon or after the 3838  
employee's retirement or termination of employment. 3839

(H) As used in this division, "active payroll" means 3840  
conditions under which an employee is in active pay status or 3841  
eligible to receive pay for an approved leave of absence, 3842  
including, but not limited to, occupational injury leave, 3843  
disability leave, or workers' compensation. 3844

(1) Employees who are in active payroll status on June 18, 3845  
2011, shall receive a one-time credit of additional sick leave 3846  
in the pay period that begins on July 1, 2011. Full-time 3847  
employees shall receive the lesser of either a one-time credit 3848  
of thirty-two hours of additional sick leave or a one-time 3849  
credit of additional sick leave equivalent to half the hours of 3850  
personal leave the employee lost during the moratorium 3851  
established under either division (A) of section 124.386 of the 3852  
Revised Code or pursuant to a rule of the director of 3853  
administrative services. Part-time employees shall receive a 3854  
one-time credit of sixteen hours of additional sick leave. 3855

(2) Employees who are not in active payroll status due to 3856  
military leave or an absence taken in accordance with the 3857  
federal "Family and Medical Leave Act" are eligible to receive 3858  
the one-time additional sick leave credit. 3859

(3) The one-time additional sick leave credit does not 3860  
apply to employees of the supreme court, general assembly, 3861  
legislative service commission, secretary of state, auditor of 3862  
state, treasurer of state, or attorney general unless the 3863  
supreme court, general assembly, legislative service commission, 3864  
secretary of state, auditor of state, treasurer of state, or 3865  
attorney general participated in the moratorium under division 3866  
(H) or (I) of section 124.386 of the Revised Code and notifies 3867  
in writing the director of administrative services on or before 3868  
June 1, 2011, of the decision to participate in the one-time 3869  
additional sick leave credit. Written notice under this division 3870  
shall be signed by the appointing authority for employees of the 3871  
supreme court, general assembly, or legislative service 3872  
commission, as the case may be. 3873

**Sec. 124.384.** (A) Except as otherwise provided in this 3874  
section, employees whose salaries or wages are paid by warrant 3875  
of the director of budget and management and who have 3876  
accumulated sick leave under section 124.38 or 124.382 of the 3877  
Revised Code shall be paid for a percentage of their accumulated 3878  
balances, upon separation for any reason, including death but 3879  
excluding retirement, at their last base rate of pay at the rate 3880  
of one hour of pay for every two hours of accumulated balances. 3881  
An employee who retires in accordance with any retirement plan 3882  
offered by the state shall be paid upon retirement for each hour 3883  
of the employee's accumulated sick leave balance at a rate of 3884  
fifty-five per cent of the employee's last base rate of pay. 3885

An employee serving in a temporary work level who elects 3886  
to convert unused sick leave to cash shall do so at the base 3887  
rate of pay of the employee's normal classification. If an 3888  
employee dies, the employee's unused sick leave shall be paid in 3889  
accordance with section 2113.04 of the Revised Code or to the 3890

employee's estate. 3891

In order to be eligible for the payment authorized by this 3892  
section, an employee shall have at least one year of state 3893  
service and shall request all or a portion of that payment no 3894  
later than three years after separation from state service. No 3895  
person is eligible to receive all or a portion of the payment 3896  
authorized by this section at any time later than three years 3897  
after the person's separation from state service. 3898

(B) A person initially employed on or after July 5, 1987, 3899  
by a state agency in which the employees' salaries or wages are 3900  
paid directly by warrant of the director of budget and 3901  
management shall receive payment under this section only for 3902  
sick leave accumulated while employed by state agencies in which 3903  
the employees' salaries or wages are paid directly by warrant of 3904  
the director of budget and management. Additionally, a person 3905  
initially employed on or after July 5, 1987, but before October 3906  
1, 2017, by the ~~state~~ department of ~~education-learning and~~ 3907  
achievement as an unclassified employee shall receive payment 3908  
under this section for sick leave placed to the employee's 3909  
credit under division (E) (2) of section 124.382 of the Revised 3910  
Code. 3911

(C) For employees paid in accordance with section 124.152 3912  
of the Revised Code and those employees listed in divisions (B) 3913  
(2) and (4) of section 124.14 of the Revised Code, the director 3914  
of administrative services, with the approval of the director of 3915  
budget and management, may establish a plan for early payment of 3916  
accrued sick leave and vacation leave. 3917

**Sec. 125.05.** Except as provided in division (D) of this 3918  
section, no state agency shall purchase any supplies or services 3919  
except as provided in divisions (A) to (C) of this section. 3920

(A) A state agency may, without competitive selection, 3921  
make any purchase of supplies or services that cost less than 3922  
fifty thousand dollars after complying with divisions (A) to (E) 3923  
of section 125.035 of the Revised Code. The agency may make the 3924  
purchase directly or may make the purchase from or through the 3925  
department of administrative services, whichever the agency 3926  
determines. The agency shall adopt written procedures consistent 3927  
with the department's purchasing procedures and shall use those 3928  
procedures when making purchases under this division. 3929

Section 127.16 of the Revised Code does not apply to 3930  
purchases made under this division. 3931

(B) A state agency shall make purchases of supplies and 3932  
services that cost fifty thousand dollars or more through the 3933  
department of administrative services and the process provided 3934  
in section 125.035 of the Revised Code, unless the department 3935  
grants a waiver under ~~divisions~~ division (D) or (E) of that 3936  
section and a release and permit under division (G) of that 3937  
section. 3938

(C) An agency that has been granted a release and permit 3939  
under division (G) of section 125.035 of the Revised Code to 3940  
make a purchase may make the purchase without competitive 3941  
selection if after making the purchase the cumulative purchase 3942  
threshold as computed under division (E) of section 127.16 of 3943  
the Revised Code would: 3944

(1) Be exceeded and the controlling board approves the 3945  
purchase; 3946

(2) Not be exceeded and the department of administrative 3947  
services approves the purchase. 3948

(D) If the department of ~~education~~ learning and 3949

achievement or the Ohio education computer network determines 3950  
that it can purchase software services or supplies for specified 3951  
school districts at a price less than the price for which the 3952  
districts could purchase the same software services or supplies 3953  
for themselves, the department or network shall certify that 3954  
fact to the department of administrative services and, acting as 3955  
an agent for the specified school districts, shall make that 3956  
purchase without following the provisions in divisions (A) to 3957  
(D) of this section. 3958

**Sec. 125.092.** (A) Except as provided in divisions (G) and 3959  
(H) of this section, when purchasing equipment, material, or 3960  
supplies, the department of administrative services, other state 3961  
agencies, and state institutions of higher education shall 3962  
purchase biobased products in accordance with the biobased 3963  
product preference program established by the director of 3964  
administrative services under this section. 3965

(B) ~~Not later than one hundred eighty days after the~~ 3966  
~~effective date of this section, the~~ The director shall establish 3967  
a biobased product preference program, which shall ensure that 3968  
the department of administrative services, other state agencies, 3969  
and state institutions of higher education purchase biobased 3970  
products by giving a preference to those designated items that 3971  
are composed of the highest percentage of biobased content 3972  
practicable or that comply with regulations adopted under 42 3973  
U.S.C. 6914b-1 by the administrator of the United States 3974  
environmental protection agency. The purchase of biobased 3975  
products under the program shall be consistent with sections 3976  
125.01 to 125.11 of the Revised Code. 3977

As part of the program, the director shall adopt a policy 3978  
of setting minimum biobased content specifications for awarding 3979

contracts in a manner that ensures that the biobased content of 3980  
biobased products is consistent with the guidelines issued under 3981  
7 U.S.C. 8102, except when the director determines that division 3982  
(C) (1), (2), or (3) of this section applies. 3983

(C) The director may determine that it is not possible for 3984  
a biobased product to be purchased in accordance with the 3985  
biobased product preference program if the director determines 3986  
that any of the following applies to the product: 3987

(1) The product is not available within a reasonable 3988  
period of time. 3989

(2) The product fails to meet the performance standards 3990  
set forth in the applicable specifications for the product. 3991

(3) The price of the product is an unreasonable price. As 3992  
used in division (C) (3) of this section, "unreasonable price" 3993  
means either of the following: 3994

(a) The price of the biobased product exceeds the price of 3995  
a substantially equivalent nonbiobased product. 3996

(b) The price of the biobased product exceeds the fair 3997  
market value of a substantially equivalent nonbiobased product. 3998

In accordance with rules adopted under this section, the 3999  
director may determine a percentage that is up to five per cent 4000  
by which the price of a biobased product may exceed the price or 4001  
fair market value of a substantially equivalent nonbiobased 4002  
product without being considered an unreasonable price for the 4003  
purpose of division (C) (3) (a) or (b) of this section, as 4004  
applicable. In doing so, the director shall give consideration 4005  
to the benefits of expanding the use of biobased products. 4006

(D) For any biobased product offered under the biobased 4007

product preference program, a vendor shall certify that the 4008  
product meets the biobased content requirements for the 4009  
designated item of which the product is an exemplar. Upon 4010  
request, a vendor shall provide to the director information to 4011  
verify the biobased content of a biobased product qualifying for 4012  
purchase in accordance with the program. 4013

(E) The director shall adopt rules in accordance with 4014  
Chapter 119. of the Revised Code that prescribe all of the 4015  
following: 4016

(1) The procedures the department of administrative 4017  
services and other state agencies shall use to give preference 4018  
to and purchase biobased products in accordance with the 4019  
program; 4020

(2) The purchasing policy the director adopts under 4021  
division (B) of this section; 4022

(3) Procedures and guidelines to be used by the director 4023  
in determining percentages for purposes of division (C) of this 4024  
section; 4025

(4) Other requirements or procedures that are necessary to 4026  
implement the biobased product preference program. 4027

(F) The director shall maintain a list of products that 4028  
qualify as designated items under the biobased product 4029  
preference program. 4030

(G) When purchasing equipment, material, or supplies, a 4031  
state institution of higher education shall purchase designated 4032  
items in accordance with procedures established by the 4033  
institution. 4034

(H) If, after assessing the functions of designated items, 4035

a state agency determines that none of the designated items are 4036  
functionally capable of meeting a specific need of the agency, 4037  
the agency shall notify the director of administrative services. 4038  
If, after assessing the functions of designated items, a state 4039  
institution of higher education determines that none of the 4040  
designated items are functionally capable of meeting a specific 4041  
need of the institution, the institution shall notify both the 4042  
director of administrative services and the ~~chancellor of the~~ 4043  
~~board of regents~~ department of learning and achievement. The 4044  
agency or institution then may purchase a nonbiobased product 4045  
that is functionally capable of meeting that specific need of 4046  
the agency or institution, as applicable. Such a purchase does 4047  
not constitute failure to comply with the biobased product 4048  
preference program or preclude the agency or institution from 4049  
otherwise participating in the program. 4050

(I) This section does not apply to the purchase of motor 4051  
vehicle fuel, heating oil, or electricity. 4052

(J) As used in this section, "state institution of higher 4053  
education" has the same meaning as in section 3345.011 of the 4054  
Revised Code. 4055

**Sec. 125.13.** (A) As used in this section: 4056

(1) "Emergency medical service organization" has the same 4057  
meaning as in section 4765.01 of the Revised Code. 4058

(2) "Private fire company" has the same meaning as in 4059  
section 9.60 of the Revised Code. 4060

(B) Whenever a state agency has excess or surplus 4061  
supplies, it shall notify the director of administrative 4062  
services. On forms provided by the director, the state agency 4063  
shall furnish to the director a list of its excess and surplus 4064

supplies, including the location of the supplies and whether the 4065  
supplies are currently in the agency's control. 4066

(C) Upon receipt of notification and at no cost to the 4067  
state agency, the director of administrative services shall make 4068  
arrangements for their disposition and shall take immediate 4069  
control of a state agency's excess and surplus supplies, except 4070  
for the following excess and surplus supplies: 4071

(1) Excess or surplus supplies that have a value below the 4072  
minimum value that the director establishes for excess and 4073  
surplus supplies under division (F) of this section; 4074

(2) Excess or surplus supplies that the director has 4075  
authorized an agency to donate to a governmental agency, 4076  
including, but not limited to, public schools and surplus 4077  
computers and computer equipment transferred to a public school 4078  
under division (G) of this section; 4079

(3) Excess or surplus supplies that an agency trades in as 4080  
full or partial payment when purchasing a replacement item; 4081

(4) Hazardous property; 4082

(5) Excess or surplus supplies that the director has 4083  
authorized to be part of an interagency transfer; 4084

(6) Excess or surplus supplies that are donated under 4085  
division (H) of this section. 4086

(D) The director shall inventory excess and surplus 4087  
supplies in the director's control and post on a public web site 4088  
a list of the supplies available for acquisition. The director 4089  
may have the supplies repaired. The director shall not charge a 4090  
fee for the collection or transportation of excess and surplus 4091  
supplies. 4092

- (E) The director may do any of the following: 4093
- (1) Dispose of declared surplus or excess supplies in the 4094  
director's control by sale, lease, donation, or transfer. If the 4095  
director does so, the director shall dispose of those supplies 4096  
in any of the following manners: 4097
- (a) To state agencies or by interagency trade; 4098
- (b) To state-supported or state-assisted institutions of 4099  
higher education; 4100
- (c) To tax-supported agencies, municipal corporations, or 4101  
other political subdivisions of this state, private fire 4102  
companies, or private, nonprofit emergency medical service 4103  
organizations; 4104
- (d) To nonpublic elementary and secondary schools 4105  
chartered by the ~~state board of education~~ department of learning 4106  
and achievement under section 3301.16 of the Revised Code; 4107
- (e) To a nonprofit organization that is both exempt from 4108  
federal income taxation under 26 U.S.C. 501(a) and (c)(3) and 4109  
that receives funds from the state or has a contract with the 4110  
state; 4111
- (f) To the general public by auction, sealed bid, sale, or 4112  
negotiation. 4113
- (2) If the director has attempted to dispose of any 4114  
declared surplus or excess motor vehicle that does not exceed 4115  
four thousand five hundred dollars in value pursuant to 4116  
divisions (E)(1)(a) to (c) of this section, donate the motor 4117  
vehicle to a nonprofit organization exempt from federal income 4118  
taxation pursuant to 26 U.S.C. 501(a) and (c)(3) for the purpose 4119  
of meeting the transportation needs of participants in the Ohio 4120

works first program established under Chapter 5107. of the 4121  
Revised Code and participants in the prevention, retention, and 4122  
contingency program established under Chapter 5108. of the 4123  
Revised Code. The director may not donate a motor vehicle 4124  
furnished to the state highway patrol to a nonprofit 4125  
organization pursuant to this division. 4126

(F) The director may adopt rules governing the sale, 4127  
lease, or transfer of surplus and excess supplies in the 4128  
director's control by public auction, sealed bid, sale, or 4129  
negotiation, except that no employee of the disposing agency 4130  
shall be allowed to purchase, lease, or receive any such 4131  
supplies. The director may dispose of declared surplus or excess 4132  
supplies, including motor vehicles, in the director's control as 4133  
the director determines proper if such supplies cannot be 4134  
disposed of pursuant to division (E) of this section. The 4135  
director shall by rule establish a minimum value for excess and 4136  
surplus supplies and prescribe procedures for a state agency to 4137  
follow in disposing of excess and surplus supplies in its 4138  
control that have a value below the minimum value established by 4139  
the director. 4140

(G) The director of administrative services may authorize 4141  
any state agency to transfer surplus computers and computer 4142  
equipment that are not needed by other state agencies directly 4143  
to an accredited public school within the state. The computers 4144  
and computer equipment may be repaired or refurbished prior to 4145  
transfer. The state agency may charge a service fee to the 4146  
public schools for the property not to exceed the direct cost of 4147  
repairing or refurbishing it. The state agency shall deposit 4148  
such funds into the account used for repair or refurbishment. 4149

(H) Excess and surplus supplies of food shall be exempt 4150

from this section and may be donated directly to nonprofit food 4151  
pantries and institutions without notification to the director 4152  
of administrative services. 4153

**Sec. 125.901.** (A) There is hereby established the Ohio 4154  
geographically referenced information program council within the 4155  
department of administrative services to coordinate the property 4156  
owned by the state. The department of administrative services 4157  
shall provide administrative support for the council. 4158

(B) The council shall consist of the following fifteen 4159  
members: 4160

(1) The state chief information officer, or the officer's 4161  
designee, who shall serve as the council chair; 4162

(2) The director of natural resources, or the director's 4163  
designee; 4164

(3) The director of transportation, or the director's 4165  
designee; 4166

(4) The director of environmental protection, or the 4167  
director's designee; 4168

(5) The director of development services, or the 4169  
director's designee; 4170

(6) The treasurer of state, or the treasurer of state's 4171  
designee; 4172

(7) The attorney general, or the attorney general's 4173  
designee; 4174

(8) The ~~chancellor of higher education~~ director of 4175  
learning and achievement or the ~~chancellor's~~ director's 4176  
designee; 4177

(9) The chief of the division of oil and gas resources	4178
management in the department of natural resources or the chief's	4179
designee;	4180
(10) The director of public safety or the director's	4181
designee;	4182
(11) The executive director of the county auditors'	4183
association or the executive director's designee;	4184
(12) The executive director of the county commissioners'	4185
association or the executive director's designee;	4186
(13) The executive director of the county engineers'	4187
association or the executive director's designee;	4188
(14) The executive director of the Ohio municipal league	4189
or the executive director's designee;	4190
(15) The executive director of the Ohio townships	4191
association or the executive director's designee.	4192
(C) Members of the council shall serve without	4193
compensation.	4194
<b>Sec. 126.21.</b> (A) The director of budget and management	4195
shall do all of the following:	4196
(1) Keep all necessary accounting records;	4197
(2) Prescribe and maintain the accounting system of the	4198
state and establish appropriate accounting procedures and charts	4199
of accounts;	4200
(3) Establish procedures for the use of written,	4201
electronic, optical, or other communications media for approving	4202
and reviewing payment vouchers;	4203
(4) Reconcile, in the case of any variation between the	4204

amount of any appropriation and the aggregate amount of items of 4205  
the appropriation, with the advice and assistance of the state 4206  
agency affected by it and the legislative service commission, 4207  
totals so as to correspond in the aggregate with the total 4208  
appropriation. In the case of a conflict between the item and 4209  
the total of which it is a part, the item shall be considered 4210  
the intended appropriation. 4211

(5) Evaluate on an ongoing basis and, if necessary, 4212  
recommend improvements to the internal controls used in state 4213  
agencies; 4214

(6) Authorize the establishment of petty cash accounts. 4215  
The director may withdraw approval for any petty cash account 4216  
and require the officer in charge to return to the state 4217  
treasury any unexpended balance shown by the officer's accounts 4218  
to be on hand. Any officer who is issued a warrant for petty 4219  
cash shall render a detailed account of the expenditures of the 4220  
petty cash and shall report when requested the balance of petty 4221  
cash on hand at any time. 4222

(7) Process orders, invoices, vouchers, claims, and 4223  
payrolls and prepare financial reports and statements; 4224

(8) Perform extensions, reviews, and compliance checks 4225  
prior to or after approving a payment as the director considers 4226  
necessary; 4227

(9) Issue the official comprehensive annual financial 4228  
report of the state. The report shall cover all funds of the 4229  
state reporting entity and shall include basic financial 4230  
statements and required supplementary information prepared in 4231  
accordance with generally accepted accounting principles and 4232  
other information as the director provides. All state agencies, 4233

authorities, institutions, offices, retirement systems, and 4234  
other component units of the state reporting entity as 4235  
determined by the director shall furnish the director whatever 4236  
financial statements and other information the director requests 4237  
for the report, in the form, at the times, covering the periods, 4238  
and with the attestation the director prescribes. The 4239  
information for state institutions of higher education, as 4240  
defined in section 3345.011 of the Revised Code, shall be 4241  
submitted to the ~~chancellor by the Ohio board of regents~~ 4242  
department of learning and achievement. The ~~board department~~ 4243  
shall establish a due date by which each such institution shall 4244  
submit the information to the ~~board department~~, but no such date 4245  
shall be later than one hundred twenty days after the end of the 4246  
state fiscal year unless a later date is approved by the 4247  
director of budget and management. 4248

(B) In addition to the director's duties under division 4249  
(A) of this section, the director may establish and administer 4250  
one or more payment card programs that permit state agencies and 4251  
political subdivisions to use a payment card to purchase 4252  
equipment, materials, supplies, or services in accordance with 4253  
guidelines issued by the director. The chief administrative 4254  
officer of a state agency or political subdivision that uses a 4255  
payment card for such purposes shall ensure that purchases made 4256  
with the card are made in accordance with the guidelines issued 4257  
by the director. State agencies may participate in only those 4258  
payment card programs that the director establishes pursuant to 4259  
this section. 4260

(C) In addition to the director's duties under divisions 4261  
(A) and (B) of this section, the director may enter into any 4262  
contract or agreement necessary for and incidental to the 4263  
performance of the director's duties or the duties of the office 4264

of budget and management. 4265

(D) In addition to the director's duties under divisions 4266  
(A), (B), and (C) of this section, the director may operate a 4267  
shared services center within the office of budget and 4268  
management for the purpose of consolidating common business 4269  
functions and transactional processes. The services offered by 4270  
the shared services center may be provided to any state agency 4271  
or political subdivision. In consultation with the director of 4272  
administrative services, the director may appoint and fix the 4273  
compensation of employees of the office whose primary duties 4274  
include the consolidation of common business functions and 4275  
transactional processes. 4276

(E) The director may transfer cash between funds other 4277  
than the general revenue fund in order to correct an erroneous 4278  
payment or deposit regardless of the fiscal year during which 4279  
the erroneous payment or deposit occurred. 4280

(F) As used in divisions (B) and (D) of this section: 4281

(1) "Political subdivision" has the same meaning as in 4282  
section 2744.01 of the Revised Code. 4283

(2) "State agency" has the same meaning as in section 4284  
9.482 of the Revised Code. 4285

**Sec. 126.32.** (A) Any officer of any state agency may 4286  
authorize reimbursement for travel, including the costs of 4287  
transportation, for lodging, and for meals to any person who is 4288  
interviewing for a position that is classified in pay range 13 4289  
or above in schedule E-1 or is classified in schedule E-2 of 4290  
section 124.152 of the Revised Code. 4291

(B) If a person is appointed to a position listed in 4292  
section 121.03 of the Revised Code, to the position of 4293

chairperson of the industrial commission, adjutant general, 4294  
~~chancellor of the Ohio board of regents, superintendent of~~ 4295  
~~public instruction~~ director of learning and achievement, 4296  
chairperson of the public utilities commission of Ohio, or 4297  
director of the state lottery commission, to a position holding 4298  
a fiduciary relationship to the governor, to a position of an 4299  
appointing authority of the department of mental health and 4300  
addiction services, developmental disabilities, or 4301  
rehabilitation and correction, to a position of superintendent 4302  
in the department of youth services, or to a position under 4303  
section 122.05 of the Revised Code, and if that appointment 4304  
requires a permanent change of residence, the appropriate state 4305  
agency may reimburse the person for the person's actual and 4306  
necessary expenses, including the cost of in-transit storage of 4307  
household goods and personal effects, of moving the person and 4308  
members of the person's immediate family residing in the 4309  
person's household, and of moving their household goods and 4310  
personal effects, to the person's new location. 4311

Until that person moves the person's permanent residence 4312  
to the new location, but not for a period that exceeds thirty 4313  
consecutive days, the state agency may reimburse the person for 4314  
the person's temporary living expenses at the new location that 4315  
the person has incurred on behalf of the person and members of 4316  
the person's immediate family residing in the person's 4317  
household. In addition, the state agency may reimburse that 4318  
person for the person's travel expenses between the new location 4319  
and the person's former residence during this period for a 4320  
maximum number of trips specified by rule of the director of 4321  
budget and management, but the state agency shall not reimburse 4322  
the person for travel expenses incurred for those trips by 4323  
members of the person's immediate family. With the prior written 4324

approval of the director, the maximum thirty-day period for 4325  
temporary living expenses may be extended for a person appointed 4326  
to a position under section 122.05 of the Revised Code. 4327

The director of development services may reimburse a 4328  
person appointed to a position under section 122.05 of the 4329  
Revised Code for the person's actual and necessary expenses of 4330  
moving the person and members of the person's immediate family 4331  
residing in the person's household back to the United States and 4332  
may reimburse a person appointed to such a position for the cost 4333  
of storage of household goods and personal effects of the person 4334  
and the person's immediate family while the person is serving 4335  
outside the United States, if the person's office outside the 4336  
United States is the person's primary job location. 4337

(C) All reimbursement under division (A) or (B) of this 4338  
section shall be made in the manner, and at rates that do not 4339  
exceed those, provided by rule of the director of budget and 4340  
management in accordance with section 111.15 of the Revised 4341  
Code. Reimbursements may be made under division (B) of this 4342  
section directly to the persons who incurred the expenses or 4343  
directly to the providers of goods or services the persons 4344  
receive, as determined by the director of budget and management. 4345

**Sec. 126.45.** (A) As used in sections 126.45 to 126.48 of 4346  
the Revised Code, "state agency" means the administrative 4347  
departments listed in section 121.02 of the Revised Code, the 4348  
department of taxation, the bureau of workers' compensation, ~~the~~ 4349  
~~Ohio board of regents,~~ the opportunities for Ohioans with 4350  
disabilities agency, the public utilities commission of Ohio, 4351  
the adjutant general, and the state lottery commission. 4352

(B) The office of internal audit is hereby created in the 4353  
office of budget and management to direct internal audits of 4354

state agencies or divisions of state agencies to improve their 4355  
operations in the areas of risk management, internal controls, 4356  
and governance. The director of budget and management, with the 4357  
approval of the governor, shall appoint for the office of 4358  
internal audit a chief internal auditor who meets the 4359  
qualifications specified in division (E) of this section. The 4360  
chief internal auditor shall serve at the director's pleasure 4361  
and be responsible for the administration of the office of 4362  
internal audit consistent with sections 126.45 to 126.48 of the 4363  
Revised Code. 4364

(C) The office of internal audit shall conduct programs 4365  
for the internal auditing of state agencies. The programs shall 4366  
include an annual internal audit plan, reviewed by the state 4367  
audit committee, that utilizes risk assessment techniques and 4368  
identifies the specific audits to be directed during the year. 4369  
The programs also shall include periodic audits of each state 4370  
agency's major systems and controls, including those systems and 4371  
controls pertaining to accounting, administration, and 4372  
information technology. Upon the request of the office of 4373  
internal audit, each state agency shall provide office employees 4374  
access to all records and documents necessary for the 4375  
performance of an internal audit. 4376

The director of budget and management shall assess a 4377  
charge against each state agency for which the office of 4378  
internal audit conducts internal auditing programs under 4379  
sections 126.45 to 126.48 of the Revised Code so that the total 4380  
amount of these charges is sufficient to cover the costs of the 4381  
operation of the office of internal audit. 4382

(D) At the request of any other organized body, office, or 4383  
agency established by the laws of the state for the exercise of 4384

any function of state government that is not described in 4385  
division (A) of this section, the office of internal audit may 4386  
direct an internal audit of all or part of that body, office, or 4387  
agency. The office of internal audit shall charge an amount 4388  
sufficient to cover the costs it incurs in relation to the 4389  
requested audit. 4390

(E) The chief internal auditor of the office of internal 4391  
audit shall hold at least a bachelor's degree and be one of the 4392  
following: 4393

(1) A certified internal auditor, a certified government 4394  
auditing professional, or a certified public accountant, who 4395  
also has held a PA registration or a CPA certificate authorized 4396  
by Chapter 4701. of the Revised Code for at least four years and 4397  
has at least six years of auditing experience; 4398

(2) An auditor who has held a PA registration or a CPA 4399  
certificate authorized by Chapter 4701. of the Revised Code for 4400  
at least four years and has at least ten years of auditing 4401  
experience. 4402

(F) The chief internal auditor, subject to the direction 4403  
and control of the director of budget and management, may 4404  
appoint and maintain any staff necessary to carry out the duties 4405  
assigned by sections 126.45 to 126.48 of the Revised Code to the 4406  
office of internal audit or to the chief internal auditor. 4407

**Sec. 133.06.** (A) A school district shall not incur, 4408  
without a vote of the electors, net indebtedness that exceeds an 4409  
amount equal to one-tenth of one per cent of its tax valuation, 4410  
except as provided in divisions (G) and (H) of this section and 4411  
in division (D) of section 3313.372 of the Revised Code, or as 4412  
prescribed in section 3318.052 or 3318.44 of the Revised Code, 4413

or as provided in division (J) of this section. 4414

(B) Except as provided in divisions (E), (F), and (I) of 4415  
this section, a school district shall not incur net indebtedness 4416  
that exceeds an amount equal to nine per cent of its tax 4417  
valuation. 4418

(C) A school district shall not submit to a vote of the 4419  
electors the question of the issuance of securities in an amount 4420  
that will make the district's net indebtedness after the 4421  
issuance of the securities exceed an amount equal to four per 4422  
cent of its tax valuation, unless the ~~superintendent of public~~ 4423  
~~instruction department of learning and achievement~~, acting under 4424  
policies adopted by the ~~state board of education department~~, and 4425  
the tax commissioner, acting under written policies of the 4426  
commissioner, consent to the submission. A request for the 4427  
consents shall be made at least one hundred twenty days prior to 4428  
the election at which the question is to be submitted. 4429

The ~~superintendent of public instruction department~~ shall 4430  
certify to the district the ~~superintendent's department's~~ and 4431  
the tax commissioner's decisions within thirty days after 4432  
receipt of the request for consents. 4433

If the electors do not approve the issuance of securities 4434  
at the election for which the ~~superintendent of public~~ 4435  
~~instruction department~~ and tax commissioner consented to the 4436  
submission of the question, the school district may submit the 4437  
same question to the electors on the date that the next special 4438  
election may be held under section 3501.01 of the Revised Code 4439  
without submitting a new request for consent. If the school 4440  
district seeks to submit the same question at any other 4441  
subsequent election, the district shall first submit a new 4442  
request for consent in accordance with this division. 4443

(D) In calculating the net indebtedness of a school district, none of the following shall be considered: 4444  
4445

(1) Securities issued to acquire school buses and other equipment used in transporting pupils or issued pursuant to division (D) of section 133.10 of the Revised Code; 4446  
4447  
4448

(2) Securities issued under division (F) of this section, under section 133.301 of the Revised Code, and, to the extent in excess of the limitation stated in division (B) of this section, under division (E) of this section; 4449  
4450  
4451  
4452

(3) Indebtedness resulting from the dissolution of a joint vocational school district under section 3311.217 of the Revised Code, evidenced by outstanding securities of that joint vocational school district; 4453  
4454  
4455  
4456

(4) Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 4457  
4458

(5) Debt incurred under section 3313.374 of the Revised Code; 4459  
4460

(6) Debt incurred pursuant to division (B) (5) of section 3313.37 of the Revised Code to acquire computers and related hardware; 4461  
4462  
4463

(7) Debt incurred under section 3318.042 of the Revised Code; 4464  
4465

(8) Debt incurred under section 5705.2112 or 5705.2113 of the Revised Code by the fiscal board of a qualifying partnership of which the school district is a participating school district. 4466  
4467  
4468

(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section. 4469  
4470  
4471

(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:

(a) The student population is not being adequately serviced by the existing permanent improvements of the district.

(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.

(2) The board of education shall certify a copy of that resolution to the ~~superintendent of public instruction~~ department of learning and achievement with a statistical report showing all of the following:

(a) The history of and a projection of the growth of the tax valuation;

(b) The projected needs;

(c) The estimated cost of permanent improvements proposed to meet such projected needs.

(3) The ~~superintendent of public instruction~~ department shall certify the district as an approved special needs district if the ~~superintendent~~ department finds both of the following:

(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.

(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the ~~superintendent~~ department and any other information the ~~superintendent~~ department obtains,

indicates a likelihood of potential average growth of tax 4500  
valuation of the district during the next five years of an 4501  
average of not less than one and one-half per cent per year. The 4502  
findings and certification of the ~~superintendent~~ department 4503  
shall be conclusive. 4504

(4) An approved special needs district may incur net 4505  
indebtedness by the issuance of securities in accordance with 4506  
the provisions of this chapter in an amount that does not exceed 4507  
an amount equal to the greater of the following: 4508

(a) Twelve per cent of the sum of its tax valuation plus 4509  
an amount that is the product of multiplying that tax valuation 4510  
by the percentage by which the tax valuation has increased over 4511  
the tax valuation on the first day of the sixtieth month 4512  
preceding the month in which its board determines to submit to 4513  
the electors the question of issuing the proposed securities; 4514

(b) Twelve per cent of the sum of its tax valuation plus 4515  
an amount that is the product of multiplying that tax valuation 4516  
by the percentage, determined by the ~~superintendent of public~~ 4517  
~~instruction~~ department, by which that tax valuation is projected 4518  
to increase during the next ten years. 4519

(F) A school district may issue securities for emergency 4520  
purposes, in a principal amount that does not exceed an amount 4521  
equal to three per cent of its tax valuation, as provided in 4522  
this division. 4523

(1) A board of education, by resolution, may declare an 4524  
emergency if it determines both of the following: 4525

(a) School buildings or other necessary school facilities 4526  
in the district have been wholly or partially destroyed, or 4527  
condemned by a constituted public authority, or that such 4528

buildings or facilities are partially constructed, or so 4529  
constructed or planned as to require additions and improvements 4530  
to them before the buildings or facilities are usable for their 4531  
intended purpose, or that corrections to permanent improvements 4532  
are necessary to remove or prevent health or safety hazards. 4533

(b) Existing fiscal and net indebtedness limitations make 4534  
adequate replacement, additions, or improvements impossible. 4535

(2) Upon the declaration of an emergency, the board of 4536  
education may, by resolution, submit to the electors of the 4537  
district pursuant to section 133.18 of the Revised Code the 4538  
question of issuing securities for the purpose of paying the 4539  
cost, in excess of any insurance or condemnation proceeds 4540  
received by the district, of permanent improvements to respond 4541  
to the emergency need. 4542

(3) The procedures for the election shall be as provided 4543  
in section 133.18 of the Revised Code, except that: 4544

(a) The form of the ballot shall describe the emergency 4545  
existing, refer to this division as the authority under which 4546  
the emergency is declared, and state that the amount of the 4547  
proposed securities exceeds the limitations prescribed by 4548  
division (B) of this section; 4549

(b) The resolution required by division (B) of section 4550  
133.18 of the Revised Code shall be certified to the county 4551  
auditor and the board of elections at least one hundred days 4552  
prior to the election; 4553

(c) The county auditor shall advise and, not later than 4554  
ninety-five days before the election, confirm that advice by 4555  
certification to, the board of education of the information 4556  
required by division (C) of section 133.18 of the Revised Code; 4557

(d) The board of education shall then certify its 4558  
resolution and the information required by division (D) of 4559  
section 133.18 of the Revised Code to the board of elections not 4560  
less than ninety days prior to the election. 4561

(4) Notwithstanding division (B) of section 133.21 of the 4562  
Revised Code, the first principal payment of securities issued 4563  
under this division may be set at any date not later than sixty 4564  
months after the earliest possible principal payment otherwise 4565  
provided for in that division. 4566

(G) (1) The board of education may contract with an 4567  
architect, professional engineer, or other person experienced in 4568  
the design and implementation of energy conservation measures 4569  
for an analysis and recommendations pertaining to installations, 4570  
modifications of installations, or remodeling that would 4571  
significantly reduce energy consumption in buildings owned by 4572  
the district. The report shall include estimates of all costs of 4573  
such installations, modifications, or remodeling, including 4574  
costs of design, engineering, installation, maintenance, 4575  
repairs, measurement and verification of energy savings, and 4576  
debt service, forgone residual value of materials or equipment 4577  
replaced by the energy conservation measure, as defined by the 4578  
Ohio facilities construction commission, a baseline analysis of 4579  
actual energy consumption data for the preceding three years 4580  
with the utility baseline based on only the actual energy 4581  
consumption data for the preceding twelve months, and estimates 4582  
of the amounts by which energy consumption and resultant 4583  
operational and maintenance costs, as defined by the commission, 4584  
would be reduced. 4585

If the board finds after receiving the report that the 4586  
amount of money the district would spend on such installations, 4587

modifications, or remodeling is not likely to exceed the amount 4588  
of money it would save in energy and resultant operational and 4589  
maintenance costs over the ensuing fifteen years, the board may 4590  
submit to the commission a copy of its findings and a request 4591  
for approval to incur indebtedness to finance the making or 4592  
modification of installations or the remodeling of buildings for 4593  
the purpose of significantly reducing energy consumption. 4594

The facilities construction commission, in consultation 4595  
with the auditor of state, may deny a request under division (G) 4596  
(1) of this section by the board of education of any school 4597  
district that is in a state of fiscal watch pursuant to division 4598  
(A) of section 3316.03 of the Revised Code, if it determines 4599  
that the expenditure of funds is not in the best interest of the 4600  
school district. 4601

No district board of education of a school district that 4602  
is in a state of fiscal emergency pursuant to division (B) of 4603  
section 3316.03 of the Revised Code shall submit a request 4604  
without submitting evidence that the installations, 4605  
modifications, or remodeling have been approved by the 4606  
district's financial planning and supervision commission 4607  
established under section 3316.05 of the Revised Code. 4608

No board of education of a school district for which an 4609  
academic distress commission has been established under section 4610  
3302.10 of the Revised Code shall submit a request without first 4611  
receiving approval to incur indebtedness from the district's 4612  
academic distress commission established under that section, for 4613  
so long as such commission continues to be required for the 4614  
district. 4615

(2) The board of education may contract with a person 4616  
experienced in the implementation of student transportation to 4617

produce a report that includes an analysis of and 4618  
recommendations for the use of alternative fuel vehicles by 4619  
school districts. The report shall include cost estimates 4620  
detailing the return on investment over the life of the 4621  
alternative fuel vehicles and environmental impact of 4622  
alternative fuel vehicles. The report also shall include 4623  
estimates of all costs associated with alternative fuel 4624  
transportation, including facility modifications and vehicle 4625  
purchase costs or conversion costs. 4626

If the board finds after receiving the report that the 4627  
amount of money the district would spend on purchasing 4628  
alternative fuel vehicles or vehicle conversion is not likely to 4629  
exceed the amount of money it would save in fuel and resultant 4630  
operational and maintenance costs over the ensuing five years, 4631  
the board may submit to the commission a copy of its findings 4632  
and a request for approval to incur indebtedness to finance the 4633  
purchase of new alternative fuel vehicles or vehicle conversions 4634  
for the purpose of reducing fuel costs. 4635

The facilities construction commission, in consultation 4636  
with the auditor of state, may deny a request under division (G) 4637  
(2) of this section by the board of education of any school 4638  
district that is in a state of fiscal watch pursuant to division 4639  
(A) of section 3316.03 of the Revised Code, if it determines 4640  
that the expenditure of funds is not in the best interest of the 4641  
school district. 4642

No district board of education of a school district that 4643  
is in a state of fiscal emergency pursuant to division (B) of 4644  
section 3316.03 of the Revised Code shall submit a request 4645  
without submitting evidence that the purchase or conversion of 4646  
alternative fuel vehicles has been approved by the district's 4647

financial planning and supervision commission established under 4648  
section 3316.05 of the Revised Code. 4649

No board of education of a school district for which an 4650  
academic distress commission has been established under section 4651  
3302.10 of the Revised Code shall submit a request without first 4652  
receiving approval to incur indebtedness from the district's 4653  
academic distress commission established under that section, for 4654  
so long as such commission continues to be required for the 4655  
district. 4656

(3) The facilities construction commission shall approve 4657  
the board's request provided that the following conditions are 4658  
satisfied: 4659

(a) The commission determines that the board's findings 4660  
are reasonable. 4661

(b) The request for approval is complete. 4662

(c) If the request was submitted under division (G) (1) of 4663  
this section, the installations, modifications, or remodeling 4664  
are consistent with any project to construct or acquire 4665  
classroom facilities, or to reconstruct or make additions to 4666  
existing classroom facilities under sections 3318.01 to 3318.20 4667  
or sections 3318.40 to 3318.45 of the Revised Code. 4668

Upon receipt of the commission's approval, the district 4669  
may issue securities without a vote of the electors in a 4670  
principal amount not to exceed nine-tenths of one per cent of 4671  
its tax valuation for the purpose specified in division (G) (1) 4672  
or (2) of this section, but the total net indebtedness of the 4673  
district without a vote of the electors incurred under this and 4674  
all other sections of the Revised Code, except section 3318.052 4675  
of the Revised Code, shall not exceed one per cent of the 4676

district's tax valuation. 4677

(4) (a) So long as any securities issued under division (G) 4678  
(1) of this section remain outstanding, the board of education 4679  
shall monitor the energy consumption and resultant operational 4680  
and maintenance costs of buildings in which installations or 4681  
modifications have been made or remodeling has been done 4682  
pursuant to that division. Except as provided in division (G) (4) 4683  
(b) of this section, the board shall maintain and annually 4684  
update a report in a form and manner prescribed by the 4685  
facilities construction commission documenting the reductions in 4686  
energy consumption and resultant operational and maintenance 4687  
cost savings attributable to such installations, modifications, 4688  
or remodeling. The resultant operational and maintenance cost 4689  
savings shall be certified by the school district treasurer. The 4690  
report shall be submitted annually to the commission. 4691

(b) If the facilities construction commission verifies 4692  
that the certified annual reports submitted to the commission by 4693  
a board of education under division (G) (4) (a) of this section 4694  
fulfill the guarantee required under division (B) of section 4695  
3313.372 of the Revised Code for three consecutive years, the 4696  
board of education shall no longer be subject to the annual 4697  
reporting requirements of division (G) (4) (a) of this section. 4698

(5) So long as any securities issued under division (G) (2) 4699  
of this section remain outstanding, the board of education shall 4700  
monitor the purchase of new alternative fuel vehicles or vehicle 4701  
conversions pursuant to that division. The board shall maintain 4702  
and annually update a report in a form and manner prescribed by 4703  
the facilities construction commission documenting the purchase 4704  
of new alternative fuel vehicles or vehicle conversions, the 4705  
associated environmental impact, and return on investment. The 4706

resultant fuel and operational and maintenance cost savings 4707  
shall be certified by the school district treasurer. The report 4708  
shall be submitted annually to the commission. 4709

(H) With the consent of the ~~superintendent of public~~ 4710  
~~instruction~~ department of learning and achievement, a school 4711  
district may incur without a vote of the electors net 4712  
indebtedness that exceeds the amounts stated in divisions (A) 4713  
and (G) of this section for the purpose of paying costs of 4714  
permanent improvements, if and to the extent that both of the 4715  
following conditions are satisfied: 4716

(1) The fiscal officer of the school district estimates 4717  
that receipts of the school district from payments made under or 4718  
pursuant to agreements entered into pursuant to section 725.02, 4719  
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 4720  
5709.45, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 4721  
5709.82 of the Revised Code, or distributions under division (C) 4722  
of section 5709.43 or division (B) of section 5709.47 of the 4723  
Revised Code, or any combination thereof, are, after accounting 4724  
for any appropriate coverage requirements, sufficient in time 4725  
and amount, and are committed by the proceedings, to pay the 4726  
debt charges on the securities issued to evidence that 4727  
indebtedness and payable from those receipts, and the taxing 4728  
authority of the district confirms the fiscal officer's 4729  
estimate, which confirmation is approved by the ~~superintendent~~ 4730  
~~of public instruction~~ department; 4731

(2) The fiscal officer of the school district certifies, 4732  
and the taxing authority of the district confirms, that the 4733  
district, at the time of the certification and confirmation, 4734  
reasonably expects to have sufficient revenue available for the 4735  
purpose of operating such permanent improvements for their 4736

intended purpose upon acquisition or completion thereof, and the 4737  
~~superintendent of public instruction department~~ approves the 4738  
taxing authority's confirmation. 4739

The maximum maturity of securities issued under division 4740  
(H) of this section shall be the lesser of twenty years or the 4741  
maximum maturity calculated under section 133.20 of the Revised 4742  
Code. 4743

(I) A school district may incur net indebtedness by the 4744  
issuance of securities in accordance with the provisions of this 4745  
chapter in excess of the limit specified in division (B) or (C) 4746  
of this section when necessary to raise the school district 4747  
portion of the basic project cost and any additional funds 4748  
necessary to participate in a project under Chapter 3318. of the 4749  
Revised Code, including the cost of items designated by the 4750  
facilities construction commission as required locally funded 4751  
initiatives, the cost of other locally funded initiatives in an 4752  
amount that does not exceed fifty per cent of the district's 4753  
portion of the basic project cost, and the cost for site 4754  
acquisition. The commission shall notify the ~~superintendent of~~ 4755  
~~public instruction department~~ whenever a school district will 4756  
exceed either limit pursuant to this division. 4757

(J) A school district whose portion of the basic project 4758  
cost of its classroom facilities project under sections 3318.01 4759  
to 3318.20 of the Revised Code is greater than or equal to one 4760  
hundred million dollars may incur without a vote of the electors 4761  
net indebtedness in an amount up to two per cent of its tax 4762  
valuation through the issuance of general obligation securities 4763  
in order to generate all or part of the amount of its portion of 4764  
the basic project cost if the controlling board has approved the 4765  
facilities construction commission's conditional approval of the 4766

project under section 3318.04 of the Revised Code. The school 4767  
district board and the Ohio facilities construction commission 4768  
shall include the dedication of the proceeds of such securities 4769  
in the agreement entered into under section 3318.08 of the 4770  
Revised Code. No state moneys shall be released for a project to 4771  
which this section applies until the proceeds of any bonds 4772  
issued under this section that are dedicated for the payment of 4773  
the school district portion of the project are first deposited 4774  
into the school district's project construction fund. 4775

**Sec. 133.061.** (A) This section applies only to a school 4776  
district that satisfies all of the following conditions: 4777

(1) The district, prior to June 30, 2007, undertook a 4778  
classroom facilities project under section 3318.37 of the 4779  
Revised Code. 4780

(2) The district will undertake a subsequent classroom 4781  
facilities project under section 3318.37 of the Revised Code 4782  
that will consist of a single building housing grades six 4783  
through twelve. 4784

(3) The district's project described in division (A)(2) of 4785  
this section will include locally funded initiatives that are 4786  
not required by the Ohio facilities construction commission. 4787

(4) The district's project described in division (A)(2) of 4788  
this section will commence within two years after June 30, 2007. 4789

(B) Notwithstanding any other provision of law to the 4790  
contrary, a school district to which this section applies may 4791  
incur net indebtedness by the issuance of securities in 4792  
accordance with the provisions of this chapter in excess of the 4793  
limit specified in division (B) or (C) of section 133.06 of the 4794  
Revised Code when necessary to raise the school district portion 4795

of the basic project cost and any additional funds necessary to 4796  
participate in the classroom facilities project described in 4797  
division (A) (2) of this section, including the cost of items 4798  
designated by the Ohio facilities construction commission as 4799  
required locally funded initiatives, the cost for site 4800  
acquisition, and the cost of the locally funded initiatives that 4801  
are not required by the commission described in division (A) (3) 4802  
of this section, as long as the district's total net 4803  
indebtedness after the issuance of those securities does not 4804  
exceed one hundred twenty-five per cent of the limit prescribed 4805  
in division (B) of section 133.06 of the Revised Code and the 4806  
electors of the district approve the issuance of those 4807  
securities. 4808

The facilities construction commission shall notify the 4809  
~~superintendent of public instruction~~ department of learning and 4810  
achievement whenever a school district will exceed either limit 4811  
pursuant to this section. 4812

**Sec. 135.142.** (A) In addition to the investments 4813  
authorized by section 135.14 of the Revised Code, any board of 4814  
education, by a two-thirds vote of its members, may authorize 4815  
the treasurer of the board of education to invest up to forty 4816  
per cent of the interim moneys of the board, available for 4817  
investment at any one time, in either of the following: 4818

(1) Commercial paper notes issued by any entity that is 4819  
defined in division (D) of section 1705.01 of the Revised Code 4820  
and has assets exceeding five hundred million dollars, and to 4821  
which notes all of the following apply: 4822

(a) The notes are rated at the time of purchase in the 4823  
highest classification established by at least two nationally 4824  
recognized standard rating services. 4825

(b) The aggregate value of the notes does not exceed ten 4826  
per cent of the aggregate value of the outstanding commercial 4827  
paper of the issuing corporation. 4828

(c) The notes mature no later than two hundred seventy 4829  
days after purchase. 4830

(d) The investment in commercial paper notes of a single 4831  
issuer shall not exceed in the aggregate five per cent of 4832  
interim moneys of the board available for investment at the time 4833  
of purchase. 4834

(2) Bankers' acceptances of banks that are insured by the 4835  
federal deposit insurance corporation and that mature no later 4836  
than one hundred eighty days after purchase. 4837

(B) No investment authorized pursuant to division (A) of 4838  
this section shall be made, whether or not authorized by a board 4839  
of education, unless the treasurer of the board of education has 4840  
completed additional training for making the types of 4841  
investments authorized pursuant to division (A) of this section. 4842  
The type and amount of such training shall be approved and may 4843  
be conducted by or provided under the supervision of the 4844  
treasurer of state. 4845

(C) The treasurer of the board of education shall prepare 4846  
annually and submit to the board of education, the 4847  
~~superintendent of public instruction~~ department of learning and 4848  
achievement, and the auditor of state, on or before the thirty- 4849  
first day of August, a report listing each investment made 4850  
pursuant to division (A) of this section during the preceding 4851  
fiscal year, income earned from such investments, fees and 4852  
commissions paid pursuant to division (D) of this section, and 4853  
any other information required by the board, the ~~superintendent~~ 4854

department, and the auditor of state. 4855

(D) A board of education may make appropriations and 4856  
expenditures for fees and commissions in connection with 4857  
investments made pursuant to division (A) of this section. 4858

(E) (1) In addition to the investments authorized by 4859  
section 135.14 of the Revised Code and division (A) of this 4860  
section, any board of education that is a party to an agreement 4861  
with the treasurer of state pursuant to division (G) of section 4862  
135.143 of the Revised Code and that has outstanding obligations 4863  
issued under authority of section 133.10 or 133.301 of the 4864  
Revised Code may authorize the treasurer of the board of 4865  
education to invest interim moneys of the board in debt 4866  
interests rated in either of the two highest rating 4867  
classifications by at least two nationally recognized standard 4868  
rating services and issued by entities that are defined in 4869  
division (D) of section 1705.01 of the Revised Code. The debt 4870  
interests purchased under authority of division (E) of this 4871  
section shall mature not later than the latest maturity date of 4872  
the outstanding obligations issued under authority of section 4873  
133.10 or 133.301 of the Revised Code. 4874

(2) If any of the debt interests acquired under division 4875  
(E) (1) of this section ceases to be rated as there required, its 4876  
issuer shall notify the treasurer of state of this fact within 4877  
twenty-four hours. At any time thereafter the treasurer of state 4878  
may require collateralization at the rate of one hundred two per 4879  
cent of any remaining obligation of the entity, with securities 4880  
authorized for investment under section 135.143 of the Revised 4881  
Code. The collateral shall be delivered to and held by a 4882  
custodian acceptable to the treasurer of state, marked to market 4883  
daily, and any default to be cured within twelve hours. 4884

Unlimited substitution shall be allowed of comparable securities. 4885  
4886

**Sec. 141.01.** Except as provided in section 141.011 of the Revised Code, the annual salaries of the elective executive officers of the state are as follows: 4887  
4888  
4889

(A) Governor, one hundred twenty-two thousand eight hundred twelve dollars; 4890  
4891

(B) Lieutenant governor, sixty-four thousand three hundred seventy-five dollars; 4892  
4893

(C) Secretary of state, ninety thousand seven hundred twenty-five dollars; 4894  
4895

(D) Auditor of state, ninety thousand seven hundred twenty-five dollars; 4896  
4897

(E) Treasurer of state, ninety thousand seven hundred twenty-five dollars; 4898  
4899

(F) Attorney general, ninety thousand seven hundred twenty-five dollars. 4900  
4901

These salaries shall be paid according to the schedule established in division (B) of section 124.15 of the Revised Code. Upon the death of an elected executive officer of the state listed in divisions (A) to (F) of this section during the officer's term of office, an amount shall be paid in accordance with section 2113.04 of the Revised Code, or to the officer's estate. The amount shall equal the amount of the salary that the officer would have received during the remainder of the officer's unexpired term or an amount equal to the salary of the office held for two years, whichever is less. 4902  
4903  
4904  
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4909  
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4911

Unless a higher salary is explicitly established by 4912

statute, no officer or employee elected or appointed, and no 4913  
officer or employee of any state agency or state-assisted 4914  
institution except a state institution of higher education or 4915  
~~the Ohio board of regents for the positions of chancellor and~~ 4916  
~~vice chancellor for health affairs~~ department of learning and 4917  
achievement, shall be paid as an officer or employee, whether 4918  
from appropriated or nonappropriated funds, a total salary that 4919  
exceeds fifty-five thousand dollars per calendar year. This 4920  
paragraph does not apply to the salaries of individuals holding 4921  
or appointed to endowed academic chairs or endowed academic 4922  
professorships at a state-supported institution of higher 4923  
education or to the salaries of individuals paid under schedule 4924  
C of section 124.15 or under schedule E-2 of section 124.152 of 4925  
the Revised Code. 4926

**Sec. 145.222.** (A) As used in this section: 4927

(1) "Compensation" means both of the following: 4928

(a) In the case of a public employees retirement system 4929  
member, the member's earnable salary; 4930

(b) In the case of an electing employee, the amount that 4931  
would be the electing employee's earnable salary if the electing 4932  
employee was a member of the retirement system. 4933

(2) "Compensation ratio" means the ratio for the most 4934  
recent full fiscal year for which the information is available 4935  
of the total compensation of all electing employees to the sum 4936  
of the total compensation of all the retirement system's members 4937  
in the PERS defined benefit plan and the total compensation of 4938  
all electing employees. 4939

(3) "Electing employee" means a participant in an 4940  
alternative retirement plan provided pursuant to Chapter 3305. 4941

of the Revised Code who would otherwise be a member of the 4942  
retirement system. 4943

(4) "Historical liability" means the portion of the 4944  
retirement system's total unfunded actuarial accrued pension 4945  
liability attributed to the difference between the following: 4946

(a) The cumulative contributions received under division 4947  
(D) of section 3305.06 of the Revised Code on behalf of electing 4948  
employees since the establishment of the alternative retirement 4949  
plan; 4950

(b) The cumulative contributions toward the unfunded 4951  
actuarial accrued liability of the retirement system that would 4952  
have been made if the electing employees had been members of the 4953  
retirement system in the PERS defined benefit plan. 4954

(B) The public employees retirement board shall contract 4955  
with an independent actuary to complete an actuarial study to 4956  
determine the percentage of an electing employee's compensation 4957  
to be contributed by a public institution of higher education 4958  
under division (D) of section 3305.06 of the Revised Code. The 4959  
initial study must be completed and submitted by the board to 4960  
the department of ~~higher education~~ learning and achievement not 4961  
later than December 31, 2016. A subsequent study must be 4962  
completed and submitted not later than the last day of December 4963  
of every fifth year thereafter. 4964

(C) For the initial study required under this section, the 4965  
actuary shall determine the percentage described in division (B) 4966  
of this section as follows: 4967

(1) The actuary shall calculate a percentage necessary to 4968  
amortize the historical liability over an indefinite period. 4969

(2) The actuary shall calculate a percentage necessary to 4970

amortize over a thirty-year period the amount resulting from 4971  
multiplying the compensation ratio by the difference between the 4972  
following: 4973

(a) The unfunded actuarial accrued pension liability of 4974  
the PERS defined benefit plan; 4975

(b) The historical liability. 4976

(3) The percentage to be contributed under division (D) of 4977  
section 3305.06 of the Revised Code shall be one-fourth of the 4978  
sum of the percentages calculated under divisions (C) (1) and (2) 4979  
of this section, not to exceed four and one-half per cent. 4980

(4) To make the calculations and determinations required 4981  
under divisions (C) (1) and (2) of this section, the actuary 4982  
shall use the most recent annual actuarial valuation under 4983  
section 145.22 of the Revised Code that is available at the time 4984  
the study is conducted. 4985

(D) For any study conducted after the initial study 4986  
required under this section, the actuary shall determine the 4987  
percentage described in division (B) of this section as follows: 4988

(1) The actuary shall calculate a percentage necessary to 4989  
amortize over a thirty-year period the amount resulting from 4990  
multiplying the compensation ratio by the difference between the 4991  
following: 4992

(a) The unfunded actuarial accrued pension liability of 4993  
the PERS defined benefit plan under the annual actuarial 4994  
valuation under section 145.22 of the Revised Code that is most 4995  
recent at the time the study is conducted; 4996

(b) The historical liability determined under division (C) 4997  
of this section. 4998

(2) The percentage to be contributed under division (D) of 4999  
section 3305.06 of the Revised Code shall be one-fourth of the 5000  
sum of the percentages calculated under divisions (C) (1) and (D) 5001  
(1) of this section but not less than one-fourth of the 5002  
percentage determined under division (C) (1) of this section, 5003  
except that the percentage shall not exceed four and one-half 5004  
per cent. 5005

**Sec. 149.331.** The state records program of the department 5006  
of administrative services shall do all of the following: 5007

(A) Establish and promulgate in consultation with the 5008  
state archivist standards, procedures, and techniques for the 5009  
effective management of state records; 5010

(B) Review applications for one-time records disposal and 5011  
schedules of records retention and destruction submitted by 5012  
state agencies in accordance with section 149.333 of the Revised 5013  
Code; 5014

(C) Establish "general schedules" proposing the disposal, 5015  
after the lapse of specified periods of time, of records of 5016  
specified form or character common to several or all agencies 5017  
that either have accumulated or may accumulate in such agencies 5018  
and that apparently will not, after the lapse of the periods 5019  
specified, have sufficient administrative, legal, fiscal, or 5020  
other value to warrant their further preservation by the state; 5021

(D) Establish and maintain a records management training 5022  
program, and provide a basic consulting service, for personnel 5023  
involved in record-making and record-keeping functions of 5024  
departments, offices, and institutions; 5025

(E) Provide for the disposition of any remaining records 5026  
of any state agency, board, or commission, whether in the 5027

executive, judicial, or legislative branch of government, that 5028  
has terminated its operations. After the closing of the Ohio 5029  
veterans' children's home, the resident records of the home and 5030  
the resident records of the home when it was known as the 5031  
soldiers' and sailors' orphans' home required to be maintained 5032  
by approved records retention schedules shall be administered by 5033  
the ~~state department of education~~ pursuant to this chapter, the 5034  
administrative records of the home required to be maintained by 5035  
approved records retention schedules shall be administered by 5036  
the department of administrative services pursuant to this 5037  
chapter, and historical records of the home shall be transferred 5038  
to an appropriate archival institution in this state prescribed 5039  
by the state records program. 5040

(F) Establish a centralized program coordinating 5041  
micrographics standards, training, and services for the benefit 5042  
of all state agencies; 5043

(G) Establish and publish in accordance with the 5044  
applicable law necessary procedures and rules for the retention 5045  
and disposal of state records. 5046

This section does not apply to the records of state- 5047  
supported institutions of higher education, which shall keep 5048  
their own records. 5049

**Sec. 149.433.** (A) As used in this section: 5050

"Act of terrorism" has the same meaning as in section 5051  
2909.21 of the Revised Code. 5052

"Express statement" means a written statement 5053  
substantially similar to the following: "This information is 5054  
voluntarily submitted to a public office in expectation of 5055  
protection from disclosure as provided by section 149.433 of the 5056

Revised Code." 5057

"Infrastructure record" means any record that discloses 5058  
the configuration of critical systems including, but not limited 5059  
to, communication, computer, electrical, mechanical, 5060  
ventilation, water, and plumbing systems, security codes, or the 5061  
infrastructure or structural configuration of a building. 5062

"Infrastructure record" includes a risk assessment of 5063  
infrastructure performed by a state or local law enforcement 5064  
agency at the request of a property owner or manager. 5065

"Infrastructure record" does not mean a simple floor plan 5066  
that discloses only the spatial relationship of components of 5067  
the building. 5068

"Security record" means any of the following: 5069

(1) Any record that contains information directly used for 5070  
protecting or maintaining the security of a public office 5071  
against attack, interference, or sabotage; 5072

(2) Any record assembled, prepared, or maintained by a 5073  
public office or public body to prevent, mitigate, or respond to 5074  
acts of terrorism, including any of the following: 5075

(a) Those portions of records containing specific and 5076  
unique vulnerability assessments or specific and unique response 5077  
plans either of which is intended to prevent or mitigate acts of 5078  
terrorism, and communication codes or deployment plans of law 5079  
enforcement or emergency response personnel; 5080

(b) Specific intelligence information and specific 5081  
investigative records shared by federal and international law 5082  
enforcement agencies with state and local law enforcement and 5083  
public safety agencies; 5084

(c) National security records classified under federal executive order and not subject to public disclosure under federal law that are shared by federal agencies, and other records related to national security briefings to assist state and local government with domestic preparedness for acts of terrorism.

(3) An emergency management plan adopted pursuant to section ~~3313.536~~5502.262 of the Revised Code.

(B) (1) A record kept by a public office that is a security record is not a public record under section 149.43 of the Revised Code and is not subject to mandatory release or disclosure under that section.

(2) A record kept by a public office that is an infrastructure record of a public office or a chartered nonpublic school is not a public record under section 149.43 of the Revised Code and is not subject to mandatory release or disclosure under that section.

(3) A record kept by a public office that is an infrastructure record of a private entity may be exempted from release or disclosure under division (C) of this section.

(C) A record prepared by, submitted to, or kept by a public office that is an infrastructure record of a private entity, which is submitted to the public office for use by the public office, when accompanied by an express statement, is exempt from release or disclosure under section 149.43 of the Revised Code for a period of twenty-five years after its creation if it is retained by the public office for that length of time.

(D) Notwithstanding any other section of the Revised Code,

disclosure by a public office, public employee, chartered 5114  
nonpublic school, or chartered nonpublic school employee of a 5115  
security record or infrastructure record that is necessary for 5116  
construction, renovation, or remodeling work on any public 5117  
building or project or chartered nonpublic school does not 5118  
constitute public disclosure for purposes of waiving division 5119  
(B) of this section and does not result in that record becoming 5120  
a public record for purposes of section 149.43 of the Revised 5121  
Code. 5122

**Sec. 154.17.** The departments of administrative services, 5123  
mental health and addiction services, developmental 5124  
disabilities, rehabilitation and correction, and natural 5125  
resources, the ~~Ohio board of regents~~ department of learning and 5126  
achievement, institutions of higher education, and other state 5127  
officers and state agencies shall cooperate with the commission 5128  
in providing services and information requested by the 5129  
commission for purposes of Chapter 154. of the Revised Code, and 5130  
the commission may make mutually satisfactory arrangements 5131  
therefor and may thereunder designate any governmental agency 5132  
for the management or performance of particular functions of the 5133  
commission, other than the authorization and issuance of 5134  
obligations provided for in Chapter 154. of the Revised Code, 5135  
pursuant to which designation, upon acceptance thereof by that 5136  
governmental agency, that function may be carried out with the 5137  
full force and effect as if performed by the commission. Any 5138  
such designation shall be made only by formal action or written 5139  
agreement of the commission. In the management of capital 5140  
facilities or performance of other functions with respect 5141  
thereto, a governmental agency may exercise all powers which it 5142  
has under law with respect to other similar facilities under its 5143  
jurisdiction. 5144

Contracts relating to capital facilities shall be made in 5145  
accordance with the law pertaining to the governmental agency 5146  
designated under authority of this section to perform such 5147  
contracting function, and in any other case shall be made in 5148  
accordance with Chapter 153. of the Revised Code, for which 5149  
purpose the commission shall be considered the owner, provided 5150  
that the commission may assign the function of owner to the 5151  
department of administrative services or other governmental 5152  
agency as it determines. The commission may acquire by 5153  
assignment from any governmental agency contracts which are not 5154  
completed and which involve acquiring, constructing, 5155  
reconstructing, rehabilitating, remodeling, renovating, 5156  
enlarging, improving, equipping, or furnishing capital 5157  
facilities, provided that such governmental agency has complied 5158  
with the procedures prescribed by laws for its letting of such 5159  
contract. 5160

No contract shall be let or assignment thereof accepted 5161  
under this section involving performance in accordance with 5162  
plans and specifications until such plans and specifications 5163  
have been submitted to and approved by the governmental agency 5164  
to have responsibility for the management of the capital 5165  
facilities provided for in such plans and specifications, which 5166  
approval shall be considered to be given if no approval or 5167  
disapproval is communicated in writing to the commission or its 5168  
designee for such purpose within sixty days following such 5169  
submission of plans and specifications. Approval by such 5170  
governmental agency of changes in plans and specifications is 5171  
not required if the director of administrative services or the 5172  
designee of the commission for such purpose shall certify that 5173  
such changes do not substantially change the location, 5174  
character, or extent of such capital facilities. 5175

**Sec. 154.21.** (A) Subject to authorization by the general 5176  
assembly under section 154.02 of the Revised Code, the issuing 5177  
authority may authorize and issue obligations pursuant to this 5178  
chapter to pay the cost of capital facilities for state- 5179  
supported and state-assisted institutions of higher education. 5180

(B) Capital facilities for institutions of higher 5181  
education financed under this section may be leased by the 5182  
commission to institutions of higher education or to the ~~Ohio-~~ 5183  
~~board of regents-~~department of learning and achievement for the 5184  
use of institutions of higher education, and such parties may 5185  
make other agreement for the use or sale and purchase of the 5186  
facilities; the ~~Ohio board of regents-~~department may sublease 5187  
such capital facilities to institutions of higher education, and 5188  
such parties may make other agreement for the use or sale and 5189  
purchase of the facilities, in any manner permitted by the lease 5190  
or agreement between the commission and the ~~Ohio board of-~~ 5191  
~~regents-~~department; all upon such terms and conditions as the 5192  
parties may agree upon and pursuant to this chapter, 5193  
notwithstanding other provisions of law affecting the leasing, 5194  
acquisition, or disposition of capital facilities by such 5195  
parties. Any such leases, subleases, or agreements may contain 5196  
provisions setting forth the responsibilities of the commission 5197  
or issuing authority, institutions of higher education, and ~~Ohio-~~ 5198  
~~board of regents-~~department as to the financing, construction, 5199  
operation, maintenance, and insuring of such facilities and 5200  
other terms and conditions applicable thereto, including 5201  
designation of the "owner" for purposes of Chapter 153. of the 5202  
Revised Code, and any other provisions mutually agreed upon for 5203  
the purposes of this chapter. Promptly upon execution thereof, a 5204  
signed or conformed copy of each such lease or agreement, and 5205  
any supplement thereto, between an institution of higher 5206

education or the ~~Ohio board of regents department~~ and the 5207  
commission shall be filed by the commission with the ~~Ohio board~~ 5208  
~~of regents department~~, the issuing authority, and the director 5209  
of budget and management, and promptly upon execution thereof, a 5210  
signed or conformed copy of each such sublease or agreement 5211  
between the ~~Ohio board of regents department~~ and an institution 5212  
of higher education shall be filed by the ~~Ohio board of regents~~ 5213  
~~department~~ with the commission and the director. 5214

(C) For purposes of this section, "available receipts" 5215  
means fees, tuitions, charges, revenues, and all other receipts 5216  
of or on behalf of state-supported and state-assisted 5217  
institutions of higher education, any revenues or receipts 5218  
derived by the commission from the operation, leasing, or other 5219  
disposition of capital facilities financed under this section, 5220  
the proceeds of obligations issued under this section and 5221  
sections 154.11 and 154.12 of the Revised Code, and also means 5222  
any gifts, grants, donations, and pledges, and receipts 5223  
therefrom, available for the payment of bond service charges on 5224  
such obligations. Subject to any pledge of that portion of 5225  
available receipts, comprised of fees, tuitions, charges, 5226  
revenues, and receipts derived directly by an institution of 5227  
higher education, which has been or may thereafter be made 5228  
pursuant to section 3345.07, 3345.11, 3345.12, 3349.05, 5229  
3354.121, or 3357.112 of the Revised Code, the issuing authority 5230  
may pledge all or such portion as that authority determines of 5231  
the available receipts to the payment of bond service charges on 5232  
obligations issued under this section and sections 154.11 and 5233  
154.12 of the Revised Code and for the establishment and 5234  
maintenance of any reserves, as provided in the bond 5235  
proceedings, and make other provisions therein with respect to 5236  
such available receipts as authorized by this chapter, which 5237

provisions shall be controlling, notwithstanding any other 5238  
provision of law pertaining thereto. 5239

(D) In the event that moneys in the higher education bond 5240  
service fund and available receipts from payments to be made to 5241  
the commission or issuing authority under leases and agreements 5242  
with the ~~Ohio board of regents~~ department, together with any 5243  
other funds made available by the general assembly, will be 5244  
insufficient, without application of reserves, for the payment 5245  
of bond service charges and for the establishment and 5246  
maintenance of reserves, as provided in the bond proceedings, 5247  
then the commission, upon consultation with the institutions of 5248  
higher education to be affected and the ~~Ohio board of regents~~ 5249  
department, may require the institutions of higher education to 5250  
charge, collect, and transmit to the credit of the higher 5251  
education bond service fund provided for in division (E) of this 5252  
section, a special student fee, which may be a segregated part 5253  
of the established instruction fee or other fee, in such amount 5254  
or amounts as are necessary for the payment of the bond service 5255  
charges on obligations issued under this section and sections 5256  
154.11 and 154.12 of the Revised Code and for the establishment 5257  
and maintenance of any reserves, as provided in the bond 5258  
proceedings. Such special fee constitutes "available receipts" 5259  
within the meaning thereof in division (C) of this section, and 5260  
may be pledged as therein provided in addition to, or in lieu 5261  
of, or to be applied prior to, other available receipts, as 5262  
provided in the bond proceedings; provided, that such special 5263  
fee shall not be deemed to be pledged by the institutions of 5264  
higher education under section 3345.07, 3345.11, 3345.12, 5265  
3349.05, 3354.121, or 3357.112 of the Revised Code. The issuing 5266  
authority may covenant in the bond proceedings to require such 5267  
special fee to be charged, collected, and transmitted pursuant 5268

to this division. In the event the initiation of such special 5269  
fee is required in accordance with such covenant, the commission 5270  
shall by rules transmitted to each institution of higher 5271  
education affected thereby, fix, establish, and from time to 5272  
time modify, as it may consider appropriate, the amount or 5273  
amounts of the fee, exemptions therefrom, such distinctions, if 5274  
any, as it may determine appropriate for full-time and part-time 5275  
students or students enrolled in different programs, or other 5276  
bases for distinction among students, so that students 5277  
throughout the state in similar classifications under such rules 5278  
are so far as feasible treated alike, and establish and from 5279  
time to time modify other rules, procedures, and definitions for 5280  
the charge, collection, and transmission of such special fees. 5281  
Notwithstanding any other provision of law pertaining thereto, 5282  
the governing boards of the institutions of higher education 5283  
shall charge, collect, and transmit such special fee in 5284  
accordance with such rules. 5285

(E) There is hereby created the higher education bond 5286  
service trust fund, which shall be in the custody of the 5287  
treasurer of state but shall be separate and apart from and not 5288  
a part of the state treasury. All moneys received by or on 5289  
account of the commission or issuing authority and required by 5290  
the applicable bond proceedings to be deposited, transferred, or 5291  
credited to the higher education bond service trust fund, and 5292  
all other moneys transferred or allocated to or received for the 5293  
purposes of the higher education bond service trust fund, shall 5294  
be deposited with the treasurer of state and credited to such 5295  
fund, subject to any applicable provisions of the bond 5296  
proceedings, without necessity for any act of appropriation. The 5297  
higher education bond service trust fund is a trust fund and is 5298  
hereby pledged to the payment of bond service charges on the 5299

obligations issued pursuant to this section and sections 154.11 5300  
and 154.12 of the Revised Code to the extent provided in the 5301  
applicable bond proceedings, and payment thereof from such fund 5302  
shall be made or provided for by the treasurer of state in 5303  
accordance with such bond proceedings without necessity for any 5304  
act of appropriation. 5305

(F) There is hereby created in the state treasury the 5306  
higher education improvement fund. Subject to the bond 5307  
proceedings therefor, all of the proceeds of the sale of higher 5308  
education obligations issued pursuant to this section or section 5309  
151.04 of the Revised Code shall be credited to the fund, except 5310  
that any accrued interest received on obligations issued 5311  
pursuant to this section shall be credited to the higher 5312  
education bond service fund. The higher education improvement 5313  
fund may also be comprised of gifts, grants, appropriated 5314  
moneys, and other sums and securities received to the credit of 5315  
such fund. The fund shall be applied only to the purpose of 5316  
paying costs of capital facilities for state-supported and 5317  
state-assisted institutions of higher education, which may 5318  
include participation with one or more such institutions of 5319  
higher education in any such capital facilities by way of 5320  
grants, loans, or contributions to them for such capital 5321  
facilities. 5322

(G) There is hereby created in the state treasury the 5323  
higher education improvement taxable fund. Subject to the bond 5324  
proceedings therefor, all of the net proceeds of higher 5325  
education obligations issued pursuant to this section or section 5326  
151.04 of the Revised Code, the interest on which is not 5327  
excluded from the calculation of gross income for federal income 5328  
taxation purposes under the "Internal Revenue Code of 1986," 100 5329  
Stat. 2085, 26 U.S.C. 1 et seq., shall be credited to the fund, 5330

except that any accrued interest received on obligations issued 5331  
pursuant to this section shall be credited to the higher 5332  
education bond service fund. The higher education improvement 5333  
taxable fund may also be comprised of gifts, grants, 5334  
appropriated moneys, and other sums and securities received to 5335  
the credit of such fund. The fund shall be applied only to the 5336  
purpose of paying costs of capital facilities for state- 5337  
supported and state-assisted institutions of higher education, 5338  
which may include participation with one or more such 5339  
institutions of higher education in any such capital facilities 5340  
by way of grants, loans, or contributions to them for such 5341  
capital facilities. 5342

(H) This section shall be applied with other applicable 5343  
provisions of this chapter. 5344

(I) Any instrument by which real property is acquired 5345  
pursuant to this section shall identify the agency of the state 5346  
that has the use and benefit of the real property as specified 5347  
in section 5301.012 of the Revised Code. 5348

**Sec. 175.30.** As used in sections 175.30 to 175.32 of the 5349  
Revised Code: 5350

(A) "First home" or "home" means the first residential 5351  
real property located in this state to be purchased by a 5352  
recipient who has not owned or had an ownership interest in a 5353  
principal residence in the three years prior to the purchase. 5354

(B) "Graduate" means an individual who has graduated from 5355  
an institution of higher education and who is eligible under 5356  
division (B) of section 175.31 of the Revised Code to apply for 5357  
a grant, financial assistance, or down payment assistance 5358  
awarded under the grants for grads program. 5359

(C) "Institution of higher education" means a state 5360  
university or college located in this state, a private college 5361  
or university located in this state that possesses a certificate 5362  
of authorization issued by the ~~Ohio board of regents~~ department 5363  
of learning and achievement under Chapter 1713. of the Revised 5364  
Code, or an accredited college or university located outside 5365  
this state that is accredited by an accrediting organization or 5366  
professional accrediting association recognized by the ~~Ohio~~ 5367  
~~board of regents~~ department. 5368

(D) "Ohio resident" means any of the following: 5369

(1) An individual who was a resident of this state at the 5370  
time of the individual's graduation from an Ohio public or 5371  
nonpublic high school that is approved by the ~~state board of~~ 5372  
~~education~~ department of learning and achievement, and who is a 5373  
resident of this state at the time of applying for the program; 5374

(2) An individual who was a resident of this state at the 5375  
time of completing, through the twelfth-grade level, a home 5376  
study program approved by the ~~state board of education~~ 5377  
department, and who is a resident of this state at the time of 5378  
applying for the program; 5379

(3) An individual whose parent was a resident of this 5380  
state at the time of the individual's graduation from high 5381  
school, and who graduated from either of the following: 5382

(a) An out-of-state high school that was accredited by a 5383  
regional accrediting organization recognized by the United 5384  
States department of education and met standards at least 5385  
equivalent to those adopted by the ~~state board of education~~ 5386  
department of learning and achievement for approval of nonpublic 5387  
schools in this state; 5388

(b) A high school approved by the United States department of defense. 5389  
5390

(E) "Program" means the grants for grads program created under section 175.31 of the Revised Code. 5391  
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(F) "Recipient" means an individual who has been awarded a grant or has received financial assistance or down payment assistance under the program. 5393  
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**Sec. 184.01.** (A) There is hereby created the third frontier commission in the development services agency. The purpose of the commission is to coordinate and administer science and technology programs to promote the welfare of the people of the state and to maximize the economic growth of the state through expansion of both of the following: 5396  
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(1) The state's high technology research and development capabilities; 5402  
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(2) The state's product and process innovation and commercialization. 5404  
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(B) (1) The commission shall consist of eleven members: the director of development services, ~~the chancellor of the Ohio board of regents~~ director of learning and achievement, the governor's science and technology advisor, the chief investment officer of the nonprofit corporation formed under section 187.01 of the Revised Code, and seven persons appointed by the governor with the advice and consent of the senate. 5406  
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(2) Of the seven persons appointed by the governor, one shall represent the central region, which is composed of the counties of Delaware, Fairfield, Fayette, Franklin, Hocking, Knox, Licking, Logan, Madison, Marion, Morrow, Perry, Pickaway, Ross, and Union; one shall represent the west central region, 5413  
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which is composed of the counties of Champaign, Clark, Darke, 5418  
Greene, Miami, Montgomery, Preble, and Shelby; one shall 5419  
represent the northeast region, which is composed of the 5420  
counties of Ashland, Ashtabula, Carroll, Crawford, Columbiana, 5421  
Cuyahoga, Erie, Geauga, Holmes, Huron, Lake, Lorain, Mahoning, 5422  
Medina, Portage, Richland, Stark, Summit, Trumbull, Tuscarawas, 5423  
and Wayne; one shall represent the northwest region, which is 5424  
composed of the counties of Allen, Auglaize, Defiance, Fulton, 5425  
Hancock, Hardin, Henry, Lucas, Mercer, Ottawa, Paulding, Putnam, 5426  
Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot; one 5427  
shall represent the southeast region, which shall represent the 5428  
counties of Adams, Athens, Belmont, Coshocton, Gallia, Guernsey, 5429  
Harrison, Jackson, Jefferson, Lawrence, Meigs, Monroe, Morgan, 5430  
Muskingum, Noble, Pike, Scioto, Vinton, and Washington; one 5431  
shall represent the southwest region, which is composed of the 5432  
counties of Butler, Brown, Clermont, Clinton, Hamilton, 5433  
Highland, and Warren; and one shall represent the public at 5434  
large. Of the initial appointments, two shall be for one year, 5435  
two shall be for two years, and two shall be for three years as 5436  
assigned by the governor. Thereafter, appointments shall be for 5437  
three-year terms. Members may be reappointed and vacancies shall 5438  
be filled in the same manner as appointments. A person must have 5439  
a background in business or research in order to be eligible for 5440  
appointment to the commission. 5441

(3) The governor shall select a chairperson from among the 5442  
members, who shall serve in that role at the pleasure of the 5443  
governor. Sections 101.82 to 101.87 of the Revised Code do not 5444  
apply to the commission. 5445

(C) The commission shall meet at least once during each 5446  
quarter of the calendar year or at the call of the chairperson. 5447  
A majority of all members of the commission constitutes a 5448

quorum, and no action shall be taken without the concurrence of 5449  
a majority of the members. 5450

(D) The commission shall administer any money that may be 5451  
appropriated to it by the general assembly. The commission may 5452  
use such money for research and commercialization and for any 5453  
other purposes that may be designated by the commission. 5454

(E) The development services agency shall provide office 5455  
space and facilities for the commission. Administrative costs 5456  
associated with the operation of the commission or with any 5457  
program or activity administered by the commission shall be paid 5458  
from amounts appropriated to the commission or to the agency for 5459  
such purposes. 5460

(F) The attorney general shall serve as the legal 5461  
representative for the commission and may appoint other counsel 5462  
as necessary for that purpose in accordance with section 109.07 5463  
of the Revised Code. 5464

(G) Members of the commission shall serve without 5465  
compensation, but shall receive their reasonable and necessary 5466  
expenses incurred in the conduct of commission business. 5467

(H) Members of the commission shall file financial 5468  
disclosure statements described in division (B) of section 5469  
102.02 of the Revised Code. 5470

**Sec. 191.01.** As used in this chapter: 5471

(A) "Administrative safeguards," "availability," 5472  
"confidentiality," "integrity," "physical safeguards," and 5473  
"technical safeguards" have the same meanings as in 45 C.F.R. 5474  
164.304. 5475

(B) "Business associate," "covered entity," "health plan," 5476

"individually identifiable health information," and "protected health information" have the same meanings as in 45 C.F.R. 160.103. 5477  
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(C) "Executive director of the office of health transformation" or "executive director" means the executive director of the office of health transformation or the chief administrative officer of a successor governmental entity responsible for health system oversight in this state. 5480  
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(D) "Government program providing public benefits" means any program administered by a state agency that has been identified, pursuant to section 191.02 of the Revised Code, by the executive director of the office of health transformation in consultation with the individuals specified in that section. 5485  
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(E) "Office of health transformation" means the office of health transformation created by executive order 2011-02K. 5490  
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(F) "Operating protocol" means a protocol adopted by the executive director of the office of health transformation or the executive director's designee under division (D) of section 191.06 of the Revised Code. 5492  
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(G) "Participating agency" means a state agency that participates in a health transformation initiative as specified in the one or more operating protocols adopted for the initiative under division (D) of section 191.06 of the Revised Code. 5496  
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(H) "Personally identifiable information" means information that meets both of the following criteria: 5501  
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(1) It identifies an individual or there is a reasonable basis to believe that it may be used to identify an individual; 5503  
5504

(2) It relates to an individual's eligibility for, 5505  
application for, or receipt of public benefits from a government 5506  
program providing public benefits. 5507

(I) "State agency" means each of the following: 5508

(1) The department of administrative services; 5509

(2) The department of aging; 5510

(3) The development services agency; 5511

(4) The department of developmental disabilities; 5512

(5) The department of ~~education~~ learning and achievement; 5513

(6) The department of health; 5514

(7) The department of insurance; 5515

(8) The department of job and family services; 5516

(9) The department of medicaid; 5517

(10) The department of mental health and addiction 5518  
services; 5519

(11) The department of rehabilitation and correction; 5520

(12) The department of taxation; 5521

(13) The department of veterans services; 5522

(14) The department of youth services; 5523

(15) The opportunities for Ohioans with disabilities 5524  
agency. 5525

(J) "Unsecured" has the same meaning as in 16 C.F.R. 5526  
318.2. 5527

**Sec. 191.02.** The executive director of the office of 5528

health transformation, in consultation with all of the following	5529
individuals, shall identify each government program administered	5530
by a state agency that is to be considered a government program	5531
providing public benefits for purposes of sections 191.04 and	5532
191.08 of the Revised Code:	5533
(A) The director of administrative services;	5534
(B) The director of aging;	5535
(C) The director of development services;	5536
(D) The director of developmental disabilities;	5537
(E) The director of health;	5538
(F) The director of job and family services;	5539
(G) The medicaid director;	5540
(H) The director of mental health and addiction services;	5541
(I) The director of rehabilitation and correction;	5542
(J) The director of veterans services;	5543
(K) The director of youth services;	5544
(L) The executive director of the opportunities for	5545
Ohioans with disabilities agency;	5546
(M) The administrator of workers' compensation;	5547
(N) The superintendent of insurance;	5548
(O) <del>The superintendent of public instruction</del> <u>director of</u>	5549
<u>learning and achievement</u> ;	5550
(P) The tax commissioner.	5551
<b>Sec. 307.091.</b> The board of county commissioners may sell,	5552

lease, or transfer all or any part of the property and assets of 5553  
a hospital or medical and health care facility or institution 5554  
owned by the county to a medical school or college established 5555  
and supported by this state, upon such terms and conditions as 5556  
may be agreed by the board of county commissioners and the board 5557  
of trustees governing such medical school or college and subject 5558  
to the approval of the ~~Ohio board of regents~~ department of 5559  
learning and achievement. 5560

**Sec. 311.01.** (A) A sheriff shall be elected quadrennially 5561  
in each county. A sheriff shall hold office for a term of four 5562  
years, beginning on the first Monday of January next after the 5563  
sheriff's election. 5564

(B) Except as otherwise provided in this section, no 5565  
person is eligible to be a candidate for sheriff, and no person 5566  
shall be elected or appointed to the office of sheriff, unless 5567  
that person meets all of the following requirements: 5568

(1) The person is a citizen of the United States. 5569

(2) The person has been a resident of the county in which 5570  
the person is a candidate for or is appointed to the office of 5571  
sheriff for at least one year immediately prior to the 5572  
qualification date. 5573

(3) The person has the qualifications of an elector as 5574  
specified in section 3503.01 of the Revised Code and has 5575  
complied with all applicable election laws. 5576

(4) The person has been awarded a high school diploma or a 5577  
certificate of high school equivalence issued for achievement of 5578  
specified minimum scores on a high school equivalency test 5579  
approved by the department of ~~education~~ learning and achievement 5580  
pursuant to division (B) of section 3301.80 of the Revised Code. 5581

(5) The person has not been convicted of or pleaded guilty to a felony or any offense involving moral turpitude under the laws of this or any other state or the United States, and has not been convicted of or pleaded guilty to an offense that is a misdemeanor of the first degree under the laws of this state or an offense under the laws of any other state or the United States that carries a penalty that is substantially equivalent to the penalty for a misdemeanor of the first degree under the laws of this state.

(6) The person has been fingerprinted and has been the subject of a search of local, state, and national fingerprint files to disclose any criminal record. Such fingerprints shall be taken under the direction of the administrative judge of the court of common pleas who, prior to the applicable qualification date, shall notify the board of elections, board of county commissioners, or county central committee of the proper political party, as applicable, of the judge's findings.

(7) The person has prepared a complete history of the person's places of residence for a period of six years immediately preceding the qualification date and a complete history of the person's places of employment for a period of six years immediately preceding the qualification date, indicating the name and address of each employer and the period of time employed by that employer. The residence and employment histories shall be filed with the administrative judge of the court of common pleas of the county, who shall forward them with the findings under division (B)(6) of this section to the appropriate board of elections, board of county commissioners, or county central committee of the proper political party prior to the applicable qualification date.

- (8) The person meets at least one of the following 5612  
conditions: 5613
- (a) Holds a current valid peace officer certificate of 5614  
training issued by the Ohio peace officer training commission or 5615  
has been issued a certificate of training pursuant to section 5616  
5503.05 of the Revised Code; 5617
- (b) Has been employed full-time by a law enforcement 5618  
agency performing duties related to the enforcement of statutes, 5619  
ordinances, or codes for a minimum of thirteen consecutive pay 5620  
periods within the four-year period prior to the qualification 5621  
date. As used in this division, "full-time" means a minimum of 5622  
eighty hours of work in a fourteen-day period. 5623
- (9) The person meets at least one of the following 5624  
conditions: 5625
- (a) Has at least two consecutive years of supervisory 5626  
experience as a peace officer at the rank of sergeant or above; 5627
- (b) Has completed a bachelor's degree in any field or has 5628  
an associate degree in law enforcement or criminal justice from 5629  
a college or university authorized to confer degrees by the ~~Ohio~~ 5630  
~~board of regents~~ department of learning and achievement or the 5631  
comparable agency of another state in which the college or 5632  
university is located. 5633
- (C) Persons who meet the requirements of division (B) of 5634  
this section, except the requirement of division (B)(2) of this 5635  
section, may take all actions otherwise necessary to comply with 5636  
division (B) of this section. If, on the applicable 5637  
qualification date, no person has met all the requirements of 5638  
division (B) of this section, then persons who have complied 5639  
with and meet the requirements of division (B) of this section, 5640

except the requirement of division (B) (2) of this section, shall 5641  
be considered qualified candidates under division (B) of this 5642  
section. 5643

(D) Newly elected sheriffs shall attend a basic training 5644  
course conducted by the Ohio peace officer training commission 5645  
pursuant to division (A) of section 109.80 of the Revised Code. 5646  
A newly elected sheriff shall complete not less than two weeks 5647  
of this course before the first Monday in January next after the 5648  
sheriff's election. While attending the basic training course, a 5649  
newly elected sheriff may, with the approval of the board of 5650  
county commissioners, receive compensation, paid for from funds 5651  
established by the sheriff's county for this purpose, in the 5652  
same manner and amounts as if carrying out the powers and duties 5653  
of the office of sheriff. 5654

Appointed sheriffs shall attend the first basic training 5655  
course conducted by the Ohio peace officer training commission 5656  
pursuant to division (A) of section 109.80 of the Revised Code 5657  
within six months following the date of appointment or election 5658  
to the office of sheriff. While attending the basic training 5659  
course, appointed sheriffs shall receive regular compensation in 5660  
the same manner and amounts as if carrying out their regular 5661  
powers and duties. 5662

Five days of instruction at the basic training course 5663  
shall be considered equal to one week of work. The costs of 5664  
conducting the basic training course and the costs of meals, 5665  
lodging, and travel of appointed and newly elected sheriffs 5666  
attending the course shall be paid from state funds appropriated 5667  
to the commission for this purpose. 5668

(E) In each calendar year, each sheriff shall attend and 5669  
successfully complete at least sixteen hours of continuing 5670

education approved under division (B) of section 109.80 of the Revised Code. A sheriff who receives a waiver of the continuing education requirement from the commission under division (C) of section 109.80 of the Revised Code because of medical disability or for other good cause shall complete the requirement at the earliest time after the disability or cause terminates.

(F) (1) Each person who is a candidate for election to or who is under consideration for appointment to the office of sheriff shall swear before the administrative judge of the court of common pleas as to the truth of any information the person provides to verify the person's qualifications for the office. A person who violates this requirement is guilty of falsification under section 2921.13 of the Revised Code.

(2) Each board of elections shall certify whether or not a candidate for the office of sheriff who has filed a declaration of candidacy, a statement of candidacy, or a declaration of intent to be a write-in candidate meets the qualifications specified in divisions (B) and (C) of this section.

(G) The office of a sheriff who is required to comply with division (D) or (E) of this section and who fails to successfully complete the courses pursuant to those divisions is hereby deemed to be vacant.

(H) As used in this section:

(1) "Qualification date" means the last day on which a candidate for the office of sheriff can file a declaration of candidacy, a statement of candidacy, or a declaration of intent to be a write-in candidate, as applicable, in the case of a primary election for the office of sheriff; the last day on which a person may be appointed to fill a vacancy in a party

nomination for the office of sheriff under Chapter 3513. of the Revised Code, in the case of a vacancy in the office of sheriff; or a date thirty days after the day on which a vacancy in the office of sheriff occurs, in the case of an appointment to such a vacancy under section 305.02 of the Revised Code.

(2) "Newly elected sheriff" means a person who did not hold the office of sheriff of a county on the date the person was elected sheriff of that county.

**Sec. 319.301.** (A) The reductions required by division (D) of this section do not apply to any of the following:

(1) Taxes levied at whatever rate is required to produce a specified amount of tax money, including a tax levied under section 5705.199, 5705.211, or 5748.09 of the Revised Code, or an amount to pay debt charges;

(2) Taxes levied within the one per cent limitation imposed by Section 2 of Article XII, Ohio Constitution;

(3) Taxes provided for by the charter of a municipal corporation.

(B) As used in this section:

(1) "Real property" includes real property owned by a railroad.

(2) "Carryover property" means all real property on the current year's tax list except:

(a) Land and improvements that were not taxed by the district in both the preceding year and the current year;

(b) Land and improvements that were not in the same class in both the preceding year and the current year.

(3) "Effective tax rate" means with respect to each class	5727
of property:	5728
(a) The sum of the total taxes that would have been	5729
charged and payable for current expenses against real property	5730
in that class if each of the district's taxes were reduced for	5731
the current year under division (D) (1) of this section without	5732
regard to the application of division (E) (3) of this section	5733
divided by	5734
(b) The taxable value of all real property in that class.	5735
(4) "Taxes charged and payable" means the taxes charged	5736
and payable prior to any reduction required by section 319.302	5737
of the Revised Code.	5738
(C) The tax commissioner shall make the determinations	5739
required by this section each year, without regard to whether a	5740
taxing district has territory in a county to which section	5741
5715.24 of the Revised Code applies for that year. Separate	5742
determinations shall be made for each of the two classes	5743
established pursuant to section 5713.041 of the Revised Code.	5744
(D) With respect to each tax authorized to be levied by	5745
each taxing district, the tax commissioner, annually, shall do	5746
both of the following:	5747
(1) Determine by what percentage, if any, the sums levied	5748
by such tax against the carryover property in each class would	5749
have to be reduced for the tax to levy the same number of	5750
dollars against such property in that class in the current year	5751
as were charged against such property by such tax in the	5752
preceding year subsequent to the reduction made under this	5753
section but before the reduction made under section 319.302 of	5754
the Revised Code. In the case of a tax levied for the first time	5755

that is not a renewal of an existing tax, the commissioner shall 5756  
determine by what percentage the sums that would otherwise be 5757  
levied by such tax against carryover property in each class 5758  
would have to be reduced to equal the amount that would have 5759  
been levied if the full rate thereof had been imposed against 5760  
the total taxable value of such property in the preceding tax 5761  
year. A tax or portion of a tax that is designated a replacement 5762  
levy under section 5705.192 of the Revised Code is not a renewal 5763  
of an existing tax for purposes of this division. 5764

(2) Certify each percentage determined in division (D) (1) 5765  
of this section, as adjusted under division (E) of this section, 5766  
and the class of property to which that percentage applies to 5767  
the auditor of each county in which the district has territory. 5768  
The auditor, after complying with section 319.30 of the Revised 5769  
Code, shall reduce the sum to be levied by such tax against each 5770  
parcel of real property in the district by the percentage so 5771  
certified for its class. Certification shall be made by the 5772  
first day of September except in the case of a tax levied for 5773  
the first time, in which case certification shall be made within 5774  
fifteen days of the date the county auditor submits the 5775  
information necessary to make the required determination. 5776

(E) (1) As used in division (E) (2) of this section, "pre- 5777  
1982 joint vocational taxes" means, with respect to a class of 5778  
property, the difference between the following amounts: 5779

(a) The taxes charged and payable in tax year 1981 against 5780  
the property in that class for the current expenses of the joint 5781  
vocational school district of which the school district is a 5782  
part after making all reductions under this section; 5783

(b) The following percentage of the taxable value of all 5784  
real property in that class: 5785

(i) In 1987, five one-hundredths of one per cent;	5786
(ii) In 1988, one-tenth of one per cent;	5787
(iii) In 1989, fifteen one-hundredths of one per cent;	5788
(iv) In 1990 and each subsequent year, two-tenths of one per cent.	5789 5790
If the amount in division (E) (1) (b) of this section exceeds the amount in division (E) (1) (a) of this section, the pre-1982 joint vocational taxes shall be zero.	5791 5792 5793
As used in divisions (E) (2) and (3) of this section, "taxes charged and payable" has the same meaning as in division (B) (4) of this section and excludes any tax charged and payable in 1985 or thereafter under sections 5705.194 to 5705.197 or section 5705.199, 5705.213, 5705.219, or 5748.09 of the Revised Code.	5794 5795 5796 5797 5798 5799
(2) If in the case of a school district other than a joint vocational or cooperative education school district any percentage required to be used in division (D) (2) of this section for either class of property could cause the total taxes charged and payable for current expenses to be less than two per cent of the taxable value of all real property in that class that is subject to taxation by the district, the commissioner shall determine what percentages would cause the district's total taxes charged and payable for current expenses against that class, after all reductions that would otherwise be made under this section, to equal, when combined with the pre-1982 joint vocational taxes against that class, the lesser of the following:	5800 5801 5802 5803 5804 5805 5806 5807 5808 5809 5810 5811 5812
(a) The sum of the rates at which those taxes are authorized to be levied;	5813 5814

(b) Two per cent of the taxable value of the property in that class. The auditor shall use such percentages in making the reduction required by this section for that class.

(3) (a) If in the case of a joint vocational school district any percentage required to be used in division (D) (2) of this section for either class of property could cause the total taxes charged and payable for current expenses for that class to be less than the designated amount, the commissioner shall determine what percentages would cause the district's total taxes charged and payable for current expenses for that class, after all reductions that would otherwise be made under this section, to equal the designated amount. The auditor shall use such percentages in making the reductions required by this section for that class.

(b) As used in division (E) (3) (a) of this section, the designated amount shall equal the taxable value of all real property in the class that is subject to taxation by the district times the lesser of the following:

(i) Two-tenths of one per cent;

(ii) The district's effective rate plus the following percentage for the year indicated:

WHEN COMPUTING THE	ADD THE FOLLOWING	
TAXES CHARGED FOR	PERCENTAGE:	
1987	0.025%	
1988	0.05%	
1989	0.075%	
1990	0.1%	

1991	0.125%	5842
1992	0.15%	5843
1993	0.175%	5844
1994 and thereafter	0.2%	5845

(F) No reduction shall be made under this section in the rate at which any tax is levied. 5846  
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(G) The commissioner may order a county auditor to furnish any information the commissioner needs to make the determinations required under division (D) or (E) of this section, and the auditor shall supply the information in the form and by the date specified in the order. If the auditor fails to comply with an order issued under this division, except for good cause as determined by the commissioner, the commissioner shall withhold from such county or taxing district therein fifty per cent of state revenues to local governments pursuant to section 5747.50 of the Revised Code or shall direct the department of ~~education~~ learning and achievement to withhold therefrom fifty per cent of state revenues to school districts pursuant to Chapter 3317. of the Revised Code. The commissioner shall withhold the distribution of such revenues until the county auditor has complied with this division, and the department shall withhold the distribution of such revenues until the commissioner has notified the department that the county auditor has complied with this division. 5848  
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(H) If the commissioner is unable to certify a tax reduction factor for either class of property in a taxing district located in more than one county by the last day of November because information required under division (G) of this section is unavailable, the commissioner may compute and certify 5866  
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an estimated tax reduction factor for that district for that 5871  
class. The estimated factor shall be based upon an estimate of 5872  
the unavailable information. Upon receipt of the actual 5873  
information for a taxing district that received an estimated tax 5874  
reduction factor, the commissioner shall compute the actual tax 5875  
reduction factor and use that factor to compute the taxes that 5876  
should have been charged and payable against each parcel of 5877  
property for the year for which the estimated reduction factor 5878  
was used. The amount by which the estimated factor resulted in 5879  
an overpayment or underpayment in taxes on any parcel shall be 5880  
added to or subtracted from the amount due on that parcel in the 5881  
ensuing tax year. 5882

A percentage or a tax reduction factor determined or 5883  
computed by the commissioner under this section shall be used 5884  
solely for the purpose of reducing the sums to be levied by the 5885  
tax to which it applies for the year for which it was determined 5886  
or computed. It shall not be used in making any tax computations 5887  
for any ensuing tax year. 5888

(I) In making the determinations under division (D)(1) of 5889  
this section, the tax commissioner shall take account of changes 5890  
in the taxable value of carryover property resulting from 5891  
complaints filed under section 5715.19 of the Revised Code for 5892  
determinations made for the tax year in which such changes are 5893  
reported to the commissioner. Such changes shall be reported to 5894  
the commissioner on the first abstract of real property filed 5895  
with the commissioner under section 5715.23 of the Revised Code 5896  
following the date on which the complaint is finally determined 5897  
by the board of revision or by a court or other authority with 5898  
jurisdiction on appeal. The tax commissioner shall account for 5899  
such changes in making the determinations only for the tax year 5900  
in which the change in valuation is reported. Such a valuation 5901

change shall not be used to recompute the percentages determined 5902  
under division (D) (1) of this section for any prior tax year. 5903

**Sec. 901.71.** (A) There is hereby created the advisory 5904  
committee on livestock exhibitions consisting of not more than 5905  
twenty-one members, as follows: 5906

(1) The director of agriculture, or the director's 5907  
designee, who may be the chief of the division of fairs; 5908

(2) The state veterinarian, or the state veterinarian's 5909  
designee; 5910

(3) A representative of the Ohio cattlemen's association, 5911  
the Ohio purebred dairy cattle association, the Ohio pork 5912  
producers council, the Ohio poultry association, the Ohio sheep 5913  
improvement association, the Ohio fair managers association, the 5914  
Ohio farm bureau federation, the Ohio farmers union, the Ohio 5915  
department of ~~education's~~ learning and achievement's 5916  
agricultural education service, the Ohio state university 5917  
extension, the national farmers organization, and the Ohio state 5918  
grange, or their designees. Each of these members shall be 5919  
chosen by the organization the member represents. 5920

(4) The chairperson of the Ohio expositions commission, or 5921  
the chairperson's designee; 5922

(5) Three persons who shall be appointed by the director, 5923  
each of whom shall serve as a member of a board of directors of 5924  
a county or independent agricultural society organized under 5925  
section 1711.01 or 1711.02 of the Revised Code. Of the initial 5926  
appointments made by the director, one shall be for a term 5927  
ending on December 31, 1996; one shall be for a term ending on 5928  
December 31, 1997; and one shall be for a term ending on 5929  
December 31, 1998. 5930

(6) Not more than three additional members appointed at 5931  
the option of the director. If the director appoints one or more 5932  
additional members, the first additional appointment shall be 5933  
for a term ending on December 31, 1996, the second additional 5934  
appointment shall be for a term ending on December 31, 1997, and 5935  
the third additional appointment shall be for a term ending on 5936  
December 31, 1998. 5937

Following the completion of the initial terms of the 5938  
appointments made by the director, each term of office shall be 5939  
three years, commencing on the first day of January and ending 5940  
on the thirty-first day of December. A member appointed by the 5941  
director shall hold office from the date of the member's 5942  
appointment until the end of the term for which the member was 5943  
appointed. Vacancies shall be filled in the same manner as the 5944  
original appointment. Any member appointed to fill a vacancy 5945  
occurring prior to the expiration of the term for which the 5946  
member's predecessor was appointed shall hold office for the 5947  
remainder of the unexpired term. Any member shall continue in 5948  
office subsequent to the expiration date of the member's term 5949  
until the member's successor takes office or until a period of 5950  
ninety days has elapsed, whichever occurs first. 5951

Members may be removed from the committee only for 5952  
misfeasance, malfeasance, or nonfeasance. A vacancy on the 5953  
committee shall not impair the right of the other members to 5954  
exercise all of the functions of the committee. A simple 5955  
majority constitutes a quorum for the conduct of business of the 5956  
committee. On request, each member shall be reimbursed for the 5957  
actual and necessary expenses incurred in the discharge of the 5958  
member's duties as a committee member. 5959

(B) The committee shall be considered a part of the 5960

department of agriculture for the administrative purposes 5961  
required by this section, including the payment of expenses 5962  
authorized to each member of the committee under this section. 5963  
The director or the director's designee shall serve as 5964  
chairperson of the committee. The director shall designate an 5965  
employee or official of the department to act as the secretary 5966  
of the committee. The secretary shall keep the minutes of the 5967  
committee's meetings and a permanent journal of all meetings, 5968  
proceedings, findings, determinations, and recommendations of 5969  
the committee, including an itemized statement of the expenses 5970  
allowed to each member of the committee under this section. The 5971  
committee may request from the director, and the director shall 5972  
provide, meeting space, assistance, services, and information to 5973  
enable the committee to carry out its duties. 5974

(C) The committee shall meet at least once annually after 5975  
the fifteenth day of October and before the first day of 5976  
December. The committee may meet at other times as the 5977  
chairperson or a majority of the committee members considers 5978  
appropriate, provided the chairperson gives members written 5979  
notice of any meeting at least seven days prior to the meeting. 5980

(D) The committee may propose rules and may advise and 5981  
counsel the director on all matters relating to the 5982  
administration of exhibitions and any other matters that the 5983  
committee and the director consider appropriate in carrying out 5984  
sections 901.71 to 901.76 of the Revised Code. 5985

**Sec. 921.06.** (A) (1) No individual shall do any of the 5986  
following without having a commercial applicator license issued 5987  
by the director of agriculture: 5988

(a) Apply pesticides for a pesticide business without 5989  
direct supervision; 5990

(b) Apply pesticides as part of the individual's duties while acting as an employee of the United States government, a state, county, township, or municipal corporation, or a park district, port authority, or sanitary district created under Chapter 1545., 4582., or 6115. of the Revised Code, respectively;

(c) Apply restricted use pesticides. Division (A) (1) (c) of this section does not apply to a private applicator or an immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.

(d) If the individual is the owner of a business other than a pesticide business or an employee of such an owner, apply pesticides at any of the following publicly accessible sites that are located on the property:

(i) Food service operations that are licensed under Chapter 3717. of the Revised Code;

(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;

(iii) Golf courses;

(iv) Rental properties of more than four apartment units at one location;

(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;

(vi) Child day-care centers or school child day-care centers as defined in section 5104.01 of the Revised Code;

(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including

an educational service center, a community school established 6019  
under Chapter 3314. of the Revised Code, or a chartered or 6020  
nonchartered nonpublic school that meets minimum standards 6021  
established by the ~~state board of education~~ department of 6022  
learning and achievement; 6023

(viii) State institutions of higher education as defined 6024  
in section 3345.011 of the Revised Code, nonprofit institutions 6025  
holding a certificate of authorization pursuant to Chapter 1713. 6026  
of the Revised Code, institutions holding a certificate of 6027  
registration from the state board of career colleges and schools 6028  
and program authorization for an associate or bachelor's degree 6029  
program issued under section 3332.05 of the Revised Code, and 6030  
private institutions exempt from regulation under Chapter 3332. 6031  
of the Revised Code as prescribed in section 3333.046 of the 6032  
Revised Code; 6033

(ix) Food processing establishments as defined in section 6034  
3715.021 of the Revised Code; 6035

(x) Any other site designated by rule. 6036

(e) Conduct authorized diagnostic inspections. 6037

(2) Divisions (A) (1) (a) to (d) of this section do not 6038  
apply to an individual who is acting as a trained serviceperson 6039  
under the direct supervision of a commercial applicator. 6040

(3) Licenses shall be issued for a period of time 6041  
established by rule and shall be renewed in accordance with 6042  
deadlines established by rule. The fee for each such license 6043  
shall be established by rule. If a license is not issued or 6044  
renewed, the application fee shall be retained by the state as 6045  
payment for the reasonable expense of processing the 6046  
application. The director shall by rule classify by pesticide- 6047

use category licenses to be issued under this section. A single 6048  
license may include more than one pesticide-use category. No 6049  
individual shall be required to pay an additional license fee if 6050  
the individual is licensed for more than one category. 6051

The fee for each license or renewal does not apply to an 6052  
applicant who is an employee of the department of agriculture 6053  
whose job duties require licensure as a commercial applicator as 6054  
a condition of employment. 6055

(B) Application for a commercial applicator license shall 6056  
be made on a form prescribed by the director. Each application 6057  
for a license shall state the pesticide-use category or 6058  
categories of license for which the applicant is applying and 6059  
other information that the director determines essential to the 6060  
administration of this chapter. 6061

(C) If the director finds that the applicant is competent 6062  
to apply pesticides and conduct diagnostic inspections and that 6063  
the applicant has passed both the general examination and each 6064  
applicable pesticide-use category examination as required under 6065  
division (A) of section 921.12 of the Revised Code, the director 6066  
shall issue a commercial applicator license limited to the 6067  
pesticide-use category or categories for which the applicant is 6068  
found to be competent. If the director rejects an application, 6069  
the director may explain why the application was rejected, 6070  
describe the additional requirements necessary for the applicant 6071  
to obtain a license, and return the application. The applicant 6072  
may resubmit the application without payment of any additional 6073  
fee. 6074

(D) (1) A person who is a commercial applicator shall be 6075  
deemed to hold a private applicator's license for purposes of 6076  
applying pesticides on agricultural commodities that are 6077

produced by the commercial applicator. 6078

(2) A commercial applicator shall apply pesticides only in 6079  
the pesticide-use category or categories in which the applicator 6080  
is licensed under this chapter. 6081

(E) All money collected under this section shall be 6082  
credited to the pesticide, fertilizer, and lime program fund 6083  
created in section 921.22 of the Revised Code. 6084

**Sec. 955.43.** (A) When either a blind, deaf or hearing 6085  
impaired, or mobility impaired person or a trainer of an 6086  
assistance dog is accompanied by an assistance dog, the person 6087  
or the trainer, as applicable, is entitled to the full and equal 6088  
accommodations, advantages, facilities, and privileges of all 6089  
public conveyances, hotels, lodging places, all places of public 6090  
accommodation, amusement, or resort, all institutions of 6091  
education, and other places to which the general public is 6092  
invited, and may take the dog into such conveyances and places, 6093  
subject only to the conditions and limitations applicable to all 6094  
persons not so accompanied, except that: 6095

(1) The dog shall not occupy a seat in any public 6096  
conveyance. 6097

(2) The dog shall be upon a leash while using the 6098  
facilities of a common carrier. 6099

(3) Any dog in training to become an assistance dog shall 6100  
be covered by a liability insurance policy provided by the 6101  
nonprofit special agency engaged in such work protecting members 6102  
of the public against personal injury or property damage caused 6103  
by the dog. 6104

(B) No person shall deprive a blind, deaf or hearing 6105  
impaired, or mobility impaired person or a trainer of an 6106

assistance dog who is accompanied by an assistance dog of any of 6107  
the advantages, facilities, or privileges provided in division 6108  
(A) of this section, nor charge the person or trainer a fee or 6109  
charge for the dog. 6110

(C) As used in this section, "institutions of education" 6111  
means: 6112

(1) Any state university or college as defined in section 6113  
3345.32 of the Revised Code; 6114

(2) Any private college or university that holds a 6115  
certificate of authorization issued by the ~~Ohio board of regents~~ 6116  
department of learning and achievement pursuant to Chapter 1713. 6117  
of the Revised Code; 6118

(3) Any elementary or secondary school operated by a board 6119  
of education; 6120

(4) Any chartered or nonchartered nonpublic elementary or 6121  
secondary school; 6122

(5) Any school issued a certificate of registration by the 6123  
state board of career colleges and schools. 6124

**Sec. 1713.02.** (A) Any institution described in division 6125  
(A) of section 1713.01 of the Revised Code may become 6126  
incorporated under sections 1702.01 to 1702.58 of the Revised 6127  
Code. 6128

(B) Except as provided in division (E) of this section, no 6129  
nonprofit institution or corporation of the type described in 6130  
division (A) of section 1713.01 of the Revised Code that is 6131  
established after October 13, 1967, may confer degrees, 6132  
diplomas, or other written evidences of proficiency or 6133  
achievement, until it has received a certificate of 6134

authorization issued by the ~~chancellor of higher education~~ 6135  
department of learning and achievement, nor shall any such 6136  
institution or corporation identify itself as a "college" or 6137  
"university" unless it has received a certificate of 6138  
authorization from the ~~chancellor~~ department. 6139

(C) Except as provided in division (E) of this section, no 6140  
institution of the type described in division (A) (3) or (B) of 6141  
section 1713.01 of the Revised Code that intends to offer or 6142  
offers a course or courses within this state, but that did not 6143  
offer a course or courses within this state on or before October 6144  
13, 1967, may confer degrees, diplomas, or other written 6145  
evidences of proficiency or achievement or offer any course or 6146  
courses within this state until it has received a certificate of 6147  
authorization from the ~~chancellor~~ department, nor shall the 6148  
institution identify itself as a "college" or "university" 6149  
unless it has received such a certificate from the ~~chancellor~~ 6150  
department. 6151

(D) Each certificate of authorization shall specify the 6152  
diplomas or degrees authorized to be given, courses authorized 6153  
to be offered, and the sites at which courses are to be 6154  
conducted. A copy of such certificate shall be filed with the 6155  
secretary of state if the institution is incorporated. Any 6156  
institution or corporation established or that offered a course 6157  
or courses of instruction in this state prior to October 13, 6158  
1967, may apply to the ~~chancellor~~ department for a certificate 6159  
of authorization, and the ~~chancellor~~ department shall issue a 6160  
certificate if it finds that such institution or corporation 6161  
meets the requirements established pursuant to sections 1713.01, 6162  
1713.02, 1713.03, 1713.04, 1713.06, 1713.09, and 1713.25 of the 6163  
Revised Code. 6164

(E) An institution that clearly identifies itself in its name with the phrase "bible college" or "bible institute" and has not received a certificate of authorization may confer diplomas and other written evidences of proficiency or achievement other than associate, baccalaureate, master's, and doctoral degrees or any other type of degree and may identify itself as a "bible college" if such institution:

(1) Prominently discloses on any transcripts, diplomas, or other written evidences of proficiency or achievement, and includes with any promotional material or other literature intended for the public, the statement: "this institution is not certified by the department of ~~higher education~~ learning and achievement or the state of Ohio."

(2) Limits its course of instruction to religion, theology, or preparation for a religious vocation, or is operated by a church or religious organization and limits its instruction to preparation for service to churches or other religious organizations.

(3) Confers only diplomas and other written evidences of proficiency or achievement that bear titles clearly signifying the religious nature of the instruction offered by the institution.

(F) Except as otherwise provided in section 3333.046 of the Revised Code, no school of the type described in division (E) of section 3332.01 of the Revised Code that intends to offer or offers a degree program within this state or solicits students within this state may confer a baccalaureate, master's, or doctoral degree or solicit students for such degree programs until it has received both a certificate of authorization from the ~~chancellor of higher education~~ department of learning and

achievement under this chapter and program authorization from 6195  
the state board of career colleges and schools for such degree 6196  
program under section 3332.05 of the Revised Code. 6197

**Sec. 1713.03.** The ~~chancellor of higher education~~ 6198  
department of learning and achievement shall establish standards 6199  
for certificates of authorization to be issued to institutions 6200  
as defined in section 1713.01 of the Revised Code, to private 6201  
institutions exempt from regulation under Chapter 3332. of the 6202  
Revised Code as prescribed in section 3333.046 of the Revised 6203  
Code, and to schools holding certificates of registration issued 6204  
by the state board of career colleges and schools pursuant to 6205  
division (C) of section 3332.05 of the Revised Code. A 6206  
certificate of authorization may permit an institution or school 6207  
to award one or more types of degrees. 6208

The standards for a certificate of authorization may 6209  
include, for various types of institutions, schools, or degrees, 6210  
minimum qualifications for faculty, library, laboratories, and 6211  
other facilities as adopted and published by the ~~chancellor~~ 6212  
department. The standards shall be adopted by the ~~chancellor~~ 6213  
department pursuant to Chapter 119. of the Revised Code. 6214

An institution or school shall apply to the ~~chancellor~~ 6215  
department for a certificate of authorization on forms 6216  
containing such information as is prescribed by the ~~chancellor~~ 6217  
department. Each institution or school with a certificate of 6218  
authorization shall file an annual report with the ~~chancellor~~ 6219  
department in such form and containing such information as the 6220  
~~chancellor department~~ prescribes. 6221

The ~~chancellor department~~ shall adopt a rule under Chapter 6222  
119. of the Revised Code establishing fees to pay the cost of 6223  
reviewing an application for a certificate of authorization, 6224

which the institution or school shall pay when it applies for a 6225  
certificate of authorization, and establishing fees, which an 6226  
institution or school shall pay, for any further reviews the 6227  
~~chancellor~~ department determines necessary upon examining an 6228  
institution's or school's annual report. 6229

**Sec. 1713.031.** The ~~chancellor of higher education~~ 6230  
department of learning and achievement shall review an 6231  
application for a certificate of authorization from a school 6232  
described in division (E) of section 3332.01 of the Revised Code 6233  
within twenty-two weeks. 6234

**Sec. 1713.04.** A certificate of authorization provided for 6235  
in section 1713.02 of the Revised Code is subject to revocation 6236  
by the ~~chancellor of higher education~~ department of learning and 6237  
achievement for cause pursuant to Chapter 119. of the Revised 6238  
Code. 6239

**Sec. 1713.05.** (A) As used in this section: 6240

(1) "College or university" means a nonprofit educational 6241  
institution qualifying under division (A) (2) of section 1713.01 6242  
and holding a certificate of authorization issued under section 6243  
1713.02 of the Revised Code. 6244

(2) "Controlled entity" means a wholly owned subsidiary of 6245  
a college or a university or a partnership in which a college or 6246  
a university, or its wholly owned subsidiary, is the sole 6247  
general partner. 6248

(3) "Student" means a person attending a college or 6249  
university who borrows money or obtains credit from such college 6250  
or university, or from a controlled entity of such college or 6251  
university, to finance the costs of attending such college or 6252  
university, and includes the parents, guardians, and spouse of 6253

the student. 6254

(B) Notwithstanding section 1343.01 of the Revised Code, a 6255  
college or university, or a controlled entity of such college or 6256  
university, may charge interest or finance charges on loans made 6257  
or credit granted to a student for the student's costs of 6258  
attending such college or university at any rate or rates agreed 6259  
upon or consented to by the student in any open accounts 6260  
receivable, loan agreement, or promissory note, but not to 6261  
exceed the maximum interest rate applicable to the federal 6262  
Stafford loan program under 34 C.F.R. 682.202(a)(1). The 6263  
~~chancellor of higher education~~ department of learning and 6264  
achievement shall adopt rules specifying a schedule for the 6265  
certification of such maximum interest rate. 6266

(C) A college or university, or a controlled entity of 6267  
such college or university, may charge students for the late 6268  
payment of any costs of attending such college or university, 6269  
including any payment under an agreement or note pursuant to 6270  
division (B) of this section, at a rate not exceeding five per 6271  
cent of any unpaid amount due and not paid per month for two 6272  
months and not exceeding two per cent of such amount for 6273  
subsequent months. A charge for a full month may be made for 6274  
payments more than ten days late. 6275

**Sec. 1713.06.** If any institution, school, or person 6276  
confers degrees, diplomas, or other written evidences of 6277  
proficiency or achievement or offers or intends to offer a 6278  
course or courses in this state applicable to requirements for a 6279  
diploma or degree without the certificate of authorization 6280  
required by section 1713.02 of the Revised Code, the ~~chancellor~~ 6281  
~~of higher education~~ department of learning and achievement may, 6282  
through the office of the attorney general, apply to the court 6283

of common pleas in the county in which such institution, school, 6284  
or person is operating to restrain such institution, school, or 6285  
person from the exercise of its franchise, if the institution, 6286  
school, or person is a corporation, from the awarding of the 6287  
degrees or diplomas the institution, school, or person is not 6288  
authorized to award, and from offering any course or courses or 6289  
enrolling any student in any course or courses it is not 6290  
authorized to conduct. 6291

The ~~chancellor department~~ may, through the office of the 6292  
attorney general, petition the court of common pleas in the 6293  
county in which the institution, school, or person is operating 6294  
for an order enjoining the awarding of diplomas or degrees, the 6295  
offering of courses, and the enrolling of students. The court 6296  
may grant such injunctive relief upon a showing that the 6297  
institution, school, or person named in the petition is awarding 6298  
degrees or diplomas, offering courses applicable to requirements 6299  
for such degrees or diplomas, or enrolling students in such 6300  
courses to be offered in the state without receiving the 6301  
appropriate certificate of authorization issued by the 6302  
~~chancellor department~~. 6303

**Sec. 1713.09.** A college, university, or other institution 6304  
of learning, existing by virtue of an act of incorporation, or 6305  
that becomes incorporated for any of the purposes specified in 6306  
sections 1713.01 to 1713.39, inclusive, of the Revised Code, if 6307  
three-fourths of the trustees or directors thereof deem it 6308  
proper, or if the institution is owned in shares, or by stock 6309  
subscribed or taken, by a vote of the holders of three-fourths 6310  
of the stock or shares, may change the location of such 6311  
institution, convey its real estate, and transfer the effects 6312  
thereof, and invest them at the place to which such institution 6313  
is removed. Any institution which has a certificate of 6314

authorization from the ~~chancellor of higher education department~~ 6315  
of learning and achievement shall give written notice to the 6316  
~~chancellor department~~ before such institution changes its 6317  
location. No such removal shall be ordered, and no vote taken 6318  
thereon, until after publication in the manner provided by law 6319  
in case of a sale and distribution of the property of such an 6320  
institution. Such publication shall fully set forth the place to 6321  
which it is proposed to remove the institution. In case of 6322  
removal, a copy of the proceedings of such meeting shall be 6323  
filed with the secretary of state. 6324

**Sec. 1713.25.** The board of trustees of an institution of 6325  
learning incorporated under the authority of this state for the 6326  
sole purpose of promoting education, religion and morality, or 6327  
the fine arts, at a regular or special meeting of such board 6328  
called for that purpose, after thirty days' actual notice to 6329  
each trustee, may change the name and enlarge the purposes and 6330  
objects of such institution of learning, by amendment to its 6331  
charter, approved by a majority of the board. 6332

No institution as defined in section 1713.01 of the 6333  
Revised Code or school that holds a certificate of registration 6334  
issued by the state board of career colleges and schools 6335  
pursuant to division (C) of section 3332.05 of the Revised Code, 6336  
that has been issued a certificate of authorization by the 6337  
~~chancellor of higher education department of learning and~~ 6338  
achievement shall change the purposes of the institution without 6339  
giving written notice to the ~~chancellor department~~, who shall 6340  
issue an amended certificate of authorization to the institution 6341  
or school upon receipt of such notice. 6342

**Sec. 2151.011.** (A) As used in the Revised Code: 6343

(1) "Juvenile court" means whichever of the following is 6344

applicable that has jurisdiction under this chapter and Chapter 6345  
2152. of the Revised Code: 6346

(a) The division of the court of common pleas specified in 6347  
section 2101.022 or 2301.03 of the Revised Code as having 6348  
jurisdiction under this chapter and Chapter 2152. of the Revised 6349  
Code or as being the juvenile division or the juvenile division 6350  
combined with one or more other divisions; 6351

(b) The juvenile court of Cuyahoga county or Hamilton 6352  
county that is separately and independently created by section 6353  
2151.08 or Chapter 2153. of the Revised Code and that has 6354  
jurisdiction under this chapter and Chapter 2152. of the Revised 6355  
Code; 6356

(c) If division (A) (1) (a) or (b) of this section does not 6357  
apply, the probate division of the court of common pleas. 6358

(2) "Juvenile judge" means a judge of a court having 6359  
jurisdiction under this chapter. 6360

(3) "Private child placing agency" means any association, 6361  
as defined in section 5103.02 of the Revised Code, that is 6362  
certified under section 5103.03 of the Revised Code to accept 6363  
temporary, permanent, or legal custody of children and place the 6364  
children for either foster care or adoption. 6365

(4) "Private noncustodial agency" means any person, 6366  
organization, association, or society certified by the 6367  
department of job and family services that does not accept 6368  
temporary or permanent legal custody of children, that is 6369  
privately operated in this state, and that does one or more of 6370  
the following: 6371

(a) Receives and cares for children for two or more 6372  
consecutive weeks; 6373

(b) Participates in the placement of children in certified foster homes;	6374 6375
(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	6376 6377
(B) As used in this chapter:	6378
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	6379 6380 6381 6382 6383 6384
(2) "Adult" means an individual who is eighteen years of age or older.	6385 6386
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	6387 6388 6389 6390
(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.	6391 6392 6393 6394 6395 6396
(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	6397 6398 6399
(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any	6400 6401

person who is adjudicated an unruly child prior to attaining 6402  
eighteen years of age until the person attains twenty-one years 6403  
of age, and, for purposes of that jurisdiction related to that 6404  
adjudication, a person who is so adjudicated an unruly child 6405  
shall be deemed a "child" until the person attains twenty-one 6406  
years of age. 6407

(7) "Child day camp," "child care," "child day-care 6408  
center," "part-time child day-care center," "type A family day- 6409  
care home," "licensed type B family day-care home," "type B 6410  
family day-care home," "administrator of a child day-care 6411  
center," "administrator of a type A family day-care home," and 6412  
"in-home aide" have the same meanings as in section 5104.01 of 6413  
the Revised Code. 6414

(8) "Child care provider" means an individual who is a 6415  
child-care staff member or administrator of a child day-care 6416  
center, a type A family day-care home, or a type B family day- 6417  
care home, or an in-home aide or an individual who is licensed, 6418  
is regulated, is approved, operates under the direction of, or 6419  
otherwise is certified by the department of job and family 6420  
services, department of developmental disabilities, or the early 6421  
childhood programs of the department of ~~education~~ learning and 6422  
achievement. 6423

(9) "Commit" means to vest custody as ordered by the 6424  
court. 6425

(10) "Counseling" includes both of the following: 6426

(a) General counseling services performed by a public 6427  
children services agency or shelter for victims of domestic 6428  
violence to assist a child, a child's parents, and a child's 6429  
siblings in alleviating identified problems that may cause or 6430

have caused the child to be an abused, neglected, or dependent child. 6431  
6432

(b) Psychiatric or psychological therapeutic counseling 6433  
services provided to correct or alleviate any mental or 6434  
emotional illness or disorder and performed by a licensed 6435  
psychiatrist, licensed psychologist, or a person licensed under 6436  
Chapter 4757. of the Revised Code to engage in social work or 6437  
professional counseling. 6438

(11) "Custodian" means a person who has legal custody of a 6439  
child or a public children services agency or private child 6440  
placing agency that has permanent, temporary, or legal custody 6441  
of a child. 6442

(12) "Delinquent child" has the same meaning as in section 6443  
2152.02 of the Revised Code. 6444

(13) "Detention" means the temporary care of children 6445  
pending court adjudication or disposition, or execution of a 6446  
court order, in a public or private facility designed to 6447  
physically restrict the movement and activities of children. 6448

(14) "Developmental disability" has the same meaning as in 6449  
section 5123.01 of the Revised Code. 6450

(15) "Differential response approach" means an approach 6451  
that a public children services agency may use to respond to 6452  
accepted reports of child abuse or neglect with either an 6453  
alternative response or a traditional response. 6454

(16) "Foster caregiver" has the same meaning as in section 6455  
5103.02 of the Revised Code. 6456

(17) "Guardian" means a person, association, or 6457  
corporation that is granted authority by a probate court 6458

pursuant to Chapter 2111. of the Revised Code to exercise 6459  
parental rights over a child to the extent provided in the 6460  
court's order and subject to the residual parental rights of the 6461  
child's parents. 6462

(18) "Habitual truant" means any child of compulsory 6463  
school age who is absent without legitimate excuse for absence 6464  
from the public school the child is supposed to attend for 6465  
thirty or more consecutive hours, forty-two or more hours in one 6466  
school month, or seventy-two or more hours in a school year. 6467

(19) "Intellectual disability" has the same meaning as in 6468  
section 5123.01 of the Revised Code. 6469

(20) "Juvenile traffic offender" has the same meaning as 6470  
in section 2152.02 of the Revised Code. 6471

(21) "Legal custody" means a legal status that vests in 6472  
the custodian the right to have physical care and control of the 6473  
child and to determine where and with whom the child shall live, 6474  
and the right and duty to protect, train, and discipline the 6475  
child and to provide the child with food, shelter, education, 6476  
and medical care, all subject to any residual parental rights, 6477  
privileges, and responsibilities. An individual granted legal 6478  
custody shall exercise the rights and responsibilities 6479  
personally unless otherwise authorized by any section of the 6480  
Revised Code or by the court. 6481

(22) A "legitimate excuse for absence from the public 6482  
school the child is supposed to attend" includes, but is not 6483  
limited to, any of the following: 6484

(a) The fact that the child in question has enrolled in 6485  
and is attending another public or nonpublic school in this or 6486  
another state; 6487

(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code;

(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.

(23) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code.

(24) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.

(25) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.

(26) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.

(27) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere.

(28) "Out-of-home care" means detention facilities, shelter facilities, certified children's crisis care facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption,

organizations, certified organizations, child day-care centers, 6517  
type A family day-care homes, type B family day-care homes, 6518  
child care provided by in-home aides, group home providers, 6519  
group homes, institutions, state institutions, residential 6520  
facilities, residential care facilities, residential camps, day 6521  
camps, private, nonprofit therapeutic wilderness camps, public 6522  
schools, chartered nonpublic schools, educational service 6523  
centers, hospitals, and medical clinics that are responsible for 6524  
the care, physical custody, or control of children. 6525

(29) "Out-of-home care child abuse" means any of the 6526  
following when committed by a person responsible for the care of 6527  
a child in out-of-home care: 6528

(a) Engaging in sexual activity with a child in the 6529  
person's care; 6530

(b) Denial to a child, as a means of punishment, of proper 6531  
or necessary subsistence, education, medical care, or other care 6532  
necessary for a child's health; 6533

(c) Use of restraint procedures on a child that cause 6534  
injury or pain; 6535

(d) Administration of prescription drugs or psychotropic 6536  
medication to the child without the written approval and ongoing 6537  
supervision of a licensed physician; 6538

(e) Commission of any act, other than by accidental means, 6539  
that results in any injury to or death of the child in out-of- 6540  
home care or commission of any act by accidental means that 6541  
results in an injury to or death of a child in out-of-home care 6542  
and that is at variance with the history given of the injury or 6543  
death. 6544

(30) "Out-of-home care child neglect" means any of the 6545

following when committed by a person responsible for the care of 6546  
a child in out-of-home care: 6547

(a) Failure to provide reasonable supervision according to 6548  
the standards of care appropriate to the age, mental and 6549  
physical condition, or other special needs of the child; 6550

(b) Failure to provide reasonable supervision according to 6551  
the standards of care appropriate to the age, mental and 6552  
physical condition, or other special needs of the child, that 6553  
results in sexual or physical abuse of the child by any person; 6554

(c) Failure to develop a process for all of the following: 6555

(i) Administration of prescription drugs or psychotropic 6556  
drugs for the child; 6557

(ii) Assuring that the instructions of the licensed 6558  
physician who prescribed a drug for the child are followed; 6559

(iii) Reporting to the licensed physician who prescribed 6560  
the drug all unfavorable or dangerous side effects from the use 6561  
of the drug. 6562

(d) Failure to provide proper or necessary subsistence, 6563  
education, medical care, or other individualized care necessary 6564  
for the health or well-being of the child; 6565

(e) Confinement of the child to a locked room without 6566  
monitoring by staff; 6567

(f) Failure to provide ongoing security for all 6568  
prescription and nonprescription medication; 6569

(g) Isolation of a child for a period of time when there 6570  
is substantial risk that the isolation, if continued, will 6571  
impair or retard the mental health or physical well-being of the 6572

child. 6573

(31) "Permanent custody" means a legal status that vests 6574  
in a public children services agency or a private child placing 6575  
agency, all parental rights, duties, and obligations, including 6576  
the right to consent to adoption, and divests the natural 6577  
parents or adoptive parents of all parental rights, privileges, 6578  
and obligations, including all residual rights and obligations. 6579

(32) "Permanent surrender" means the act of the parents 6580  
or, if a child has only one parent, of the parent of a child, by 6581  
a voluntary agreement authorized by section 5103.15 of the 6582  
Revised Code, to transfer the permanent custody of the child to 6583  
a public children services agency or a private child placing 6584  
agency. 6585

(33) "Person" means an individual, association, 6586  
corporation, or partnership and the state or any of its 6587  
political subdivisions, departments, or agencies. 6588

(34) "Person responsible for a child's care in out-of-home 6589  
care" means any of the following: 6590

(a) Any foster caregiver, in-home aide, or provider; 6591

(b) Any administrator, employee, or agent of any of the 6592  
following: a public or private detention facility; shelter 6593  
facility; certified children's crisis care facility; 6594  
organization; certified organization; child day-care center; 6595  
type A family day-care home; licensed type B family day-care 6596  
home; group home; institution; state institution; residential 6597  
facility; residential care facility; residential camp; day camp; 6598  
school district; community school; chartered nonpublic school; 6599  
educational service center; hospital; or medical clinic; 6600

(c) Any person who supervises or coaches children as part 6601

of an extracurricular activity sponsored by a school district, 6602  
public school, or chartered nonpublic school; 6603

(d) Any other person who performs a similar function with 6604  
respect to, or has a similar relationship to, children. 6605

(35) "Physical impairment" means having one or more of the 6606  
following conditions that substantially limit one or more of an 6607  
individual's major life activities, including self-care, 6608  
receptive and expressive language, learning, mobility, and self- 6609  
direction: 6610

(a) A substantial impairment of vision, speech, or 6611  
hearing; 6612

(b) A congenital orthopedic impairment; 6613

(c) An orthopedic impairment caused by disease, rheumatic 6614  
fever or any other similar chronic or acute health problem, or 6615  
amputation or another similar cause. 6616

(36) "Placement for adoption" means the arrangement by a 6617  
public children services agency or a private child placing 6618  
agency with a person for the care and adoption by that person of 6619  
a child of whom the agency has permanent custody. 6620

(37) "Placement in foster care" means the arrangement by a 6621  
public children services agency or a private child placing 6622  
agency for the out-of-home care of a child of whom the agency 6623  
has temporary custody or permanent custody. 6624

(38) "Planned permanent living arrangement" means an order 6625  
of a juvenile court pursuant to which both of the following 6626  
apply: 6627

(a) The court gives legal custody of a child to a public 6628  
children services agency or a private child placing agency 6629

without the termination of parental rights. 6630

(b) The order permits the agency to make an appropriate 6631  
placement of the child and to enter into a written agreement 6632  
with a foster care provider or with another person or agency 6633  
with whom the child is placed. 6634

(39) "Practice of social work" and "practice of 6635  
professional counseling" have the same meanings as in section 6636  
4757.01 of the Revised Code. 6637

(40) "Private, nonprofit therapeutic wilderness camp" has 6638  
the same meaning as in section 5103.02 of the Revised Code. 6639

(41) "Sanction, service, or condition" means a sanction, 6640  
service, or condition created by court order following an 6641  
adjudication that a child is an unruly child that is described 6642  
in division (A) (4) of section 2152.19 of the Revised Code. 6643

(42) "Protective supervision" means an order of 6644  
disposition pursuant to which the court permits an abused, 6645  
neglected, dependent, or unruly child to remain in the custody 6646  
of the child's parents, guardian, or custodian and stay in the 6647  
child's home, subject to any conditions and limitations upon the 6648  
child, the child's parents, guardian, or custodian, or any other 6649  
person that the court prescribes, including supervision as 6650  
directed by the court for the protection of the child. 6651

(43) "Psychiatrist" has the same meaning as in section 6652  
5122.01 of the Revised Code. 6653

(44) "Psychologist" has the same meaning as in section 6654  
4732.01 of the Revised Code. 6655

(45) "Residential camp" means a program in which the care, 6656  
physical custody, or control of children is accepted overnight 6657

for recreational or recreational and educational purposes. 6658

(46) "Residential care facility" means an institution, 6659  
residence, or facility that is licensed by the department of 6660  
mental health and addiction services under section 5119.34 of 6661  
the Revised Code and that provides care for a child. 6662

(47) "Residential facility" means a home or facility that 6663  
is licensed by the department of developmental disabilities 6664  
under section 5123.19 of the Revised Code and in which a child 6665  
with a developmental disability resides. 6666

(48) "Residual parental rights, privileges, and 6667  
responsibilities" means those rights, privileges, and 6668  
responsibilities remaining with the natural parent after the 6669  
transfer of legal custody of the child, including, but not 6670  
necessarily limited to, the privilege of reasonable visitation, 6671  
consent to adoption, the privilege to determine the child's 6672  
religious affiliation, and the responsibility for support. 6673

(49) "School day" means the school day established by the 6674  
board of education of the applicable school district pursuant to 6675  
section 3313.481 of the Revised Code. 6676

(50) "School year" has the same meaning as in section 6677  
3313.62 of the Revised Code. 6678

(51) "Secure correctional facility" means a facility under 6679  
the direction of the department of youth services that is 6680  
designed to physically restrict the movement and activities of 6681  
children and used for the placement of children after 6682  
adjudication and disposition. 6683

(52) "Sexual activity" has the same meaning as in section 6684  
2907.01 of the Revised Code. 6685

(53) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

(54) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.

(55) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.

(56) "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm.

(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days.

**Sec. 2151.353.** (A) If a child is adjudicated an abused, neglected, or dependent child, the court may make any of the following orders of disposition:

(1) Place the child in protective supervision;

(2) Commit the child to the temporary custody of any of the following:

- (a) A public children services agency; 6714
  - (b) A private child placing agency; 6715
  - (c) Either parent; 6716
  - (d) A relative residing within or outside the state; 6717
  - (e) A probation officer for placement in a certified foster home; 6718  
6719
  - (f) Any other person approved by the court. 6720
- (3) Award legal custody of the child to either parent or 6721  
to any other person who, prior to the dispositional hearing, 6722  
files a motion requesting legal custody of the child or is 6723  
identified as a proposed legal custodian in a complaint or 6724  
motion filed prior to the dispositional hearing by any party to 6725  
the proceedings. A person identified in a complaint or motion 6726  
filed by a party to the proceedings as a proposed legal 6727  
custodian shall be awarded legal custody of the child only if 6728  
the person identified signs a statement of understanding for 6729  
legal custody that contains at least the following provisions: 6730
- (a) That it is the intent of the person to become the 6731  
legal custodian of the child and the person is able to assume 6732  
legal responsibility for the care and supervision of the child; 6733
  - (b) That the person understands that legal custody of the 6734  
child in question is intended to be permanent in nature and that 6735  
the person will be responsible as the custodian for the child 6736  
until the child reaches the age of majority. Responsibility as 6737  
custodian for the child shall continue beyond the age of 6738  
majority if, at the time the child reaches the age of majority, 6739  
the child is pursuing a diploma granted by the board of 6740  
education or other governing authority, successful completion of 6741

the curriculum of any high school, successful completion of an 6742  
individualized education program developed for the student by 6743  
any high school, or an age and schooling certificate. 6744  
Responsibility beyond the age of majority shall terminate when 6745  
the child ceases to continuously pursue such an education, 6746  
completes such an education, or is excused from such an 6747  
education under standards adopted by the ~~state board of~~ 6748  
education department of learning and achievement, whichever 6749  
occurs first. 6750

(c) That the parents of the child have residual parental 6751  
rights, privileges, and responsibilities, including, but not 6752  
limited to, the privilege of reasonable visitation, consent to 6753  
adoption, the privilege to determine the child's religious 6754  
affiliation, and the responsibility for support; 6755

(d) That the person understands that the person must be 6756  
present in court for the dispositional hearing in order to 6757  
affirm the person's intention to become legal custodian, to 6758  
affirm that the person understands the effect of the 6759  
custodianship before the court, and to answer any questions that 6760  
the court or any parties to the case may have. 6761

(4) Commit the child to the permanent custody of a public 6762  
children services agency or private child placing agency, if the 6763  
court determines in accordance with division (E) of section 6764  
2151.414 of the Revised Code that the child cannot be placed 6765  
with one of the child's parents within a reasonable time or 6766  
should not be placed with either parent and determines in 6767  
accordance with division (D) (1) of section 2151.414 of the 6768  
Revised Code that the permanent commitment is in the best 6769  
interest of the child. If the court grants permanent custody 6770  
under this division, the court, upon the request of any party, 6771

shall file a written opinion setting forth its findings of fact 6772  
and conclusions of law in relation to the proceeding. 6773

(5) Place the child in a planned permanent living 6774  
arrangement with a public children services agency or private 6775  
child placing agency, if a public children services agency or 6776  
private child placing agency requests the court to place the 6777  
child in a planned permanent living arrangement and if the court 6778  
finds, by clear and convincing evidence, that a planned 6779  
permanent living arrangement is in the best interest of the 6780  
child, that the child is sixteen years of age or older, and that 6781  
one of the following exists: 6782

(a) The child, because of physical, mental, or 6783  
psychological problems or needs, is unable to function in a 6784  
family-like setting and must remain in residential or 6785  
institutional care now and for the foreseeable future beyond the 6786  
date of the dispositional hearing held pursuant to section 6787  
2151.35 of the Revised Code. 6788

(b) The parents of the child have significant physical, 6789  
mental, or psychological problems and are unable to care for the 6790  
child because of those problems, adoption is not in the best 6791  
interest of the child, as determined in accordance with division 6792  
(D) (1) of section 2151.414 of the Revised Code, and the child 6793  
retains a significant and positive relationship with a parent or 6794  
relative. 6795

(c) The child has been counseled on the permanent 6796  
placement options available to the child, and is unwilling to 6797  
accept or unable to adapt to a permanent placement. 6798

(6) Order the removal from the child's home until further 6799  
order of the court of the person who committed abuse as 6800

described in section 2151.031 of the Revised Code against the 6801  
child, who caused or allowed the child to suffer neglect as 6802  
described in section 2151.03 of the Revised Code, or who is the 6803  
parent, guardian, or custodian of a child who is adjudicated a 6804  
dependent child and order any person not to have contact with 6805  
the child or the child's siblings. 6806

(B) (1) When making a determination on whether to place a 6807  
child in a planned permanent living arrangement pursuant to 6808  
division (A) (5) (b) or (c) of this section, the court shall 6809  
consider all relevant information that has been presented to the 6810  
court, including information gathered from the child, the 6811  
child's guardian ad litem, and the public children services 6812  
agency or private child placing agency. 6813

(2) A child who is placed in a planned permanent living 6814  
arrangement pursuant to division (A) (5) (b) or (c) of this 6815  
section shall be placed in an independent living setting or in a 6816  
family setting in which the caregiver has been provided by the 6817  
agency that has custody of the child with a notice that 6818  
addresses the following: 6819

(a) The caregiver understands that the planned permanent 6820  
living arrangement is intended to be permanent in nature and 6821  
that the caregiver will provide a stable placement for the child 6822  
through the child's emancipation or until the court releases the 6823  
child from the custody of the agency, whichever occurs first. 6824

(b) The caregiver is expected to actively participate in 6825  
the youth's independent living case plan, attend agency team 6826  
meetings and court hearings as appropriate, complete training, 6827  
as provided in division (B) of section 5103.035 of the Revised 6828  
Code, related to providing the child independent living 6829  
services, and assist in the child's transition into adulthood. 6830

(3) The department of job and family services shall 6831  
develop a model notice to be provided by an agency that has 6832  
custody of a child to a caregiver under division (B) (2) of this 6833  
section. The agency may modify the model notice to apply to the 6834  
needs of the agency. 6835

(C) No order for permanent custody or temporary custody of 6836  
a child or the placement of a child in a planned permanent 6837  
living arrangement shall be made pursuant to this section unless 6838  
the complaint alleging the abuse, neglect, or dependency 6839  
contains a prayer requesting permanent custody, temporary 6840  
custody, or the placement of the child in a planned permanent 6841  
living arrangement as desired, the summons served on the parents 6842  
of the child contains as is appropriate a full explanation that 6843  
the granting of an order for permanent custody permanently 6844  
divests them of their parental rights, a full explanation that 6845  
an adjudication that the child is an abused, neglected, or 6846  
dependent child may result in an order of temporary custody that 6847  
will cause the removal of the child from their legal custody 6848  
until the court terminates the order of temporary custody or 6849  
permanently divests the parents of their parental rights, or a 6850  
full explanation that the granting of an order for a planned 6851  
permanent living arrangement will result in the removal of the 6852  
child from their legal custody if any of the conditions listed 6853  
in divisions (A) (5) (a) to (c) of this section are found to 6854  
exist, and the summons served on the parents contains a full 6855  
explanation of their right to be represented by counsel and to 6856  
have counsel appointed pursuant to Chapter 120. of the Revised 6857  
Code if they are indigent. 6858

If after making disposition as authorized by division (A) 6859  
(2) of this section, a motion is filed that requests permanent 6860  
custody of the child, the court may grant permanent custody of 6861

the child to the movant in accordance with section 2151.414 of 6862  
the Revised Code. 6863

(D) If the court issues an order for protective 6864  
supervision pursuant to division (A)(1) of this section, the 6865  
court may place any reasonable restrictions upon the child, the 6866  
child's parents, guardian, or custodian, or any other person, 6867  
including, but not limited to, any of the following: 6868

(1) Order a party, within forty-eight hours after the 6869  
issuance of the order, to vacate the child's home indefinitely 6870  
or for a specified period of time; 6871

(2) Order a party, a parent of the child, or a physical 6872  
custodian of the child to prevent any particular person from 6873  
having contact with the child; 6874

(3) Issue an order restraining or otherwise controlling 6875  
the conduct of any person which conduct would not be in the best 6876  
interest of the child. 6877

(E) As part of its dispositional order, the court shall 6878  
journalize a case plan for the child. The journalized case plan 6879  
shall not be changed except as provided in section 2151.412 of 6880  
the Revised Code. 6881

(F)(1) The court shall retain jurisdiction over any child 6882  
for whom the court issues an order of disposition pursuant to 6883  
division (A) of this section or pursuant to section 2151.414 or 6884  
2151.415 of the Revised Code until the child attains the age of 6885  
eighteen years if the child is not mentally retarded, 6886  
developmentally disabled, or physically impaired, the child 6887  
attains the age of twenty-one years if the child is mentally 6888  
retarded, developmentally disabled, or physically impaired, or 6889  
the child is adopted and a final decree of adoption is issued, 6890

except that the court may retain jurisdiction over the child and 6891  
continue any order of disposition under division (A) of this 6892  
section or under section 2151.414 or 2151.415 of the Revised 6893  
Code for a specified period of time to enable the child to 6894  
graduate from high school or vocational school. The court shall 6895  
retain jurisdiction over a person who meets the requirements 6896  
described in division (A)(1) of section 5101.1411 of the Revised 6897  
Code and who is subject to a voluntary participation agreement 6898  
that is in effect. The court shall make an entry continuing its 6899  
jurisdiction under this division in the journal. 6900

(2) Any public children services agency, any private child 6901  
placing agency, the department of job and family services, or 6902  
any party, other than any parent whose parental rights with 6903  
respect to the child have been terminated pursuant to an order 6904  
issued under division (A)(4) of this section, by filing a motion 6905  
with the court, may at any time request the court to modify or 6906  
terminate any order of disposition issued pursuant to division 6907  
(A) of this section or section 2151.414 or 2151.415 of the 6908  
Revised Code. The court shall hold a hearing upon the motion as 6909  
if the hearing were the original dispositional hearing and shall 6910  
give all parties to the action and the guardian ad litem notice 6911  
of the hearing pursuant to the Juvenile Rules. If applicable, 6912  
the court shall comply with section 2151.42 of the Revised Code. 6913

(G) Any temporary custody order issued pursuant to 6914  
division (A) of this section shall terminate one year after the 6915  
earlier of the date on which the complaint in the case was filed 6916  
or the child was first placed into shelter care, except that, 6917  
upon the filing of a motion pursuant to section 2151.415 of the 6918  
Revised Code, the temporary custody order shall continue and not 6919  
terminate until the court issues a dispositional order under 6920  
that section. In resolving the motion, the court shall not order 6921

an existing temporary custody order to continue beyond two years 6922  
after the date on which the complaint was filed or the child was 6923  
first placed into shelter care, whichever date is earlier, 6924  
regardless of whether any extensions have been previously 6925  
ordered pursuant to division (D) of section 2151.415 of the 6926  
Revised Code. 6927

(H) (1) No later than one year after the earlier of the 6928  
date the complaint in the case was filed or the child was first 6929  
placed in shelter care, a party may ask the court to extend an 6930  
order for protective supervision for six months or to terminate 6931  
the order. A party requesting extension or termination of the 6932  
order shall file a written request for the extension or 6933  
termination with the court and give notice of the proposed 6934  
extension or termination in writing before the end of the day 6935  
after the day of filing it to all parties and the child's 6936  
guardian ad litem. If a public children services agency or 6937  
private child placing agency requests termination of the order, 6938  
the agency shall file a written status report setting out the 6939  
facts supporting termination of the order at the time it files 6940  
the request with the court. If no party requests extension or 6941  
termination of the order, the court shall notify the parties 6942  
that the court will extend the order for six months or terminate 6943  
it and that it may do so without a hearing unless one of the 6944  
parties requests a hearing. All parties and the guardian ad 6945  
litem shall have seven days from the date a notice is sent 6946  
pursuant to this division to object to and request a hearing on 6947  
the proposed extension or termination. 6948

(a) If it receives a timely request for a hearing, the 6949  
court shall schedule a hearing to be held no later than thirty 6950  
days after the request is received by the court. The court shall 6951  
give notice of the date, time, and location of the hearing to 6952

all parties and the guardian ad litem. At the hearing, the court shall determine whether extension or termination of the order is in the child's best interest. If termination is in the child's best interest, the court shall terminate the order. If extension is in the child's best interest, the court shall extend the order for six months.

(b) If it does not receive a timely request for a hearing, the court may extend the order for six months or terminate it without a hearing and shall journalize the order of extension or termination not later than fourteen days after receiving the request for extension or termination or after the date the court notifies the parties that it will extend or terminate the order. If the court does not extend or terminate the order, it shall schedule a hearing to be held no later than thirty days after the expiration of the applicable fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the child's guardian ad litem. At the hearing, the court shall determine whether extension or termination of the order is in the child's best interest. If termination is in the child's best interest, the court shall terminate the order. If extension is in the child's best interest, the court shall issue an order extending the order for protective supervision six months.

(2) If the court grants an extension of the order for protective supervision pursuant to division (H)(1) of this section, a party may, prior to termination of the extension, file with the court a request for an additional extension of six months or for termination of the order. The court and the parties shall comply with division (H)(1) of this section with respect to extending or terminating the order.

(3) If a court grants an extension pursuant to division 6983  
(H) (2) of this section, the court shall terminate the order for 6984  
protective supervision at the end of the extension. 6985

(I) The court shall not issue a dispositional order 6986  
pursuant to division (A) of this section that removes a child 6987  
from the child's home unless the court complies with section 6988  
2151.419 of the Revised Code and includes in the dispositional 6989  
order the findings of fact required by that section. 6990

(J) If a motion or application for an order described in 6991  
division (A) (6) of this section is made, the court shall not 6992  
issue the order unless, prior to the issuance of the order, it 6993  
provides to the person all of the following: 6994

(1) Notice and a copy of the motion or application; 6995

(2) The grounds for the motion or application; 6996

(3) An opportunity to present evidence and witnesses at a 6997  
hearing regarding the motion or application; 6998

(4) An opportunity to be represented by counsel at the 6999  
hearing. 7000

(K) The jurisdiction of the court shall terminate one year 7001  
after the date of the award or, if the court takes any further 7002  
action in the matter subsequent to the award, the date of the 7003  
latest further action subsequent to the award, if the court 7004  
awards legal custody of a child to either of the following: 7005

(1) A legal custodian who, at the time of the award of 7006  
legal custody, resides in a county of this state other than the 7007  
county in which the court is located; 7008

(2) A legal custodian who resides in the county in which 7009  
the court is located at the time of the award of legal custody, 7010

but moves to a different county of this state prior to one year 7011  
after the date of the award or, if the court takes any further 7012  
action in the matter subsequent to the award, one year after the 7013  
date of the latest further action subsequent to the award. 7014

The court in the county in which the legal custodian 7015  
resides then shall have jurisdiction in the matter. 7016

**Sec. 2151.362.** (A) (1) In the manner prescribed by division 7017  
(C) (1) or (2) of section 3313.64 of the Revised Code, as 7018  
applicable, the court, at the time of making any order that 7019  
removes a child from the child's own home or that vests legal or 7020  
permanent custody of the child in a person other than the 7021  
child's parent or a government agency, shall determine the 7022  
school district that is to bear the cost of educating the child. 7023  
The court shall make the determination a part of the order that 7024  
provides for the child's placement or commitment. That school 7025  
district shall bear the cost of educating the child unless and 7026  
until the department of ~~education~~ learning and achievement 7027  
determines that a different district shall be responsible for 7028  
bearing that cost pursuant to division (A) (2) of this section. 7029  
The court's order shall state that the determination of which 7030  
school district is responsible to bear the cost of educating the 7031  
child is subject to re-determination by the department pursuant 7032  
to that division. 7033

(2) If, while the child is in the custody of a person 7034  
other than the child's parent or a government agency, the 7035  
department of ~~education~~ determines that the place of residence 7036  
of the child's parent has changed since the court issued its 7037  
initial order, the department may name a different school 7038  
district to bear the cost of educating the child. The department 7039  
shall make this new determination, and any future 7040

determinations, based on evidence received from the school 7041  
district currently responsible to bear the cost of educating the 7042  
child. If the department finds that the evidence demonstrates to 7043  
its satisfaction that the residence of the child's parent has 7044  
changed since the court issued its initial order under division 7045  
(A) (1) of this section, or since the department last made a 7046  
determination under division (A) (2) of this section, the 7047  
department shall name the district in which the child's parent 7048  
currently resides or, if the parent's residence is not known, 7049  
the district in which the parent's last known residence is 7050  
located. If the department cannot determine any Ohio district in 7051  
which the parent currently resides or has resided, the school 7052  
district designated in the initial court order under division 7053  
(A) (1) of this section, or in the most recent determination made 7054  
by the department under division (A) (2) of this section, shall 7055  
continue to bear the cost of educating the child. 7056

(B) Whenever a child is placed in a detention facility 7057  
established under section 2152.41 of the Revised Code or a 7058  
juvenile facility established under section 2151.65 of the 7059  
Revised Code, the facility shall be responsible for coordinating 7060  
the education of the child. The facility may take any of the 7061  
following measures in coordinating the education of the child: 7062

(1) If applicable, use the chartered nonpublic school that 7063  
the facility operates; 7064

(2) Arrange with the school district responsible for 7065  
bearing the cost of educating the child determined under 7066  
division (A) of this section, for the facility to educate the 7067  
child on its own; 7068

(3) Contract with an educational service center for the 7069  
service center to educate the child; 7070

(4) Contract with the school district in which the 7071  
facility is located for that school district to educate the 7072  
child; 7073

(5) If the child is enrolled in an internet- or computer- 7074  
based community school established under Chapter 3314. of the 7075  
Revised Code, and provided that the facility possesses the 7076  
necessary hardware, software, and internet connectivity, permit 7077  
continued instruction of the child by the internet- or computer- 7078  
based community school. 7079

If the facility coordinates the education of the child 7080  
pursuant to division (B)(1), (2), (3), or (4) of this section, 7081  
child's school district as determined by the court or the 7082  
department, in the same manner as prescribed in division (A) of 7083  
this section, shall pay the cost of educating the child based on 7084  
the per capita cost of the educational facility within the 7085  
detention home or juvenile facility. 7086

If the facility coordinates the education of the child 7087  
pursuant to division (B)(5) of this section, payment for the 7088  
cost of educating the child shall be made only as provided in 7089  
division (C) of section 3314.08 of the Revised Code. 7090

(C) Whenever a child is placed by the court in a private 7091  
institution, school, or residential treatment center or any 7092  
other private facility, the state shall pay to the court a 7093  
subsidy to help defray the expense of educating the child in an 7094  
amount equal to the product of the daily per capita educational 7095  
cost of the private facility, as determined pursuant to this 7096  
section, and the number of days the child resides at the private 7097  
facility, provided that the subsidy shall not exceed twenty-five 7098  
hundred dollars per year per child. The daily per capita 7099  
educational cost of a private facility shall be determined by 7100

dividing the actual program cost of the private facility or 7101  
twenty-five hundred dollars, whichever is less, by three hundred 7102  
sixty-five days or by three hundred sixty-six days for years 7103  
that include February twenty-ninth. The state shall pay seventy- 7104  
five per cent of the total subsidy for each year quarterly to 7105  
the court. The state may adjust the remaining twenty-five per 7106  
cent of the total subsidy to be paid to the court for each year 7107  
to an amount that is less than twenty-five per cent of the total 7108  
subsidy for that year based upon the availability of funds 7109  
appropriated to the department ~~of education~~ for the purpose of 7110  
subsidizing courts that place a child in a private institution, 7111  
school, or residential treatment center or any other private 7112  
facility and shall pay that adjusted amount to the court at the 7113  
end of the year. 7114

**Sec. 2305.111.** (A) As used in this section: 7115

(1) "Childhood sexual abuse" means any conduct that 7116  
constitutes any of the violations identified in division (A)(1) 7117  
(a) or (b) of this section and would constitute a criminal 7118  
offense under the specified section or division of the Revised 7119  
Code, if the victim of the violation is at the time of the 7120  
violation a child under eighteen years of age or a child with a 7121  
developmental disability or physical impairment under twenty-one 7122  
years of age. The court need not find that any person has been 7123  
convicted of or pleaded guilty to the offense under the 7124  
specified section or division of the Revised Code in order for 7125  
the conduct that is the violation constituting the offense to be 7126  
childhood sexual abuse for purposes of this division. This 7127  
division applies to any of the following violations committed in 7128  
the following specified circumstances: 7129

(a) A violation of section 2907.02 or of division (A)(1), 7130

(5), (6), (7), (8), (9), (10), (11), or (12) of section 2907.03 7131  
of the Revised Code; 7132

(b) A violation of section 2907.05 or 2907.06 of the 7133  
Revised Code if, at the time of the violation, any of the 7134  
following apply: 7135

(i) The actor is the victim's natural parent, adoptive 7136  
parent, or stepparent or the guardian, custodian, or person in 7137  
loco parentis of the victim. 7138

(ii) The victim is in custody of law or a patient in a 7139  
hospital or other institution, and the actor has supervisory or 7140  
disciplinary authority over the victim. 7141

(iii) The actor is a teacher, administrator, coach, or 7142  
other person in authority employed by or serving in a school for 7143  
which the ~~state board of education~~ department of learning and 7144  
achievement prescribes minimum standards pursuant to division 7145  
(D) of section 3301.07 of the Revised Code, the victim is 7146  
enrolled in or attends that school, and the actor is not 7147  
enrolled in and does not attend that school. 7148

(iv) The actor is a teacher, administrator, coach, or 7149  
other person in authority employed by or serving in an 7150  
institution of higher education, and the victim is enrolled in 7151  
or attends that institution. 7152

(v) The actor is the victim's athletic or other type of 7153  
coach, is the victim's instructor, is the leader of a scouting 7154  
troop of which the victim is a member, or is a person with 7155  
temporary or occasional disciplinary control over the victim. 7156

(vi) The actor is a mental health professional, the victim 7157  
is a mental health client or patient of the actor, and the actor 7158  
induces the victim to submit by falsely representing to the 7159

victim that the sexual contact involved in the violation is 7160  
necessary for mental health treatment purposes. 7161

(vii) The victim is confined in a detention facility, and 7162  
the actor is an employee of that detention facility. 7163

(viii) The actor is a cleric, and the victim is a member 7164  
of, or attends, the church or congregation served by the cleric. 7165

(2) "Cleric" has the same meaning as in section 2317.02 of 7166  
the Revised Code. 7167

(3) "Mental health client or patient" has the same meaning 7168  
as in section 2305.51 of the Revised Code. 7169

(4) "Mental health professional" has the same meaning as 7170  
in section 2305.115 of the Revised Code. 7171

(5) "Sexual contact" has the same meaning as in section 7172  
2907.01 of the Revised Code. 7173

(6) "Victim" means, except as provided in division (B) of 7174  
this section, a victim of childhood sexual abuse. 7175

(B) Except as provided in section 2305.115 of the Revised 7176  
Code and subject to division (C) of this section, an action for 7177  
assault or battery shall be brought within one year after the 7178  
cause of the action accrues. For purposes of this section, a 7179  
cause of action for assault or battery accrues upon the later of 7180  
the following: 7181

(1) The date on which the alleged assault or battery 7182  
occurred; 7183

(2) If the plaintiff did not know the identity of the 7184  
person who allegedly committed the assault or battery on the 7185  
date on which it allegedly occurred, the earlier of the 7186

following dates: 7187

(a) The date on which the plaintiff learns the identity of 7188  
that person; 7189

(b) The date on which, by the exercise of reasonable 7190  
diligence, the plaintiff should have learned the identity of 7191  
that person. 7192

(C) An action for assault or battery brought by a victim 7193  
of childhood sexual abuse based on childhood sexual abuse, or an 7194  
action brought by a victim of childhood sexual abuse asserting 7195  
any claim resulting from childhood sexual abuse, shall be 7196  
brought within twelve years after the cause of action accrues. 7197  
For purposes of this section, a cause of action for assault or 7198  
battery based on childhood sexual abuse, or a cause of action 7199  
for a claim resulting from childhood sexual abuse, accrues upon 7200  
the date on which the victim reaches the age of majority. If the 7201  
defendant in an action brought by a victim of childhood sexual 7202  
abuse asserting a claim resulting from childhood sexual abuse 7203  
that occurs on or after August 3, 2006, has fraudulently 7204  
concealed from the plaintiff facts that form the basis of the 7205  
claim, the running of the limitations period with regard to that 7206  
claim is tolled until the time when the plaintiff discovers or 7207  
in the exercise of due diligence should have discovered those 7208  
facts. 7209

**Sec. 2741.01.** As used in this chapter: 7210

(A) "Persona" means an individual's name, voice, 7211  
signature, photograph, image, likeness, or distinctive 7212  
appearance, if any of these aspects have commercial value. 7213

(B) "Commercial purpose" means the use of or reference to 7214  
an aspect of an individual's persona in any of the following 7215

manners:	7216
(1) On or in connection with a place, product,	7217
merchandise, goods, services, or other commercial activities not	7218
expressly exempted under this chapter;	7219
(2) For advertising or soliciting the purchase of	7220
products, merchandise, goods, services, or other commercial	7221
activities not expressly exempted under this chapter;	7222
(3) For the purpose of promoting travel to a place;	7223
(4) For the purpose of fundraising.	7224
(C) "Name" means the actual, assumed, or clearly	7225
identifiable name of or reference to a living or deceased	7226
individual that identifies the individual.	7227
(D) "Right of publicity" means the property right in an	7228
individual's persona to use the individual's persona for a	7229
commercial purpose.	7230
(E) "Trier of fact" means the jury or, in a nonjury	7231
action, the court.	7232
(F) "Written consent" includes written, electronic,	7233
digital, or any other verifiable means of authorization.	7234
(G) "Institution of higher education" means a state	7235
institution of higher education as defined in section 3345.011	7236
of the Revised Code, a private nonprofit college or university	7237
located in this state that possesses a certificate of	7238
authorization issued by the <del>Ohio board department of regents</del>	7239
<u>learning and achievement</u> pursuant to Chapter 1713. of the	7240
Revised Code, or a school located in this state that possesses a	7241
certificate of registration and one or more program	7242
authorizations issued by the state board of career colleges and	7243

schools under Chapter 3332. of the Revised Code. 7244

**Sec. 2901.01.** (A) As used in the Revised Code: 7245

(1) "Force" means any violence, compulsion, or constraint 7246  
physically exerted by any means upon or against a person or 7247  
thing. 7248

(2) "Deadly force" means any force that carries a 7249  
substantial risk that it will proximately result in the death of 7250  
any person. 7251

(3) "Physical harm to persons" means any injury, illness, 7252  
or other physiological impairment, regardless of its gravity or 7253  
duration. 7254

(4) "Physical harm to property" means any tangible or 7255  
intangible damage to property that, in any degree, results in 7256  
loss to its value or interferes with its use or enjoyment. 7257  
"Physical harm to property" does not include wear and tear 7258  
occasioned by normal use. 7259

(5) "Serious physical harm to persons" means any of the 7260  
following: 7261

(a) Any mental illness or condition of such gravity as 7262  
would normally require hospitalization or prolonged psychiatric 7263  
treatment; 7264

(b) Any physical harm that carries a substantial risk of 7265  
death; 7266

(c) Any physical harm that involves some permanent 7267  
incapacity, whether partial or total, or that involves some 7268  
temporary, substantial incapacity; 7269

(d) Any physical harm that involves some permanent 7270

disfigurement or that involves some temporary, serious 7271  
disfigurement; 7272

(e) Any physical harm that involves acute pain of such 7273  
duration as to result in substantial suffering or that involves 7274  
any degree of prolonged or intractable pain. 7275

(6) "Serious physical harm to property" means any physical 7276  
harm to property that does either of the following: 7277

(a) Results in substantial loss to the value of the 7278  
property or requires a substantial amount of time, effort, or 7279  
money to repair or replace; 7280

(b) Temporarily prevents the use or enjoyment of the 7281  
property or substantially interferes with its use or enjoyment 7282  
for an extended period of time. 7283

(7) "Risk" means a significant possibility, as contrasted 7284  
with a remote possibility, that a certain result may occur or 7285  
that certain circumstances may exist. 7286

(8) "Substantial risk" means a strong possibility, as 7287  
contrasted with a remote or significant possibility, that a 7288  
certain result may occur or that certain circumstances may 7289  
exist. 7290

(9) "Offense of violence" means any of the following: 7291

(a) A violation of section 2903.01, 2903.02, 2903.03, 7292  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 7293  
2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03, 7294  
2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 7295  
2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 7296  
2921.34, or 2923.161, of division (A) (1) of section 2903.34, of 7297  
division (A) (1), (2), or (3) of section 2911.12, or of division 7298

(B) (1), (2), (3), or (4) of section 2919.22 of the Revised Code 7299  
or felonious sexual penetration in violation of former section 7300  
2907.12 of the Revised Code; 7301

(b) A violation of an existing or former municipal 7302  
ordinance or law of this or any other state or the United 7303  
States, substantially equivalent to any section, division, or 7304  
offense listed in division (A) (9) (a) of this section; 7305

(c) An offense, other than a traffic offense, under an 7306  
existing or former municipal ordinance or law of this or any 7307  
other state or the United States, committed purposely or 7308  
knowingly, and involving physical harm to persons or a risk of 7309  
serious physical harm to persons; 7310

(d) A conspiracy or attempt to commit, or complicity in 7311  
committing, any offense under division (A) (9) (a), (b), or (c) of 7312  
this section. 7313

(10) (a) "Property" means any property, real or personal, 7314  
tangible or intangible, and any interest or license in that 7315  
property. "Property" includes, but is not limited to, cable 7316  
television service, other telecommunications service, 7317  
telecommunications devices, information service, computers, 7318  
data, computer software, financial instruments associated with 7319  
computers, other documents associated with computers, or copies 7320  
of the documents, whether in machine or human readable form, 7321  
trade secrets, trademarks, copyrights, patents, and property 7322  
protected by a trademark, copyright, or patent. "Financial 7323  
instruments associated with computers" include, but are not 7324  
limited to, checks, drafts, warrants, money orders, notes of 7325  
indebtedness, certificates of deposit, letters of credit, bills 7326  
of credit or debit cards, financial transaction authorization 7327  
mechanisms, marketable securities, or any computer system 7328

representations of any of them. 7329

(b) As used in division (A) (10) of this section, "trade 7330  
secret" has the same meaning as in section 1333.61 of the 7331  
Revised Code, and "telecommunications service" and "information 7332  
service" have the same meanings as in section 2913.01 of the 7333  
Revised Code. 7334

(c) As used in divisions (A) (10) and (13) of this section, 7335  
"cable television service," "computer," "computer software," 7336  
"computer system," "computer network," "data," and 7337  
"telecommunications device" have the same meanings as in section 7338  
2913.01 of the Revised Code. 7339

(11) "Law enforcement officer" means any of the following: 7340

(a) A sheriff, deputy sheriff, constable, police officer 7341  
of a township or joint police district, marshal, deputy marshal, 7342  
municipal police officer, member of a police force employed by a 7343  
metropolitan housing authority under division (D) of section 7344  
3735.31 of the Revised Code, or state highway patrol trooper; 7345

(b) An officer, agent, or employee of the state or any of 7346  
its agencies, instrumentalities, or political subdivisions, upon 7347  
whom, by statute, a duty to conserve the peace or to enforce all 7348  
or certain laws is imposed and the authority to arrest violators 7349  
is conferred, within the limits of that statutory duty and 7350  
authority; 7351

(c) A mayor, in the mayor's capacity as chief conservator 7352  
of the peace within the mayor's municipal corporation; 7353

(d) A member of an auxiliary police force organized by 7354  
county, township, or municipal law enforcement authorities, 7355  
within the scope of the member's appointment or commission; 7356

(e) A person lawfully called pursuant to section 311.07 of the Revised Code to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;

(f) A person appointed by a mayor pursuant to section 737.01 of the Revised Code as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;

(g) A member of the organized militia of this state or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;

(h) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor;

(i) A veterans' home police officer appointed under section 5907.02 of the Revised Code;

(j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;

(k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;

(l) The house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E) (1) of section 101.311 of the Revised Code and an assistant house of representatives sergeant at arms;

(m) The senate sergeant at arms and an assistant senate sergeant at arms;

(n) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air

navigation facility, that has scheduled operations, as defined 7385  
in section 119.3 of Title 14 of the Code of Federal Regulations, 7386  
14 C.F.R. 119.3, as amended, and that is required to be under a 7387  
security program and is governed by aviation security rules of 7388  
the transportation security administration of the United States 7389  
department of transportation as provided in Parts 1542. and 7390  
1544. of Title 49 of the Code of Federal Regulations, as 7391  
amended. 7392

(12) "Privilege" means an immunity, license, or right 7393  
conferred by law, bestowed by express or implied grant, arising 7394  
out of status, position, office, or relationship, or growing out 7395  
of necessity. 7396

(13) "Contraband" means any property that is illegal for a 7397  
person to acquire or possess under a statute, ordinance, or 7398  
rule, or that a trier of fact lawfully determines to be illegal 7399  
to possess by reason of the property's involvement in an 7400  
offense. "Contraband" includes, but is not limited to, all of 7401  
the following: 7402

(a) Any controlled substance, as defined in section 7403  
3719.01 of the Revised Code, or any device or paraphernalia; 7404

(b) Any unlawful gambling device or paraphernalia; 7405

(c) Any dangerous ordnance or obscene material. 7406

(14) A person is "not guilty by reason of insanity" 7407  
relative to a charge of an offense only if the person proves, in 7408  
the manner specified in section 2901.05 of the Revised Code, 7409  
that at the time of the commission of the offense, the person 7410  
did not know, as a result of a severe mental disease or defect, 7411  
the wrongfulness of the person's acts. 7412

(B) (1) (a) Subject to division (B) (2) of this section, as 7413

used in any section contained in Title XXIX of the Revised Code 7414  
that sets forth a criminal offense, "person" includes all of the 7415  
following: 7416

(i) An individual, corporation, business trust, estate, 7417  
trust, partnership, and association; 7418

(ii) An unborn human who is viable. 7419

(b) As used in any section contained in Title XXIX of the 7420  
Revised Code that does not set forth a criminal offense, 7421  
"person" includes an individual, corporation, business trust, 7422  
estate, trust, partnership, and association. 7423

(c) As used in division (B) (1) (a) of this section: 7424

(i) "Unborn human" means an individual organism of the 7425  
species Homo sapiens from fertilization until live birth. 7426

(ii) "Viable" means the stage of development of a human 7427  
fetus at which there is a realistic possibility of maintaining 7428  
and nourishing of a life outside the womb with or without 7429  
temporary artificial life-sustaining support. 7430

(2) Notwithstanding division (B) (1) (a) of this section, in 7431  
no case shall the portion of the definition of the term "person" 7432  
that is set forth in division (B) (1) (a) (ii) of this section be 7433  
applied or construed in any section contained in Title XXIX of 7434  
the Revised Code that sets forth a criminal offense in any of 7435  
the following manners: 7436

(a) Except as otherwise provided in division (B) (2) (a) of 7437  
this section, in a manner so that the offense prohibits or is 7438  
construed as prohibiting any pregnant woman or her physician 7439  
from performing an abortion with the consent of the pregnant 7440  
woman, with the consent of the pregnant woman implied by law in 7441

a medical emergency, or with the approval of one otherwise 7442  
authorized by law to consent to medical treatment on behalf of 7443  
the pregnant woman. An abortion that violates the conditions 7444  
described in the immediately preceding sentence may be punished 7445  
as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 7446  
2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 7447  
2903.21, or 2903.22 of the Revised Code, as applicable. An 7448  
abortion that does not violate the conditions described in the 7449  
second immediately preceding sentence, but that does violate 7450  
section 2919.12, division (B) of section 2919.13, or section 7451  
2919.151, 2919.17, or 2919.18 of the Revised Code, may be 7452  
punished as a violation of section 2919.12, division (B) of 7453  
section 2919.13, or section 2919.151, 2919.17, or 2919.18 of the 7454  
Revised Code, as applicable. Consent is sufficient under this 7455  
division if it is of the type otherwise adequate to permit 7456  
medical treatment to the pregnant woman, even if it does not 7457  
comply with section 2919.12 of the Revised Code. 7458

(b) In a manner so that the offense is applied or is 7459  
construed as applying to a woman based on an act or omission of 7460  
the woman that occurs while she is or was pregnant and that 7461  
results in any of the following: 7462

(i) Her delivery of a stillborn baby; 7463

(ii) Her causing, in any other manner, the death in utero 7464  
of a viable, unborn human that she is carrying; 7465

(iii) Her causing the death of her child who is born alive 7466  
but who dies from one or more injuries that are sustained while 7467  
the child is a viable, unborn human; 7468

(iv) Her causing her child who is born alive to sustain 7469  
one or more injuries while the child is a viable, unborn human; 7470

(v) Her causing, threatening to cause, or attempting to cause, in any other manner, an injury, illness, or other physiological impairment, regardless of its duration or gravity, or a mental illness or condition, regardless of its duration or gravity, to a viable, unborn human that she is carrying.

(C) As used in Title XXIX of the Revised Code:

(1) "School safety zone" consists of a school, school building, school premises, school activity, and school bus.

(2) "School," "school building," and "school premises" have the same meanings as in section 2925.01 of the Revised Code.

(3) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district; a governing authority of a community school established under Chapter 3314. of the Revised Code; a governing board of an educational service center, or the governing body of a school for which the ~~state board~~ department of education learning and achievement prescribes minimum standards under section 3301.07 of the Revised Code.

(4) "School bus" has the same meaning as in section 4511.01 of the Revised Code.

**Sec. 2903.13.** (A) No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn.

(B) No person shall recklessly cause serious physical harm to another or to another's unborn.

(C) (1) Whoever violates this section is guilty of assault,

and the court shall sentence the offender as provided in this 7499  
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 7500  
(8), (9), and (10) of this section. Except as otherwise provided 7501  
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 7502  
section, assault is a misdemeanor of the first degree. 7503

(2) Except as otherwise provided in this division, if the 7504  
offense is committed by a caretaker against a functionally 7505  
impaired person under the caretaker's care, assault is a felony 7506  
of the fourth degree. If the offense is committed by a caretaker 7507  
against a functionally impaired person under the caretaker's 7508  
care, if the offender previously has been convicted of or 7509  
pleaded guilty to a violation of this section or section 2903.11 7510  
or 2903.16 of the Revised Code, and if in relation to the 7511  
previous conviction the offender was a caretaker and the victim 7512  
was a functionally impaired person under the offender's care, 7513  
assault is a felony of the third degree. 7514

(3) If the offense occurs in or on the grounds of a state 7515  
correctional institution or an institution of the department of 7516  
youth services, the victim of the offense is an employee of the 7517  
department of rehabilitation and correction or the department of 7518  
youth services, and the offense is committed by a person 7519  
incarcerated in the state correctional institution or by a 7520  
person institutionalized in the department of youth services 7521  
institution pursuant to a commitment to the department of youth 7522  
services, assault is a felony of the third degree. 7523

(4) If the offense is committed in any of the following 7524  
circumstances, assault is a felony of the fifth degree: 7525

(a) The offense occurs in or on the grounds of a local 7526  
correctional facility, the victim of the offense is an employee 7527  
of the local correctional facility or a probation department or 7528

is on the premises of the facility for business purposes or as a 7529  
visitor, and the offense is committed by a person who is under 7530  
custody in the facility subsequent to the person's arrest for 7531  
any crime or delinquent act, subsequent to the person's being 7532  
charged with or convicted of any crime, or subsequent to the 7533  
person's being alleged to be or adjudicated a delinquent child. 7534

(b) The offense occurs off the grounds of a state 7535  
correctional institution and off the grounds of an institution 7536  
of the department of youth services, the victim of the offense 7537  
is an employee of the department of rehabilitation and 7538  
correction, the department of youth services, or a probation 7539  
department, the offense occurs during the employee's official 7540  
work hours and while the employee is engaged in official work 7541  
responsibilities, and the offense is committed by a person 7542  
incarcerated in a state correctional institution or 7543  
institutionalized in the department of youth services who 7544  
temporarily is outside of the institution for any purpose, by a 7545  
parolee, by an offender under transitional control, under a 7546  
community control sanction, or on an escorted visit, by a person 7547  
under post-release control, or by an offender under any other 7548  
type of supervision by a government agency. 7549

(c) The offense occurs off the grounds of a local 7550  
correctional facility, the victim of the offense is an employee 7551  
of the local correctional facility or a probation department, 7552  
the offense occurs during the employee's official work hours and 7553  
while the employee is engaged in official work responsibilities, 7554  
and the offense is committed by a person who is under custody in 7555  
the facility subsequent to the person's arrest for any crime or 7556  
delinquent act, subsequent to the person being charged with or 7557  
convicted of any crime, or subsequent to the person being 7558  
alleged to be or adjudicated a delinquent child and who 7559

temporarily is outside of the facility for any purpose or by a 7560  
parolee, by an offender under transitional control, under a 7561  
community control sanction, or on an escorted visit, by a person 7562  
under post-release control, or by an offender under any other 7563  
type of supervision by a government agency. 7564

(d) The victim of the offense is a school teacher or 7565  
administrator or a school bus operator, and the offense occurs 7566  
in a school, on school premises, in a school building, on a 7567  
school bus, or while the victim is outside of school premises or 7568  
a school bus and is engaged in duties or official 7569  
responsibilities associated with the victim's employment or 7570  
position as a school teacher or administrator or a school bus 7571  
operator, including, but not limited to, driving, accompanying, 7572  
or chaperoning students at or on class or field trips, athletic 7573  
events, or other school extracurricular activities or functions 7574  
outside of school premises. 7575

(5) If the victim of the offense is a peace officer or an 7576  
investigator of the bureau of criminal identification and 7577  
investigation, a firefighter, or a person performing emergency 7578  
medical service, while in the performance of their official 7579  
duties, assault is a felony of the fourth degree. 7580

(6) If the victim of the offense is a peace officer or an 7581  
investigator of the bureau of criminal identification and 7582  
investigation and if the victim suffered serious physical harm 7583  
as a result of the commission of the offense, assault is a 7584  
felony of the fourth degree, and the court, pursuant to division 7585  
(F) of section 2929.13 of the Revised Code, shall impose as a 7586  
mandatory prison term one of the prison terms prescribed for a 7587  
felony of the fourth degree that is at least twelve months in 7588  
duration. 7589

(7) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, assault is either a felony of the fifth degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, a felony of the fourth degree.

(8) If the victim of the offense is a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital whom the offender knows or has reasonable cause to know is a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital, if the victim is engaged in the performance of the victim's duties, and if the hospital offers de-escalation or crisis intervention training for such professionals, workers, or officers, assault is one of the following:

(a) Except as otherwise provided in division (C) (8) (b) of this section, assault committed in the specified circumstances is a misdemeanor of the first degree. Notwithstanding the fine specified in division (A) (2) (b) of section 2929.28 of the Revised Code for a misdemeanor of the first degree, in sentencing the offender under this division and if the court decides to impose a fine, the court may impose upon the offender a fine of not more than five thousand dollars.

(b) If the offender previously has been convicted of or  
pleaded guilty to one or more assault or homicide offenses  
committed against hospital personnel, assault committed in the  
specified circumstances is a felony of the fifth degree.

(9) If the victim of the offense is a judge, magistrate,  
prosecutor, or court official or employee whom the offender  
knows or has reasonable cause to know is a judge, magistrate,  
prosecutor, or court official or employee, and if the victim is  
engaged in the performance of the victim's duties, assault is  
one of the following:

(a) Except as otherwise provided in division (C) (8) (b) of  
this section, assault committed in the specified circumstances  
is a misdemeanor of the first degree. In sentencing the offender  
under this division, if the court decides to impose a fine,  
notwithstanding the fine specified in division (A) (2) (b) of  
section 2929.28 of the Revised Code for a misdemeanor of the  
first degree, the court may impose upon the offender a fine of  
not more than five thousand dollars.

(b) If the offender previously has been convicted of or  
pleaded guilty to one or more assault or homicide offenses  
committed against justice system personnel, assault committed in  
the specified circumstances is a felony of the fifth degree.

(10) If an offender who is convicted of or pleads guilty  
to assault when it is a misdemeanor also is convicted of or  
pleads guilty to a specification as described in section  
2941.1423 of the Revised Code that was included in the  
indictment, count in the indictment, or information charging the  
offense, the court shall sentence the offender to a mandatory  
jail term as provided in division (G) of section 2929.24 of the  
Revised Code.

If an offender who is convicted of or pleads guilty to assault when it is a felony also is convicted of or pleads guilty to a specification as described in section 2941.1423 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, except as otherwise provided in division (C) (6) of this section, the court shall sentence the offender to a mandatory prison term as provided in division (B) (8) of section 2929.14 of the Revised Code.

(D) As used in this section:

(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code.

(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.

(4) "Local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.

(5) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in

the operation of the facility. 7679

(6) "School teacher or administrator" means either of the 7680  
following: 7681

(a) A person who is employed in the public schools of the 7682  
state under a contract described in section 3311.77 or 3319.08 7683  
of the Revised Code in a position in which the person is 7684  
required to have a certificate issued pursuant to sections 7685  
3319.22 to 3319.311 of the Revised Code. 7686

(b) A person who is employed by a nonpublic school for 7687  
which the ~~state board department of education learning and~~ 7688  
achievement prescribes minimum standards under section 3301.07 7689  
of the Revised Code and who is certificated in accordance with 7690  
section 3301.071 of the Revised Code. 7691

(7) "Community control sanction" has the same meaning as 7692  
in section 2929.01 of the Revised Code. 7693

(8) "Escorted visit" means an escorted visit granted under 7694  
section 2967.27 of the Revised Code. 7695

(9) "Post-release control" and "transitional control" have 7696  
the same meanings as in section 2967.01 of the Revised Code. 7697

(10) "Investigator of the bureau of criminal 7698  
identification and investigation" has the same meaning as in 7699  
section 2903.11 of the Revised Code. 7700

(11) "Health care professional" and "health care worker" 7701  
have the same meanings as in section 2305.234 of the Revised 7702  
Code. 7703

(12) "Assault or homicide offense committed against 7704  
hospital personnel" means a violation of this section or of 7705  
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 7706

2903.12, or 2903.14 of the Revised Code committed in 7707  
circumstances in which all of the following apply: 7708

(a) The victim of the offense was a health care 7709  
professional of a hospital, a health care worker of a hospital, 7710  
or a security officer of a hospital. 7711

(b) The offender knew or had reasonable cause to know that 7712  
the victim was a health care professional of a hospital, a 7713  
health care worker of a hospital, or a security officer of a 7714  
hospital. 7715

(c) The victim was engaged in the performance of the 7716  
victim's duties. 7717

(d) The hospital offered de-escalation or crisis 7718  
intervention training for such professionals, workers, or 7719  
officers. 7720

(13) "De-escalation or crisis intervention training" means 7721  
de-escalation or crisis intervention training for health care 7722  
professionals of a hospital, health care workers of a hospital, 7723  
and security officers of a hospital to facilitate interaction 7724  
with patients, members of a patient's family, and visitors, 7725  
including those with mental impairments. 7726

(14) "Assault or homicide offense committed against 7727  
justice system personnel" means a violation of this section or 7728  
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 7729  
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 7730  
circumstances in which the victim of the offense was a judge, 7731  
magistrate, prosecutor, or court official or employee whom the 7732  
offender knew or had reasonable cause to know was a judge, 7733  
magistrate, prosecutor, or court official or employee, and the 7734  
victim was engaged in the performance of the victim's duties. 7735

(15) "Court official or employee" means any official or 7736  
employee of a court created under the constitution or statutes 7737  
of this state or of a United States court located in this state. 7738

(16) "Judge" means a judge of a court created under the 7739  
constitution or statutes of this state or of a United States 7740  
court located in this state. 7741

(17) "Magistrate" means an individual who is appointed by 7742  
a court of record of this state and who has the powers and may 7743  
perform the functions specified in Civil Rule 53, Criminal Rule 7744  
19, or Juvenile Rule 40, or an individual who is appointed by a 7745  
United States court located in this state who has similar powers 7746  
and functions. 7747

(18) "Prosecutor" has the same meaning as in section 7748  
2935.01 of the Revised Code. 7749

(19) (a) "Hospital" means, subject to division (D) (19) (b) 7750  
of this section, an institution classified as a hospital under 7751  
section 3701.01 of the Revised Code in which are provided to 7752  
patients diagnostic, medical, surgical, obstetrical, 7753  
psychiatric, or rehabilitation care or a hospital operated by a 7754  
health maintenance organization. 7755

(b) "Hospital" does not include any of the following: 7756

(i) A facility licensed under Chapter 3721. of the Revised 7757  
Code, a health care facility operated by the department of 7758  
mental health or the department of developmental disabilities, a 7759  
health maintenance organization that does not operate a 7760  
hospital, or the office of any private, licensed health care 7761  
professional, whether organized for individual or group 7762  
practice; 7763

(ii) An institution for the sick that is operated 7764

exclusively for patients who use spiritual means for healing and 7765  
for whom the acceptance of medical care is inconsistent with 7766  
their religious beliefs, accredited by a national accrediting 7767  
organization, exempt from federal income taxation under section 7768  
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 7769  
U.S.C. 1, as amended, and providing twenty-four-hour nursing 7770  
care pursuant to the exemption in division (E) of section 7771  
4723.32 of the Revised Code from the licensing requirements of 7772  
Chapter 4723. of the Revised Code. 7773

(20) "Health maintenance organization" has the same 7774  
meaning as in section 3727.01 of the Revised Code. 7775

**Sec. 2907.03.** (A) No person shall engage in sexual conduct 7776  
with another, not the spouse of the offender, when any of the 7777  
following apply: 7778

(1) The offender knowingly coerces the other person to 7779  
submit by any means that would prevent resistance by a person of 7780  
ordinary resolution. 7781

(2) The offender knows that the other person's ability to 7782  
appraise the nature of or control the other person's own conduct 7783  
is substantially impaired. 7784

(3) The offender knows that the other person submits 7785  
because the other person is unaware that the act is being 7786  
committed. 7787

(4) The offender knows that the other person submits 7788  
because the other person mistakenly identifies the offender as 7789  
the other person's spouse. 7790

(5) The offender is the other person's natural or adoptive 7791  
parent, or a stepparent, or guardian, custodian, or person in 7792  
loco parentis of the other person. 7793

(6) The other person is in custody of law or a patient in 7794  
a hospital or other institution, and the offender has 7795  
supervisory or disciplinary authority over the other person. 7796

(7) The offender is a teacher, administrator, coach, or 7797  
other person in authority employed by or serving in a school for 7798  
which the ~~state board~~ department of education-learning and 7799  
achievement prescribes minimum standards pursuant to division 7800  
(D) of section 3301.07 of the Revised Code, the other person is 7801  
enrolled in or attends that school, and the offender is not 7802  
enrolled in and does not attend that school. 7803

(8) The other person is a minor, the offender is a 7804  
teacher, administrator, coach, or other person in authority 7805  
employed by or serving in an institution of higher education, 7806  
and the other person is enrolled in or attends that institution. 7807

(9) The other person is a minor, and the offender is the 7808  
other person's athletic or other type of coach, is the other 7809  
person's instructor, is the leader of a scouting troop of which 7810  
the other person is a member, or is a person with temporary or 7811  
occasional disciplinary control over the other person. 7812

(10) The offender is a mental health professional, the 7813  
other person is a mental health client or patient of the 7814  
offender, and the offender induces the other person to submit by 7815  
falsely representing to the other person that the sexual conduct 7816  
is necessary for mental health treatment purposes. 7817

(11) The other person is confined in a detention facility, 7818  
and the offender is an employee of that detention facility. 7819

(12) The other person is a minor, the offender is a 7820  
cleric, and the other person is a member of, or attends, the 7821  
church or congregation served by the cleric. 7822

(13) The other person is a minor, the offender is a peace officer, and the offender is more than two years older than the other person. 7823  
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(B) Whoever violates this section is guilty of sexual battery. Except as otherwise provided in this division, sexual battery is a felony of the third degree. If the other person is less than thirteen years of age, sexual battery is a felony of the second degree, and the court shall impose upon the offender a mandatory prison term equal to one of the prison terms prescribed in section 2929.14 of the Revised Code for a felony of the second degree. 7826  
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(C) As used in this section: 7834

(1) "Cleric" has the same meaning as in section 2317.02 of the Revised Code. 7835  
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(2) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code. 7837  
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(3) "Institution of higher education" means a state institution of higher education defined in section 3345.011 of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued by the ~~Ohio board~~ department of regents—learning and achievement pursuant to Chapter 1713. of the Revised Code, or a school certified under Chapter 3332. of the Revised Code. 7839  
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(4) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 7847  
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**Sec. 2917.31.** (A) No person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or alarm, by doing any of the following: 7849  
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(1) Initiating or circulating a report or warning of an 7852  
alleged or impending fire, explosion, crime, or other 7853  
catastrophe, knowing that such report or warning is false; 7854

(2) Threatening to commit any offense of violence; 7855

(3) Committing any offense, with reckless disregard of the 7856  
likelihood that its commission will cause serious public 7857  
inconvenience or alarm. 7858

(B) Division (A) (1) of this section does not apply to any 7859  
person conducting an authorized fire or emergency drill. 7860

(C) (1) Whoever violates this section is guilty of inducing 7861  
panic. 7862

(2) Except as otherwise provided in division (C) (3), (4), 7863  
(5), (6), (7), or (8) of this section, inducing panic is a 7864  
misdemeanor of the first degree. 7865

(3) Except as otherwise provided in division (C) (4), (5), 7866  
(6), (7), or (8) of this section, if a violation of this section 7867  
results in physical harm to any person, inducing panic is a 7868  
felony of the fourth degree. 7869

(4) Except as otherwise provided in division (C) (5), (6), 7870  
(7), or (8) of this section, if a violation of this section 7871  
results in economic harm, the penalty shall be determined as 7872  
follows: 7873

(a) If the violation results in economic harm of one 7874  
thousand dollars or more but less than seven thousand five 7875  
hundred dollars and if division (C) (3) of this section does not 7876  
apply, inducing panic is a felony of the fifth degree. 7877

(b) If the violation results in economic harm of seven 7878  
thousand five hundred dollars or more but less than one hundred 7879

fifty thousand dollars, inducing panic is a felony of the fourth degree. 7880  
7881

(c) If the violation results in economic harm of one hundred fifty thousand dollars or more, inducing panic is a felony of the third degree. 7882  
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(5) If the public place involved in a violation of division (A) (1) of this section is a school or an institution of higher education, inducing panic is a felony of the second degree. 7885  
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(6) If the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction, and except as otherwise provided in division (C) (5), (7), or (8) of this section, inducing panic is a felony of the fourth degree. 7889  
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(7) If the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction, and except as otherwise provided in division (C) (5) of this section, if a violation of this section results in physical harm to any person, inducing panic is a felony of the third degree. 7893  
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(8) If the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction, and except as otherwise provided in division (C) (5) of this section, if a violation of this section results in economic harm of one hundred thousand dollars or more, inducing panic is a felony of the third degree. 7898  
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(D) (1) It is not a defense to a charge under this section that pertains to a purported or threatened use of a weapon of mass destruction that the offender did not possess or have the ability to use a weapon of mass destruction or that what was represented to be a weapon of mass destruction was not a weapon 7904  
7905  
7906  
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of mass destruction. 7909

(2) Any act that is a violation of this section and any 7910  
other section of the Revised Code may be prosecuted under this 7911  
section, the other section, or both sections. 7912

(E) As used in this section: 7913

(1) "Economic harm" means any of the following: 7914

(a) All direct, incidental, and consequential pecuniary 7915  
harm suffered by a victim as a result of criminal conduct. 7916  
"Economic harm" as described in this division includes, but is 7917  
not limited to, all of the following: 7918

(i) All wages, salaries, or other compensation lost as a 7919  
result of the criminal conduct; 7920

(ii) The cost of all wages, salaries, or other 7921  
compensation paid to employees for time those employees are 7922  
prevented from working as a result of the criminal conduct; 7923

(iii) The overhead costs incurred for the time that a 7924  
business is shut down as a result of the criminal conduct; 7925

(iv) The loss of value to tangible or intangible property 7926  
that was damaged as a result of the criminal conduct. 7927

(b) All costs incurred by the state or any political 7928  
subdivision as a result of, or in making any response to, the 7929  
criminal conduct that constituted the violation of this section 7930  
or section 2917.32 of the Revised Code, including, but not 7931  
limited to, all costs so incurred by any law enforcement 7932  
officers, firefighters, rescue personnel, or emergency medical 7933  
services personnel of the state or the political subdivision. 7934

(2) "School" means any school operated by a board of 7935

education or any school for which the ~~state board~~ department of 7936  
~~education-learning and achievement~~ prescribes minimum standards 7937  
under section 3301.07 of the Revised Code, whether or not any 7938  
instruction, extracurricular activities, or training provided by 7939  
the school is being conducted at the time a violation of this 7940  
section is committed. 7941

(3) "Weapon of mass destruction" means any of the 7942  
following: 7943

(a) Any weapon that is designed or intended to cause death 7944  
or serious physical harm through the release, dissemination, or 7945  
impact of toxic or poisonous chemicals, or their precursors; 7946

(b) Any weapon involving a disease organism or biological 7947  
agent; 7948

(c) Any weapon that is designed to release radiation or 7949  
radioactivity at a level dangerous to human life; 7950

(d) Any of the following, except to the extent that the 7951  
item or device in question is expressly excepted from the 7952  
definition of "destructive device" pursuant to 18 U.S.C. 921(a) 7953  
(4) and regulations issued under that section: 7954

(i) Any explosive, incendiary, or poison gas bomb, 7955  
grenade, rocket having a propellant charge of more than four 7956  
ounces, missile having an explosive or incendiary charge of more 7957  
than one-quarter ounce, mine, or similar device; 7958

(ii) Any combination of parts either designed or intended 7959  
for use in converting any item or device into any item or device 7960  
described in division (E) (3) (d) (i) of this section and from 7961  
which an item or device described in that division may be 7962  
readily assembled. 7963

(4) "Biological agent" has the same meaning as in section 2917.33 of the Revised Code. 7964  
7965

(5) "Emergency medical services personnel" has the same meaning as in section 2133.21 of the Revised Code. 7966  
7967

(6) "Institution of higher education" means any of the following: 7968  
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(a) A state university or college as defined in division (A) (1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college; 7970  
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(b) A private, nonprofit college, university or other post-secondary institution located in this state that possesses a certificate of authorization issued by the ~~Ohio board~~ department of regents-learning and achievement pursuant to Chapter 1713. of the Revised Code; 7974  
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(c) A post-secondary institution with a certificate of registration issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code. 7979  
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**Sec. 2917.46.** (A) No person shall, with intent to identify a building as a block parent home or building, display the block parent symbol adopted by the ~~state board~~ department of education-learning and achievement pursuant to former section 3301.076 of the Revised Code prior to its repeal on ~~the effective date of this amendment~~ July 1, 2007. 7982  
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(B) No person shall, with intent to identify a building as a block parent home or building, display a symbol that falsely gives the appearance of being the block parent symbol adopted by the ~~state board~~ department of education-learning and achievement pursuant to former section 3301.076 of the Revised Code prior to 7988  
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its repeal on ~~the effective date of this amendment~~ July 1, 2007. 7993

(C) No person, with intent to identify a home or building 7994  
as a mcgruff house program home or building, shall display the 7995  
mcgruff house symbol adopted by the division of criminal justice 7996  
services in the state department of public safety pursuant to 7997  
section 5502.62 of the Revised Code unless authorized in 7998  
accordance with that section, any rule adopted pursuant to that 7999  
section, or section 3313.206 of the Revised Code. 8000

(D) No person, with intent to identify a home or building 8001  
as a mcgruff house program home or building, shall display a 8002  
symbol that falsely gives the appearance of being the mcgruff 8003  
house symbol adopted by the division of criminal justice 8004  
services in the state department of public safety pursuant to 8005  
section 5502.62 of the Revised Code or any rule adopted pursuant 8006  
to that section. 8007

(E) (1) Whoever violates division (A) or (B) of this 8008  
section is guilty of unauthorized use of a block parent symbol, 8009  
a minor misdemeanor. 8010

(2) Whoever violates division (C) or (D) of this section 8011  
is guilty of unauthorized use of a mcgruff house symbol, a minor 8012  
misdemeanor. 8013

**Sec. 2923.122.** (A) No person shall knowingly convey, or 8014  
attempt to convey, a deadly weapon or dangerous ordnance into a 8015  
school safety zone. 8016

(B) No person shall knowingly possess a deadly weapon or 8017  
dangerous ordnance in a school safety zone. 8018

(C) No person shall knowingly possess an object in a 8019  
school safety zone if both of the following apply: 8020

(1) The object is indistinguishable from a firearm, 8021  
whether or not the object is capable of being fired. 8022

(2) The person indicates that the person possesses the 8023  
object and that it is a firearm, or the person knowingly 8024  
displays or brandishes the object and indicates that it is a 8025  
firearm. 8026

(D) (1) This section does not apply to any of the 8027  
following: 8028

(a) An officer, agent, or employee of this or any other 8029  
state or the United States who is authorized to carry deadly 8030  
weapons or dangerous ordnance and is acting within the scope of 8031  
the officer's, agent's, or employee's duties, a law enforcement 8032  
officer who is authorized to carry deadly weapons or dangerous 8033  
ordnance, a security officer employed by a board of education or 8034  
governing body of a school during the time that the security 8035  
officer is on duty pursuant to that contract of employment, or 8036  
any other person who has written authorization from the board of 8037  
education or governing body of a school to convey deadly weapons 8038  
or dangerous ordnance into a school safety zone or to possess a 8039  
deadly weapon or dangerous ordnance in a school safety zone and 8040  
who conveys or possesses the deadly weapon or dangerous ordnance 8041  
in accordance with that authorization; 8042

(b) Any person who is employed in this state, who is 8043  
authorized to carry deadly weapons or dangerous ordnance, and 8044  
who is subject to and in compliance with the requirements of 8045  
section 109.801 of the Revised Code, unless the appointing 8046  
authority of the person has expressly specified that the 8047  
exemption provided in division (D) (1) (b) of this section does 8048  
not apply to the person. 8049

(2) Division (C) of this section does not apply to 8050  
premises upon which home schooling is conducted. Division (C) of 8051  
this section also does not apply to a school administrator, 8052  
teacher, or employee who possesses an object that is 8053  
indistinguishable from a firearm for legitimate school purposes 8054  
during the course of employment, a student who uses an object 8055  
that is indistinguishable from a firearm under the direction of 8056  
a school administrator, teacher, or employee, or any other 8057  
person who with the express prior approval of a school 8058  
administrator possesses an object that is indistinguishable from 8059  
a firearm for a legitimate purpose, including the use of the 8060  
object in a ceremonial activity, a play, reenactment, or other 8061  
dramatic presentation, school safety training, or a ROTC 8062  
activity or another similar use of the object. 8063

(3) This section does not apply to a person who conveys or 8064  
attempts to convey a handgun into, or possesses a handgun in, a 8065  
school safety zone if, at the time of that conveyance, attempted 8066  
conveyance, or possession of the handgun, all of the following 8067  
apply: 8068

(a) The person does not enter into a school building or 8069  
onto school premises and is not at a school activity. 8070

(b) The person is carrying a valid concealed handgun 8071  
license or the person is an active duty member of the armed 8072  
forces of the United States and is carrying a valid military 8073  
identification card and documentation of successful completion 8074  
of firearms training that meets or exceeds the training 8075  
requirements described in division (G) (1) of section 2923.125 of 8076  
the Revised Code. 8077

(c) The person is in the school safety zone in accordance 8078  
with 18 U.S.C. 922(q) (2) (B). 8079

(d) The person is not knowingly in a place described in 8080  
division (B) (1) or (B) (3) to (8) of section 2923.126 of the 8081  
Revised Code. 8082

(4) This section does not apply to a person who conveys or 8083  
attempts to convey a handgun into, or possesses a handgun in, a 8084  
school safety zone if at the time of that conveyance, attempted 8085  
conveyance, or possession of the handgun all of the following 8086  
apply: 8087

(a) The person is carrying a valid concealed handgun 8088  
license or the person is an active duty member of the armed 8089  
forces of the United States and is carrying a valid military 8090  
identification card and documentation of successful completion 8091  
of firearms training that meets or exceeds the training 8092  
requirements described in division (G) (1) of section 2923.125 of 8093  
the Revised Code. 8094

(b) The person leaves the handgun in a motor vehicle. 8095

(c) The handgun does not leave the motor vehicle. 8096

(d) If the person exits the motor vehicle, the person 8097  
locks the motor vehicle. 8098

(E) (1) Whoever violates division (A) or (B) of this 8099  
section is guilty of illegal conveyance or possession of a 8100  
deadly weapon or dangerous ordnance in a school safety zone. 8101  
Except as otherwise provided in this division, illegal 8102  
conveyance or possession of a deadly weapon or dangerous 8103  
ordnance in a school safety zone is a felony of the fifth 8104  
degree. If the offender previously has been convicted of a 8105  
violation of this section, illegal conveyance or possession of a 8106  
deadly weapon or dangerous ordnance in a school safety zone is a 8107  
felony of the fourth degree. 8108

(2) Whoever violates division (C) of this section is 8109  
guilty of illegal possession of an object indistinguishable from 8110  
a firearm in a school safety zone. Except as otherwise provided 8111  
in this division, illegal possession of an object 8112  
indistinguishable from a firearm in a school safety zone is a 8113  
misdemeanor of the first degree. If the offender previously has 8114  
been convicted of a violation of this section, illegal 8115  
possession of an object indistinguishable from a firearm in a 8116  
school safety zone is a felony of the fifth degree. 8117

(F) (1) In addition to any other penalty imposed upon a 8118  
person who is convicted of or pleads guilty to a violation of 8119  
this section and subject to division (F) (2) of this section, if 8120  
the offender has not attained nineteen years of age, regardless 8121  
of whether the offender is attending or is enrolled in a school 8122  
operated by a board of education or for which the ~~state board~~ 8123  
department of education-learning and achievement prescribes 8124  
minimum standards under section 3301.07 of the Revised Code, the 8125  
court shall impose upon the offender a class four suspension of 8126  
the offender's probationary driver's license, restricted 8127  
license, driver's license, commercial driver's license, 8128  
temporary instruction permit, or probationary commercial 8129  
driver's license that then is in effect from the range specified 8130  
in division (A) (4) of section 4510.02 of the Revised Code and 8131  
shall deny the offender the issuance of any permit or license of 8132  
that type during the period of the suspension. 8133

If the offender is not a resident of this state, the court 8134  
shall impose a class four suspension of the nonresident 8135  
operating privilege of the offender from the range specified in 8136  
division (A) (4) of section 4510.02 of the Revised Code. 8137

(2) If the offender shows good cause why the court should 8138

not suspend one of the types of licenses, permits, or privileges 8139  
specified in division (F)(1) of this section or deny the 8140  
issuance of one of the temporary instruction permits specified 8141  
in that division, the court in its discretion may choose not to 8142  
impose the suspension, revocation, or denial required in that 8143  
division, but the court, in its discretion, instead may require 8144  
the offender to perform community service for a number of hours 8145  
determined by the court. 8146

(G) As used in this section, "object that is 8147  
indistinguishable from a firearm" means an object made, 8148  
constructed, or altered so that, to a reasonable person without 8149  
specialized training in firearms, the object appears to be a 8150  
firearm. 8151

**Sec. 2923.1212.** (A) The following persons, boards, and 8152  
entities, or designees, shall post in the following locations a 8153  
sign that contains a statement in substantially the following 8154  
form: "Unless otherwise authorized by law, pursuant to the Ohio 8155  
Revised Code, no person shall knowingly possess, have under the 8156  
person's control, convey, or attempt to convey a deadly weapon 8157  
or dangerous ordnance onto these premises.": 8158

(1) The director of public safety or the person or board 8159  
charged with the erection, maintenance, or repair of police 8160  
stations, municipal jails, and the municipal courthouse and 8161  
courtrooms in a conspicuous location at all police stations, 8162  
municipal jails, and municipal courthouses and courtrooms; 8163

(2) The sheriff or sheriff's designee who has charge of 8164  
the sheriff's office in a conspicuous location in that office; 8165

(3) The superintendent of the state highway patrol or the 8166  
superintendent's designee in a conspicuous location at all state 8167

highway patrol stations; 8168

(4) Each sheriff, chief of police, or person in charge of 8169  
every county, multicounty, municipal, municipal-county, or 8170  
multicounty-municipal jail or workhouse, community-based 8171  
correctional facility, halfway house, alternative residential 8172  
facility, or other local or state correctional institution or 8173  
detention facility within the state, or that person's designee, 8174  
in a conspicuous location at that facility under that person's 8175  
charge; 8176

(5) The board of trustees of a regional airport authority, 8177  
chief administrative officer of an airport facility, or other 8178  
person in charge of an airport facility in a conspicuous 8179  
location at each airport facility under that person's control; 8180

(6) The officer or officer's designee who has charge of a 8181  
courthouse or the building or structure in which a courtroom is 8182  
located in a conspicuous location in that building or structure; 8183

(7) The superintendent of the bureau of criminal 8184  
identification and investigation or the superintendent's 8185  
designee in a conspicuous location in all premises controlled by 8186  
that bureau; 8187

(8) The owner, administrator, or operator of a child day- 8188  
care center, a type A family day-care home, or a type B family 8189  
day-care home; 8190

(9) The officer of this state or of a political 8191  
subdivision of this state, or the officer's designee, who has 8192  
charge of a building that is a government facility of this state 8193  
or the political subdivision of this state, as defined in 8194  
section 2923.126 of the Revised Code, and that is not a building 8195  
that is used primarily as a shelter, restroom, parking facility 8196

for motor vehicles, or rest facility and is not a courthouse or 8197  
other building or structure in which a courtroom is located that 8198  
is subject to division (B) (3) of that section. 8199

(B) The following boards, bodies, and persons, or 8200  
designees, shall post in the following locations a sign that 8201  
contains a statement in substantially the following form: 8202  
"Unless otherwise authorized by law, pursuant to Ohio Revised 8203  
Code section 2923.122, no person shall knowingly possess, have 8204  
under the person's control, convey, or attempt to convey a 8205  
deadly weapon or dangerous ordnance into a school safety zone.": 8206

(1) A board of education of a city, local, exempted 8207  
village, or joint vocational school district or that board's 8208  
designee in a conspicuous location in each building and on each 8209  
parcel of real property owned or controlled by the board; 8210

(2) A governing body of a school for which the ~~state board~~ 8211  
department of education-learning and achievement prescribes 8212  
minimum standards under section 3301.07 of the Revised Code or 8213  
that body's designee in a conspicuous location in each building 8214  
and on each parcel of real property owned or controlled by the 8215  
school; 8216

(3) The principal or chief administrative officer of a 8217  
nonpublic school in a conspicuous location on property owned or 8218  
controlled by that nonpublic school. 8219

**Sec. 2925.01.** As used in this chapter: 8220

(A) "Administer," "controlled substance," "controlled 8221  
substance analog," "dispense," "distribute," "hypodermic," 8222  
"manufacturer," "official written order," "person," 8223  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 8224  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 8225

have the same meanings as in section 3719.01 of the Revised Code. 8226  
8227

(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code. 8228  
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(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code. 8230  
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(D) "Bulk amount" of a controlled substance means any of the following: 8234  
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(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of controlled substance analogs, marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in division (D) (2) or (5) of this section, whichever of the following is applicable: 8236  
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(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative; 8242  
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(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium; 8246  
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(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant; 8249  
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(d) An amount equal to or exceeding twenty grams or five 8254  
times the maximum daily dose in the usual dose range specified 8255  
in a standard pharmaceutical reference manual of a compound, 8256  
mixture, preparation, or substance that is or contains any 8257  
amount of a schedule II opiate or opium derivative; 8258

(e) An amount equal to or exceeding five grams or ten unit 8259  
doses of a compound, mixture, preparation, or substance that is 8260  
or contains any amount of phencyclidine; 8261

(f) An amount equal to or exceeding one hundred twenty 8262  
grams or thirty times the maximum daily dose in the usual dose 8263  
range specified in a standard pharmaceutical reference manual of 8264  
a compound, mixture, preparation, or substance that is or 8265  
contains any amount of a schedule II stimulant that is in a 8266  
final dosage form manufactured by a person authorized by the 8267  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 8268  
U.S.C.A. 301, as amended, and the federal drug abuse control 8269  
laws, as defined in section 3719.01 of the Revised Code, that is 8270  
or contains any amount of a schedule II depressant substance or 8271  
a schedule II hallucinogenic substance; 8272

(g) An amount equal to or exceeding three grams of a 8273  
compound, mixture, preparation, or substance that is or contains 8274  
any amount of a schedule II stimulant, or any of its salts or 8275  
isomers, that is not in a final dosage form manufactured by a 8276  
person authorized by the Federal Food, Drug, and Cosmetic Act 8277  
and the federal drug abuse control laws. 8278

(2) An amount equal to or exceeding one hundred twenty 8279  
grams or thirty times the maximum daily dose in the usual dose 8280  
range specified in a standard pharmaceutical reference manual of 8281  
a compound, mixture, preparation, or substance that is or 8282  
contains any amount of a schedule III or IV substance other than 8283

an anabolic steroid or a schedule III opiate or opium	8284
derivative;	8285
(3) An amount equal to or exceeding twenty grams or five	8286
times the maximum daily dose in the usual dose range specified	8287
in a standard pharmaceutical reference manual of a compound,	8288
mixture, preparation, or substance that is or contains any	8289
amount of a schedule III opiate or opium derivative;	8290
(4) An amount equal to or exceeding two hundred fifty	8291
milliliters or two hundred fifty grams of a compound, mixture,	8292
preparation, or substance that is or contains any amount of a	8293
schedule V substance;	8294
(5) An amount equal to or exceeding two hundred solid	8295
dosage units, sixteen grams, or sixteen milliliters of a	8296
compound, mixture, preparation, or substance that is or contains	8297
any amount of a schedule III anabolic steroid.	8298
(E) "Unit dose" means an amount or unit of a compound,	8299
mixture, or preparation containing a controlled substance that	8300
is separately identifiable and in a form that indicates that it	8301
is the amount or unit by which the controlled substance is	8302
separately administered to or taken by an individual.	8303
(F) "Cultivate" includes planting, watering, fertilizing,	8304
or tilling.	8305
(G) "Drug abuse offense" means any of the following:	8306
(1) A violation of division (A) of section 2913.02 that	8307
constitutes theft of drugs, or a violation of section 2925.02,	8308
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12,	8309
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36,	8310
or 2925.37 of the Revised Code;	8311

(2) A violation of an existing or former law of this or 8312  
any other state or of the United States that is substantially 8313  
equivalent to any section listed in division (G) (1) of this 8314  
section; 8315

(3) An offense under an existing or former law of this or 8316  
any other state, or of the United States, of which planting, 8317  
cultivating, harvesting, processing, making, manufacturing, 8318  
producing, shipping, transporting, delivering, acquiring, 8319  
possessing, storing, distributing, dispensing, selling, inducing 8320  
another to use, administering to another, using, or otherwise 8321  
dealing with a controlled substance is an element; 8322

(4) A conspiracy to commit, attempt to commit, or 8323  
complicity in committing or attempting to commit any offense 8324  
under division (G) (1), (2), or (3) of this section. 8325

(H) "Felony drug abuse offense" means any drug abuse 8326  
offense that would constitute a felony under the laws of this 8327  
state, any other state, or the United States. 8328

(I) "Harmful intoxicant" does not include beer or 8329  
intoxicating liquor but means any of the following: 8330

(1) Any compound, mixture, preparation, or substance the 8331  
gas, fumes, or vapor of which when inhaled can induce 8332  
intoxication, excitement, giddiness, irrational behavior, 8333  
depression, stupefaction, paralysis, unconsciousness, 8334  
asphyxiation, or other harmful physiological effects, and 8335  
includes, but is not limited to, any of the following: 8336

(a) Any volatile organic solvent, plastic cement, model 8337  
cement, fingernail polish remover, lacquer thinner, cleaning 8338  
fluid, gasoline, or other preparation containing a volatile 8339  
organic solvent; 8340

(b) Any aerosol propellant;	8341
(c) Any fluorocarbon refrigerant;	8342
(d) Any anesthetic gas.	8343
(2) Gamma Butyrolactone;	8344
(3) 1,4 Butanediol.	8345
(J) "Manufacture" means to plant, cultivate, harvest,	8346
process, make, prepare, or otherwise engage in any part of the	8347
production of a drug, by propagation, extraction, chemical	8348
synthesis, or compounding, or any combination of the same, and	8349
includes packaging, repackaging, labeling, and other activities	8350
incident to production.	8351
(K) "Possess" or "possession" means having control over a	8352
thing or substance, but may not be inferred solely from mere	8353
access to the thing or substance through ownership or occupation	8354
of the premises upon which the thing or substance is found.	8355
(L) "Sample drug" means a drug or pharmaceutical	8356
preparation that would be hazardous to health or safety if used	8357
without the supervision of a licensed health professional	8358
authorized to prescribe drugs, or a drug of abuse, and that, at	8359
one time, had been placed in a container plainly marked as a	8360
sample by a manufacturer.	8361
(M) "Standard pharmaceutical reference manual" means the	8362
current edition, with cumulative changes if any, of references	8363
that are approved by the state board of pharmacy.	8364
(N) "Juvenile" means a person under eighteen years of age.	8365
(O) "Counterfeit controlled substance" means any of the	8366
following:	8367

(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;

(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.

(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.

(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the ~~state board of education~~ department of learning and achievement prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular

activities, or training provided by the school is being 8397  
conducted at the time a criminal offense is committed. 8398

(R) "School premises" means either of the following: 8399

(1) The parcel of real property on which any school is 8400  
situated, whether or not any instruction, extracurricular 8401  
activities, or training provided by the school is being 8402  
conducted on the premises at the time a criminal offense is 8403  
committed; 8404

(2) Any other parcel of real property that is owned or 8405  
leased by a board of education of a school, the governing 8406  
authority of a community school established under Chapter 3314. 8407  
of the Revised Code, or the governing body of a nonpublic school 8408  
for which the ~~state board of education~~ department of learning 8409  
and achievement prescribes minimum standards under section 8410  
3301.07 of the Revised Code and on which some of the 8411  
instruction, extracurricular activities, or training of the 8412  
school is conducted, whether or not any instruction, 8413  
extracurricular activities, or training provided by the school 8414  
is being conducted on the parcel of real property at the time a 8415  
criminal offense is committed. 8416

(S) "School building" means any building in which any of 8417  
the instruction, extracurricular activities, or training 8418  
provided by a school is conducted, whether or not any 8419  
instruction, extracurricular activities, or training provided by 8420  
the school is being conducted in the school building at the time 8421  
a criminal offense is committed. 8422

(T) "Disciplinary counsel" means the disciplinary counsel 8423  
appointed by the board of commissioners on grievances and 8424  
discipline of the supreme court under the Rules for the 8425

Government of the Bar of Ohio. 8426

(U) "Certified grievance committee" means a duly 8427  
constituted and organized committee of the Ohio state bar 8428  
association or of one or more local bar associations of the 8429  
state of Ohio that complies with the criteria set forth in Rule 8430  
V, section 6 of the Rules for the Government of the Bar of Ohio. 8431

(V) "Professional license" means any license, permit, 8432  
certificate, registration, qualification, admission, temporary 8433  
license, temporary permit, temporary certificate, or temporary 8434  
registration that is described in divisions (W)(1) to (36) of 8435  
this section and that qualifies a person as a professionally 8436  
licensed person. 8437

(W) "Professionally licensed person" means any of the 8438  
following: 8439

(1) A person who has obtained a license as a manufacturer 8440  
of controlled substances or a wholesaler of controlled 8441  
substances under Chapter 3719. of the Revised Code; 8442

(2) A person who has received a certificate or temporary 8443  
certificate as a certified public accountant or who has 8444  
registered as a public accountant under Chapter 4701. of the 8445  
Revised Code and who holds an Ohio permit issued under that 8446  
chapter; 8447

(3) A person who holds a certificate of qualification to 8448  
practice architecture issued or renewed and registered under 8449  
Chapter 4703. of the Revised Code; 8450

(4) A person who is registered as a landscape architect 8451  
under Chapter 4703. of the Revised Code or who holds a permit as 8452  
a landscape architect issued under that chapter; 8453

(5) A person licensed under Chapter 4707. of the Revised Code;	8454 8455
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	8456 8457 8458
(7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	8459 8460 8461
(8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	8462 8463 8464 8465 8466 8467 8468 8469 8470 8471 8472
(9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	8473 8474 8475 8476 8477 8478
(10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the	8479 8480 8481 8482

Revised Code;	8483
(11) A person who has been licensed as a registered nurse	8484
or practical nurse, or who has been issued a certificate for the	8485
practice of nurse-midwifery under Chapter 4723. of the Revised	8486
Code;	8487
(12) A person who has been licensed to practice optometry	8488
or to engage in optical dispensing under Chapter 4725. of the	8489
Revised Code;	8490
(13) A person licensed to act as a pawnbroker under	8491
Chapter 4727. of the Revised Code;	8492
(14) A person licensed to act as a precious metals dealer	8493
under Chapter 4728. of the Revised Code;	8494
(15) A person licensed as a pharmacist, a pharmacy intern,	8495
a wholesale distributor of dangerous drugs, or a terminal	8496
distributor of dangerous drugs under Chapter 4729. of the	8497
Revised Code;	8498
(16) A person who is authorized to practice as a physician	8499
assistant under Chapter 4730. of the Revised Code;	8500
(17) A person who has been issued a license to practice	8501
medicine and surgery, osteopathic medicine and surgery, or	8502
podiatric medicine and surgery under Chapter 4731. of the	8503
Revised Code or has been issued a certificate to practice a	8504
limited branch of medicine under that chapter;	8505
(18) A person licensed as a psychologist or school	8506
psychologist under Chapter 4732. of the Revised Code;	8507
(19) A person registered to practice the profession of	8508
engineering or surveying under Chapter 4733. of the Revised	8509
Code;	8510

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	8511 8512
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	8513 8514
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	8515 8516
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	8517 8518
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	8519 8520
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	8521 8522
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	8523 8524 8525 8526
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	8527 8528 8529
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	8530 8531 8532
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	8533 8534 8535
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised	8536 8537

Code;	8538
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	8539 8540 8541
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	8542 8543 8544 8545 8546 8547
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	8548 8549
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	8550 8551 8552
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	8553 8554
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	8555 8556 8557
(X) "Cocaine" means any of the following:	8558
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	8559 8560
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	8561 8562 8563 8564

(3) A salt, compound, derivative, or preparation of a substance identified in division (X) (1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.

(Y) "L.S.D." means lysergic acid diethylamide.

(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.

(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

(EE) "Minor drug possession offense" means either of the

following: 8594

(1) A violation of section 2925.11 of the Revised Code as 8595  
it existed prior to July 1, 1996; 8596

(2) A violation of section 2925.11 of the Revised Code as 8597  
it exists on and after July 1, 1996, that is a misdemeanor or a 8598  
felony of the fifth degree. 8599

(FF) "Mandatory prison term" has the same meaning as in 8600  
section 2929.01 of the Revised Code. 8601

(GG) "Adulterate" means to cause a drug to be adulterated 8602  
as described in section 3715.63 of the Revised Code. 8603

(HH) "Public premises" means any hotel, restaurant, 8604  
tavern, store, arena, hall, or other place of public 8605  
accommodation, business, amusement, or resort. 8606

(II) "Methamphetamine" means methamphetamine, any salt, 8607  
isomer, or salt of an isomer of methamphetamine, or any 8608  
compound, mixture, preparation, or substance containing 8609  
methamphetamine or any salt, isomer, or salt of an isomer of 8610  
methamphetamine. 8611

(JJ) "Lawful prescription" means a prescription that is 8612  
issued for a legitimate medical purpose by a licensed health 8613  
professional authorized to prescribe drugs, that is not altered 8614  
or forged, and that was not obtained by means of deception or by 8615  
the commission of any theft offense. 8616

(KK) "Deception" and "theft offense" have the same 8617  
meanings as in section 2913.01 of the Revised Code. 8618

**Sec. 2950.11.** (A) Regardless of when the sexually oriented 8619  
offense or child-victim oriented offense was committed, if a 8620  
person is convicted of, pleads guilty to, has been convicted of, 8621

or has pleaded guilty to a sexually oriented offense or a child- 8622  
victim oriented offense or a person is or has been adjudicated a 8623  
delinquent child for committing a sexually oriented offense or a 8624  
child-victim oriented offense and is classified a juvenile 8625  
offender registrant or is an out-of-state juvenile offender 8626  
registrant based on that adjudication, and if the offender or 8627  
delinquent child is in any category specified in division (F) (1) 8628  
(a), (b), or (c) of this section, the sheriff with whom the 8629  
offender or delinquent child has most recently registered under 8630  
section 2950.04, 2950.041, or 2950.05 of the Revised Code and 8631  
the sheriff to whom the offender or delinquent child most 8632  
recently sent a notice of intent to reside under section 2950.04 8633  
or 2950.041 of the Revised Code, within the period of time 8634  
specified in division (C) of this section, shall provide a 8635  
written notice containing the information set forth in division 8636  
(B) of this section to all of the persons described in divisions 8637  
(A) (1) to (10) of this section. If the sheriff has sent a notice 8638  
to the persons described in those divisions as a result of 8639  
receiving a notice of intent to reside and if the offender or 8640  
delinquent child registers a residence address that is the same 8641  
residence address described in the notice of intent to reside, 8642  
the sheriff is not required to send an additional notice when 8643  
the offender or delinquent child registers. The sheriff shall 8644  
provide the notice to all of the following persons: 8645

(1) (a) Any occupant of each residential unit that is 8646  
located within one thousand feet of the offender's or delinquent 8647  
child's residential premises, that is located within the county 8648  
served by the sheriff, and that is not located in a multi-unit 8649  
building. Division (D) (3) of this section applies regarding 8650  
notices required under this division. 8651

(b) If the offender or delinquent child resides in a 8652

multi-unit building, any occupant of each residential unit that 8653  
is located in that multi-unit building and that shares a common 8654  
hallway with the offender or delinquent child. For purposes of 8655  
this division, an occupant's unit shares a common hallway with 8656  
the offender or delinquent child if the entrance door into the 8657  
occupant's unit is located on the same floor and opens into the 8658  
same hallway as the entrance door to the unit the offender or 8659  
delinquent child occupies. Division (D)(3) of this section 8660  
applies regarding notices required under this division. 8661

(c) The building manager, or the person the building owner 8662  
or condominium unit owners association authorizes to exercise 8663  
management and control, of each multi-unit building that is 8664  
located within one thousand feet of the offender's or delinquent 8665  
child's residential premises, including a multi-unit building in 8666  
which the offender or delinquent child resides, and that is 8667  
located within the county served by the sheriff. In addition to 8668  
notifying the building manager or the person authorized to 8669  
exercise management and control in the multi-unit building under 8670  
this division, the sheriff shall post a copy of the notice 8671  
prominently in each common entryway in the building and any 8672  
other location in the building the sheriff determines 8673  
appropriate. The manager or person exercising management and 8674  
control of the building shall permit the sheriff to post copies 8675  
of the notice under this division as the sheriff determines 8676  
appropriate. In lieu of posting copies of the notice as 8677  
described in this division, a sheriff may provide notice to all 8678  
occupants of the multi-unit building by mail or personal 8679  
contact; if the sheriff so notifies all the occupants, the 8680  
sheriff is not required to post copies of the notice in the 8681  
common entryways to the building. Division (D)(3) of this 8682  
section applies regarding notices required under this division. 8683

(d) All additional persons who are within any category of neighbors of the offender or delinquent child that the attorney general by rule adopted under section 2950.13 of the Revised Code requires to be provided the notice and who reside within the county served by the sheriff;

(2) The executive director of the public children services agency that has jurisdiction within the specified geographical notification area and that is located within the county served by the sheriff;

(3) (a) The superintendent of each board of education of a school district that has schools within the specified geographical notification area and that is located within the county served by the sheriff;

(b) The principal of the school within the specified geographical notification area and within the county served by the sheriff that the delinquent child attends;

(c) If the delinquent child attends a school outside of the specified geographical notification area or outside of the school district where the delinquent child resides, the superintendent of the board of education of a school district that governs the school that the delinquent child attends and the principal of the school that the delinquent child attends.

(4) (a) The appointing or hiring officer of each chartered nonpublic school located within the specified geographical notification area and within the county served by the sheriff or of each other school located within the specified geographical notification area and within the county served by the sheriff and that is not operated by a board of education described in division (A) (3) of this section;

(b) Regardless of the location of the school, the 8713  
appointing or hiring officer of a chartered nonpublic school 8714  
that the delinquent child attends. 8715

(5) The director, head teacher, elementary principal, or 8716  
site administrator of each preschool program governed by Chapter 8717  
3301. of the Revised Code that is located within the specified 8718  
geographical notification area and within the county served by 8719  
the sheriff; 8720

(6) The administrator of each child day-care center or 8721  
type A family day-care home that is located within the specified 8722  
geographical notification area and within the county served by 8723  
the sheriff, and each holder of a license to operate a type B 8724  
family day-care home that is located within the specified 8725  
geographical notification area and within the county served by 8726  
the sheriff. As used in this division, "child day-care center," 8727  
"type A family day-care home," and "type B family day-care home" 8728  
have the same meanings as in section 5104.01 of the Revised 8729  
Code. 8730

(7) The president or other chief administrative officer of 8731  
each institution of higher education, as defined in section 8732  
2907.03 of the Revised Code, that is located within the 8733  
specified geographical notification area and within the county 8734  
served by the sheriff, and the chief law enforcement officer of 8735  
the state university law enforcement agency or campus police 8736  
department established under section 3345.04 or 1713.50 of the 8737  
Revised Code, if any, that serves that institution; 8738

(8) The sheriff of each county that includes any portion 8739  
of the specified geographical notification area; 8740

(9) If the offender or delinquent child resides within the 8741

county served by the sheriff, the chief of police, marshal, or 8742  
other chief law enforcement officer of the municipal corporation 8743  
in which the offender or delinquent child resides or, if the 8744  
offender or delinquent child resides in an unincorporated area, 8745  
the constable or chief of the police department or police 8746  
district police force of the township in which the offender or 8747  
delinquent child resides; 8748

(10) Volunteer organizations in which contact with minors 8749  
or other vulnerable individuals might occur or any organization, 8750  
company, or individual who requests notification as provided in 8751  
division (J) of this section. 8752

(B) The notice required under division (A) of this section 8753  
shall include all of the following information regarding the 8754  
subject offender or delinquent child: 8755

(1) The offender's or delinquent child's name; 8756

(2) The address or addresses of the offender's or public 8757  
registry-qualified juvenile offender registrant's residence, 8758  
school, institution of higher education, or place of employment, 8759  
as applicable, or the residence address or addresses of a 8760  
delinquent child who is not a public registry-qualified juvenile 8761  
offender registrant; 8762

(3) The sexually oriented offense or child-victim oriented 8763  
offense of which the offender was convicted, to which the 8764  
offender pleaded guilty, or for which the child was adjudicated 8765  
a delinquent child; 8766

(4) A statement that identifies the category specified in 8767  
division (F)(1)(a), (b), or (c) of this section that includes 8768  
the offender or delinquent child and that subjects the offender 8769  
or delinquent child to this section; 8770

(5) The offender's or delinquent child's photograph. 8771

(C) If a sheriff with whom an offender or delinquent child registers under section 2950.04, 2950.041, or 2950.05 of the Revised Code or to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code is required by division (A) of this section to provide notices regarding an offender or delinquent child and if, pursuant to that requirement, the sheriff provides a notice to a sheriff of one or more other counties in accordance with division (A) (8) of this section, the sheriff of each of the other counties who is provided notice under division (A) (8) of this section shall provide the notices described in divisions (A) (1) to (7) and (A) (9) and (10) of this section to each person or entity identified within those divisions that is located within the specified geographical notification area and within the county served by the sheriff in question. 8772  
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(D) (1) A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notice to the neighbors that are described in division (A) (1) of this section and the notices to law enforcement personnel that are described in divisions (A) (8) and (9) of this section as soon as practicable, but no later than five days after the offender sends the notice of intent to reside to the sheriff and again no later than five days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A) (8) of this section. 8788  
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A sheriff required by division (A) or (C) of this section 8801  
to provide notices regarding an offender or delinquent child 8802  
shall provide the notices to all other specified persons that 8803  
are described in divisions (A) (2) to (7) and (A) (10) of this 8804  
section as soon as practicable, but not later than seven days 8805  
after the offender or delinquent child registers with the 8806  
sheriff or, if the sheriff is required by division (C) of this 8807  
section to provide the notices, no later than five days after 8808  
the sheriff is provided the notice described in division (A) (8) 8809  
of this section. 8810

(2) If an offender or delinquent child in relation to whom 8811  
division (A) of this section applies verifies the offender's or 8812  
delinquent child's current residence, school, institution of 8813  
higher education, or place of employment address, as applicable, 8814  
with a sheriff pursuant to section 2950.06 of the Revised Code, 8815  
the sheriff may provide a written notice containing the 8816  
information set forth in division (B) of this section to the 8817  
persons identified in divisions (A) (1) to (10) of this section. 8818  
If a sheriff provides a notice pursuant to this division to the 8819  
sheriff of one or more other counties in accordance with 8820  
division (A) (8) of this section, the sheriff of each of the 8821  
other counties who is provided the notice under division (A) (8) 8822  
of this section may provide, but is not required to provide, a 8823  
written notice containing the information set forth in division 8824  
(B) of this section to the persons identified in divisions (A) 8825  
(1) to (7) and (A) (9) and (10) of this section. 8826

(3) A sheriff may provide notice under division (A) (1) (a) 8827  
or (b) of this section, and may provide notice under division 8828  
(A) (1) (c) of this section to a building manager or person 8829  
authorized to exercise management and control of a building, by 8830  
mail, by personal contact, or by leaving the notice at or under 8831

the entry door to a residential unit. For purposes of divisions 8832  
(A) (1) (a) and (b) of this section, and the portion of division 8833  
(A) (1) (c) of this section relating to the provision of notice to 8834  
occupants of a multi-unit building by mail or personal contact, 8835  
the provision of one written notice per unit is deemed as 8836  
providing notice to all occupants of that unit. 8837

(E) All information that a sheriff possesses regarding an 8838  
offender or delinquent child who is in a category specified in 8839  
division (F) (1) (a), (b), or (c) of this section that is 8840  
described in division (B) of this section and that must be 8841  
provided in a notice required under division (A) or (C) of this 8842  
section or that may be provided in a notice authorized under 8843  
division (D) (2) of this section is a public record that is open 8844  
to inspection under section 149.43 of the Revised Code. 8845

The sheriff shall not cause to be publicly disseminated by 8846  
means of the internet any of the information described in this 8847  
division that is provided by a delinquent child unless that 8848  
child is in a category specified in division (F) (1) (a), (b), or 8849  
(c) of this section. 8850

(F) (1) Except as provided in division (F) (2) of this 8851  
section, the duties to provide the notices described in 8852  
divisions (A) and (C) of this section apply regarding any 8853  
offender or delinquent child who is in any of the following 8854  
categories: 8855

(a) The offender is a tier III sex offender/child-victim 8856  
offender, or the delinquent child is a public registry-qualified 8857  
juvenile offender registrant, and a juvenile court has not 8858  
removed pursuant to section 2950.15 of the Revised Code the 8859  
delinquent child's duty to comply with sections 2950.04, 8860  
2950.041, 2950.05, and 2950.06 of the Revised Code. 8861

(b) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was subjected to this section prior to January 1, 2008, as a sexual predator, habitual sex offender, child-victim predator, or habitual child-victim offender, as those terms were defined in section 2950.01 of the Revised Code as it existed prior to January 1, 2008, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(c) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was classified a juvenile offender registrant on or after January 1, 2008, the court has imposed a requirement under section 2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the delinquent child to this section, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(2) The notification provisions of this section do not apply to a person described in division (F)(1)(a), (b), or (c) of this section if a court finds at a hearing after considering the factors described in this division that the person would not be subject to the notification provisions of this section that were in the version of this section that existed immediately prior to January 1, 2008. In making the determination of whether a person would have been subject to the notification provisions under prior law as described in this division, the court shall consider the following factors:

(a) The offender's or delinquent child's age;	8893
(b) The offender's or delinquent child's prior criminal or delinquency record regarding all offenses, including, but not limited to, all sexual offenses;	8894 8895 8896
(c) The age of the victim of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made;	8897 8898 8899
(d) Whether the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made involved multiple victims;	8900 8901 8902
(e) Whether the offender or delinquent child used drugs or alcohol to impair the victim of the sexually oriented offense or to prevent the victim from resisting;	8903 8904 8905
(f) If the offender or delinquent child previously has been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be, a criminal offense, whether the offender or delinquent child completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sex offense or a sexually oriented offense, whether the offender or delinquent child participated in available programs for sexual offenders;	8906 8907 8908 8909 8910 8911 8912 8913 8914
(g) Any mental illness or mental disability of the offender or delinquent child;	8915 8916
(h) The nature of the offender's or delinquent child's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;	8917 8918 8919 8920 8921

(i) Whether the offender or delinquent child, during the 8922  
commission of the sexually oriented offense for which sentence 8923  
is to be imposed or the order of disposition is to be made, 8924  
displayed cruelty or made one or more threats of cruelty; 8925

(j) Whether the offender or delinquent child would have 8926  
been a habitual sex offender or a habitual child victim offender 8927  
under the definitions of those terms set forth in section 8928  
2950.01 of the Revised Code as that section existed prior to 8929  
January 1, 2008; 8930

(k) Any additional behavioral characteristics that 8931  
contribute to the offender's or delinquent child's conduct. 8932

(G) (1) The department of job and family services shall 8933  
compile, maintain, and update in January and July of each year, 8934  
a list of all agencies, centers, or homes of a type described in 8935  
division (A) (2) or (6) of this section that contains the name of 8936  
each agency, center, or home of that type, the county in which 8937  
it is located, its address and telephone number, and the name of 8938  
an administrative officer or employee of the agency, center, or 8939  
home. 8940

(2) The department of ~~education~~ learning and achievement 8941  
shall compile, maintain, and update in January and July of each 8942  
year, a list of all boards of education, schools, or programs of 8943  
a type described in division (A) (3), (4), or (5) of this section 8944  
that contains the name of each board of education, school, or 8945  
program of that type, the county in which it is located, its 8946  
address and telephone number, the name of the superintendent of 8947  
the board or of an administrative officer or employee of the 8948  
school or program, and, in relation to a board of education, the 8949  
county or counties in which each of its schools is located and 8950  
the address of each such school. 8951

(3) The ~~Ohio board~~ department of regents learning and 8952  
achievement shall compile, maintain, and update in January and 8953  
July of each year, a list of all institutions of a type 8954  
described in division (A) (7) of this section that contains the 8955  
name of each such institution, the county in which it is 8956  
located, its address and telephone number, and the name of its 8957  
president or other chief administrative officer. 8958

(4) A sheriff required by division (A) or (C) of this 8959  
section, or authorized by division (D) (2) of this section, to 8960  
provide notices regarding an offender or delinquent child, or a 8961  
designee of a sheriff of that type, may request the department 8962  
of job and family services, or department of education learning 8963  
and achievement, ~~or Ohio board of regents~~, by telephone, in 8964  
person, or by mail, to provide the sheriff or designee with the 8965  
names, addresses, and telephone numbers of the appropriate 8966  
persons and entities to whom the notices described in divisions 8967  
(A) (2) to (7) of this section are to be provided. Upon receipt 8968  
of a request, the department ~~or board~~ shall provide the 8969  
requesting sheriff or designee with the names, addresses, and 8970  
telephone numbers of the appropriate persons and entities to 8971  
whom those notices are to be provided. 8972

(H) (1) Upon the motion of the offender or the prosecuting 8973  
attorney of the county in which the offender was convicted of or 8974  
pleaded guilty to the sexually oriented offense or child-victim 8975  
oriented offense for which the offender is subject to community 8976  
notification under this section, or upon the motion of the 8977  
sentencing judge or that judge's successor in office, the judge 8978  
may schedule a hearing to determine whether the interests of 8979  
justice would be served by suspending the community notification 8980  
requirement under this section in relation to the offender. The 8981  
judge may dismiss the motion without a hearing but may not issue 8982

an order suspending the community notification requirement 8983  
without a hearing. At the hearing, all parties are entitled to 8984  
be heard, and the judge shall consider all of the factors set 8985  
forth in division (K) of this section. If, at the conclusion of 8986  
the hearing, the judge finds that the offender has proven by 8987  
clear and convincing evidence that the offender is unlikely to 8988  
commit in the future a sexually oriented offense or a child- 8989  
victim oriented offense and if the judge finds that suspending 8990  
the community notification requirement is in the interests of 8991  
justice, the judge may suspend the application of this section 8992  
in relation to the offender. The order shall contain both of 8993  
these findings. 8994

The judge promptly shall serve a copy of the order upon 8995  
the sheriff with whom the offender most recently registered 8996  
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 8997  
and upon the bureau of criminal identification and 8998  
investigation. 8999

An order suspending the community notification requirement 9000  
does not suspend or otherwise alter an offender's duties to 9001  
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 9002  
the Revised Code and does not suspend the victim notification 9003  
requirement under section 2950.10 of the Revised Code. 9004

(2) A prosecuting attorney, a sentencing judge or that 9005  
judge's successor in office, and an offender who is subject to 9006  
the community notification requirement under this section may 9007  
initially make a motion under division (H) (1) of this section 9008  
upon the expiration of twenty years after the offender's duty to 9009  
comply with division (A) (2), (3), or (4) of section 2950.04, 9010  
division (A) (2), (3), or (4) of section 2950.041 and sections 9011  
2950.05 and 2950.06 of the Revised Code begins in relation to 9012

the offense for which the offender is subject to community 9013  
notification. After the initial making of a motion under 9014  
division (H) (1) of this section, thereafter, the prosecutor, 9015  
judge, and offender may make a subsequent motion under that 9016  
division upon the expiration of five years after the judge has 9017  
entered an order denying the initial motion or the most recent 9018  
motion made under that division. 9019

(3) The offender and the prosecuting attorney have the 9020  
right to appeal an order approving or denying a motion made 9021  
under division (H) (1) of this section. 9022

(4) Divisions (H) (1) to (3) of this section do not apply 9023  
to any of the following types of offender: 9024

(a) A person who is convicted of or pleads guilty to a 9025  
violent sex offense or designated homicide, assault, or 9026  
kidnapping offense and who, in relation to that offense, is 9027  
adjudicated a sexually violent predator; 9028

(b) A person who is convicted of or pleads guilty to a 9029  
sexually oriented offense that is a violation of division (A) (1) 9030  
(b) of section 2907.02 of the Revised Code committed on or after 9031  
January 2, 2007, and either who is sentenced under section 9032  
2971.03 of the Revised Code or upon whom a sentence of life 9033  
without parole is imposed under division (B) of section 2907.02 9034  
of the Revised Code; 9035

(c) A person who is convicted of or pleads guilty to a 9036  
sexually oriented offense that is attempted rape committed on or 9037  
after January 2, 2007, and who also is convicted of or pleads 9038  
guilty to a specification of the type described in section 9039  
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 9040

(d) A person who is convicted of or pleads guilty to an 9041

offense described in division (B) (3) (a), (b), (c), or (d) of 9042  
section 2971.03 of the Revised Code and who is sentenced for 9043  
that offense pursuant to that division; 9044

(e) An offender who is in a category specified in division 9045  
(F) (1) (a), (b), or (c) of this section and who, subsequent to 9046  
being subjected to community notification, has pleaded guilty to 9047  
or been convicted of a sexually oriented offense or child-victim 9048  
oriented offense. 9049

(I) If a person is convicted of, pleads guilty to, has 9050  
been convicted of, or has pleaded guilty to a sexually oriented 9051  
offense or a child-victim oriented offense or a person is or has 9052  
been adjudicated a delinquent child for committing a sexually 9053  
oriented offense or a child-victim oriented offense and is 9054  
classified a juvenile offender registrant or is an out-of-state 9055  
juvenile offender registrant based on that adjudication, and if 9056  
the offender or delinquent child is not in any category 9057  
specified in division (F) (1) (a), (b), or (c) of this section, 9058  
the sheriff with whom the offender or delinquent child has most 9059  
recently registered under section 2950.04, 2950.041, or 2950.05 9060  
of the Revised Code and the sheriff to whom the offender or 9061  
delinquent child most recently sent a notice of intent to reside 9062  
under section 2950.04 or 2950.041 of the Revised Code, within 9063  
the period of time specified in division (D) of this section, 9064  
shall provide a written notice containing the information set 9065  
forth in division (B) of this section to the executive director 9066  
of the public children services agency that has jurisdiction 9067  
within the specified geographical notification area and that is 9068  
located within the county served by the sheriff. 9069

(J) Each sheriff shall allow a volunteer organization or 9070  
other organization, company, or individual who wishes to receive 9071

the notice described in division (A) (10) of this section 9072  
regarding a specific offender or delinquent child or notice 9073  
regarding all offenders and delinquent children who are located 9074  
in the specified geographical notification area to notify the 9075  
sheriff by electronic mail or through the sheriff's web site of 9076  
this election. The sheriff shall promptly inform the bureau of 9077  
criminal identification and investigation of these requests in 9078  
accordance with the forwarding procedures adopted by the 9079  
attorney general pursuant to section 2950.13 of the Revised 9080  
Code. 9081

(K) In making a determination under division (H) (1) of 9082  
this section as to whether to suspend the community notification 9083  
requirement under this section for an offender, the judge shall 9084  
consider all relevant factors, including, but not limited to, 9085  
all of the following: 9086

(1) The offender's age; 9087

(2) The offender's prior criminal or delinquency record 9088  
regarding all offenses, including, but not limited to, all 9089  
sexually oriented offenses or child-victim oriented offenses; 9090

(3) The age of the victim of the sexually oriented offense 9091  
or child-victim oriented offense the offender committed; 9092

(4) Whether the sexually oriented offense or child-victim 9093  
oriented offense the offender committed involved multiple 9094  
victims; 9095

(5) Whether the offender used drugs or alcohol to impair 9096  
the victim of the sexually oriented offense or child-victim 9097  
oriented offense the offender committed or to prevent the victim 9098  
from resisting; 9099

(6) If the offender previously has been convicted of, 9100

pleaded guilty to, or been adjudicated a delinquent child for 9101  
committing an act that if committed by an adult would be a 9102  
criminal offense, whether the offender completed any sentence or 9103  
dispositional order imposed for the prior offense or act and, if 9104  
the prior offense or act was a sexually oriented offense or a 9105  
child-victim oriented offense, whether the offender or 9106  
delinquent child participated in available programs for sex 9107  
offenders or child-victim offenders; 9108

(7) Any mental illness or mental disability of the 9109  
offender; 9110

(8) The nature of the offender's sexual conduct, sexual 9111  
contact, or interaction in a sexual context with the victim of 9112  
the sexually oriented offense the offender committed or the 9113  
nature of the offender's interaction in a sexual context with 9114  
the victim of the child-victim oriented offense the offender 9115  
committed, whichever is applicable, and whether the sexual 9116  
conduct, sexual contact, or interaction in a sexual context was 9117  
part of a demonstrated pattern of abuse; 9118

(9) Whether the offender, during the commission of the 9119  
sexually oriented offense or child-victim oriented offense the 9120  
offender committed, displayed cruelty or made one or more 9121  
threats of cruelty; 9122

(10) Any additional behavioral characteristics that 9123  
contribute to the offender's conduct. 9124

(L) As used in this section, "specified geographical 9125  
notification area" means the geographic area or areas within 9126  
which the attorney general, by rule adopted under section 9127  
2950.13 of the Revised Code, requires the notice described in 9128  
division (B) of this section to be given to the persons 9129

identified in divisions (A) (2) to (8) of this section. 9130

Sec. 3301.061. (A) The state board of education shall 9131  
exercise only those powers delegated to the board under 9132  
provisions of law. All duties and powers related to education 9133  
and management of schools and school districts not expressly 9134  
delegated to the board shall be reserved to the department of 9135  
learning and achievement. 9136

(B) The state board may adopt rules necessary for carrying 9137  
out any function imposed on it by law, and may provide rules as 9138  
are necessary for its government and the government of its 9139  
employees, and may delegate to the superintendent of public 9140  
instruction the management and administration of any function 9141  
imposed on it by law. It may provide for the appointment of 9142  
board members to serve on temporary committees established by 9143  
the board for such purposes as are necessary. Permanent or 9144  
standing committees shall not be created. 9145

Sec. 3301.062. Whenever the term "state board of 9146  
education" is used, referred to, or designated in any statute, 9147  
rule, contract, grant, or other document, the use, reference, or 9148  
designation shall be construed to mean the "department of 9149  
learning and achievement," except in sections 102.02, 109.57, 9150  
2151.421, 2317.02, 3301.01, 3301.02, 3301.03, 3301.04, 3301.041, 9151  
3301.05, 3301.06, 3301.071, 3301.074, 3301.0714, 3301.0722, 9152  
3301.09, 3301.11, 3301.13, 3301.162, 3301.54, 3301.80, 3310.41, 9153  
3311.06, 3311.10, 3311.11, 3311.22, 3311.231, 3311.24, 3311.26, 9154  
3311.37, 3311.38, 3311.50, 3311.521, 3311.53, 3311.54, 3313.30, 9155  
3313.53, 3313.608, 3313.645, 3314.034, 3314.101, 3314.103, 9156  
3314.403, 3314.41, 3314.51, 3319.088, 3319.15, 3319.151, 9157  
3319.20, 3319.22, 3319.222, 3319.225, 3319.226, 3319.227, 9158  
3319.228, 3319.26, 3319.261, 3319.27, 3319.291, 3319.292, 9159

3319.301, 3319.303, 3319.31, 3319.311, 3319.312, 3319.316, 9160  
3319.317, 3319.51, 3319.52, 3319.67, 3323.06, 3325.01, 3325.011, 9161  
3325.02, 3325.08, 3325.11, 3325.13, 3325.16, 3325.17, 3326.081, 9162  
3326.24, 3326.243, 3326.25, 3327.02, 3328.02, 3328.18, 3328.19, 9163  
3328.193, 3328.20, 3328.37, 3329.03, 3333.87, 3365.03, 4117.103, 9164  
4713.45, 4757.41, and 5705.391, and Chapter 4732. of the Revised 9165  
Code or unless the use, reference, or designation of the term 9166  
"state board of education" relates to the board's duties related 9167  
to licensure, license revocation, and sanctions of those 9168  
licensed or the board's duties to hear appeals from decisions of 9169  
a school district, the department, or the superintendent of 9170  
public instruction. 9171

**Sec. 3301.07.** ~~The state board of education shall exercise~~ 9172  
~~under the acts of the general assembly general supervision of~~ 9173  
~~the system of public education in the state. There is hereby~~ 9174  
created the department of learning and achievement which shall 9175  
have all powers and perform all duties formerly vested in and 9176  
imposed upon the department of education, the department of 9177  
higher education, the superintendent of public instruction, the 9178  
state board of education, the Ohio board of regents, and the 9179  
chancellor of higher education, except for those powers and 9180  
duties expressly delegated to the state board of education, the 9181  
superintendent of public instruction, or the department of 9182  
education. The department of learning and achievement shall 9183  
exercise under the acts of the general assembly general 9184  
supervision of the system of public education in the state. In 9185  
addition to the powers otherwise imposed on the ~~state board~~ 9186  
department of learning and achievement under the provisions of 9187  
law, the ~~board~~ department shall have the powers described in 9188  
this section. 9189

(A) The ~~state board~~ department shall exercise policy 9190

forming, planning, and evaluative functions for the public 9191  
schools of the state except as otherwise provided by law. 9192

(B) (1) The ~~state board~~ department shall exercise 9193  
leadership in the improvement of public education in this state, 9194  
and administer the educational policies of this state relating 9195  
to public schools, and relating to instruction and instructional 9196  
material, building and equipment, transportation of pupils, 9197  
administrative responsibilities of school officials and 9198  
personnel, and finance and organization of school districts, 9199  
educational service centers, and territory. Consultative and 9200  
advisory services in such matters shall be provided by the ~~board~~ 9201  
department to school districts and educational service centers 9202  
of this state. 9203

(2) The ~~state board~~ department also shall develop a 9204  
standard of financial reporting which shall be used by each 9205  
school district board of education and each governing board of 9206  
an educational service center, each governing authority of a 9207  
community school established under Chapter 3314., each governing 9208  
body of a STEM school established under Chapter 3328., and each 9209  
board of trustees of a college-preparatory boarding school 9210  
established under Chapter 3328. of the Revised Code to make its 9211  
financial information and annual budgets for each school 9212  
building under its control available to the public in a format 9213  
understandable by the average citizen. The format shall show, 9214  
both at the district and at the school building level, revenue 9215  
by source; expenditures for salaries, wages, and benefits of 9216  
employees, showing such amounts separately for classroom 9217  
teachers, other employees required to hold licenses issued 9218  
pursuant to sections 3319.22 to 3319.31 of the Revised Code, and 9219  
all other employees; expenditures other than for personnel, by 9220  
category, including utilities, textbooks and other educational 9221

materials, equipment, permanent improvements, pupil 9222  
transportation, extracurricular athletics, and other 9223  
extracurricular activities; and per pupil expenditures. The 9224  
format shall also include information on total revenue and 9225  
expenditures, per pupil revenue, and expenditures for both 9226  
classroom and nonclassroom purposes, as defined by the standards 9227  
adopted under section 3302.20 of the Revised Code in the 9228  
aggregate and for each subgroup of students, as defined by 9229  
section 3317.40 of the Revised Code, that receives services 9230  
provided for by state or federal funding. 9231

(3) Each school district board, governing authority, 9232  
governing body, or board of trustees, or its respective 9233  
designee, shall annually report, to the department ~~of education,~~ 9234  
all financial information required by the standards for 9235  
financial reporting, as prescribed by division (B) (2) of this 9236  
section and adopted by the ~~state board~~ department. The 9237  
department shall make all reports submitted pursuant to this 9238  
division available in such a way that allows for comparison 9239  
between financial information included in these reports and 9240  
financial information included in reports produced prior to July 9241  
1, 2013. The department shall post these reports in a prominent 9242  
location on its web site and shall notify each school when 9243  
reports are made available. 9244

(C) The ~~state board~~ department shall administer and 9245  
supervise the allocation and distribution of all state and 9246  
federal funds for public school education under the provisions 9247  
of law, and may prescribe such systems of accounting as are 9248  
necessary and proper to this function. It may require county 9249  
auditors and treasurers, boards of education, educational 9250  
service center governing boards, treasurers of such boards, 9251  
teachers, and other school officers and employees, or other 9252

public officers or employees, to file with it such reports as it 9253  
may prescribe relating to such funds, or to the management and 9254  
condition of such funds. 9255

(D) (1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 9256  
XLVII, and LI of the Revised Code a reference is made to 9257  
standards prescribed under this section or division (D) of this 9258  
section, that reference shall be construed to refer to the 9259  
standards prescribed under division (D) (2) of this section, 9260  
unless the context specifically indicates a different meaning or 9261  
intent. 9262

(2) The ~~state board~~ department shall formulate and 9263  
prescribe minimum standards to be applied to all elementary and 9264  
secondary schools in this state for the purpose of providing 9265  
children access to a general education of high quality according 9266  
to the learning needs of each individual, including students 9267  
with disabilities, economically disadvantaged students, limited 9268  
English proficient students, and students identified as gifted. 9269  
Such standards shall provide adequately for: the licensing of 9270  
teachers, administrators, and other professional personnel and 9271  
their assignment according to training and qualifications; 9272  
efficient and effective instructional materials and equipment, 9273  
including library facilities; the proper organization, 9274  
administration, and supervision of each school, including 9275  
regulations for preparing all necessary records and reports and 9276  
the preparation of a statement of policies and objectives for 9277  
each school; the provision of safe buildings, grounds, health 9278  
and sanitary facilities and services; admission of pupils, and 9279  
such requirements for their promotion from grade to grade as 9280  
will assure that they are capable and prepared for the level of 9281  
study to which they are certified; requirements for graduation; 9282  
and such other factors as the board finds necessary. 9283

The ~~state board department~~ shall base any standards 9284  
governing the promotion of students or requirements for 9285  
graduation on the ability of students, at any grade level, to 9286  
earn credits or advance upon demonstration of mastery of 9287  
knowledge and skills through competency-based learning models. 9288  
Credits of grade level advancement shall not require a minimum 9289  
number of days or hours in a classroom. 9290

The ~~state board department~~ shall base any standards 9291  
governing the assignment of staff on ensuring each school has a 9292  
sufficient number of teachers to ensure a student has an 9293  
appropriate level of interaction to meet each student's personal 9294  
learning goals. 9295

In the formulation and administration of such standards 9296  
for nonpublic schools the ~~board department~~ shall also consider 9297  
the particular needs, methods and objectives of those schools, 9298  
provided they do not conflict with the provision of a general 9299  
education of a high quality and provided that regular procedures 9300  
shall be followed for promotion from grade to grade of pupils 9301  
who have met the educational requirements prescribed. 9302

(3) In addition to the minimum standards required by 9303  
division (D) (2) of this section, the ~~state board department~~ may 9304  
formulate and prescribe the following additional minimum 9305  
operating standards for school districts: 9306

(a) Standards for the effective and efficient 9307  
organization, administration, and supervision of each school 9308  
district with a commitment to high expectations for every 9309  
student based on the learning needs of each individual, 9310  
including students with disabilities, economically disadvantaged 9311  
students, limited English proficient students, and students 9312  
identified as gifted, and commitment to closing the achievement 9313

gap without suppressing the achievement levels of higher 9314  
achieving students so that all students achieve core knowledge 9315  
and skills in accordance with the statewide academic standards 9316  
adopted under section 3301.079 of the Revised Code; 9317

(b) Standards for the establishment of business advisory 9318  
councils under section 3313.82 of the Revised Code; 9319

(c) Standards for school district buildings that may 9320  
require the effective and efficient organization, 9321  
administration, and supervision of each school district building 9322  
with a commitment to high expectations for every student based 9323  
on the learning needs of each individual, including students 9324  
with disabilities, economically disadvantaged students, limited 9325  
English proficient students, and students identified as gifted, 9326  
and commitment to closing the achievement gap without 9327  
suppressing the achievement levels of higher achieving students 9328  
so that all students achieve core knowledge and skills in 9329  
accordance with the statewide academic standards adopted under 9330  
section 3301.079 of the Revised Code. 9331

(E) The ~~state board~~ department may require as part of the 9332  
health curriculum information developed under section 2108.34 of 9333  
the Revised Code promoting the donation of anatomical gifts 9334  
pursuant to Chapter 2108. of the Revised Code and may provide 9335  
the information to high schools, educational service centers, 9336  
and joint vocational school district boards of education; 9337

(F) The ~~state board~~ department shall prepare and submit 9338  
annually to the governor and the general assembly a report on 9339  
the status, needs, and major problems of the public schools of 9340  
the state, with recommendations for necessary legislative action 9341  
and a ten-year projection of the state's public and nonpublic 9342  
school enrollment, by year and by grade level. 9343

(G) The ~~state board~~ department shall prepare and submit to 9344  
the director of budget and management the biennial budgetary 9345  
requests of the department and its agencies, the state board of 9346  
education, ~~for its agencies~~ the department of education, and for 9347  
the public schools of the state. 9348

(H) The ~~state board~~ department shall cooperate with 9349  
federal, state, and local agencies concerned with the health and 9350  
welfare of children and youth of the state. 9351

(I) The ~~state board~~ department shall require such reports 9352  
from school districts and educational service centers, school 9353  
officers, and employees as are necessary and desirable. The 9354  
superintendents and treasurers of school districts and 9355  
educational service centers shall certify as to the accuracy of 9356  
all reports required by law or ~~state board or state department~~ 9357  
~~of education rules~~ rule to be submitted by the district or 9358  
educational service center and which contain information 9359  
necessary for calculation of state funding. Any superintendent 9360  
who knowingly falsifies such report shall be subject to license 9361  
revocation pursuant to section 3319.31 of the Revised Code. 9362

(J) In accordance with Chapter 119. of the Revised Code, 9363  
the ~~state board~~ department shall adopt procedures, standards, 9364  
and guidelines for the education of children with disabilities 9365  
pursuant to Chapter 3323. of the Revised Code, including 9366  
procedures, standards, and guidelines governing programs and 9367  
services operated by county boards of developmental disabilities 9368  
pursuant to section 3323.09 of the Revised Code. 9369

(K) For the purpose of encouraging the development of 9370  
special programs of education for academically gifted children, 9371  
the ~~state board~~ department shall employ competent persons to 9372  
analyze and publish data, promote research, advise and counsel 9373

with boards of education, and encourage the training of teachers 9374  
in the special instruction of gifted children. The ~~board-~~ 9375  
department may provide financial assistance out of any funds 9376  
appropriated for this purpose to boards of education and 9377  
educational service center governing boards for developing and 9378  
conducting programs of education for academically gifted 9379  
children. 9380

(L) The ~~state board~~ department shall require that all 9381  
public schools emphasize and encourage, within existing units of 9382  
study, the teaching of energy and resource conservation as 9383  
recommended to each district board of education by leading 9384  
business persons involved in energy production and conservation, 9385  
beginning in the primary grades. 9386

(M) The ~~state board~~ department shall formulate and 9387  
prescribe minimum standards requiring the use of phonics as a 9388  
technique in the teaching of reading in grades kindergarten 9389  
through three. In addition, the ~~state board~~ department shall 9390  
provide in-service training programs for teachers on the use of 9391  
phonics as a technique in the teaching of reading in grades 9392  
kindergarten through three. 9393

(N) The ~~state board~~ department may adopt rules necessary 9394  
for carrying out any function imposed on it by law, and may 9395  
provide rules as are necessary for its government and the 9396  
government of its employees, ~~and may delegate to the~~ 9397  
~~superintendent of public instruction the management and~~ 9398  
~~administration of any function imposed on it by law. It may~~ 9399  
~~provide for the appointment of board members to serve on~~ 9400  
~~temporary committees established by the board for such purposes~~ 9401  
~~as are necessary. Permanent or standing committees shall not be~~ 9402  
~~created.~~ 9403

(O) Upon application from the board of education of a school district, the ~~superintendent of public instruction department~~ may issue a waiver exempting the district from compliance with the standards adopted under divisions (B) (2) and (D) of this section, as they relate to the operation of a school operated by the district. The ~~state board department~~ shall adopt standards for the approval or disapproval of waivers under this division. The ~~state superintendent department~~ shall consider every application for a waiver, and shall determine whether to grant or deny a waiver in accordance with ~~the state board's~~ its standards. For each waiver granted, the ~~state superintendent department~~ shall specify the period of time during which the waiver is in effect, which shall not exceed five years. A district board may apply to renew a waiver.

(P) The director of learning and achievement is responsible for appointing and hiring all employees of the department. The director also shall appoint, fix the salary of, and terminate the employment of such other employees as are engaged in educational or research duties and of professional, administrative, and clerical employees and staff members necessary to assist in the performance of higher education duties.

(Q) For federal purposes, the department of learning and achievement shall act as the single state agency responsible for the supervision of public elementary and secondary schools in Ohio and shall supervise the administration of federal education programs, initiatives, and funding.

(R) The director of learning and achievement shall appoint both of the following:

(1) An assistant director who shall be responsible for

oversight of higher education policy; 9434

(2) An assistant director who shall be responsible for 9435  
oversight of the office of workforce transformation in 9436  
accordance with section 3301.0732 of the Revised Code. 9437

The director of learning and achievement may also appoint 9438  
such other assistant directors as the director determines 9439  
necessary, with duties as may be assigned by the director. 9440

**Sec. 3301.071.** (A) (1) In the case of nontax-supported 9441  
schools, standards for teacher certification prescribed under 9442  
section 3301.07 of the Revised Code shall provide for 9443  
certification, without further educational requirements, of any 9444  
administrator, supervisor, or teacher who has attended and 9445  
received a bachelor's degree from a college or university 9446  
accredited by a national or regional association in the United 9447  
States except that, at the discretion of the ~~state board of~~ 9448  
~~education~~ department of learning and achievement, this 9449  
requirement may be met by having an equivalent degree from a 9450  
foreign college or university of comparable standing. 9451

(2) In the case of nonchartered, nontax-supported schools, 9452  
the standards for teacher certification prescribed under section 9453  
3301.07 of the Revised Code shall provide for certification, 9454  
without further educational requirements, of any administrator, 9455  
supervisor, or teacher who has attended and received a diploma 9456  
from a "bible college" or "bible institute" described in 9457  
division (E) of section 1713.02 of the Revised Code. 9458

(3) A certificate issued under division (A) (3) of this 9459  
section shall be valid only for teaching foreign language, 9460  
music, religion, computer technology, or fine arts. 9461

Notwithstanding division (A) (1) of this section, the 9462

standards for teacher certification prescribed under section 9463  
3301.07 of the Revised Code shall provide for certification of a 9464  
person as a teacher upon receipt by the state ~~board~~ 9465  
superintendent of an affidavit signed by the chief 9466  
administrative officer of a chartered nonpublic school seeking 9467  
to employ the person, stating that the person meets one of the 9468  
following conditions: 9469

(a) The person has specialized knowledge, skills, or 9470  
expertise that qualifies the person to provide instruction. 9471

(b) The person has provided to the chief administrative 9472  
officer evidence of at least three years of teaching experience 9473  
in a public or nonpublic school. 9474

(c) The person has provided to the chief administrative 9475  
officer evidence of completion of a teacher training program 9476  
named in the affidavit. 9477

(B) Each person applying for a certificate under this 9478  
section for purposes of serving in a nonpublic school chartered 9479  
by the ~~state board~~ department of learning and achievement under 9480  
section 3301.16 of the Revised Code shall pay a fee in the 9481  
amount established under division (A) of section 3319.51 of the 9482  
Revised Code. Any fees received under this division shall be 9483  
paid into the state treasury to the credit of the state board of 9484  
education certification fund established under division (B) of 9485  
section 3319.51 of the Revised Code. 9486

(C) A person applying for or holding any certificate 9487  
pursuant to this section for purposes of serving in a nonpublic 9488  
school chartered by the ~~state board~~ department of learning and 9489  
achievement is subject to sections 3123.41 to 3123.50 of the 9490  
Revised Code and any applicable rules adopted under section 9491

3123.63 of the Revised Code and sections 3319.31 and 3319.311 of 9492  
the Revised Code. 9493

(D) Divisions (B) and (C) of this section and sections 9494  
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 9495  
to any administrators, supervisors, or teachers in nonchartered, 9496  
nontax-supported schools. 9497

**Sec. 3301.072.** The ~~state board of education~~ department of 9498  
learning and achievement shall establish continuing programs of 9499  
in-service training in school district budget and finance for 9500  
superintendents of schools or their designees, business 9501  
managers, members of boards of education, and treasurers of 9502  
boards of education for the purpose of enhancing their 9503  
background and working knowledge of government accounting, state 9504  
and federal laws relating to school district budgeting and 9505  
financing, financial report preparation, rules of the auditor of 9506  
state, and budget and accounting management. 9507

The manner and content of each training program shall be 9508  
determined and provided by the ~~state board of education~~ 9509  
department after consultation with the department of taxation 9510  
and the auditor of state. The ~~state board~~ department may enter 9511  
into contracts with the department and the auditor of state to 9512  
supply, at cost, any assistance required to enable the board to 9513  
perform its duties under this section. 9514

Each superintendent or ~~his~~ designee of a superintendent, 9515  
treasurer or treasurer pro tempore, and business manager shall 9516  
attend one training program provided under this section each 9517  
year. 9518

**Sec. 3301.073.** Upon the request of the board of education 9519  
of any school district, the ~~state board of education~~ department 9520

of learning and achievement shall furnish technical assistance 9521  
to the school district in the preparation of budgets, 9522  
development of fiscal controls, preparation of financial 9523  
statements and reports, revenue estimating, or in assisting the 9524  
district in complying with any certification requirements 9525  
relating to the district's revenue or expenditures. The 9526  
assistance may be in the form of grants, consultants, or the 9527  
temporary assignment of employees after determining in 9528  
consultation with the district, its needs and the nature of 9529  
assistance needed and what assistance the ~~state board of~~ 9530  
~~education department~~ can provide within the amounts appropriated 9531  
for this purpose. The ~~state board department~~ may enter into 9532  
contracts with the department of taxation and the auditor of 9533  
state to perform its duties under this section. 9534

**Sec. 3301.074.** (A) The ~~state board of education department~~ 9535  
of learning and achievement shall, by rule adopted in accordance 9536  
with Chapter 119. of the Revised Code, establish standards for 9537  
licensing school district treasurers and business managers, for 9538  
the renewal of such licenses, and for the issuance of duplicate 9539  
copies of licenses. Licenses of the following types shall be 9540  
issued or renewed by the state board of education to applicants 9541  
who meet the standards for the license or the renewal of the 9542  
license for which application is made: 9543

(1) Treasurer, valid for serving as treasurer of a school 9544  
district in accordance with section 3313.22 of the Revised Code; 9545

(2) Business manager, valid for serving as business 9546  
manager of a school district in accordance with section 3319.03 9547  
of the Revised Code. 9548

(B) Each application for a license or renewal or duplicate 9549  
copy of a license shall be accompanied by the payment of a fee 9550

in the amount established under division (A) of section 3319.51 9551  
of the Revised Code. Any fees received under this section shall 9552  
be paid into the state treasury to the credit of the state board 9553  
of education licensure fund established under division (B) of 9554  
section 3319.51 of the Revised Code. 9555

(C) Any person employed under section 3313.22 of the 9556  
Revised Code as a treasurer on July 1, 1983, shall be considered 9557  
to meet the standards for licensure as a treasurer and for 9558  
renewal of such license. Any person employed under section 9559  
3319.03 of the Revised Code as a business manager on July 1, 9560  
1983, shall be considered to meet the standards for licensure as 9561  
a business manager and for renewal of such license. 9562

(D) Any person applying for or holding any license 9563  
pursuant to this section is subject to sections 3123.41 to 9564  
3123.50 of the Revised Code and any applicable rules adopted 9565  
under section 3123.63 of the Revised Code and sections 3319.31 9566  
and 3319.311 of the Revised Code. 9567

**Sec. 3301.075.** The ~~state board of education~~ department of 9568  
learning and achievement shall adopt rules governing the 9569  
purchasing and leasing of data processing services and equipment 9570  
for all local, exempted village, city, and joint vocational 9571  
school districts and all educational service centers. Such rules 9572  
shall include provisions for the establishment of an Ohio 9573  
education computer network under procedures, guidelines, and 9574  
specifications of the ~~department of education~~. 9575

The department shall administer funds appropriated for the 9576  
Ohio education computer network to ensure its efficient and 9577  
economical operation and shall approve no more than twenty-seven 9578  
information technology centers to operate concurrently. Such 9579  
centers shall be approved for funding in accordance with rules 9580

of the ~~state board department~~ adopted under this section that 9581  
shall provide for the ~~superintendent of public instruction~~ 9582  
department of learning and achievement to require the membership 9583  
of each information technology center to be composed of 9584  
combinations of school districts and educational service centers 9585  
having sufficient students to support an efficient, economical 9586  
comprehensive program of computer services to member districts 9587  
and educational service centers. However, no such rule shall 9588  
prohibit a school district or educational service center from 9589  
receiving computer services from any information technology 9590  
center established under this section or from any other public 9591  
or private vendor. Each information technology center shall be 9592  
organized in accordance with section 3313.92 or Chapter 167. of 9593  
the Revised Code. 9594

The department may approve and administer funding for 9595  
programs to provide technical support, maintenance, consulting, 9596  
and group purchasing services for information technology 9597  
centers, school districts, educational service centers, and 9598  
other client entities or governmental entities served in 9599  
accordance with rules adopted by the department or as otherwise 9600  
authorized by law, and to deliver to schools programs operated 9601  
by the infOhio network and the technology solutions group of the 9602  
management council of the Ohio education computer network. 9603

**Sec. 3301.076.** No information technology center 9604  
established under section 3301.075 of the Revised Code shall be 9605  
required to maintain an operating reserve account or fund or 9606  
minimum cash balance. This section does not affect any sinking 9607  
fund or other capital improvement fund the center may be 9608  
required to maintain as a condition by law or contract relative 9609  
to the issuance of securities. Any rule of the state board of 9610  
education or other regulation or guideline of the department of 9611

~~education-learning and achievement~~ that conflicts with this 9612  
section is void. 9613

**Sec. 3301.077.** Not later than January 31, 2014, the ~~state-~~ 9614  
~~board of education-department of learning and achievement~~ shall 9615  
adopt reading competencies for all reading credentials and 9616  
training. Such competencies shall include, but not be limited 9617  
to, an understanding of phonemic awareness, phonics, fluency, 9618  
vocabulary, comprehension, appropriate use of assessments, 9619  
differentiated instruction, and selection of appropriate 9620  
instructional materials and application of research-based 9621  
instructional practices. 9622

**Sec. 3301.079.** (A) (1) The ~~state board of education-~~ 9623  
~~department of learning and achievement~~ periodically shall adopt 9624  
statewide academic standards with emphasis on coherence, focus, 9625  
and essential knowledge and that are more challenging and 9626  
demanding when compared to international standards for each of 9627  
grades kindergarten through twelve in English language arts, 9628  
mathematics, science, and social studies. 9629

(a) The ~~state board-department~~ shall ensure that the 9630  
standards do all of the following: 9631

(i) Include the essential academic content and skills that 9632  
students are expected to know and be able to do at each grade 9633  
level that will allow each student to be prepared for 9634  
postsecondary instruction and the workplace for success in the 9635  
twenty-first century; 9636

(ii) Include the development of skill sets that promote 9637  
information, media, and technological literacy; 9638

(iii) Include interdisciplinary, project-based, real-world 9639  
learning opportunities; 9640

(iv) Instill life-long learning by providing essential 9641  
knowledge and skills based in the liberal arts tradition, as 9642  
well as science, technology, engineering, mathematics, and 9643  
career-technical education; 9644

(v) Be clearly written, transparent, and understandable by 9645  
parents, educators, and the general public. 9646

(b) Not later than July 1, 2012, the ~~state board-~~ 9647  
department shall incorporate into the social studies standards 9648  
for grades four to twelve academic content regarding the 9649  
original texts of the Declaration of Independence, the Northwest 9650  
Ordinance, the Constitution of the United States and its 9651  
amendments, with emphasis on the Bill of Rights, and the Ohio 9652  
Constitution, and their original context. The ~~state board-~~ 9653  
department shall revise the model curricula and achievement 9654  
assessments adopted under divisions (B) and (C) of this section 9655  
as necessary to reflect the additional American history and 9656  
American government content. The ~~state board-~~ 9657  
department shall make available a list of suggested grade-appropriate 9658  
supplemental readings that place the documents prescribed by 9659  
this division in their historical context, which teachers may 9660  
use as a resource to assist students in reading the documents 9661  
within that context. 9662

(c) When the ~~state board-~~ 9663  
department adopts or revises 9664  
academic content standards in social studies, American history, 9664  
American government, or science under division (A) (1) of this 9665  
section, the ~~state board-~~ 9666  
department shall develop such standards 9666  
independently and not as part of a multistate consortium. 9667

(2) After completing the standards required by division 9668  
(A) (1) of this section, the ~~state board-~~ 9669  
department shall adopt 9669  
standards and model curricula for instruction in technology, 9670

financial literacy and entrepreneurship, fine arts, and foreign 9671  
language for grades kindergarten through twelve. The standards 9672  
shall meet the same requirements prescribed in division (A) (1) 9673  
(a) of this section. 9674

(3) The ~~state board~~department shall adopt the most recent 9675  
standards developed by the national association for sport and 9676  
physical education for physical education in grades kindergarten 9677  
through twelve or shall adopt its own standards for physical 9678  
education in those grades and revise and update them 9679  
periodically. 9680

The department ~~of education~~ shall employ a full-time 9681  
physical education coordinator to provide guidance and technical 9682  
assistance to districts, community schools, and STEM schools in 9683  
implementing the physical education standards adopted under this 9684  
division. The ~~superintendent of public instruction~~department 9685  
shall determine that the person employed as coordinator is 9686  
qualified for the position, as demonstrated by possessing an 9687  
adequate combination of education, license, and experience. 9688

(4) Not later than December 31, 2018, the ~~state board~~ 9689  
department shall adopt standards and a model curriculum for 9690  
instruction in computer science in grades kindergarten through 9691  
twelve, which shall include standards for introductory and 9692  
advanced computer science courses in grades nine through twelve. 9693  
When developing the standards and curriculum, the ~~state board~~ 9694  
department shall consider recommendations from computer science 9695  
education stakeholder groups, including teachers and 9696  
representatives from higher education, industry, computer 9697  
science organizations in Ohio, and national computer science 9698  
organizations. 9699

Any district or school may utilize the computer science 9700

standards or model curriculum or any part thereof adopted 9701  
pursuant to division (A) (4) of this section. However, no 9702  
district or school shall be required to utilize all or any part 9703  
of the standards or curriculum. 9704

(5) When academic standards have been completed for any 9705  
subject area required by this section, the ~~state board~~ 9706  
department shall inform all school districts, all community 9707  
schools established under Chapter 3314. of the Revised Code, all 9708  
STEM schools established under Chapter 3326. of the Revised 9709  
Code, and all nonpublic schools required to administer the 9710  
assessments prescribed by sections 3301.0710 and 3301.0712 of 9711  
the Revised Code of the content of those standards. 9712  
Additionally, upon completion of any academic standards under 9713  
this section, the department shall post those standards on the 9714  
department's web site. 9715

(B) (1) The ~~state board~~ department shall adopt a model 9716  
curriculum for instruction in each subject area for which 9717  
updated academic standards are required by division (A) (1) of 9718  
this section and for each of grades kindergarten through twelve 9719  
that is sufficient to meet the needs of students in every 9720  
community. The model curriculum shall be aligned with the 9721  
standards, to ensure that the academic content and skills 9722  
specified for each grade level are taught to students, and shall 9723  
demonstrate vertical articulation and emphasize coherence, 9724  
focus, and rigor. When any model curriculum has been completed, 9725  
the ~~state board~~ department shall inform all school districts, 9726  
community schools, and STEM schools of the content of that model 9727  
curriculum. 9728

(2) ~~Not later than June 30, 2013, the state board, in-~~ 9729  
~~consultation with any office housed in the governor's office-~~ 9730

~~that deals with workforce development,~~ The department shall 9731  
adopt model curricula for grades kindergarten through twelve 9732  
that embed career connection learning strategies into regular 9733  
classroom instruction. 9734

(3) All school districts, community schools, and STEM 9735  
schools may utilize the state standards and the model curriculum 9736  
established by the ~~state board~~ department, together with other 9737  
relevant resources, examples, or models to ensure that students 9738  
have the opportunity to attain the academic standards. Upon 9739  
request, the department shall provide technical assistance to 9740  
any district, community school, or STEM school in implementing 9741  
the model curriculum. 9742

Nothing in this section requires any school district to 9743  
utilize all or any part of a model curriculum developed under 9744  
this section. 9745

(C) The ~~state board~~ department shall develop achievement 9746  
assessments aligned with the academic standards and model 9747  
curriculum for each of the subject areas and grade levels 9748  
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 9749  
the Revised Code. 9750

When any achievement assessment has been completed, the 9751  
~~state board~~ department shall inform all school districts, 9752  
community schools, STEM schools, and nonpublic schools required 9753  
to administer the assessment of its completion, and the 9754  
department shall make the achievement assessment available to 9755  
the districts and schools. 9756

(D) (1) The ~~state board~~ department shall adopt a diagnostic 9757  
assessment aligned with the academic standards and model 9758  
curriculum for each of grades kindergarten through two in 9759

reading, writing, and mathematics and for grade three in reading 9760  
and writing. The diagnostic assessment shall be designed to 9761  
measure student comprehension of academic content and mastery of 9762  
related skills for the relevant subject area and grade level. 9763  
Any diagnostic assessment shall not include components to 9764  
identify gifted students. Blank copies of diagnostic assessments 9765  
shall be public records. 9766

(2) When each diagnostic assessment has been completed, 9767  
the ~~state board~~ department shall inform all school districts of 9768  
its completion and the department shall make the diagnostic 9769  
assessment available to the districts at no cost to the 9770  
district. 9771

(3) School districts shall administer the diagnostic 9772  
assessment pursuant to section 3301.0715 of the Revised Code 9773  
beginning the first school year following the development of the 9774  
assessment. 9775

However, beginning with the 2017-2018 school year, both of 9776  
the following shall apply: 9777

(a) In the case of the diagnostic assessments for grades 9778  
one or two in writing or mathematics or for grade three in 9779  
writing, a school district shall not be required to administer 9780  
any such assessment, but may do so at the discretion of the 9781  
district board; 9782

(b) In the case of any diagnostic assessment that is not 9783  
for the grade levels and subject areas specified in division (D) 9784  
(3) (a) of this section, each school district shall administer 9785  
the assessment in the manner prescribed by section 3301.0715 of 9786  
the Revised Code. 9787

(E) The ~~state board~~ department shall not adopt a 9788

diagnostic or achievement assessment for any grade level or 9789  
subject area other than those specified in this section. 9790

(F) Whenever the ~~state board or the~~ department consults 9791  
with persons for the purpose of drafting or reviewing any 9792  
standards, diagnostic assessments, achievement assessments, or 9793  
model curriculum required under this section, the ~~state board or~~ 9794  
~~the~~ department shall first consult with parents of students in 9795  
kindergarten through twelfth grade and with active Ohio 9796  
classroom teachers, other school personnel, and administrators 9797  
with expertise in the appropriate subject area. Whenever 9798  
practicable, the ~~state board and~~ department shall consult with 9799  
teachers recognized as outstanding in their fields. 9800

If the department contracts with more than one outside 9801  
entity for the development of the achievement assessments 9802  
required by this section, the department shall ensure the 9803  
interchangeability of those assessments. 9804

(G) Whenever the ~~state board~~ department adopts standards 9805  
or model curricula under this section, the department also shall 9806  
provide information on the use of blended or digital learning in 9807  
the delivery of the standards or curricula to students in 9808  
accordance with division (A) (5) of this section. 9809

(H) The fairness sensitivity review committee, established 9810  
by rule of the ~~state board of education~~ department, shall not 9811  
allow any question on any achievement or diagnostic assessment 9812  
developed under this section or any proficiency test prescribed 9813  
by former section 3301.0710 of the Revised Code, as it existed 9814  
prior to September 11, 2001, to include, be written to promote, 9815  
or inquire as to individual moral or social values or beliefs. 9816  
The decision of the committee shall be final. This section does 9817  
not create a private cause of action. 9818

(I) (1) (a) The English language arts academic standards review committee is hereby created to review academic content standards in the subject of English language arts. The committee shall consist of the following members:

(i) Three experts who are residents of this state and who primarily conduct research, provide instruction, currently work in, or possess an advanced degree in the subject area. One expert shall be appointed by each of the president of the senate, the speaker of the house of representatives, and the governor;

(ii) One parent or guardian appointed by the president of the senate;

(iii) One educator who is currently teaching in a classroom, appointed by the speaker of the house of representatives;

~~(iv) The chancellor of the Ohio board of regents, or the chancellor's designee;~~

~~(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee~~  
Two members appointed by the director of learning and achievement, one of whom shall have a background in post-secondary education. The director shall designate one of the two appointees as chairperson of the committee.

(b) The mathematics academic standards review committee is hereby created to review academic content standards in the subject of mathematics. The committee shall consist of the following members:

(i) Three experts who are residents of this state and who primarily conduct research, provide instruction, currently work

in, or possess an advanced degree in the subject area. One 9848  
expert shall be appointed by each of the president of the 9849  
senate, the speaker of the house of representatives, and the 9850  
governor; 9851

(ii) One parent or guardian appointed by the speaker of 9852  
the house of representatives; 9853

(iii) One educator who is currently teaching in a 9854  
classroom, appointed by the president of the senate; 9855

~~(iv) The chancellor, or the chancellor's designee;~~ 9856

~~(v) The state superintendent, or the superintendent's-~~ 9857  
~~designee, who shall serve as the chairperson of the committee-~~ 9858

Two members appointed by the director of learning and 9859  
achievement, one of whom shall have a background in post- 9860  
secondary education. The director shall designate one of the two 9861  
appointees as chairperson of the committee. 9862

(c) The science academic standards review committee is 9863  
hereby created to review academic content standards in the 9864  
subject of science. The committee shall consist of the following 9865  
members: 9866

(i) Three experts who are residents of this state and who 9867  
primarily conduct research, provide instruction, currently work 9868  
in, or possess an advanced degree in the subject area. One 9869  
expert shall be appointed by each of the president of the 9870  
senate, the speaker of the house of representatives, and the 9871  
governor; 9872

(ii) One parent or guardian appointed by the president of 9873  
the senate; 9874

(iii) One educator who is currently teaching in a 9875

classroom, appointed by the speaker of the house of 9876  
representatives; 9877

~~(iv) The chancellor, or the chancellor's designee;~~ 9878

~~(v) The state superintendent, or the superintendent's-~~ 9879  
~~designee, who shall serve as the chairperson of the committee-~~ 9880

Two members appointed by the director of learning and 9881  
achievement, one of whom shall have a background in post- 9882  
secondary education. The director shall designate one of the two 9883  
appointees as chairperson of the committee. 9884

(d) The social studies academic standards review committee 9885  
is hereby created to review academic content standards in the 9886  
subject of social studies. The committee shall consist of the 9887  
following members: 9888

(i) Three experts who are residents of this state and who 9889  
primarily conduct research, provide instruction, currently work 9890  
in, or possess an advanced degree in the subject area. One 9891  
expert shall be appointed by each of the president of the 9892  
senate, the speaker of the house of representatives, and the 9893  
governor; 9894

(ii) One parent or guardian appointed by the speaker of 9895  
the house of representatives; 9896

(iii) One educator who is currently teaching in a 9897  
classroom, appointed by the president of the senate; 9898

~~(iv) The chancellor, or the chancellor's designee;~~ 9899

~~(v) The state superintendent, or the superintendent's-~~ 9900  
~~designee, who shall serve as the chairperson of the committee-~~ 9901

Two members appointed by the director of learning and 9902  
achievement, one of whom shall have a background in post- 9903

secondary education. The director shall designate one of the two 9904  
appointees as chairperson of the committee. 9905

(2) (a) Each committee created in division (I) (1) of this 9906  
section shall review the academic content standards for its 9907  
respective subject area to ensure that such standards are clear, 9908  
concise, and appropriate for each grade level and promote higher 9909  
student performance, learning, subject matter comprehension, and 9910  
improved student achievement. Each committee also shall review 9911  
whether the standards for its respective subject area promote 9912  
essential knowledge in the subject, lifelong learning, the 9913  
liberal arts tradition, and college and career readiness and 9914  
whether the standards reduce remediation. 9915

(b) Each committee shall determine whether the assessments 9916  
submitted to that committee under division (I) (4) of this 9917  
section are appropriate for the committee's respective subject 9918  
area and meet the academic content standards adopted under this 9919  
section and community expectations. 9920

(3) The department of ~~education~~ learning and achievement 9921  
shall provide administrative support for each committee created 9922  
in division (I) (1) of this section. Members of each committee 9923  
shall be reimbursed for reasonable and necessary expenses 9924  
related to the operations of the committee. Members of each 9925  
committee shall serve at the pleasure of the appointing 9926  
authority. 9927

(4) Notwithstanding anything to the contrary in division 9928  
(O) of section 3301.0711 of the Revised Code, the department 9929  
shall submit to the appropriate committee created under division 9930  
(I) (1) of this section copies of the questions and corresponding 9931  
answers on the relevant assessments required by section 9932  
3301.0710 of the Revised Code on the first day of July following 9933

the school year that the assessments were administered. The 9934  
department shall provide each committee with the entire content 9935  
of each relevant assessment, including corresponding answers. 9936

The assessments received by the committees are not public 9937  
records of the committees and are not subject to release by the 9938  
committees to any other person or entity under section 149.43 of 9939  
the Revised Code. However, the assessments shall become public 9940  
records in accordance with division (O) of section 3301.0711 of 9941  
the Revised Code. 9942

(J) Not later than sixty days prior to the adoption by the 9943  
~~state board department~~ of updated academic standards under 9944  
division (A) (1) of this section or updated model curricula under 9945  
division (B) (1) of this section, the ~~superintendent of public~~ 9946  
~~instruction director of learning and achievement~~ shall present 9947  
the academic standards or model curricula, as applicable, in 9948  
person at a public hearing of the respective committees of the 9949  
house of representatives and senate that consider education 9950  
legislation. 9951

(K) As used in this section: 9952

(1) "Blended learning" means the delivery of instruction 9953  
in a combination of time in a supervised physical location away 9954  
from home and online delivery whereby the student has some 9955  
element of control over time, place, path, or pace of learning. 9956

(2) "Coherence" means a reflection of the structure of the 9957  
discipline being taught. 9958

(3) "Digital learning" means learning facilitated by 9959  
technology that gives students some element of control over 9960  
time, place, path, or pace of learning. 9961

(4) "Focus" means limiting the number of items included in 9962

a curriculum to allow for deeper exploration of the subject 9963  
matter. 9964

(5) "Vertical articulation" means key academic concepts 9965  
and skills associated with mastery in particular content areas 9966  
should be articulated and reinforced in a developmentally 9967  
appropriate manner at each grade level so that over time 9968  
students acquire a depth of knowledge and understanding in the 9969  
core academic disciplines. 9970

**Sec. 3301.0710.** The ~~state board of education~~ department of 9971  
learning and achievement shall adopt rules establishing a 9972  
statewide program to assess student achievement. The ~~state board~~ 9973  
department shall ensure that all assessments administered under 9974  
the program are aligned with the academic standards and model 9975  
curricula adopted by the ~~state board~~ department and are created 9976  
with input from Ohio parents, Ohio classroom teachers, Ohio 9977  
school administrators, and other Ohio school personnel pursuant 9978  
to section 3301.079 of the Revised Code. 9979

The assessment program shall be designed to ensure that 9980  
students who receive a high school diploma demonstrate at least 9981  
high school levels of achievement in English language arts, 9982  
mathematics, science, and social studies. 9983

(A) (1) The ~~state board~~ department shall prescribe all of 9984  
the following: 9985

(a) Two statewide achievement assessments, one each 9986  
designed to measure the level of English language arts and 9987  
mathematics skill expected at the end of third grade; 9988

(b) Two statewide achievement assessments, one each 9989  
designed to measure the level of English language arts and 9990  
mathematics skill expected at the end of fourth grade; 9991

(c) Three statewide achievement assessments, one each	9992
designed to measure the level of English language arts,	9993
mathematics, and science skill expected at the end of fifth	9994
grade;	9995
(d) Two statewide achievement assessments, one each	9996
designed to measure the level of English language arts and	9997
mathematics skill expected at the end of sixth grade;	9998
(e) Two statewide achievement assessments, one each	9999
designed to measure the level of English language arts and	10000
mathematics skill expected at the end of seventh grade;	10001
(f) Three statewide achievement assessments, one each	10002
designed to measure the level of English language arts,	10003
mathematics, and science skill expected at the end of eighth	10004
grade.	10005
(2) The <del>state board</del> <u>department</u> shall determine and	10006
designate at least five ranges of scores on each of the	10007
achievement assessments described in divisions (A) (1) and (B) (1)	10008
of this section. Each range of scores shall be deemed to	10009
demonstrate a level of achievement so that any student attaining	10010
a score within such range has achieved one of the following:	10011
(a) An advanced level of skill;	10012
(b) An accelerated level of skill;	10013
(c) A proficient level of skill;	10014
(d) A basic level of skill;	10015
(e) A limited level of skill.	10016
(3) For the purpose of implementing division (A) of	10017
section 3313.608 of the Revised Code, the <del>state board</del> <u>department</u>	10018

shall determine and designate a level of achievement, not lower 10019  
than the level designated in division (A) (2) (e) of this section, 10020  
on the third grade English language arts assessment for a 10021  
student to be promoted to the fourth grade. The ~~state board-~~ 10022  
department shall review and adjust upward the level of 10023  
achievement designated under this division each year the test is 10024  
administered until the level is set equal to the level 10025  
designated in division (A) (2) (c) of this section. 10026

(4) Each school district or school shall teach and assess 10027  
social studies in at least the fourth and sixth grades. Any 10028  
assessment in such area shall be determined by the district or 10029  
school and may be formative or summative in nature. The results 10030  
of such assessment shall not be reported to the ~~department-of-~~ 10031  
education. 10032

(B) (1) The assessments prescribed under division (B) (1) of 10033  
this section shall collectively be known as the Ohio graduation 10034  
tests. The ~~state board-~~ department shall prescribe five statewide 10035  
high school achievement assessments, one each designed to 10036  
measure the level of reading, writing, mathematics, science, and 10037  
social studies skill expected at the end of tenth grade. The 10038  
~~state board-~~ department shall designate a score in at least the 10039  
range designated under division (A) (2) (c) of this section on 10040  
each such assessment that shall be deemed to be a passing score 10041  
on the assessment as a condition toward granting high school 10042  
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 10043  
of the Revised Code until the assessment system prescribed by 10044  
section 3301.0712 of the Revised Code is implemented in 10045  
accordance with division (B) (2) of this section. 10046

(2) The ~~state board-~~ department shall prescribe an 10047  
assessment system in accordance with section 3301.0712 of the 10048

Revised Code that shall replace the Ohio graduation tests 10049  
beginning with students who enter the ninth grade for the first 10050  
time on or after July 1, 2014. 10051

(3) The ~~state board~~department may enter into a reciprocal 10052  
agreement with the appropriate body or agency of any other state 10053  
that has similar statewide achievement assessment requirements 10054  
for receiving high school diplomas, under which any student who 10055  
has met an achievement assessment requirement of one state is 10056  
recognized as having met the similar requirement of the other 10057  
state for purposes of receiving a high school diploma. For 10058  
purposes of this section and sections 3301.0711 and 3313.61 of 10059  
the Revised Code, any student enrolled in any public high school 10060  
in this state who has met an achievement assessment requirement 10061  
specified in a reciprocal agreement entered into under this 10062  
division shall be deemed to have attained at least the 10063  
applicable score designated under this division on each 10064  
assessment required by division (B) (1) or (2) of this section 10065  
that is specified in the agreement. 10066

(C) The ~~superintendent of public instruction~~department 10067  
shall designate dates and times for the administration of the 10068  
assessments prescribed by divisions (A) and (B) of this section. 10069

In prescribing administration dates pursuant to this 10070  
division, the ~~superintendent~~department shall designate the 10071  
dates in such a way as to allow a reasonable length of time 10072  
between the administration of assessments prescribed under this 10073  
section and any administration of the national assessment of 10074  
educational progress given to students in the same grade level 10075  
pursuant to section 3301.27 of the Revised Code or federal law. 10076

(D) The ~~state board~~department shall prescribe a practice 10077  
version of each Ohio graduation test described in division (B) 10078

(1) of this section that is of comparable length to the actual 10079  
test. 10080

(E) Any committee established by the department ~~of~~ 10081  
~~education~~ for the purpose of making recommendations to the ~~state~~ 10082  
~~board~~ department regarding the ~~state board's~~ department's 10083  
designation of scores on the assessments described by this 10084  
section shall inform the ~~state board~~ department of the probable 10085  
percentage of students who would score in each of the ranges 10086  
established under division (A) (2) of this section on the 10087  
assessments if the committee's recommendations are adopted by 10088  
the ~~state board~~ department. To the extent possible, these 10089  
percentages shall be disaggregated by gender, major racial and 10090  
ethnic groups, limited English proficient students, economically 10091  
disadvantaged students, students with disabilities, and migrant 10092  
students. 10093

**Sec. 3301.0711.** (A) The department of ~~education~~ learning 10094  
and achievement shall: 10095

(1) Annually furnish to, grade, and score all assessments 10096  
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 10097  
the Revised Code to be administered by city, local, exempted 10098  
village, and joint vocational school districts, except that each 10099  
district shall score any assessment administered pursuant to 10100  
division (B) (10) of this section. Each assessment so furnished 10101  
shall include the data verification code of the student to whom 10102  
the assessment will be administered, as assigned pursuant to 10103  
division (D) (2) of section 3301.0714 of the Revised Code. In 10104  
furnishing the practice versions of Ohio graduation tests 10105  
prescribed by division (D) of section 3301.0710 of the Revised 10106  
Code, the department shall make the tests available on its web 10107  
site for reproduction by districts. In awarding contracts for 10108

grading assessments, the department shall give preference to 10109  
Ohio-based entities employing Ohio residents. 10110

(2) Adopt rules for the ethical use of assessments and 10111  
prescribing the manner in which the assessments prescribed by 10112  
section 3301.0710 of the Revised Code shall be administered to 10113  
students. 10114

(B) Except as provided in divisions (C) and (J) of this 10115  
section, the board of education of each city, local, and 10116  
exempted village school district shall, in accordance with rules 10117  
adopted under division (A) of this section: 10118

(1) Administer the English language arts assessments 10119  
prescribed under division (A) (1) (a) of section 3301.0710 of the 10120  
Revised Code twice annually to all students in the third grade 10121  
who have not attained the score designated for that assessment 10122  
under division (A) (2) (c) of section 3301.0710 of the Revised 10123  
Code. 10124

(2) Administer the mathematics assessment prescribed under 10125  
division (A) (1) (a) of section 3301.0710 of the Revised Code at 10126  
least once annually to all students in the third grade. 10127

(3) Administer the assessments prescribed under division 10128  
(A) (1) (b) of section 3301.0710 of the Revised Code at least once 10129  
annually to all students in the fourth grade. 10130

(4) Administer the assessments prescribed under division 10131  
(A) (1) (c) of section 3301.0710 of the Revised Code at least once 10132  
annually to all students in the fifth grade. 10133

(5) Administer the assessments prescribed under division 10134  
(A) (1) (d) of section 3301.0710 of the Revised Code at least once 10135  
annually to all students in the sixth grade. 10136

(6) Administer the assessments prescribed under division 10137  
(A) (1) (e) of section 3301.0710 of the Revised Code at least once 10138  
annually to all students in the seventh grade. 10139

(7) Administer the assessments prescribed under division 10140  
(A) (1) (f) of section 3301.0710 of the Revised Code at least once 10141  
annually to all students in the eighth grade. 10142

(8) Except as provided in division (B) (9) of this section, 10143  
administer any assessment prescribed under division (B) (1) of 10144  
section 3301.0710 of the Revised Code as follows: 10145

(a) At least once annually to all tenth grade students and 10146  
at least twice annually to all students in eleventh or twelfth 10147  
grade who have not yet attained the score on that assessment 10148  
designated under that division; 10149

(b) To any person who has successfully completed the 10150  
curriculum in any high school or the individualized education 10151  
program developed for the person by any high school pursuant to 10152  
section 3323.08 of the Revised Code but has not received a high 10153  
school diploma and who requests to take such assessment, at any 10154  
time such assessment is administered in the district. 10155

(9) In lieu of the board of education of any city, local, 10156  
or exempted village school district in which the student is also 10157  
enrolled, the board of a joint vocational school district shall 10158  
administer any assessment prescribed under division (B) (1) of 10159  
section 3301.0710 of the Revised Code at least twice annually to 10160  
any student enrolled in the joint vocational school district who 10161  
has not yet attained the score on that assessment designated 10162  
under that division. A board of a joint vocational school 10163  
district may also administer such an assessment to any student 10164  
described in division (B) (8) (b) of this section. 10165

(10) If the district has a three-year average graduation rate of not more than seventy-five per cent, administer each assessment prescribed by division (D) of section 3301.0710 of the Revised Code in September to all ninth grade students who entered ninth grade prior to July 1, 2014.

Except as provided in section 3313.614 of the Revised Code for administration of an assessment to a person who has fulfilled the curriculum requirement for a high school diploma but has not passed one or more of the required assessments, the assessments prescribed under division (B) (1) of section 3301.0710 of the Revised Code shall not be administered after the date specified in the rules adopted by the ~~state board of education~~ department under division (D) (1) of section 3301.0712 of the Revised Code.

(11) (a) Except as provided in division (B) (11) (b) of this section, administer the assessments prescribed by division (B) (2) of section 3301.0710 and section 3301.0712 of the Revised Code in accordance with the timeline and plan for implementation of those assessments prescribed by rule of the ~~state board~~ department adopted under division (D) (1) of section 3301.0712 of the Revised Code;

(b) A student who has presented evidence to the district or school of having satisfied the condition prescribed by division (A) (1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. However, no board shall prohibit a student who is not required to take such assessment from taking the assessment.

(C) (1) (a) In the case of a student receiving special 10196  
education services under Chapter 3323. of the Revised Code, the 10197  
individualized education program developed for the student under 10198  
that chapter shall specify the manner in which the student will 10199  
participate in the assessments administered under this section, 10200  
except that a student with significant cognitive disabilities to 10201  
whom an alternate assessment is administered in accordance with 10202  
division (C) (1) of this section and a student determined to have 10203  
a disability that includes an intellectual disability as 10204  
outlined in guidance issued by the department shall not be 10205  
required to take the assessment prescribed under division (B) (1) 10206  
of section 3301.0712 of the Revised Code. The individualized 10207  
education program may excuse the student from taking any 10208  
particular assessment required to be administered under this 10209  
section if it instead specifies an alternate assessment method 10210  
approved by the department ~~of education~~ as conforming to 10211  
requirements of federal law for receipt of federal funds for 10212  
disadvantaged pupils. To the extent possible, the individualized 10213  
education program shall not excuse the student from taking an 10214  
assessment unless no reasonable accommodation can be made to 10215  
enable the student to take the assessment. No board shall 10216  
prohibit a student who is not required to take an assessment 10217  
under division (C) (1) of this section from taking the 10218  
assessment. 10219

(b) Any alternate assessment approved by the department 10220  
for a student under this division shall produce measurable 10221  
results comparable to those produced by the assessment it 10222  
replaces in order to allow for the student's results to be 10223  
included in the data compiled for a school district or building 10224  
under section 3302.03 of the Revised Code. 10225

(c) (i) Any student enrolled in a chartered nonpublic 10226

school who has been identified, based on an evaluation conducted 10227  
in accordance with section 3323.03 of the Revised Code or 10228  
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 10229  
29 U.S.C.A. 794, as amended, as a child with a disability shall 10230  
be excused from taking any particular assessment required to be 10231  
administered under this section if a plan developed for the 10232  
student pursuant to rules adopted by the ~~state board~~ department 10233  
excuses the student from taking that assessment. 10234

(ii) A student with significant cognitive disabilities to 10235  
whom an alternate assessment is administered in accordance with 10236  
division (C)(1) of this section and a student determined to have 10237  
a disability that includes an intellectual disability as 10238  
outlined in guidance issued by the department shall not be 10239  
required to take the assessment prescribed under division (B)(1) 10240  
of section 3301.0712 of the Revised Code. 10241

(iii) In the case of any student so excused from taking an 10242  
assessment under division (C)(1)(c) of this section, the 10243  
chartered nonpublic school shall not prohibit the student from 10244  
taking the assessment. 10245

(2) A district board may, for medical reasons or other 10246  
good cause, excuse a student from taking an assessment 10247  
administered under this section on the date scheduled, but that 10248  
assessment shall be administered to the excused student not 10249  
later than nine days following the scheduled date. The district 10250  
board shall annually report the number of students who have not 10251  
taken one or more of the assessments required by this section to 10252  
the ~~state board~~ department not later than the thirtieth day of 10253  
June. 10254

(3) As used in this division, "limited English proficient 10255  
student" has the same meaning as in 20 U.S.C. 7801. 10256

No school district board shall excuse any limited English proficient student from taking any particular assessment required to be administered under this section, except as follows:

(a) Any limited English proficient student who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department shall not be required to take the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code.

(b) Any limited English proficient student who has been enrolled in United States schools for less than one full school year shall not be required to take any reading, writing, or English language arts assessment.

However, no board shall prohibit a limited English proficient student who is not required to take an assessment under division (C) (3) of this section from taking the assessment. A board may permit any limited English proficient student to take an assessment required to be administered under this section with appropriate accommodations, as determined by the department. For each limited English proficient student, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department.

(4) (a) The governing authority of a chartered nonpublic school may excuse a limited English proficient student from taking any assessment administered under this section.

(b) No governing authority shall require a limited English proficient student who has been enrolled in United States

schools for less than two years and for whom no appropriate 10286  
accommodations are available based on guidance issued by the 10287  
department to take the assessment prescribed under division (B) 10288  
(1) of section 3301.0712 of the Revised Code. 10289

(c) No governing authority shall prohibit a limited 10290  
English proficient student from taking an assessment from which 10291  
the student was excused under division (C) (4) of this section. 10292

(D) (1) In the school year next succeeding the school year 10293  
in which the assessments prescribed by division (A) (1) or (B) (1) 10294  
of section 3301.0710 of the Revised Code or former division (A) 10295  
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 10296  
it existed prior to September 11, 2001, are administered to any 10297  
student, the board of education of any school district in which 10298  
the student is enrolled in that year shall provide to the 10299  
student intervention services commensurate with the student's 10300  
performance, including any intensive intervention required under 10301  
section 3313.608 of the Revised Code, in any skill in which the 10302  
student failed to demonstrate at least a score at the proficient 10303  
level on the assessment. 10304

(2) Following any administration of the assessments 10305  
prescribed by division (D) of section 3301.0710 of the Revised 10306  
Code to ninth grade students, each school district that has a 10307  
three-year average graduation rate of not more than seventy-five 10308  
per cent shall determine for each high school in the district 10309  
whether the school shall be required to provide intervention 10310  
services to any students who took the assessments. In 10311  
determining which high schools shall provide intervention 10312  
services based on the resources available, the district shall 10313  
consider each school's graduation rate and scores on the 10314  
practice assessments. The district also shall consider the 10315

scores received by ninth grade students on the English language 10316  
arts and mathematics assessments prescribed under division (A) 10317  
(1) (f) of section 3301.0710 of the Revised Code in the eighth 10318  
grade in determining which high schools shall provide 10319  
intervention services. 10320

Each high school selected to provide intervention services 10321  
under this division shall provide intervention services to any 10322  
student whose results indicate that the student is failing to 10323  
make satisfactory progress toward being able to attain scores at 10324  
the proficient level on the Ohio graduation tests. Intervention 10325  
services shall be provided in any skill in which a student 10326  
demonstrates unsatisfactory progress and shall be commensurate 10327  
with the student's performance. Schools shall provide the 10328  
intervention services prior to the end of the school year, 10329  
during the summer following the ninth grade, in the next 10330  
succeeding school year, or at any combination of those times. 10331

(E) Except as provided in section 3313.608 of the Revised 10332  
Code and division (N) of this section, no school district board 10333  
of education shall utilize any student's failure to attain a 10334  
specified score on an assessment administered under this section 10335  
as a factor in any decision to deny the student promotion to a 10336  
higher grade level. However, a district board may choose not to 10337  
promote to the next grade level any student who does not take an 10338  
assessment administered under this section or make up an 10339  
assessment as provided by division (C) (2) of this section and 10340  
who is not exempt from the requirement to take the assessment 10341  
under division (C) (3) of this section. 10342

(F) No person shall be charged a fee for taking any 10343  
assessment administered under this section. 10344

(G) (1) Each school district board shall designate one 10345

location for the collection of assessments administered in the 10346  
spring under division (B) (1) of this section and those 10347  
administered under divisions (B) (2) to (7) of this section. Each 10348  
district board shall submit the assessments to the entity with 10349  
which the department contracts for the scoring of the 10350  
assessments as follows: 10351

(a) If the district's total enrollment in grades 10352  
kindergarten through twelve during the first full school week of 10353  
October was less than two thousand five hundred, not later than 10354  
the Friday after all of the assessments have been administered; 10355

(b) If the district's total enrollment in grades 10356  
kindergarten through twelve during the first full school week of 10357  
October was two thousand five hundred or more, but less than 10358  
seven thousand, not later than the Monday after all of the 10359  
assessments have been administered; 10360

(c) If the district's total enrollment in grades 10361  
kindergarten through twelve during the first full school week of 10362  
October was seven thousand or more, not later than the Tuesday 10363  
after all of the assessments have been administered. 10364

However, any assessment that a student takes during the 10365  
make-up period described in division (C) (2) of this section 10366  
shall be submitted not later than the Friday following the day 10367  
the student takes the assessment. 10368

(2) The department or an entity with which the department 10369  
contracts for the scoring of the assessment shall send to each 10370  
school district board a list of the individual scores of all 10371  
persons taking a state achievement assessment as follows: 10372

(a) Except as provided in division (G) (2) (b) or (c) of 10373  
this section, within forty-five days after the administration of 10374

the assessments prescribed by sections 3301.0710 and 3301.0712 10375  
of the Revised Code, but in no case shall the scores be returned 10376  
later than the thirtieth day of June following the 10377  
administration; 10378

(b) In the case of the third-grade English language arts 10379  
assessment, within forty-five days after the administration of 10380  
that assessment, but in no case shall the scores be returned 10381  
later than the fifteenth day of June following the 10382  
administration; 10383

(c) In the case of the writing component of an assessment 10384  
or end-of-course examination in the area of English language 10385  
arts, except for the third-grade English language arts 10386  
assessment, the results may be sent after forty-five days of the 10387  
administration of the writing component, but in no case shall 10388  
the scores be returned later than the thirtieth day of June 10389  
following the administration. 10390

(3) For assessments administered under this section by a 10391  
joint vocational school district, the department or entity shall 10392  
also send to each city, local, or exempted village school 10393  
district a list of the individual scores of any students of such 10394  
city, local, or exempted village school district who are 10395  
attending school in the joint vocational school district. 10396

(H) Individual scores on any assessments administered 10397  
under this section shall be released by a district board only in 10398  
accordance with section 3319.321 of the Revised Code and the 10399  
rules adopted under division (A) of this section. No district 10400  
board or its employees shall utilize individual or aggregate 10401  
results in any manner that conflicts with rules for the ethical 10402  
use of assessments adopted pursuant to division (A) of this 10403  
section. 10404

(I) Except as provided in division (G) of this section, 10405  
the department or an entity with which the department contracts 10406  
for the scoring of the assessment shall not release any 10407  
individual scores on any assessment administered under this 10408  
section. The ~~state board~~ department shall adopt rules to ensure 10409  
the protection of student confidentiality at all times. The 10410  
rules may require the use of the data verification codes 10411  
assigned to students pursuant to division (D) (2) of section 10412  
3301.0714 of the Revised Code to protect the confidentiality of 10413  
student scores. 10414

(J) Notwithstanding division (D) of section 3311.52 of the 10415  
Revised Code, this section does not apply to the board of 10416  
education of any cooperative education school district except as 10417  
provided under rules adopted pursuant to this division. 10418

(1) In accordance with rules that the ~~state board~~ 10419  
department shall adopt, the board of education of any city, 10420  
exempted village, or local school district with territory in a 10421  
cooperative education school district established pursuant to 10422  
divisions (A) to (C) of section 3311.52 of the Revised Code may 10423  
enter into an agreement with the board of education of the 10424  
cooperative education school district for administering any 10425  
assessment prescribed under this section to students of the 10426  
city, exempted village, or local school district who are 10427  
attending school in the cooperative education school district. 10428

(2) In accordance with rules that the ~~state board~~ 10429  
department shall adopt, the board of education of any city, 10430  
exempted village, or local school district with territory in a 10431  
cooperative education school district established pursuant to 10432  
section 3311.521 of the Revised Code shall enter into an 10433  
agreement with the cooperative district that provides for the 10434

administration of any assessment prescribed under this section 10435  
to both of the following: 10436

(a) Students who are attending school in the cooperative 10437  
district and who, if the cooperative district were not 10438  
established, would be entitled to attend school in the city, 10439  
local, or exempted village school district pursuant to section 10440  
3313.64 or 3313.65 of the Revised Code; 10441

(b) Persons described in division (B) (8) (b) of this 10442  
section. 10443

Any assessment of students pursuant to such an agreement 10444  
shall be in lieu of any assessment of such students or persons 10445  
pursuant to this section. 10446

(K) (1) Except as otherwise provided in division (K) (1) or 10447  
(2) of this section, each chartered nonpublic school for which 10448  
at least sixty-five per cent of its total enrollment is made up 10449  
of students who are participating in state scholarship programs 10450  
shall administer the elementary assessments prescribed by 10451  
section 3301.0710 of the Revised Code. In accordance with 10452  
procedures and deadlines prescribed by the department, the 10453  
parent or guardian of a student enrolled in the school who is 10454  
not participating in a state scholarship program may submit 10455  
notice to the chief administrative officer of the school that 10456  
the parent or guardian does not wish to have the student take 10457  
the elementary assessments prescribed for the student's grade 10458  
level under division (A) of section 3301.0710 of the Revised 10459  
Code. If a parent or guardian submits an opt-out notice, the 10460  
school shall not administer the assessments to that student. 10461  
This option does not apply to any assessment required for a high 10462  
school diploma under section 3313.612 of the Revised Code. 10463

(2) A chartered nonpublic school may submit to the ~~superintendent of public instruction department~~ a request for a waiver from administering the elementary assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The ~~state superintendent department~~ shall approve or disapprove a request for a waiver submitted under division (K) (2) of this section. No waiver shall be approved for any school year prior to the 2015-2016 school year.

To be eligible to submit a request for a waiver, a chartered nonpublic school shall meet the following conditions:

(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychiatrist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome.

(b) The school has solely served a student population described in division (K) (1) (a) of this section for at least ten years.

(c) The school provides to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including diagnostic assessments and nationally standardized norm-referenced achievement assessments that measure reading and math skills.

(3) Any chartered nonpublic school that is not subject to

division (K) (1) of this section may participate in the 10493  
assessment program by administering any of the assessments 10494  
prescribed by division (A) of section 3301.0710 of the Revised 10495  
Code. The chief administrator of the school shall specify which 10496  
assessments the school will administer. Such specification shall 10497  
be made in writing to the ~~superintendent of public instruction~~ 10498  
department prior to the first day of August of any school year 10499  
in which assessments are administered and shall include a pledge 10500  
that the nonpublic school will administer the specified 10501  
assessments in the same manner as public schools are required to 10502  
do under this section and rules adopted by the department. 10503

(4) The department ~~of education~~ shall furnish the 10504  
assessments prescribed by section 3301.0710 of the Revised Code 10505  
to each chartered nonpublic school that is subject to division 10506  
(K) (1) of this section or participates under division (K) (3) of 10507  
this section. 10508

(L) If a chartered nonpublic school is educating students 10509  
in grades nine through twelve, the following shall apply: 10510

(1) For a student who is enrolled in a chartered nonpublic 10511  
school that is accredited through the independent schools 10512  
association of the central states and who is attending the 10513  
school under a state scholarship program, the student shall 10514  
either take all of the assessments prescribed by division (B) of 10515  
section 3301.0712 of the Revised Code or take an alternative 10516  
assessment approved by the department under section 3313.619 of 10517  
the Revised Code. However, a student who is excused from taking 10518  
an assessment under division (C) of this section or has 10519  
presented evidence to the chartered nonpublic school of having 10520  
satisfied the condition prescribed by division (A) (1) of section 10521  
3313.618 of the Revised Code to qualify for a high school 10522

diploma prior to the date of the administration of the 10523  
assessment prescribed under division (B) (1) of section 3301.0712 10524  
of the Revised Code shall not be required to take that 10525  
assessment. No governing authority of a chartered nonpublic 10526  
school shall prohibit a student who is not required to take such 10527  
assessment from taking the assessment. 10528

(2) For a student who is enrolled in a chartered nonpublic 10529  
school that is accredited through the independent schools 10530  
association of the central states, and who is not attending the 10531  
school under a state scholarship program, the student shall not 10532  
be required to take any assessment prescribed under section 10533  
3301.0712 or 3313.619 of the Revised Code. 10534

(3) (a) Except as provided in division (L) (3) (b) of this 10535  
section, for a student who is enrolled in a chartered nonpublic 10536  
school that is not accredited through the independent schools 10537  
association of the central states, regardless of whether the 10538  
student is attending or is not attending the school under a 10539  
state scholarship program, the student shall do one of the 10540  
following: 10541

(i) Take all of the assessments prescribed by division (B) 10542  
of section 3301.0712 of the Revised Code; 10543

(ii) Take only the assessment prescribed by division (B) 10544  
(1) of section 3301.0712 of the Revised Code, provided that the 10545  
student's school publishes the results of that assessment for 10546  
each graduating class. The published results of that assessment 10547  
shall include the overall composite scores, mean scores, twenty- 10548  
fifth percentile scores, and seventy-fifth percentile scores for 10549  
each subject area of the assessment. 10550

(iii) Take an alternative assessment approved by the 10551

department under section 3313.619 of the Revised Code. 10552

(b) A student who is excused from taking an assessment 10553  
under division (C) of this section or has presented evidence to 10554  
the chartered nonpublic school of having satisfied the condition 10555  
prescribed by division (A) (1) of section 3313.618 of the Revised 10556  
Code to qualify for a high school diploma prior to the date of 10557  
the administration of the assessment prescribed under division 10558  
(B) (1) of section 3301.0712 of the Revised Code shall not be 10559  
required to take that assessment. No governing authority of a 10560  
chartered nonpublic school shall prohibit a student who is not 10561  
required to take such assessment from taking the assessment. 10562

(M) (1) The superintendent of the state school for the 10563  
blind and the superintendent of the state school for the deaf 10564  
shall administer the assessments described by sections 3301.0710 10565  
and 3301.0712 of the Revised Code. Each superintendent shall 10566  
administer the assessments in the same manner as district boards 10567  
are required to do under this section and rules adopted by the 10568  
department ~~of education~~ and in conformity with division (C) (1) 10569  
(a) of this section. 10570

(2) The department ~~of education~~ shall furnish the 10571  
assessments described by sections 3301.0710 and 3301.0712 of the 10572  
Revised Code to each superintendent. 10573

(N) Notwithstanding division (E) of this section, a school 10574  
district may use a student's failure to attain a score in at 10575  
least the proficient range on the mathematics assessment 10576  
described by division (A) (1) (a) of section 3301.0710 of the 10577  
Revised Code or on an assessment described by division (A) (1) 10578  
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 10579  
Code as a factor in retaining that student in the current grade 10580  
level. 10581

(O) (1) In the manner specified in divisions (O) (3), (4), 10582  
(6), and (7) of this section, the assessments required by 10583  
division (A) (1) of section 3301.0710 of the Revised Code shall 10584  
become public records pursuant to section 149.43 of the Revised 10585  
Code on the thirty-first day of July following the school year 10586  
that the assessments were administered. 10587

(2) The department may field test proposed questions with 10588  
samples of students to determine the validity, reliability, or 10589  
appropriateness of questions for possible inclusion in a future 10590  
year's assessment. The department also may use anchor questions 10591  
on assessments to ensure that different versions of the same 10592  
assessment are of comparable difficulty. 10593

Field test questions and anchor questions shall not be 10594  
considered in computing scores for individual students. Field 10595  
test questions and anchor questions may be included as part of 10596  
the administration of any assessment required by division (A) (1) 10597  
or (B) of section 3301.0710 and division (B) of section 10598  
3301.0712 of the Revised Code. 10599

(3) Any field test question or anchor question 10600  
administered under division (O) (2) of this section shall not be 10601  
a public record. Such field test questions and anchor questions 10602  
shall be redacted from any assessments which are released as a 10603  
public record pursuant to division (O) (1) of this section. 10604

(4) This division applies to the assessments prescribed by 10605  
division (A) of section 3301.0710 of the Revised Code. 10606

(a) The first administration of each assessment, as 10607  
specified in former section 3301.0712 of the Revised Code, shall 10608  
be a public record. 10609

(b) For subsequent administrations of each assessment 10610

prior to the 2011-2012 school year, not less than forty per cent 10611  
of the questions on the assessment that are used to compute a 10612  
student's score shall be a public record. The department shall 10613  
determine which questions will be needed for reuse on a future 10614  
assessment and those questions shall not be public records and 10615  
shall be redacted from the assessment prior to its release as a 10616  
public record. However, for each redacted question, the 10617  
department shall inform each city, local, and exempted village 10618  
school district of the statewide academic standard adopted by 10619  
the state board under section 3301.079 of the Revised Code and 10620  
the corresponding benchmark to which the question relates. The 10621  
preceding sentence does not apply to field test questions that 10622  
are redacted under division (O) (3) of this section. 10623

(c) The administrations of each assessment in the 2011- 10624  
2012, 2012-2013, and 2013-2014 school years shall not be a 10625  
public record. 10626

(5) Each assessment prescribed by division (B) (1) of 10627  
section 3301.0710 of the Revised Code shall not be a public 10628  
record. 10629

(6) (a) Except as provided in division (O) (6) (b) of this 10630  
section, for the administrations in the 2014-2015, 2015-2016, 10631  
and 2016-2017 school years, questions on the assessments 10632  
prescribed under division (A) of section 3301.0710 and division 10633  
(B) (2) of section 3301.0712 of the Revised Code and the 10634  
corresponding preferred answers that are used to compute a 10635  
student's score shall become a public record as follows: 10636

(i) Forty per cent of the questions and preferred answers 10637  
on the assessments on the thirty-first day of July following the 10638  
administration of the assessment; 10639

(ii) Twenty per cent of the questions and preferred answers on the assessment on the thirty-first day of July one year after the administration of the assessment;

(iii) The remaining forty per cent of the questions and preferred answers on the assessment on the thirty-first day of July two years after the administration of the assessment.

The entire content of an assessment shall become a public record within three years of its administration.

The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.

(b) No questions and corresponding preferred answers shall become a public record under division (O) (6) of this section after July 31, 2017.

(7) Division (O) (7) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B) (2) of section 3301.0712 of the Revised Code.

Beginning with the assessments administered in the spring of the 2017-2018 school year, not less than forty per cent of the questions on each assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the corresponding statewide academic standard

adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The department is not required to provide corresponding standards and benchmarks to field test questions that are redacted under division (O)(3) of this section.

(P) As used in this section:

(1) "Three-year average" means the average of the most recent consecutive three school years of data.

(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is not enrolled in an education program approved by the ~~state board of education department~~ or an education program outside the state. "Dropout" does not include a student who has departed the country.

(3) "Graduation rate" means the ratio of students receiving a diploma to the number of students who entered ninth grade four years earlier. Students who transfer into the district are added to the calculation. Students who transfer out of the district for reasons other than dropout are subtracted from the calculation. If a student who was a dropout in any previous year returns to the same school district, that student shall be entered into the calculation as if the student had entered ninth grade four years before the graduation year of the graduating class that the student joins.

(4) "State scholarship programs" means the educational choice scholarship pilot program established under sections 3310.01 to 3310.17 of the Revised Code, the autism scholarship program established under section 3310.41 of the Revised Code, the Jon Peterson special needs scholarship program established

under sections 3310.51 to 3310.64 of the Revised Code, and the 10698  
pilot project scholarship program established under sections 10699  
3313.974 to 3313.979 of the Revised Code. 10700

**Sec. 3301.0712.** (A) ~~The state board of education, the~~ 10701  
~~superintendent of public instruction, and the chancellor of~~ 10702  
~~higher education department of learning and achievement shall~~ 10703  
develop a system of college and work ready assessments as 10704  
described in division (B) of this section to assess whether each 10705  
student upon graduating from high school is ready to enter 10706  
college or the workforce. Beginning with students who enter the 10707  
ninth grade for the first time on or after July 1, 2014, the 10708  
system shall replace the Ohio graduation tests prescribed in 10709  
division (B)(1) of section 3301.0710 of the Revised Code as a 10710  
measure of student academic performance and one determinant of 10711  
eligibility for a high school diploma in the manner prescribed 10712  
by rule of the ~~state board~~ department adopted under division (D) 10713  
of this section. 10714

(B) The college and work ready assessment system shall 10715  
consist of the following: 10716

(1) Nationally standardized assessments that measure 10717  
college and career readiness and are used for college admission. 10718  
The assessments shall be selected ~~jointly by the state~~ 10719  
~~superintendent and the chancellor~~ director of learning and 10720  
achievement, and one of which shall be selected by each school 10721  
district or school to administer to its students. The 10722  
assessments prescribed under division (B)(1) of this section 10723  
shall be administered to all eleventh-grade students in the 10724  
spring of the school year. 10725

(2) Seven end-of-course examinations, one in each of the 10726  
areas of English language arts I, English language arts II, 10727

science, Algebra I, geometry, American history, and American 10728  
government. The end-of-course examinations shall be selected 10729  
~~jointly by the state superintendent and the chancellor~~ 10730  
department in consultation with faculty in the appropriate 10731  
subject areas at institutions of higher education of the 10732  
university system of Ohio. Advanced placement examinations and 10733  
international baccalaureate examinations, as prescribed under 10734  
section 3313.6013 of the Revised Code, in the areas of science, 10735  
American history, and American government may be used as end-of- 10736  
course examinations in accordance with division (B) (4) (a) (i) of 10737  
this section. Final course grades for courses taken under any 10738  
other advanced standing program, as prescribed under section 10739  
3313.6013 of the Revised Code, in the areas of science, American 10740  
history, and American government may be used in lieu of end-of- 10741  
course examinations in accordance with division (B) (4) (a) (ii) of 10742  
this section. 10743

(3) (a) Not later than July 1, 2013, each school district 10744  
board of education shall adopt interim end-of-course 10745  
examinations that comply with the requirements of divisions (B) 10746  
(3) (b) (i) and (ii) of this section to assess mastery of American 10747  
history and American government standards adopted under division 10748  
(A) (1) (b) of section 3301.079 of the Revised Code and the topics 10749  
required under division (M) of section 3313.603 of the Revised 10750  
Code. Each high school of the district shall use the interim 10751  
examinations until the ~~state superintendent and chancellor~~ 10752  
~~select~~ department selects end-of-course examinations in American 10753  
history and American government under division (B) (2) of this 10754  
section. 10755

(b) ~~Not later than July 1, 2014, the state superintendent~~ 10756  
~~and the chancellor~~ The department shall select the end-of-course 10757  
examinations in American history and American government. 10758

(i) The end-of-course examinations in American history and American government shall require demonstration of mastery of the American history and American government content for social studies standards adopted under division (A) (1) (b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code.

(ii) At least twenty per cent of the end-of-course examination in American government shall address the topics on American history and American government described in division (M) of section 3313.603 of the Revised Code.

(4) (a) Notwithstanding anything to the contrary in this section, beginning with the 2014-2015 school year, both of the following shall apply:

(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under division (B) (2) of this section. The ~~state board~~ department shall specify the score levels for each advanced placement examination and international baccalaureate examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.

(ii) If a student is enrolled in an appropriate course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, that student shall not be required to take the science, American history, or American government end-of-course examination, whichever is applicable, prescribed under division (B) (2) of this section. Instead, that

student's final course grade shall be used in lieu of the 10789  
applicable end-of-course examination prescribed under that 10790  
section. The ~~state superintendent, in consultation with the~~ 10791  
~~chancellor, department~~ shall adopt guidelines for purposes of 10792  
calculating the corresponding final course grades that 10793  
demonstrate the level of academic achievement necessary to earn 10794  
a high school diploma. 10795

Division (B) (4) (a) (ii) of this section shall apply only to 10796  
courses for which students receive transcribed credit, as 10797  
defined in section 3365.01 of the Revised Code. It shall not 10798  
apply to remedial or developmental courses. 10799

(b) No student shall take a substitute examination or 10800  
examination prescribed under division (B) (4) (a) of this section 10801  
in place of the end-of-course examinations in English language 10802  
arts I, English language arts II, Algebra I, or geometry 10803  
prescribed under division (B) (2) of this section. 10804

(c) The ~~state board~~ department shall consider additional 10805  
assessments that may be used, beginning with the 2016-2017 10806  
school year, as substitute examinations in lieu of the end-of- 10807  
course examinations prescribed under division (B) (2) of this 10808  
section. 10809

(5) The ~~state board~~ department shall do all of the 10810  
following: 10811

(a) Determine and designate at least five ranges of scores 10812  
on each of the end-of-course examinations prescribed under 10813  
division (B) (2) of this section, and substitute examinations 10814  
prescribed under division (B) (4) of this section. Each range of 10815  
scores shall be considered to demonstrate a level of achievement 10816  
so that any student attaining a score within such range has 10817

achieved one of the following:	10818
(i) An advanced level of skill;	10819
(ii) An accelerated level of skill;	10820
(iii) A proficient level of skill;	10821
(iv) A basic level of skill;	10822
(v) A limited level of skill.	10823
(b) Determine a method by which to calculate a cumulative performance score based on the results of a student's end-of-course examinations or substitute examinations;	10824 10825 10826
(c) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma;	10827 10828 10829
(d) Develop a table of corresponding score equivalents for the end-of-course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.	10830 10831 10832 10833
A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B) (5) (a) (iii) of this section.	10834 10835 10836 10837 10838
(6) (a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:	10839 10840 10841
(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.	10842 10843 10844

(ii) The examination was not available for administration 10845  
prior to July 1, 2015. 10846

Receipt of credit for the course described in division (B) 10847  
(6) (a) (i) of this section shall satisfy the requirement to take 10848  
the end-of-course examination. A student exempted under division 10849  
(B) (6) (a) of this section may take the applicable end-of-course 10850  
examination at a later date. 10851

(b) For purposes of determining whether a student who is 10852  
exempt from taking an end-of-course examination under division 10853  
(B) (6) (a) of this section has attained the cumulative score 10854  
prescribed by division (B) (5) (c) of this section, such student 10855  
shall select either of the following: 10856

(i) The student is considered to have attained a 10857  
proficient score on the end-of-course examination from which the 10858  
student is exempt; 10859

(ii) The student's final course grade shall be used in 10860  
lieu of a score on the end-of-course examination from which the 10861  
student is exempt. 10862

~~The state superintendent, in consultation with the~~ 10863  
~~chancellor, department~~ shall adopt guidelines for purposes of 10864  
calculating the corresponding final course grades and the 10865  
minimum cumulative performance score that demonstrates the level 10866  
of academic achievement necessary to earn a high school diploma. 10867

(7) (a) Notwithstanding anything to the contrary in this 10868  
section, the ~~state board department~~ may replace the algebra I 10869  
end-of-course examination prescribed under division (B) (2) of 10870  
this section with an algebra II end-of-course examination, 10871  
beginning with the 2016-2017 school year for students who enter 10872  
ninth grade on or after July 1, 2016. 10873

(b) If the ~~state board~~ department replaces the algebra I 10874  
end-of-course examination with an algebra II end-of-course 10875  
examination as authorized under division (B) (7) (a) of this 10876  
section, both of the following shall apply: 10877

(i) A student who is enrolled in an advanced placement or 10878  
international baccalaureate course in algebra II shall take the 10879  
advanced placement or international baccalaureate examination in 10880  
lieu of the algebra II end-of-course examination. 10881

(ii) A student who is enrolled in an algebra II course 10882  
under any other advanced standing program, as described in 10883  
section 3313.6013 of the Revised Code, shall not be required to 10884  
take the algebra II end-of-course examination. Instead, that 10885  
student's final course grade shall be used in lieu of the 10886  
examination. 10887

(c) If a school district or school utilizes an integrated 10888  
approach to mathematics instruction, the district or school may 10889  
do either or both of the following: 10890

(i) Administer an integrated mathematics I end-of-course 10891  
examination in lieu of the prescribed algebra I end-of-course 10892  
examination; 10893

(ii) Administer an integrated mathematics II end-of-course 10894  
examination in lieu of the prescribed geometry end-of-course 10895  
examination. 10896

(8) (a) For students entering the ninth grade for the first 10897  
time on or after July 1, 2014, but prior to July 1, 2015, the 10898  
assessment in the area of science shall be physical science or 10899  
biology. For students entering the ninth grade for the first 10900  
time on or after July 1, 2015, the assessment in the area of 10901  
science shall be biology. 10902

(b) Until July 1, 2019, the department ~~of education~~ shall 10903  
make available the end-of-course examination in physical science 10904  
for students who entered the ninth grade for the first time on 10905  
or after July 1, 2014, but prior to July 1, 2015, and who wish 10906  
to retake the examination. 10907

(c) Not later than July 1, 2016, the ~~state board~~ 10908  
department shall adopt rules prescribing the requirements for 10909  
the end-of-course examination in science for students who 10910  
entered the ninth grade for the first time on or after July 1, 10911  
2014, but prior to July 1, 2015, and who have not met the 10912  
requirement prescribed by section 3313.618 of the Revised Code 10913  
by July 1, 2019, due to a student's failure to satisfy division 10914  
(A) (2) of section 3313.618 of the Revised Code. 10915

(9) ~~Neither the state board nor the~~ The department ~~of~~ 10916  
~~education~~ shall not develop or administer an end-of-course 10917  
examination in the area of world history. 10918

(C) The ~~state board~~ department shall convene a group of 10919  
national experts, state experts, and local practitioners to 10920  
provide advice, guidance, and recommendations for the alignment 10921  
of standards and model curricula to the assessments and in the 10922  
design of the end-of-course examinations prescribed by this 10923  
section. 10924

(D) Upon completion of the development of the assessment 10925  
system, the ~~state board~~ department shall adopt rules prescribing 10926  
all of the following: 10927

(1) A timeline and plan for implementation of the 10928  
assessment system, including a phased implementation if the 10929  
~~state board~~ department determines such a phase-in is warranted; 10930

(2) The date after which a person shall meet the 10931

requirements of the entire assessment system as a prerequisite 10932  
for a diploma of adult education under section 3313.611 of the 10933  
Revised Code; 10934

(3) Whether and the extent to which a person may be 10935  
excused from an American history end-of-course examination and 10936  
an American government end-of-course examination under division 10937  
(H) of section 3313.61 and division (B) (3) of section 3313.612 10938  
of the Revised Code; 10939

(4) The date after which a person who has fulfilled the 10940  
curriculum requirement for a diploma but has not passed one or 10941  
more of the required assessments at the time the person 10942  
fulfilled the curriculum requirement shall meet the requirements 10943  
of the entire assessment system as a prerequisite for a high 10944  
school diploma under division (B) of section 3313.614 of the 10945  
Revised Code; 10946

(5) The extent to which the assessment system applies to 10947  
students enrolled in a dropout recovery and prevention program 10948  
for purposes of division (F) of section 3313.603 and section 10949  
3314.36 of the Revised Code. 10950

(E) Not later than forty-five days prior to the ~~state-~~ 10951  
~~board's adoption of a resolution directing the department to~~ 10952  
~~file department's filing of~~ the rules prescribed by division (D) 10953  
of this section in final form under section 119.04 of the 10954  
Revised Code, the ~~superintendent of public instruction~~ director 10955  
of learning and achievement shall present the assessment system 10956  
developed under this section to the respective committees of the 10957  
house of representatives and senate that consider education 10958  
legislation. 10959

(F) (1) Any person enrolled in a nonchartered nonpublic 10960

school or any person who has been excused from attendance at 10961  
school for the purpose of home instruction under section 3321.04 10962  
of the Revised Code may choose to participate in the system of 10963  
assessments administered under divisions (B) (1) and (2) of this 10964  
section. However, no such person shall be required to 10965  
participate in the system of assessments. 10966

(2) The department shall adopt rules for the 10967  
administration and scoring of any assessments under division (F) 10968  
(1) of this section. 10969

(G) Not later than December 31, 2014, the ~~state board~~ 10970  
department shall select at least one nationally recognized job 10971  
skills assessment. Each school district shall administer that 10972  
assessment to those students who opt to take it. The state shall 10973  
reimburse a school district for the costs of administering that 10974  
assessment. The ~~state board~~ department shall establish the 10975  
minimum score a student must attain on the job skills assessment 10976  
in order to demonstrate a student's workforce readiness and 10977  
employability. The administration of the job skills assessment 10978  
to a student under this division shall not exempt a school 10979  
district from administering the assessments prescribed in 10980  
division (B) of this section to that student. 10981

**Sec. 3301.0713.** (A) The education management information 10982  
system advisory board is hereby established. The board shall 10983  
make recommendations to the department of ~~education~~ learning and 10984  
achievement for improving the operation of the education 10985  
management information system established under section 10986  
3301.0714 of the Revised Code. Topics that may be addressed by 10987  
the recommendations include the definitions used for the data 10988  
maintained in the system, reporting deadlines, rules and 10989  
guidelines for the operation of the system adopted by the ~~state~~ 10990

~~board of education department~~ pursuant to section 3301.0714 of 10991  
the Revised Code, and any other issues raised by education 10992  
personnel who work with the system. 10993

(B) The board shall consist of the following members: 10994

(1) Two ~~members~~ representatives of the state board 10995  
department, appointed by the ~~state board~~ director of learning 10996  
and achievement; 10997

(2) One person appointed by the Ohio educational service 10998  
center association; 10999

(3) One person appointed by the buckeye association of 11000  
school administrators; 11001

(4) One person appointed by the Ohio association of school 11002  
business officials; 11003

(5) One person appointed by the Ohio association of EMIS 11004  
professionals; 11005

(6) One representative of four-year institutions of higher 11006  
education, appointed by the Ohio board of regents; 11007

(7) One representative of two-year institutions of higher 11008  
education, appointed by the Ohio association of community 11009  
colleges; 11010

(8) ~~Two representatives of the department, appointed by~~ 11011  
~~the superintendent of public instruction;~~ 11012

~~(9)~~ Two persons appointed by the management council of the 11013  
Ohio education computer network; 11014

~~(10)~~ (9) One classroom teacher appointed jointly by the 11015  
Ohio education association and the Ohio federation of teachers. 11016

The chairpersons and ranking minority members of the 11017

education committees of the senate and house of representatives, 11018  
or their designees, shall be ex officio, nonvoting members of 11019  
the board. 11020

(C) ~~Members of the board initially appointed under~~ 11021  
~~division (B) of this section shall serve until January 1, 2008.~~ 11022  
~~Thereafter, terms~~ Terms of office shall be for two years, each 11023  
term ending on the same day of the same month as did the term 11024  
that it succeeds. Each member shall hold office from the date of 11025  
appointment until the end of the term for which the member was 11026  
appointed. Members may be reappointed. 11027

(D) Vacancies shall be filled in the same manner as the 11028  
original appointment. Any member appointed to fill a vacancy 11029  
occurring prior to the expiration of the term for which the 11030  
member's predecessor was appointed shall hold office for the 11031  
remainder of that term. Members shall receive no compensation 11032  
for their services. 11033

(E) The chairpersons of the education committees of the 11034  
senate and house of representatives, or their designees, shall 11035  
alternate annually as chairperson of the board. The board shall 11036  
meet once every two months and at other times upon the call of 11037  
the chairperson. 11038

(F) If at any time the education management information 11039  
system is replaced with a new system for collecting financial 11040  
and student performance data for school districts and buildings, 11041  
the board established by this section shall continue to function 11042  
in the manner prescribed by this section in relation to the new 11043  
data collection system after the new system is operational. 11044

**Sec. 3301.0714.** (A) ~~The state board of education~~ 11045  
department of learning and achievement shall adopt rules for a 11046

statewide education management information system. The rules 11047  
shall require the ~~state board~~ department to establish guidelines 11048  
for the establishment and maintenance of the system in 11049  
accordance with this section and the rules adopted under this 11050  
section. The guidelines shall include: 11051

(1) Standards identifying and defining the types of data 11052  
in the system in accordance with divisions (B) and (C) of this 11053  
section; 11054

(2) Procedures for annually collecting and reporting the 11055  
data to the ~~state board~~ department in accordance with division 11056  
(D) of this section; 11057

(3) Procedures for annually compiling the data in 11058  
accordance with division (G) of this section; 11059

(4) Procedures for annually reporting the data to the 11060  
public in accordance with division (H) of this section; 11061

(5) Standards to provide strict safeguards to protect the 11062  
confidentiality of personally identifiable student data. 11063

(B) The guidelines adopted under this section shall 11064  
require the data maintained in the education management 11065  
information system to include at least the following: 11066

(1) Student participation and performance data, for each 11067  
grade in each school district as a whole and for each grade in 11068  
each school building in each school district, that includes: 11069

(a) The numbers of students receiving each category of 11070  
instructional service offered by the school district, such as 11071  
regular education instruction, vocational education instruction, 11072  
specialized instruction programs or enrichment instruction that 11073  
is part of the educational curriculum, instruction for gifted 11074

students, instruction for students with disabilities, and 11075  
remedial instruction. The guidelines shall require instructional 11076  
services under this division to be divided into discrete 11077  
categories if an instructional service is limited to a specific 11078  
subject, a specific type of student, or both, such as regular 11079  
instructional services in mathematics, remedial reading 11080  
instructional services, instructional services specifically for 11081  
students gifted in mathematics or some other subject area, or 11082  
instructional services for students with a specific type of 11083  
disability. The categories of instructional services required by 11084  
the guidelines under this division shall be the same as the 11085  
categories of instructional services used in determining cost 11086  
units pursuant to division (C) (3) of this section. 11087

(b) The numbers of students receiving support or 11088  
extracurricular services for each of the support services or 11089  
extracurricular programs offered by the school district, such as 11090  
counseling services, health services, and extracurricular sports 11091  
and fine arts programs. The categories of services required by 11092  
the guidelines under this division shall be the same as the 11093  
categories of services used in determining cost units pursuant 11094  
to division (C) (4) (a) of this section. 11095

(c) Average student grades in each subject in grades nine 11096  
through twelve; 11097

(d) Academic achievement levels as assessed under sections 11098  
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 11099

(e) The number of students designated as having a 11100  
disabling condition pursuant to division (C) (1) of section 11101  
3301.0711 of the Revised Code; 11102

(f) The numbers of students reported to the ~~state board~~ 11103

<u>department</u> pursuant to division (C) (2) of section 3301.0711 of	11104
the Revised Code;	11105
(g) Attendance rates and the average daily attendance for	11106
the year. For purposes of this division, a student shall be	11107
counted as present for any field trip that is approved by the	11108
school administration.	11109
(h) Expulsion rates;	11110
(i) Suspension rates;	11111
(j) Dropout rates;	11112
(k) Rates of retention in grade;	11113
(l) For pupils in grades nine through twelve, the average	11114
number of carnegie units, as calculated in accordance with <del>state</del>	11115
<del>board of education</del> <u>department</u> rules;	11116
(m) Graduation rates, to be calculated in a manner	11117
specified by the department <del>of education</del> that reflects the rate	11118
at which students who were in the ninth grade three years prior	11119
to the current year complete school and that is consistent with	11120
nationally accepted reporting requirements;	11121
(n) Results of diagnostic assessments administered to	11122
kindergarten students as required under section 3301.0715 of the	11123
Revised Code to permit a comparison of the academic readiness of	11124
kindergarten students. However, no district shall be required to	11125
report to the department the results of any diagnostic	11126
assessment administered to a kindergarten student, except for	11127
the language and reading assessment described in division (A) (2)	11128
of section 3301.0715 of the Revised Code, if the parent of that	11129
student requests the district not to report those results.	11130
(o) Beginning on the first day of July that next succeeds	11131

~~the effective date of this amendment, September 29, 2017,~~ for 11132  
each disciplinary action which is required to be reported under 11133  
division (B) (4) of this section, districts and schools also 11134  
shall include an identification of the person or persons, if 11135  
any, at whom the student's violent behavior that resulted in 11136  
discipline was directed. The person or persons shall be 11137  
identified by the respective classification at the district or 11138  
school, such as student, teacher, or nonteaching employee, but 11139  
shall not be identified by name. 11140

Division (B) (1) (o) of this section does not apply after 11141  
the date that is two years following the submission of the 11142  
report required by Section 733.13 of H.B. 49 of the 132nd 11143  
general assembly. 11144

(2) Personnel and classroom enrollment data for each 11145  
school district, including: 11146

(a) The total numbers of licensed employees and 11147  
nonlicensed employees and the numbers of full-time equivalent 11148  
licensed employees and nonlicensed employees providing each 11149  
category of instructional service, instructional support 11150  
service, and administrative support service used pursuant to 11151  
division (C) (3) of this section. The guidelines adopted under 11152  
this section shall require these categories of data to be 11153  
maintained for the school district as a whole and, wherever 11154  
applicable, for each grade in the school district as a whole, 11155  
for each school building as a whole, and for each grade in each 11156  
school building. 11157

(b) The total number of employees and the number of full- 11158  
time equivalent employees providing each category of service 11159  
used pursuant to divisions (C) (4) (a) and (b) of this section, 11160  
and the total numbers of licensed employees and nonlicensed 11161

employees and the numbers of full-time equivalent licensed 11162  
employees and nonlicensed employees providing each category used 11163  
pursuant to division (C) (4) (c) of this section. The guidelines 11164  
adopted under this section shall require these categories of 11165  
data to be maintained for the school district as a whole and, 11166  
wherever applicable, for each grade in the school district as a 11167  
whole, for each school building as a whole, and for each grade 11168  
in each school building. 11169

(c) The total number of regular classroom teachers 11170  
teaching classes of regular education and the average number of 11171  
pupils enrolled in each such class, in each of grades 11172  
kindergarten through five in the district as a whole and in each 11173  
school building in the school district. 11174

(d) The number of lead teachers employed by each school 11175  
district and each school building. 11176

(3) (a) Student demographic data for each school district, 11177  
including information regarding the gender ratio of the school 11178  
district's pupils, the racial make-up of the school district's 11179  
pupils, the number of limited English proficient students in the 11180  
district, and an appropriate measure of the number of the school 11181  
district's pupils who reside in economically disadvantaged 11182  
households. The demographic data shall be collected in a manner 11183  
to allow correlation with data collected under division (B) (1) 11184  
of this section. Categories for data collected pursuant to 11185  
division (B) (3) of this section shall conform, where 11186  
appropriate, to standard practices of agencies of the federal 11187  
government. 11188

(b) With respect to each student entering kindergarten, 11189  
whether the student previously participated in a public 11190  
preschool program, a private preschool program, or a head start 11191

program, and the number of years the student participated in 11192  
each of these programs. 11193

(4) Any data required to be collected pursuant to federal 11194  
law. 11195

(C) The education management information system shall 11196  
include cost accounting data for each district as a whole and 11197  
for each school building in each school district. The guidelines 11198  
adopted under this section shall require the cost data for each 11199  
school district to be maintained in a system of mutually 11200  
exclusive cost units and shall require all of the costs of each 11201  
school district to be divided among the cost units. The 11202  
guidelines shall require the system of mutually exclusive cost 11203  
units to include at least the following: 11204

(1) Administrative costs for the school district as a 11205  
whole. The guidelines shall require the cost units under this 11206  
division (C)(1) to be designed so that each of them may be 11207  
compiled and reported in terms of average expenditure per pupil 11208  
in formula ADM in the school district, as determined pursuant to 11209  
section 3317.03 of the Revised Code. 11210

(2) Administrative costs for each school building in the 11211  
school district. The guidelines shall require the cost units 11212  
under this division (C)(2) to be designed so that each of them 11213  
may be compiled and reported in terms of average expenditure per 11214  
full-time equivalent pupil receiving instructional or support 11215  
services in each building. 11216

(3) Instructional services costs for each category of 11217  
instructional service provided directly to students and required 11218  
by guidelines adopted pursuant to division (B)(1)(a) of this 11219  
section. The guidelines shall require the cost units under 11220

division (C) (3) of this section to be designed so that each of 11221  
them may be compiled and reported in terms of average 11222  
expenditure per pupil receiving the service in the school 11223  
district as a whole and average expenditure per pupil receiving 11224  
the service in each building in the school district and in terms 11225  
of a total cost for each category of service and, as a breakdown 11226  
of the total cost, a cost for each of the following components: 11227

(a) The cost of each instructional services category 11228  
required by guidelines adopted under division (B) (1) (a) of this 11229  
section that is provided directly to students by a classroom 11230  
teacher; 11231

(b) The cost of the instructional support services, such 11232  
as services provided by a speech-language pathologist, classroom 11233  
aide, multimedia aide, or librarian, provided directly to 11234  
students in conjunction with each instructional services 11235  
category; 11236

(c) The cost of the administrative support services 11237  
related to each instructional services category, such as the 11238  
cost of personnel that develop the curriculum for the 11239  
instructional services category and the cost of personnel 11240  
supervising or coordinating the delivery of the instructional 11241  
services category. 11242

(4) Support or extracurricular services costs for each 11243  
category of service directly provided to students and required 11244  
by guidelines adopted pursuant to division (B) (1) (b) of this 11245  
section. The guidelines shall require the cost units under 11246  
division (C) (4) of this section to be designed so that each of 11247  
them may be compiled and reported in terms of average 11248  
expenditure per pupil receiving the service in the school 11249  
district as a whole and average expenditure per pupil receiving 11250

the service in each building in the school district and in terms 11251  
of a total cost for each category of service and, as a breakdown 11252  
of the total cost, a cost for each of the following components: 11253

(a) The cost of each support or extracurricular services 11254  
category required by guidelines adopted under division (B) (1) (b) 11255  
of this section that is provided directly to students by a 11256  
licensed employee, such as services provided by a guidance 11257  
counselor or any services provided by a licensed employee under 11258  
a supplemental contract; 11259

(b) The cost of each such services category provided 11260  
directly to students by a nonlicensed employee, such as 11261  
janitorial services, cafeteria services, or services of a sports 11262  
trainer; 11263

(c) The cost of the administrative services related to 11264  
each services category in division (C) (4) (a) or (b) of this 11265  
section, such as the cost of any licensed or nonlicensed 11266  
employees that develop, supervise, coordinate, or otherwise are 11267  
involved in administering or aiding the delivery of each 11268  
services category. 11269

(D) (1) The guidelines adopted under this section shall 11270  
require school districts to collect information about individual 11271  
students, staff members, or both in connection with any data 11272  
required by division (B) or (C) of this section or other 11273  
reporting requirements established in the Revised Code. The 11274  
guidelines may also require school districts to report 11275  
information about individual staff members in connection with 11276  
any data required by division (B) or (C) of this section or 11277  
other reporting requirements established in the Revised Code. 11278  
The guidelines shall not authorize school districts to request 11279  
social security numbers of individual students. The guidelines 11280

shall prohibit the reporting under this section of a student's 11281  
name, address, and social security number to the ~~state board of~~ 11282  
~~education or the department of education~~. The guidelines shall 11283  
also prohibit the reporting under this section of any personally 11284  
identifiable information about any student, except for the 11285  
purpose of assigning the data verification code required by 11286  
division (D)(2) of this section, to any other person unless such 11287  
person is employed by the school district or the information 11288  
technology center operated under section 3301.075 of the Revised 11289  
Code and is authorized by the district or technology center to 11290  
have access to such information or is employed by an entity with 11291  
which the department contracts for the scoring or the 11292  
development of state assessments. The guidelines may require 11293  
school districts to provide the social security numbers of 11294  
individual staff members and the county of residence for a 11295  
student. Nothing in this section prohibits the ~~state board of~~ 11296  
~~education or department of education~~ from providing a student's 11297  
county of residence to the department of taxation to facilitate 11298  
the distribution of tax revenue. 11299

(2) (a) The guidelines shall provide for each school 11300  
district or community school to assign a data verification code 11301  
that is unique on a statewide basis over time to each student 11302  
whose initial Ohio enrollment is in that district or school and 11303  
to report all required individual student data for that student 11304  
utilizing such code. The guidelines shall also provide for 11305  
assigning data verification codes to all students enrolled in 11306  
districts or community schools on the effective date of the 11307  
guidelines established under this section. The assignment of 11308  
data verification codes for other entities, as described in 11309  
division (D)(2)(d) of this section, the use of those codes, and 11310  
the reporting and use of associated individual student data 11311

shall be coordinated by the department in accordance with state 11312  
and federal law. 11313

School districts shall report individual student data to 11314  
the department through the information technology centers 11315  
utilizing the code. The entities described in division (D) (2) (d) 11316  
of this section shall report individual student data to the 11317  
department in the manner prescribed by the department. 11318

(b) (i) Except as provided in sections 3301.941, 3310.11, 11319  
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 11320  
in division (D) (2) (b) (ii) of this section, at no time shall the 11321  
~~state board or the~~ department have access to information that 11322  
would enable any data verification code to be matched to 11323  
personally identifiable student data. 11324

(ii) For the purpose of making per-pupil payments to 11325  
community schools under division (C) of section 3314.08 of the 11326  
Revised Code, the department shall have access to information 11327  
that would enable any data verification code to be matched to 11328  
personally identifiable student data. 11329

(c) Each school district and community school shall ensure 11330  
that the data verification code is included in the student's 11331  
records reported to any subsequent school district, community 11332  
school, or state institution of higher education, as defined in 11333  
section 3345.011 of the Revised Code, in which the student 11334  
enrolls. Any such subsequent district or school shall utilize 11335  
the same identifier in its reporting of data under this section. 11336

(d) The director of any state agency that administers a 11337  
publicly funded program providing services to children who are 11338  
younger than compulsory school age, as defined in section 11339  
3321.01 of the Revised Code, including the directors of health, 11340

job and family services, mental health and addiction services, 11341  
and developmental disabilities, shall request and receive, 11342  
pursuant to sections 3301.0723 and 5123.0423 of the Revised 11343  
Code, a data verification code for a child who is receiving 11344  
those services. 11345

(E) The guidelines adopted under this section may require 11346  
school districts to collect and report data, information, or 11347  
reports other than that described in divisions (A), (B), and (C) 11348  
of this section for the purpose of complying with other 11349  
reporting requirements established in the Revised Code. The 11350  
other data, information, or reports may be maintained in the 11351  
education management information system but are not required to 11352  
be compiled as part of the profile formats required under 11353  
division (G) of this section or the annual statewide report 11354  
required under division (H) of this section. 11355

(F) Beginning with the school year that begins July 1, 11356  
1991, the board of education of each school district shall 11357  
annually collect and report to the ~~state board~~ department, in 11358  
accordance with the guidelines established by the ~~board~~ 11359  
department, the data required pursuant to this section. A school 11360  
district may collect and report these data notwithstanding 11361  
section 2151.357 or 3319.321 of the Revised Code. 11362

(G) The ~~state board~~ department shall, in accordance with 11363  
the procedures it adopts, annually compile the data reported by 11364  
each school district pursuant to division (D) of this section. 11365  
The ~~state board~~ department shall design formats for profiling 11366  
each school district as a whole and each school building within 11367  
each district and shall compile the data in accordance with 11368  
these formats. These profile formats shall: 11369

(1) Include all of the data gathered under this section in 11370

a manner that facilitates comparison among school districts and 11371  
among school buildings within each school district; 11372

(2) Present the data on academic achievement levels as 11373  
assessed by the testing of student achievement maintained 11374  
pursuant to division (B) (1) (d) of this section. 11375

(H) (1) The ~~state board~~ department shall, in accordance 11376  
with the procedures it adopts, annually prepare a statewide 11377  
report for all school districts and the general public that 11378  
includes the profile of each of the school districts developed 11379  
pursuant to division (G) of this section. Copies of the report 11380  
shall be sent to each school district. 11381

(2) The ~~state board~~ department shall, in accordance with 11382  
the procedures it adopts, annually prepare an individual report 11383  
for each school district and the general public that includes 11384  
the profiles of each of the school buildings in that school 11385  
district developed pursuant to division (G) of this section. 11386  
Copies of the report shall be sent to the superintendent of the 11387  
district and to each member of the district board of education. 11388

(3) Copies of the reports received from the ~~state board~~ 11389  
department under divisions (H) (1) and (2) of this section shall 11390  
be made available to the general public at each school 11391  
district's offices. Each district board of education shall make 11392  
copies of each report available to any person upon request and 11393  
payment of a reasonable fee for the cost of reproducing the 11394  
report. The board shall annually publish in a newspaper of 11395  
general circulation in the school district, at least twice 11396  
during the two weeks prior to the week in which the reports will 11397  
first be available, a notice containing the address where the 11398  
reports are available and the date on which the reports will be 11399  
available. 11400

(I) Any data that is collected or maintained pursuant to 11401  
this section and that identifies an individual pupil is not a 11402  
public record for the purposes of section 149.43 of the Revised 11403  
Code. 11404

(J) As used in this section: 11405

(1) "School district" means any city, local, exempted 11406  
village, or joint vocational school district and, in accordance 11407  
with section 3314.17 of the Revised Code, any community school. 11408  
As used in division (L) of this section, "school district" also 11409  
includes any educational service center or other educational 11410  
entity required to submit data using the system established 11411  
under this section. 11412

(2) "Cost" means any expenditure for operating expenses 11413  
made by a school district excluding any expenditures for debt 11414  
retirement except for payments made to any commercial lending 11415  
institution for any loan approved pursuant to section 3313.483 11416  
of the Revised Code. 11417

(K) Any person who removes data from the information 11418  
system established under this section for the purpose of 11419  
releasing it to any person not entitled under law to have access 11420  
to such information is subject to section 2913.42 of the Revised 11421  
Code prohibiting tampering with data. 11422

(L) (1) In accordance with division (L) (2) of this section 11423  
and the rules adopted under division (L) (10) of this section, 11424  
the department of ~~education~~ learning and achievement may 11425  
sanction any school district that reports incomplete or 11426  
inaccurate data, reports data that does not conform to data 11427  
requirements and descriptions published by the department, fails 11428  
to report data in a timely manner, or otherwise does not make a 11429

good faith effort to report data as required by this section. 11430

(2) If the department decides to sanction a school 11431  
district under this division, the department shall take the 11432  
following sequential actions: 11433

(a) Notify the district in writing that the department has 11434  
determined that data has not been reported as required under 11435  
this section and require the district to review its data 11436  
submission and submit corrected data by a deadline established 11437  
by the department. The department also may require the district 11438  
to develop a corrective action plan, which shall include 11439  
provisions for the district to provide mandatory staff training 11440  
on data reporting procedures. 11441

(b) Withhold up to ten per cent of the total amount of 11442  
state funds due to the district for the current fiscal year and, 11443  
if not previously required under division (L) (2) (a) of this 11444  
section, require the district to develop a corrective action 11445  
plan in accordance with that division; 11446

(c) Withhold an additional amount of up to twenty per cent 11447  
of the total amount of state funds due to the district for the 11448  
current fiscal year; 11449

(d) Direct department staff or an outside entity to 11450  
investigate the district's data reporting practices and make 11451  
recommendations for subsequent actions. The recommendations may 11452  
include one or more of the following actions: 11453

(i) Arrange for an audit of the district's data reporting 11454  
practices by department staff or an outside entity; 11455

(ii) Conduct a site visit and evaluation of the district; 11456

(iii) Withhold an additional amount of up to thirty per 11457

cent of the total amount of state funds due to the district for 11458  
the current fiscal year; 11459

(iv) Continue monitoring the district's data reporting; 11460

(v) Assign department staff to supervise the district's 11461  
data management system; 11462

(vi) ~~Conduct an investigation to determine whether to~~ 11463  
~~suspend or revoke the license of~~ Make a referral to the state 11464  
board of education to investigate any district employee for 11465  
possible sanction in accordance with division (N) of this 11466  
section; 11467

(vii) If the district is issued a report card under 11468  
section 3302.03 of the Revised Code, indicate on the report card 11469  
that the district has been sanctioned for failing to report data 11470  
as required by this section; 11471

(viii) If the district is issued a report card under 11472  
section 3302.03 of the Revised Code and incomplete or inaccurate 11473  
data submitted by the district likely caused the district to 11474  
receive a higher performance rating than it deserved under that 11475  
section, issue a revised report card for the district; 11476

(ix) Any other action designed to correct the district's 11477  
data reporting problems. 11478

(3) Any time the department takes an action against a 11479  
school district under division (L)(2) of this section, the 11480  
department shall make a report of the circumstances that 11481  
prompted the action. The department shall send a copy of the 11482  
report to the district superintendent or chief administrator and 11483  
maintain a copy of the report in its files. 11484

(4) If any action taken under division (L)(2) of this 11485

section resolves a school district's data reporting problems to 11486  
the department's satisfaction, the department shall not take any 11487  
further actions described by that division. If the department 11488  
withheld funds from the district under that division, the 11489  
department may release those funds to the district, except that 11490  
if the department withheld funding under division (L) (2) (c) of 11491  
this section, the department shall not release the funds 11492  
withheld under division (L) (2) (b) of this section and, if the 11493  
department withheld funding under division (L) (2) (d) of this 11494  
section, the department shall not release the funds withheld 11495  
under division (L) (2) (b) or (c) of this section. 11496

(5) Notwithstanding anything in this section to the 11497  
contrary, the department may use its own staff or an outside 11498  
entity to conduct an audit of a school district's data reporting 11499  
practices any time the department has reason to believe the 11500  
district has not made a good faith effort to report data as 11501  
required by this section. If any audit conducted by an outside 11502  
entity under division (L) (2) (d) (i) or (5) of this section 11503  
confirms that a district has not made a good faith effort to 11504  
report data as required by this section, the district shall 11505  
reimburse the department for the full cost of the audit. The 11506  
department may withhold state funds due to the district for this 11507  
purpose. 11508

(6) Prior to issuing a revised report card for a school 11509  
district under division (L) (2) (d) (viii) of this section, the 11510  
department may hold a hearing to provide the district with an 11511  
opportunity to demonstrate that it made a good faith effort to 11512  
report data as required by this section. The hearing shall be 11513  
conducted by a referee appointed by the department. Based on the 11514  
information provided in the hearing, the referee shall recommend 11515  
whether the department should issue a revised report card for 11516

the district. If the referee affirms the department's contention 11517  
that the district did not make a good faith effort to report 11518  
data as required by this section, the district shall bear the 11519  
full cost of conducting the hearing and of issuing any revised 11520  
report card. 11521

(7) If the department determines that any inaccurate data 11522  
reported under this section caused a school district to receive 11523  
excess state funds in any fiscal year, the district shall 11524  
reimburse the department an amount equal to the excess funds, in 11525  
accordance with a payment schedule determined by the department. 11526  
The department may withhold state funds due to the district for 11527  
this purpose. 11528

(8) Any school district that has funds withheld under 11529  
division (L)(2) of this section may appeal the withholding to 11530  
the department of learning and achievement in accordance with 11531  
Chapter 119. of the Revised Code. 11532

(9) In all cases of a disagreement between the department 11533  
and a school district regarding the appropriateness of an action 11534  
taken under division (L)(2) of this section, the burden of proof 11535  
shall be on the district to demonstrate that it made a good 11536  
faith effort to report data as required by this section. 11537

(10) The ~~state board of education~~ department shall adopt 11538  
rules under Chapter 119. of the Revised Code to implement 11539  
division (L) of this section. 11540

(M) No information technology center or school district 11541  
shall acquire, change, or update its student administration 11542  
software package to manage and report data required to be 11543  
reported to the department unless it converts to a student 11544  
software package that is certified by the department. 11545

(N) The state board of education, in accordance with 11546  
sections 3319.31 and 3319.311 of the Revised Code, may suspend 11547  
or revoke a license as defined under division (A) of section 11548  
3319.31 of the Revised Code that has been issued to any school 11549  
district employee found to have willfully reported erroneous, 11550  
inaccurate, or incomplete data to the education management 11551  
information system. 11552

(O) No person shall release or maintain any information 11553  
about any student in violation of this section. Whoever violates 11554  
this division is guilty of a misdemeanor of the fourth degree. 11555

(P) The department shall disaggregate the data collected 11556  
under division (B)(1)(n) of this section according to the race 11557  
and socioeconomic status of the students assessed. 11558

(Q) If the department cannot compile any of the 11559  
information required by division (H) of section 3302.03 of the 11560  
Revised Code based upon the data collected under this section, 11561  
the department shall develop a plan and a reasonable timeline 11562  
for the collection of any data necessary to comply with that 11563  
division. 11564

**Sec. 3301.0715.** (A) Except as required under division (B) 11565  
(1) of section 3313.608 or as specified in division (D)(3) of 11566  
section 3301.079 of the Revised Code, the board of education of 11567  
each city, local, and exempted village school district shall 11568  
administer each applicable diagnostic assessment developed and 11569  
provided to the district in accordance with section 3301.079 of 11570  
the Revised Code to the following: 11571

(1) Any student who transfers into the district or to a 11572  
different school within the district if each applicable 11573  
diagnostic assessment was not administered by the district or 11574

school the student previously attended in the current school 11575  
year, within thirty days after the date of transfer. If the 11576  
district or school into which the student transfers cannot 11577  
determine whether the student has taken any applicable 11578  
diagnostic assessment in the current school year, the district 11579  
or school may administer the diagnostic assessment to the 11580  
student. However, if a student transfers into the district prior 11581  
to the administration of the diagnostic assessments to all 11582  
students under division (B) of this section, the district may 11583  
administer the diagnostic assessments to that student on the 11584  
date or dates determined under that division. 11585

(2) Each kindergarten student, not earlier than the first 11586  
day of the school year and not later than the first day of 11587  
November. However, a board of education may administer the 11588  
selected response and performance task items portion of the 11589  
diagnostic assessment up to two weeks prior to the first day of 11590  
the school year. 11591

For the purpose of division (A) (2) of this section, the 11592  
district shall administer the kindergarten readiness assessment 11593  
provided by the department of ~~education~~ learning and 11594  
achievement. In no case shall the results of the readiness 11595  
assessment be used to prohibit a student from enrolling in 11596  
kindergarten. 11597

(3) Each student enrolled in first, second, or third 11598  
grade. 11599

Division (A) of this section does not apply to students 11600  
with significant cognitive disabilities, as defined by the 11601  
department ~~of education~~. 11602

(B) Each district board shall administer each diagnostic 11603

assessment when the board deems appropriate, provided the 11604  
administration complies with section 3313.608 of the Revised 11605  
Code. However, the board shall administer any diagnostic 11606  
assessment at least once annually to all students in the 11607  
appropriate grade level. A district board may administer any 11608  
diagnostic assessment in the fall and spring of a school year to 11609  
measure the amount of academic growth attributable to the 11610  
instruction received by students during that school year. 11611

(C) Any district that received a grade of "A" or "B" for 11612  
the performance index score under division (A) (1) (b), (B) (1) (b), 11613  
or (C) (1) (b) of section 3302.03 of the Revised Code or for the 11614  
value-added progress dimension under division (A) (1) (e), (B) (1) 11615  
(e), or (C) (1) (e) of section 3302.03 of the Revised Code for the 11616  
immediately preceding school year may use different diagnostic 11617  
assessments from those adopted under division (D) of section 11618  
3301.079 of the Revised Code in order to satisfy the 11619  
requirements of division (A) (3) of this section. 11620

(D) Each district board shall utilize and score any 11621  
diagnostic assessment administered under division (A) of this 11622  
section in accordance with rules established by the department. 11623  
After the administration of any diagnostic assessment, each 11624  
district shall provide a student's completed diagnostic 11625  
assessment, the results of such assessment, and any other 11626  
accompanying documents used during the administration of the 11627  
assessment to the parent of that student, and shall include all 11628  
such documents and information in any plan developed for the 11629  
student under division (C) of section 3313.608 of the Revised 11630  
Code. Each district shall submit to the department, in the 11631  
manner the department prescribes, the results of the diagnostic 11632  
assessments administered under this section, regardless of the 11633  
type of assessment used under section 3313.608 of the Revised 11634

Code. The department may issue reports with respect to the data 11635  
collected. The department may report school and district level 11636  
kindergarten diagnostic assessment data and use diagnostic 11637  
assessment data to calculate the measure prescribed by divisions 11638  
(B) (1) (g) and (C) (1) (g) of section 3302.03 of the Revised Code. 11639

(E) Each district board shall provide intervention 11640  
services to students whose diagnostic assessments show that they 11641  
are failing to make satisfactory progress toward attaining the 11642  
academic standards for their grade level. 11643

(F) Beginning in the 2018-2019 school year, any chartered 11644  
nonpublic school may elect to administer the kindergarten 11645  
readiness assessment to all kindergarten students enrolled in 11646  
the school. If the school so elects, the chief administrator of 11647  
the school shall notify the ~~superintendent of public instruction~~ 11648  
director of learning and achievement not later than the thirty- 11649  
first day of March prior to any school year in which the school 11650  
will administer the assessment. The department shall furnish the 11651  
assessment to the school at no cost to the school. In 11652  
administering the assessment, the school shall do all of the 11653  
following: 11654

(1) Enter into a written agreement with the department 11655  
specifying that the school will share each participating 11656  
student's assessment data with the department and, that for the 11657  
purpose of reporting the data to the department, each 11658  
participating student will be assigned a data verification code 11659  
as described in division (D) (2) of section 3301.0714 of the 11660  
Revised Code; 11661

(2) Require the assessment to be administered by a teacher 11662  
certified under section 3301.071 of the Revised Code who either 11663  
has completed training on administering the kindergarten 11664

readiness assessment provided by the department or has been 11665  
trained by another person who has completed such training; 11666

(3) Administer the assessment in the same manner as school 11667  
districts are required to do under this section and the rules 11668  
established under division (D) of this section. 11669

**Sec. 3301.0716.** Notwithstanding division (D) of section 11670  
3301.0714 of the Revised Code, the department of ~~education-~~ 11671  
learning and achievement may have access to personally 11672  
identifiable information about any student under the following 11673  
circumstances: 11674

(A) An entity with which the department contracts for the 11675  
scoring of assessments administered under section 3301.0711 or 11676  
3301.0712 of the Revised Code has notified the department that 11677  
the student's written response to a question on an assessment 11678  
included threats or descriptions of harm to another person or 11679  
the student's self and the information is necessary to enable 11680  
the department to identify the student for purposes of notifying 11681  
the school district or school in which the student is enrolled 11682  
of the potential for harm. 11683

(B) The department requests the information to respond to 11684  
an appeal from a school district or school for verification of 11685  
the accuracy of the student's score on an assessment 11686  
administered under section 3301.0711 or 3301.0712 of the Revised 11687  
Code. 11688

(C) The department requests the information to determine 11689  
whether the student satisfies the alternative conditions for a 11690  
high school diploma prescribed in section 3313.615 of the 11691  
Revised Code. 11692

**Sec. 3301.0717.** In addition to the duties imposed on it by 11693

law, the ~~state board of education~~ department of learning and 11694  
achievement shall establish and submit to the governor and the 11695  
general assembly a clear and measurable set of goals with 11696  
specific timetables for their achievement. The goals shall be 11697  
established for programs designed to accomplish: 11698

(A) A reduction in rates of retention in grade; 11699

(B) Reductions in the need for remedial courses; 11700

(C) Reductions in the student dropout rate; 11701

(D) Improvements in scores on standardized tests; 11702

(E) Increases in satisfactory completion of high school 11703  
achievement tests; 11704

(F) Increases in American college test scores; 11705

(G) Increases in the rate of college entry; 11706

(H) Reductions in the need for remedial courses for first- 11707  
year college students. 11708

In July of each odd-numbered year, the ~~state board of~~ 11709  
~~education~~ department shall submit a report on progress made 11710  
toward these goals to the governor and the general assembly. 11711

**Sec. 3301.0718.** The ~~state board of education~~ department of 11712  
learning and achievement shall not adopt or revise any standards 11713  
or curriculum in the area of health unless, by concurrent 11714  
resolution, the standards, curriculum, or revisions are approved 11715  
by both houses of the general assembly. Before the house of 11716  
representatives or senate votes on a concurrent resolution 11717  
approving health standards, curriculum, or revisions, its 11718  
standing committee having jurisdiction over education 11719  
legislation shall conduct at least one public hearing on the 11720

standards, curriculum, or revisions. 11721

**Sec. 3301.0719.** (A) As used in this section, "business 11722  
education" includes, but is not limited to, accounting, career 11723  
development, economics and personal finance, entrepreneurship, 11724  
information technology, management, and marketing. 11725

(B) ~~the state board of education~~ The department of 11726  
learning and achievement shall adopt standards for business 11727  
education in grades seven through twelve. The standards shall 11728  
incorporate existing business education standards as appropriate 11729  
to help guide instruction in the state's schools. The department 11730  
shall provide the standards, and any revisions of the standards, 11731  
to all school districts, community schools established under 11732  
Chapter 3314. of the Revised Code, and STEM schools established 11733  
under Chapter 3326. of the Revised Code. Any school district, 11734  
community school or STEM school may utilize the standards. 11735  
Standards adopted under this division shall supplement, and not 11736  
supersede, academic content standards adopted under section 11737  
3301.079 of the Revised Code. 11738

**Sec. 3301.0720.** The ~~state board of education~~ department of 11739  
learning and achievement shall recommend all of the following to 11740  
school districts in connection with the teaching of secondary 11741  
school sciences: 11742

(A) A suggested curriculum for the teaching of chemistry, 11743  
physics, biology, and whatever additional sciences the ~~state-~~ 11744  
~~board~~ department may select; 11745

(B) Lists of minimum supplies and equipment necessary for 11746  
the teaching of each science for which a curriculum is suggested 11747  
under division (A) of this section, with special emphasis on 11748  
recommended safety equipment; 11749

(C) Acquisition and replacement schedules for the supplies 11750  
and equipment listed under division (B) of this section. The 11751  
schedules shall ensure availability of at least minimum 11752  
inventories in every high school. 11753

(D) Suggested safety procedures, including all of the 11754  
following: 11755

(1) Training for students and teachers in the safe 11756  
handling and use of hazardous and potentially hazardous 11757  
materials and equipment; 11758

(2) Methods of safely storing and disposing of hazardous 11759  
and potentially hazardous materials; 11760

(3) Provisions for a biennial assessment of each high 11761  
school's safety equipment and procedures by someone other than 11762  
the school personnel directly responsible for them, and 11763  
recommended procedures for making the results of any assessment 11764  
available to the public. 11765

**Sec. 3301.0721.** The ~~superintendent of public instruction~~ 11766  
~~department of learning and achievement~~ shall develop a model 11767  
curriculum for instruction in college and career readiness and 11768  
financial literacy. The curriculum shall focus on grades seven 11769  
through twelve, but the ~~superintendent department~~ may include 11770  
other grade levels. When the model curriculum has been 11771  
developed, the department ~~of education~~ shall notify all school 11772  
districts, community schools established under Chapter 3314. of 11773  
the Revised Code, and STEM schools established under Chapter 11774  
3326. of the Revised Code of the content of the curriculum. Any 11775  
district or school may utilize the model curriculum. 11776

**Sec. 3301.0722.** As used in this section ~~and section~~ 11777  
~~3301.0721 of the Revised Code~~, "form" means any report, 11778

document, paper, computer software program, or other instrument 11779  
used in the management information system created by section 11780  
3301.0714 of the Revised Code or used to gather required or 11781  
requested education data under division (I) of section 3301.07 11782  
of the Revised Code or any other provision of state or federal 11783  
statute or rule. 11784

~~Beginning July 1, 1992, The department of learning and~~ 11785  
~~achievement,~~ the state board of education, the superintendent of 11786  
public instruction, or the department of education shall not put 11787  
into use any new form or any modified version of any previously 11788  
existing form, unless the new or modified form has been 11789  
submitted to the unit established pursuant to section 3301.133 11790  
of the Revised Code, the unit has reviewed the form, and the 11791  
~~superintendent~~ respective agency has considered the findings of 11792  
the review and the unit's recommendations. 11793

**Sec. 3301.0723.** (A) The independent contractor engaged by 11794  
the department of ~~education~~ learning and achievement to create 11795  
and maintain for school districts and community schools the 11796  
student data verification codes required by division (D)(2) of 11797  
section 3301.0714 of the Revised Code, upon request of the 11798  
director of any state agency that administers a publicly funded 11799  
program providing services to children who are younger than 11800  
compulsory school age, as defined in section 3321.01 of the 11801  
Revised Code, including the directors of health, job and family 11802  
services, mental health and addiction services, and 11803  
developmental disabilities, shall assign a data verification 11804  
code to a child who is receiving such services and shall provide 11805  
that code to the director. The contractor also shall provide 11806  
that code to the department of ~~education~~ learning and 11807  
achievement. 11808

(B) The director of a state agency that receives a child's data verification code under division (A) of this section shall use that code to submit information for that child to the department of ~~education~~ learning and achievement in accordance with section 3301.0714 of the Revised Code.

(C) A public school that receives from the independent contractor the data verification code for a child assigned under division (A) of this section shall not request or assign to that child another data verification code under division (D) (2) of section 3301.0714 of the Revised Code. That school and any other public school in which the child subsequently enrolls shall use the data verification code assigned under division (A) of this section to report data relative to that student required under section 3301.0714 of the Revised Code.

**Sec. 3301.0724.** (A) The department of ~~education~~ learning and achievement annually shall report to the general assembly, in accordance with section 101.68 of the Revised Code, for each school district all of the following information for the previous school year:

(1) The aggregate amount spent for teacher salaries;

(2) The aggregate amount spent for salaries of nonteaching employees;

(3) The aggregate amount spent for health care benefits for all employees and the percentage that amount is of the total amount paid in employer's contributions and employees' contributions for those benefits;

(4) The aggregate amount spent for the employer's contributions to the state teachers retirement system and the school employees retirement system;

(5) Whether the school district pays any part of the 11838  
employees' contributions to the state teachers retirement system 11839  
or the school employees retirement system; 11840

(6) The number of sick days, vacation days, and personal 11841  
days provided for teachers and nonteaching employees. 11842

(B) The department shall consult with the state employment 11843  
relations board in preparing the report required by this 11844  
section. 11845

(C) If necessary, as determined by the department, each 11846  
school district shall report to the department data prescribed 11847  
by division (A) of this section in the manner and by the 11848  
deadline specified by the department so that the department can 11849  
comply with this section. 11850

(D) As used in this section, "school year" has the same 11851  
meaning as in section 3313.62 of the Revised Code. 11852

**Sec. 3301.0725.** A school district may employ certificated 11853  
instructional personnel for hours outside of the normal school 11854  
day for the purpose of providing extended programming. Extended 11855  
programming, as defined by rule of the ~~state board of education~~ 11856  
department of learning and achievement, shall be based upon 11857  
learner needs and, if applicable, business and industry 11858  
validated standards and competencies and shall enhance student 11859  
learning opportunities. Extended programming shall be subject to 11860  
the requirements of sections 3313.6018 and 3313.6019 of the 11861  
Revised Code. 11862

No rule of the ~~state board~~ department shall require 11863  
extended programming employment of certificated instructional 11864  
personnel as a condition of eligibility for funding under any 11865  
other section of the Revised Code. 11866

**Sec. 3301.0726.** The department of ~~education~~learning and achievement shall develop a packet of high school instructional materials on personal financial responsibility, including instructional materials on the avoidance of credit card abuse, and shall distribute that packet to all school districts. The board of education of any school district may adopt part or all of the materials included in the packet for incorporation into the district's curriculum.

**Sec. 3301.0728.** Notwithstanding anything in the Revised Code to the contrary, a student may retake any end-of-course examination prescribed under division (B)(2) of section 3301.0712 of the Revised Code during the student's academic career at a time designated by the department of ~~education~~learning and achievement. If, for any reason, a student does not take an end-of-course examination on the scheduled administration date, the department ~~of education~~ shall make available to the student the examination for which the student was absent, or a substantially similar examination as determined by the department, so that the student may take the examination or a substantially similar examination at a later time in the student's academic career. The ~~state board of education~~department shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the provisions of this section.

**Sec. 3301.0730.** (A) The department of learning and achievement, in addition to the authority otherwise imposed on it, shall perform the following duties:

(1) The department shall provide technical and professional assistance and advice to all school districts in reference to all aspects of education, including finance, buildings and equipment, administration, organization of school

districts, curriculum and instruction, transportation of pupils, 11897  
personnel problems, and the interpretation of school laws and 11898  
state regulations. 11899

(2) The department shall prescribe and require the 11900  
preparation and filing of such financial and other reports from 11901  
school districts, officers, and employees as are necessary or 11902  
proper. The department shall prescribe and require the 11903  
installation by school districts of such standardized reporting 11904  
forms and accounting procedures as are essential to the 11905  
businesslike operations of the public schools of the state. 11906

(3) The department shall conduct such studies and research 11907  
projects as are necessary or desirable for the improvement of 11908  
public school education in this state. Such studies and projects 11909  
may include analysis of data contained in the education 11910  
management information system established under section 11911  
3301.0714 of the Revised Code. For any study or project that 11912  
requires the analysis of individual student data, the department 11913  
or any entity with which the department contracts to conduct the 11914  
study or project shall maintain the confidentiality of student 11915  
data at all times. For this purpose, the department or 11916  
contracting entity shall use the data verification code assigned 11917  
pursuant to division (D) of section 3301.0714 of the Revised 11918  
Code for each student whose data is analyzed. Except as 11919  
otherwise provided in division (D) of section 3301.0714 of the 11920  
Revised Code, at no time shall the department or any entity 11921  
conducting a study or research project on the department's 11922  
behalf have access to a student's name, address, or social 11923  
security number while analyzing individual student data. 11924

(4) The department shall prepare and submit annually to 11925  
the governor and general assembly a report of the activities of 11926

the department and the status, problems, and needs of education 11927  
in this state. 11928

(5) The department shall supervise all agencies over which 11929  
the department exercises administrative control. 11930

(6) In accordance with section 3333.048 of the Revised 11931  
Code, the department shall establish metrics and courses of 11932  
study for institutions of higher education that prepare 11933  
educators and other school personnel and shall provide for 11934  
inspection of those institutions. 11935

(B) The department may annually inspect and analyze the 11936  
expenditures of each school district and make a determination as 11937  
to the efficiency of each district's costs, relative to other 11938  
school districts in the state, for instructional, 11939  
administrative, and student support services. The department 11940  
shall notify each school district as to the nature of, and 11941  
reasons for, the determination. The department shall adopt rules 11942  
in accordance with Chapter 119. of the Revised Code setting 11943  
forth the procedures and standards for the performance of the 11944  
inspection and analysis. 11945

Sec. 3301.0731. Whenever the term "department of 11946  
education" is used, referred to, or designated in any statute, 11947  
rule, contract, grant, or other document, the use, reference, or 11948  
designation shall be construed to mean the "department of 11949  
learning and achievement," with the exception of section 3301.13 11950  
of the Revised Code or when the reference is to the employees of 11951  
the state board of education or the superintendent of public 11952  
instruction. 11953

Sec. 3301.0732. (A) The office of workforce transformation 11954  
is hereby created within the department of learning and 11955

achievement. The office of workforce transformation shall do all 11956  
of the following: 11957

(1) Coordinate and align workforce policies, programs, and 11958  
resources across state government to improve effectiveness, 11959  
efficiency, and accountability; 11960

(2) Maintain an effective state and local workforce data 11961  
collection system as well as cross-agency workforce system 11962  
performance measures that are meaningful to employers, 11963  
individuals, and policymakers; 11964

(3) Review federal laws and rules that limit state 11965  
discretion over the use of federal workforce funds and recommend 11966  
changes to pursue with federal officials; 11967

(4) Lead an interagency team of representatives made up of 11968  
staff from state agencies that provides information and input to 11969  
support the work of the office and implements the 11970  
administrative, program, policy, reporting, and budget 11971  
directives, or requests of the office; 11972

(5) Provide staff to support the board established in 11973  
accordance with section 6301.04 of the Revised Code. 11974

(B) The assistant director of the office of workforce 11975  
transformation appointed under division (R) of section 3301.07 11976  
of the Revised Code shall oversee and implement the activities 11977  
described in division (A) of this section. The assistant 11978  
director shall have the authority to request and receive advice, 11979  
information, and recommendations from the board established in 11980  
accordance with section 6301.04 of the Revised Code. 11981

(C) All administrative departments established by section 11982  
121.02 of the Revised Code, the office of the adjutant general, 11983  
and the opportunities for Ohioans with disabilities agency 11984

established by section 3304.15 of the Revised Code shall comply 11985  
with any requests or directives issued by the assistant director 11986  
of the office of workforce transformation or the assistant 11987  
director's designee, subject to the supervision of each 11988  
department's director. 11989

**Sec. 3301.08.** The state board of education shall appoint 11990  
the superintendent of public instruction, who shall serve at the 11991  
pleasure of the board. The board shall fix the compensation for 11992  
the position of superintendent of public instruction. 11993

The superintendent of public instruction, while holding 11994  
such office, shall not hold any other office or position of 11995  
employment, or be an officer or employee of any public or 11996  
private school, or a public or private college, university, or 11997  
other institution of higher education. The director of learning 11998  
and achievement shall not also hold the office of superintendent 11999  
of public instruction. The superintendent may, in the conduct of 12000  
the superintendent's official duties, travel within or without 12001  
the state, and the superintendent's necessary and actual 12002  
expenses therefor when properly verified shall be paid by the 12003  
state. 12004

No one who is interested financially in any book 12005  
publishing or book selling company, firm, or corporation, shall 12006  
be eligible to appointment as superintendent of public 12007  
instruction. If a superintendent becomes interested financially 12008  
in any book publishing or book selling company, firm, or 12009  
corporation, said superintendent shall forthwith be removed from 12010  
office by the state board. The interest of a person as author of 12011  
a book shall not be improper, provided such book is not one 12012  
offered for use by pupils in the public schools of Ohio. 12013

**Sec. 3301.10.** The ~~superintendent of public instruction~~ 12014

director of learning and achievement shall be a member of the 12015  
board of trustees of the Ohio history connection, in addition to 12016  
the members constituting such board. 12017

**Sec. 3301.11.** The superintendent of public instruction 12018  
shall execute all duties and powers delegated to the 12019  
superintendent by statute and shall be the executive and 12020  
administrative officer of the state board of education in its 12021  
administration of all educational matters and functions ~~placed~~ 12022  
~~under its management and control~~ delegated to it by statute. ~~He~~ 12023  
The superintendent shall execute, under the direction of the 12024  
state board of education, the ~~educational policies, orders,~~ 12025  
directives, and administrative functions of the board, and shall 12026  
direct, under rules and regulations adopted by the board, the 12027  
work of all persons employed ~~in the state department of~~ 12028  
education by it. 12029

Upon the request of the state board of education, the 12030  
superintendent of public instruction shall report to the board 12031  
on any matter under the board's jurisdiction as delegated to the 12032  
board by statute. 12033

**Sec. 3301.121.** (A) ~~In addition to the duties and~~ 12034  
~~responsibilities of the superintendent of public instruction set~~ 12035  
~~forth in section 3301.12 of the Revised Code, the~~ The state 12036  
superintendent, in accordance with this section and section 12037  
3313.662 of the Revised Code, shall conduct an adjudication 12038  
procedure to determine whether to permanently exclude from 12039  
attending any of the public schools of this state any pupil who 12040  
is the subject of a resolution forwarded to the superintendent 12041  
by a board of education pursuant to division (D) of section 12042  
3313.662 of the Revised Code. 12043

(B) (1) Except as provided in division (B) (3) of this 12044

section, within fourteen days after receipt of a resolution 12045  
forwarded by a board of education pursuant to division (D) of 12046  
section 3313.662 of the Revised Code, the state superintendent 12047  
~~of public instruction~~ or the state superintendent's designee 12048  
shall provide the pupil who is the subject of the resolution and 12049  
that pupil's parent, guardian, or custodian with a notice of an 12050  
opportunity for an adjudication hearing on the proposed 12051  
permanent exclusion of the pupil from attending any of the 12052  
public schools of this state. The notice shall include all of 12053  
the following: 12054

(a) The date, time, and place of the permanent exclusion 12055  
adjudication hearing; 12056

(b) A statement informing the pupil and the pupil's 12057  
parent, guardian, or custodian that the pupil may attend the 12058  
adjudication hearing at the date, time, and place set forth in 12059  
the notice, that the failure of the pupil or the pupil's parent, 12060  
guardian, or custodian to attend the adjudication hearing will 12061  
result in a waiver of the pupil's right to present evidence, 12062  
testimony, and factors in mitigation of the pupil's permanent 12063  
exclusion at an adjudication hearing on the proposed permanent 12064  
exclusion, and that the pupil shall be accorded all of the 12065  
following rights: 12066

(i) The right to testify, to present evidence and the 12067  
testimony of witnesses, and to confront, cross-examine, and 12068  
compel the attendance of witnesses; 12069

(ii) The right to a record of the hearing; 12070

(iii) The right to written findings. 12071

(c) A statement informing the pupil and the pupil's 12072  
parent, guardian, or custodian that the pupil has the right to 12073

be represented by counsel at the adjudication hearing. 12074

(d) A statement informing the pupil and the pupil's 12075  
parent, guardian, or custodian that, if the pupil by failing to 12076  
attend the hearing waives the pupil's right to present evidence, 12077  
testimony, and factors in mitigation of the pupil's permanent 12078  
exclusion at an adjudication hearing on the proposed permanent 12079  
exclusion, the state superintendent is required to review the 12080  
information relevant to the permanent exclusion that is 12081  
available to the state superintendent and is permitted to enter 12082  
an order requiring the pupil's permanent exclusion from 12083  
attending any of the public schools of this state at any time 12084  
within seven days after the conclusion of the adjudication 12085  
hearing. 12086

(2) The state superintendent or the superintendent's 12087  
designee shall provide the notice required by division (B) (1) of 12088  
this section to the pupil and to the pupil's parent, guardian, 12089  
or custodian by certified mail or personal service. 12090

(3) (a) If a pupil who is the subject of a resolution 12091  
forwarded to the superintendent of public instruction by a board 12092  
of education pursuant to section 3313.662 of the Revised Code is 12093  
in the custody of the department of youth services pursuant to a 12094  
disposition under any provision of Chapter 2152. of the Revised 12095  
Code, other than division (A) (1) (a) of section 2152.16 of the 12096  
Revised Code, at the time the resolution is forwarded, the 12097  
department shall notify in writing the superintendent of public 12098  
instruction and the board of education that forwarded the 12099  
resolution of that fact. Upon receipt of the notice, the state 12100  
superintendent shall delay providing the notice required by 12101  
division (B) (1) of this section and the adjudication of the 12102  
request for permanent exclusion until the state superintendent 12103

receives further notice from the department pursuant to division 12104  
(B) (3) (b) of this section. 12105

(b) At least sixty days before a pupil described in 12106  
division (B) (3) (a) of this section will be released from 12107  
institutionalization or institutionalization in a secure 12108  
facility by the department of youth services, the department 12109  
shall notify in writing the state superintendent ~~of public~~ 12110  
~~instruction~~ and the board of education that forwarded the 12111  
resolution pursuant to section 3313.662 of the Revised Code of 12112  
the impending release and shall provide in that notice 12113  
information regarding the extent of the education the pupil 12114  
received while in the custody of the department, including 12115  
whether the pupil has obtained a certificate of high school 12116  
equivalence. 12117

If the pupil has not obtained a certificate of high school 12118  
equivalence while in the custody of the department of youth 12119  
services, the state superintendent ~~of public instruction~~ shall 12120  
provide the notice required by division (B) (1) of this section 12121  
and, at least thirty days before the pupil is to be released 12122  
from institutionalization or institutionalization in a secure 12123  
facility, conduct an adjudication procedure to determine whether 12124  
to permanently exclude the pupil from attending the public 12125  
schools of this state in accordance with this section. If the 12126  
pupil has obtained a certificate of high school equivalence 12127  
while in the custody of the department, the state 12128  
superintendent, in the state superintendent's discretion, may 12129  
conduct the adjudication. 12130

(C) (1) Except as provided in division (B) (3) of this 12131  
section, the date of the adjudication hearing set forth in the 12132  
notice required by division (B) (1) of this section shall be a 12133

date no less than fourteen days nor more than twenty-one days 12134  
from the date the state superintendent sends the notice by 12135  
certified mail or initiates personal service of the notice. 12136

(2) The state superintendent, for good cause shown on the 12137  
written request of the pupil or the pupil's parent, guardian, or 12138  
custodian, or on the state superintendent's own motion, may 12139  
grant reasonable continuances of any adjudication hearing held 12140  
under this section but shall not grant either party total 12141  
continuances in excess of ten days. 12142

(3) If a pupil or the pupil's parent, guardian, or 12143  
custodian does not appear at the adjudication hearing on a 12144  
proposed permanent exclusion, the state superintendent or the 12145  
referee appointed by the state superintendent shall proceed to 12146  
conduct an adjudication hearing on the proposed permanent 12147  
exclusion on the date for the adjudication hearing that is set 12148  
forth in the notice provided pursuant to division (B) (1) of this 12149  
section or on the date to which the hearing was continued 12150  
pursuant to division (C) (2) of this section. 12151

(D) (1) The state superintendent or a referee appointed by 12152  
the state superintendent may conduct an adjudication hearing to 12153  
determine whether to permanently exclude a pupil in one of the 12154  
following counties: 12155

(a) The county in which the state superintendent holds the 12156  
superintendent's office; 12157

(b) Upon the request of the pupil or the pupil's parent, 12158  
guardian, custodian, or attorney, in the county in which the 12159  
board of education that forwarded the resolution requesting the 12160  
permanent exclusion is located if the state superintendent, in 12161  
the state superintendent's discretion and upon consideration of 12162

evidence of hardship presented on behalf of the requesting 12163  
pupil, determines that the hearing should be conducted in that 12164  
county. 12165

(2) The state superintendent ~~of public instruction~~ or a 12166  
referee appointed by the state superintendent shall conduct an 12167  
adjudication hearing on a proposed permanent exclusion of a 12168  
pupil. The referee may be an attorney admitted to the practice 12169  
of law in this state but shall not be an attorney that 12170  
represents the board of education that forwarded the resolution 12171  
requesting the permanent exclusion. 12172

(3) The state superintendent or referee who conducts an 12173  
adjudication hearing under this section may administer oaths, 12174  
issue subpoenas to compel the attendance of witnesses and 12175  
evidence, and enforce the subpoenas by a contempt proceeding in 12176  
the court of common pleas as provided by law. The superintendent 12177  
or referee may require the separation of witnesses and may bar 12178  
from the proceedings any person whose presence is not essential 12179  
to the proceedings. 12180

(4) The state superintendent ~~of public instruction~~ shall 12181  
request the department of rehabilitation and correction, the 12182  
sheriff, the department of youth services, or any publicly 12183  
funded out-of-home care entity that has legal custody of a pupil 12184  
who is the subject of an adjudication hearing held pursuant to 12185  
this section to transport the pupil to the place of the 12186  
adjudication hearing at the time and date set for the hearing. 12187  
The department, sheriff, or publicly funded out-of-home care 12188  
entity that receives the request shall provide transportation 12189  
for the pupil who is the subject of the adjudication hearing to 12190  
the place of the hearing at the time and date set for the 12191  
hearing. The department, sheriff, or entity shall pay the cost 12192

of transporting the pupil to and from the hearing. 12193

(E) (1) An adjudication hearing held pursuant to this 12194  
section shall be adversary in nature, shall be conducted fairly 12195  
and impartially, and may be conducted without the formalities of 12196  
a criminal proceeding. A pupil whose permanent exclusion is 12197  
being adjudicated has the right to be represented by counsel at 12198  
the adjudication hearing. If the pupil has the financial 12199  
capacity to retain counsel, the state superintendent or the 12200  
referee is not required to provide counsel for the pupil. At the 12201  
adjudication hearing, the pupil also has the right to cross- 12202  
examine witnesses against the pupil, to testify, to present 12203  
evidence and the testimony of witnesses on the pupil's behalf, 12204  
and to raise factors in mitigation of the pupil's being 12205  
permanently excluded. 12206

(2) In an adjudication hearing held pursuant to this 12207  
section and section 3313.662 of the Revised Code, a 12208  
representative of the school district of the board of education 12209  
that adopted and forwarded the resolution requesting the 12210  
permanent exclusion of the pupil shall present the case for 12211  
permanent exclusion to the state superintendent or the referee. 12212  
The representative of the school district may be an attorney 12213  
admitted to the practice of law in this state. At the 12214  
adjudication hearing, the representative of the school district 12215  
shall present evidence in support of the requested permanent 12216  
exclusion. The state superintendent or the state 12217  
superintendent's designee shall consider the entire school 12218  
record of the pupil who is the subject of the adjudication and 12219  
shall consider any of the following information that is 12220  
available: 12221

(a) The academic record of the pupil and a record of any 12222

extracurricular activities in which the pupil previously was involved;	12223 12224
(b) The disciplinary record of the pupil and any available records of the pupil's prior behavioral problems other than the behavioral problems contained in the disciplinary record;	12225 12226 12227
(c) The social history of the pupil;	12228
(d) The pupil's response to the imposition of prior discipline and sanctions imposed for behavioral problems;	12229 12230
(e) Evidence regarding the seriousness of and any aggravating factors related to the offense that is the basis of the resolution seeking permanent exclusion;	12231 12232 12233
(f) Any mitigating circumstances surrounding the offense that gave rise to the request for permanent exclusion;	12234 12235
(g) Evidence regarding the probable danger posed to the health and safety of other pupils or of school employees by the continued presence of the pupil in a public school setting;	12236 12237 12238
(h) Evidence regarding the probable disruption of the teaching of any school district's graded course of study by the continued presence of the pupil in a public school setting;	12239 12240 12241
(i) Evidence regarding the availability of alternative sanctions of a less serious nature than permanent exclusion that would enable the pupil to remain in a public school setting without posing a significant danger to the health and safety of other pupils or of school employees and without posing a threat of the disruption of the teaching of any district's graded course of study.	12242 12243 12244 12245 12246 12247 12248
(3) In any adjudication hearing conducted pursuant to this section and section 3313.662 of the Revised Code, a court order	12249 12250

that proves the adjudication or conviction that is the basis for 12251  
the resolution of the board of education seeking permanent 12252  
exclusion is sufficient evidence to prove that the pupil 12253  
committed a violation as specified in division (F) (1) of this 12254  
section. 12255

(4) The state superintendent or the referee shall make or 12256  
cause to be made a record of any adjudication hearing conducted 12257  
pursuant to this section. 12258

(5) A referee who conducts an adjudication hearing 12259  
pursuant to this section shall promptly report the referee's 12260  
findings in writing to the state superintendent at the 12261  
conclusion of the adjudication hearing. 12262

(F) If an adjudication hearing is conducted or a 12263  
determination is made pursuant to this section and section 12264  
3313.662 of the Revised Code, the state superintendent shall 12265  
review and consider the evidence presented, the entire school 12266  
record of the pupil, and any available information described in 12267  
divisions (E) (2) (a) to (i) of this section and shall not enter 12268  
an order of permanent exclusion unless the state superintendent 12269  
or the state superintendent's appointed referee finds, by a 12270  
preponderance of the evidence, both of the following: 12271

(1) That the pupil was convicted of or adjudicated a 12272  
delinquent child for committing a violation listed in division 12273  
(A) of section 3313.662 of the Revised Code and that the 12274  
violation was committed when the child was sixteen years of age 12275  
or older; 12276

(2) That the pupil's continued attendance in the public 12277  
school system may endanger the health and safety of other pupils 12278  
or school employees. 12279

(G) (1) Within seven days after the conclusion of an adjudication hearing that is conducted pursuant to this section, the state superintendent ~~of public instruction~~ shall enter an order in relation to the permanent exclusion of the pupil who is the subject of the hearing or determination.

(2) If the state superintendent or a referee makes the findings described in divisions (F) (1) and (2) of this section, the state superintendent shall issue a written order that permanently excludes the pupil from attending any of the public schools of this state and immediately shall send a written notice of the order to the board of education that forwarded the resolution, to the pupil who was the subject of the resolution, to that pupil's parent, guardian, or custodian, and to that pupil's attorney, that includes all of the following:

(a) A copy of the order of permanent exclusion;

(b) A statement informing the pupil and the pupil's parent, guardian, or custodian of the pupil's right to appeal the order of permanent exclusion pursuant to division (H) of this section and of the possible revocation of the permanent exclusion pursuant to division (I) of this section if a final judicial determination reverses the conviction or adjudication that was the basis for the permanent exclusion;

(c) A statement informing the pupil and the pupil's parent, guardian, or custodian of the provisions of divisions (F), (G), and (H) of section 3313.662 of the Revised Code.

(3) If the state superintendent or a referee does not make the findings described in divisions (F) (1) and (2) of this section, the state superintendent shall issue a written order that rejects the resolution of the board of education and

immediately shall send written notice of that fact to the board 12309  
of education that forwarded the resolution, to the pupil who was 12310  
the subject of the proposed resolution, and to that pupil's 12311  
parent, guardian, or custodian. 12312

(H) A pupil may appeal an order of permanent exclusion 12313  
made by the state superintendent of public instruction pursuant 12314  
to this section and section 3313.662 of the Revised Code to the 12315  
court of common pleas of the county in which the board of 12316  
education that forwarded the resolution requesting the permanent 12317  
exclusion is located. The appeal shall be conducted in 12318  
accordance with Chapter 2505. of the Revised Code. 12319

(I) If a final judicial determination reverses the 12320  
conviction or adjudication that is the basis of a permanent 12321  
exclusion ordered under this section, the state superintendent 12322  
~~of public instruction~~, upon receipt of a certified copy of an 12323  
order reflecting that final determination from the pupil or that 12324  
pupil's parent, guardian, custodian, or attorney, shall revoke 12325  
the order of permanent exclusion. 12326

(J) As used in this section: 12327

(1) "Permanently exclude" and "permanent exclusion" have 12328  
the same meanings as in section 3313.662 of the Revised Code. 12329

(2) "Out-of-home care" and "legal custody" have the same 12330  
meanings as in section 2151.011 of the Revised Code. 12331

(3) "Certificate of high school equivalence" has the same 12332  
meaning as in section 4109.06 of the Revised Code. 12333

**Sec. 3301.122.** ~~Not later than December 1, 2009, the~~ 12334  
~~superintendent of public instruction~~ The department of learning 12335  
and achievement shall develop a ten-year strategic plan aligned 12336  
with the strategic plan for higher education developed by the 12337

former chancellor of the Ohio board of regents under division 12338  
(D) of Section 375.30.25 of Am. Sub. H.B. 119 of the 127th 12339  
general assembly. ~~The superintendent may consult with the~~ 12340  
~~chancellor in developing the plan. The superintendent department~~ 12341  
shall submit the plan to the general assembly, in accordance 12342  
with section 101.68 of the Revised Code, and to the governor. 12343  
The plan shall include recommendations for: 12344

(A) A framework for collaborative, professional, 12345  
innovative, and thinking twenty-first century learning 12346  
environments; 12347

(B) Ways to prepare and support Ohio's educators for 12348  
successful instructional careers; 12349

(C) Enhancement of the current financial and resource 12350  
management accountability systems; 12351

(D) Implementation of an effective school funding system. 12352

**Sec. 3301.123.** Whenever the term "superintendent of public 12353  
instruction" is used, referred to, or designated in any statute, 12354  
rule, contract, grant, or other document, the use, reference, or 12355  
designation shall be construed to mean the "department of 12356  
learning and achievement," except in sections 109.57, 3301.01, 12357  
3301.04, 3301.05, 3301.07, 3301.0722, 3301.08, 3301.09, 12358  
3301.121, 3301.13, 3301.54, 3301.80, 3307.01, 3309.48, 3309.51, 12359  
3311.08, 3311.26, 3311.38, 3313.64, 3313.65, 3313.662, 3314.012, 12360  
3314.013, 3314.015, 3314.029, 3314.40, 3314.401, 3314.403, 12361  
3314.51, 3317.12, 3317.13, 3319.161, 3319.283, 3319.291, 12362  
3319.292, 3319.31, 3319.311, 3319.314, 3319.317, 3319.55, 12363  
3323.05, 3323.32, 3323.33, 3326.081, 3326.211, 3326.24, 12364  
3326.241, 3326.243, 3328.01, 3328.11, 3328.12, 3328.13, 3328.15, 12365  
3328.18, 3328.19, 3328.191, 3328.193, 3328.20, 3328.34, 3328.37, 12366

3328.45, 3328.50, 3329.01, 3332.09, 3365.034, 3365.07, 3365.071, 12367  
3365.15, 5119.187, 5120.41, 5145.06, and 5153.176 of the Revised 12368  
Code or unless the use, reference, or designation of the term 12369  
"superintendent of public instruction" relates to the 12370  
superintendent's duties as secretary or executive and 12371  
administrative officer of the state board of education; the 12372  
superintendent's duties regarding licensure, if so granted by 12373  
the state board, or sanctions of those licensed; or unless 12374  
another section of law expressly provides otherwise. 12375

**Sec. 3301.13.** The department of education hereby created, 12376  
shall be the administrative unit and organization through which 12377  
the policies, directives, and powers of the state board of 12378  
education and the duties of the superintendent of public 12379  
instruction are administered by such superintendent as executive 12380  
officer of the board. 12381

The department of education shall consist of the state 12382  
board of education, the superintendent of public instruction, 12383  
and a staff of such professional, clerical, and other employees 12384  
as may be necessary to perform the duties and to exercise the 12385  
required functions of the department. 12386

The department of education shall be organized as provided 12387  
by law or by order of the state board of education. The 12388  
superintendent of public instruction shall be the chief 12389  
administrative officer of such department, and, subject to board 12390  
policies, rules, and regulations, shall exercise general 12391  
supervision of the department. 12392

The department of education shall be subject to all 12393  
provisions of law pertaining to departments, offices, or 12394  
institutions established for the exercise of any function of the 12395  
state government; excepting that it shall not be one of the 12396

departments provided for under division (A) of section 121.01 of 12397  
the Revised Code. In the exercise of any of its functions or 12398  
powers, including the power to make rules and regulations ~~and to~~ 12399  
~~prescribe minimum standards~~, the department of education, and 12400  
any officer or agency therein, shall be subject to Chapter 119. 12401  
of the Revised Code. The headquarters of the department of 12402  
education shall be at the seat of government, where office space 12403  
suitable and adequate for the work of the department shall be 12404  
provided by the appropriate state agency. There the state board 12405  
of education shall meet and transact its business, unless the 12406  
board chooses to meet elsewhere in Ohio as provided by section 12407  
3301.04 of the Revised Code. There the records of the state 12408  
board of education and the records, papers, and documents 12409  
belonging to the department shall be kept in charge of the 12410  
superintendent of public instruction. 12411

The superintendent of public instruction shall recommend, 12412  
for approval by the board, the organization of the department of 12413  
education, and the assignment of the work within such 12414  
department. The appointment, number, and salaries of assistant 12415  
superintendents and division heads shall be determined by the 12416  
state board of education after recommendation of the 12417  
superintendent of public instruction. Such assistant 12418  
superintendents and division heads shall serve at the pleasure 12419  
of the board. The superintendent of public instruction may 12420  
appoint, fix the salary, and terminate the employment of such 12421  
other employees as are engaged in educational or research 12422  
duties. 12423

**Sec. 3301.131.** The department of ~~education~~ learning and 12424  
achievement shall encourage, seek out, and publicize to the 12425  
general public and the school districts of this state, 12426  
innovative and exemplary school-parent and school-business 12427

partnerships. The board of education of a district involved in 12428  
such a partnership shall cooperate with the department by 12429  
providing information about the partnership. As used in this 12430  
section: 12431

(A) "School-parent partnership" means a program that 12432  
actively involves parents of students in the decision-making 12433  
process of the school district or individual schools within the 12434  
district; 12435

(B) "School-business partnership" means a program in this 12436  
state in which businesses, labor organizations, associations, 12437  
foundations, or other persons, assist local schools in preparing 12438  
children for employment or higher education, and may include 12439  
programs involving work experience, mentoring, tutoring, 12440  
incentive grants, or the use of corporate facilities and 12441  
equipment. 12442

**Sec. 3301.133.** As used in this section, "form" has the 12443  
same meaning as in section 3301.0722 of the Revised Code. 12444

(A) ~~No later than July 1, 1992, the~~ The organization of 12445  
the department of ~~education~~ learning and achievement shall 12446  
include an identifiable organizational unit that deals with the 12447  
management of any education data that the department gathers, 12448  
processes, uses, or reports. The ~~superintendent of public~~ 12449  
~~instruction department~~ shall assign employees to this unit or 12450  
employ persons for this unit who are trained and experienced in 12451  
data management and the design of forms and who understand the 12452  
data needs of the department ~~of education~~. The ~~superintendent~~ 12453  
~~department~~ shall provide a sufficient number of such employees 12454  
for the unit to perform its duties in an effective and timely 12455  
manner. 12456

(B) The unit established pursuant to division (A) of this section shall: 12457  
12458

(1) Review each new form or modification of any existing form that the ~~state board, the superintendent of public instruction, or the department of education~~ proposes to put into use ~~on or after July 1, 1992~~. In conducting the review of any form, the unit shall evaluate it utilizing at least the criteria specified under division (C) of this section. The unit shall report in writing to the ~~superintendent of public instruction department~~ whether the form satisfies the criteria specified under division (C) of this section, and if not, the reasons why it does not. Each report shall include recommendations regarding the simplification, consolidation, or elimination of the proposed form or any other forms related to the proposed form that would enable all the criteria specified under division (C) of this section to be met. 12459  
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(2) Regularly contact and seek to work with other state and federal agencies that collect and use education data for the purpose of increasing the efficiency and coordination of data collection; 12473  
12474  
12475  
12476

(3) Perform any other duties assigned by the ~~superintendent of public instruction~~ department. 12477  
12478

(C) In conducting the review of any form pursuant to division (B)(1) of this section, the unit established under division (A) of this section shall determine whether the following criteria are satisfied: 12479  
12480  
12481  
12482

(1) Each data item on the form does not duplicate data already submitted to the ~~state board, superintendent of public instruction, or department of education~~. 12483  
12484  
12485

- (2) The form cannot be consolidated with any other form 12486  
required by the ~~state board, superintendent, or~~ department. 12487
- (3) The form is required to be submitted no more often 12488  
than necessary and no sooner than reasonably necessary prior to 12489  
the date on which the data reported on the form will be 12490  
initially used. 12491
- (4) The stated purpose of the form cannot be met as part 12492  
of any other procedure, such as a verification or certification 12493  
procedure or other reporting procedure. 12494
- (5) If the form or any data item on the form is attributed 12495  
to any requirement of state statute, federal statute or rule, or 12496  
any court, the form or data item is limited to the data that the 12497  
statute, rule, or court requires. 12498
- (6) If the form or any data item on the form is attributed 12499  
to the requirements of any research or of any process of 12500  
auditing school districts for compliance with any requirement, 12501  
the research is planned or currently taking place or the 12502  
compliance is currently required. 12503
- (7) The form is designed in a way that minimizes the cost 12504  
of completing it. 12505
- (8) The form includes instructions that clearly explain 12506  
how to complete it, who will use the data reported on it, and 12507  
whom to contact with questions about completing the form or the 12508  
use of the data reported on it. 12509
- Sec. 3301.134.** (A) In each fiscal year the department of 12510  
~~education learning and achievement~~, in accordance with 12511  
appropriations made by the general assembly, may issue awards of 12512  
equal amounts up to fifteen thousand dollars to those fifty 12513  
public schools that are determined by the department to have 12514

implemented in the immediately preceding fiscal year innovative 12515  
and exemplary parental involvement programs that have enhanced 12516  
parental involvement in such schools according to criteria 12517  
established by the department. 12518

(B) The department ~~of education~~ shall collect and retain 12519  
information on the innovative and exemplary parental involvement 12520  
programs of all schools that have received awards under division 12521  
(A) of this section. In each fiscal year the department shall 12522  
publicize to every school district a description of each of the 12523  
innovative and exemplary parental involvement programs of the 12524  
schools that have received awards in the immediately preceding 12525  
fiscal year. 12526

(C) Any school that receives an award under division (A) 12527  
of this section may expend the money on any lawful purpose. 12528

**Sec. 3301.14.** Each year the ~~state board of education~~ 12529  
department of learning and achievement shall require a report of 12530  
the president, manager, or principal of each seminary, academy, 12531  
parochial, or private school. The report shall be made upon 12532  
forms furnished by the ~~board~~ department and shall contain a 12533  
statement of such facts as it requests. The president, manager, 12534  
or principal shall complete and return such forms within a time 12535  
fixed by the ~~state board of education~~ department. 12536

**Sec. 3301.15.** The ~~state board of education~~ department of 12537  
learning and achievement or its authorized representatives may 12538  
inspect all institutions under the control of the department of 12539  
job and family services, the department of mental health and 12540  
addiction services, the department of developmental 12541  
disabilities, and the department of rehabilitation and 12542  
correction which employ teachers, and may make a report on the 12543  
teaching, discipline, and school equipment in these institutions 12544

to the director of job and family services, the director of 12545  
mental health and addiction services, the director of 12546  
developmental disabilities, the director of rehabilitation and 12547  
correction, and the governor. 12548

**Sec. 3301.16.** Pursuant to standards prescribed by the 12549  
~~state board of education department of learning and achievement~~ 12550  
as provided in division (D) of section 3301.07 of the Revised 12551  
Code, the ~~state board department~~ shall classify and charter 12552  
school districts and individual schools within each district 12553  
except that no charter shall be granted to a nonpublic school 12554  
unless the school complies with divisions (K) (1) and (L) of 12555  
section 3301.0711, as applicable, and sections 3301.164 and 12556  
3313.612 of the Revised Code. 12557

In the course of considering the charter of a new school 12558  
district created under section 3311.26 or 3311.38 of the Revised 12559  
Code, the ~~state board department~~ shall require the party 12560  
proposing creation of the district to submit to the board a map, 12561  
certified by the county auditor of the county in which the 12562  
proposed new district is located, showing the boundaries of the 12563  
proposed new district. In the case of a proposed new district 12564  
located in more than one county, the map shall be certified by 12565  
the county auditor of each county in which the proposed district 12566  
is located. 12567

The ~~state board department~~ shall revoke the charter of any 12568  
school district or school which fails to meet the standards for 12569  
elementary and high schools as prescribed by the ~~board~~ 12570  
~~department~~. The ~~state board department~~ shall also revoke the 12571  
charter of any nonpublic school that does not comply with 12572  
divisions (K) (1) and (L) of section 3301.0711, if applicable, 12573  
and sections 3301.164 and 3313.612 of the Revised Code. 12574

In the issuance and revocation of school district or school charters, the ~~state board department~~ shall be governed by the provisions of Chapter 119. of the Revised Code.

No school district, or individual school operated by a school district, shall operate without a charter issued by the ~~state board department~~ under this section.

In case a school district charter is revoked pursuant to this section, the ~~state board department~~ may dissolve the school district and transfer its territory to one or more adjacent districts. An equitable division of the funds, property, and indebtedness of the school district shall be made by the ~~state board department~~ among the receiving districts. The board of education of a receiving district shall accept such territory pursuant to the order of the ~~state board department~~. Prior to dissolving the school district, the ~~state board department~~ shall notify the appropriate educational service center governing board and all adjacent school district boards of education of its intention to do so. Boards so notified may make recommendations to the ~~state board department~~ regarding the proposed dissolution and subsequent transfer of territory. Except as provided in section 3301.161 of the Revised Code, the transfer ordered by the ~~state board department~~ shall become effective on the date specified by the ~~state board department~~, but the date shall be at least thirty days following the date of issuance of the order.

A high school is one of higher grade than an elementary school, in which instruction and training are given in accordance with sections 3301.07 and 3313.60 of the Revised Code and which also offers other subjects of study more advanced than those taught in the elementary schools and such other subjects

as may be approved by the ~~state board of education~~ department. 12605

An elementary school is one in which instruction and 12606  
training are given in accordance with sections 3301.07 and 12607  
3313.60 of the Revised Code and which offers such other subjects 12608  
as may be approved by the ~~state board of education~~ department. 12609  
In districts wherein a junior high school is maintained, the 12610  
elementary schools in that district may be considered to include 12611  
only the work of the first six school years inclusive, plus the 12612  
kindergarten year. 12613

**Sec. 3301.162.** (A) If the governing authority of a 12614  
chartered nonpublic school intends to close the school, the 12615  
governing authority shall notify all of the following of that 12616  
intent prior to closing the school: 12617

(1) The department of ~~education~~ learning and achievement; 12618

(2) The school district that receives auxiliary services 12619  
funding under division (E) of section 3317.024 of the Revised 12620  
Code on behalf of the students enrolled in the school; 12621

(3) The accrediting association that most recently 12622  
accredited the school for purposes of chartering the school in 12623  
accordance with the rules of the ~~state board of education~~ 12624  
department, if applicable; 12625

(4) If the school has been designated as a STEM school 12626  
equivalent under section 3326.032 of the Revised Code, the STEM 12627  
committee established under section 3326.02 of the Revised Code. 12628

The notice shall include the school year and, if possible, 12629  
the actual date the school will close. 12630

(B) The chief administrator of each chartered nonpublic 12631  
school that closes shall deposit the school's records with 12632

either: 12633

(1) The accrediting association that most recently 12634  
accredited the school for purposes of chartering the school in 12635  
accordance with the rules of the ~~state board~~ department, if 12636  
applicable; 12637

(2) The school district that received auxiliary services 12638  
funding under division (E) of section 3317.024 of the Revised 12639  
Code on behalf of the students enrolled in the school. 12640

The school district that receives the records may charge 12641  
for and receive a one-time reimbursement from auxiliary services 12642  
funding under division (E) of section 3317.024 of the Revised 12643  
Code for costs the district incurred to store the records. 12644

**Sec. 3301.163.** (A) Beginning July 1, 2015, any third-grade 12645  
student who attends a chartered nonpublic school with a 12646  
scholarship awarded under either the educational choice 12647  
scholarship pilot program, prescribed in sections 3310.01 to 12648  
3310.17, or the pilot project scholarship program prescribed in 12649  
sections 3313.974 to 3313.979 of the Revised Code, shall be 12650  
subject to the third-grade reading guarantee retention 12651  
provisions under division (A) (2) of section 3313.608 of the 12652  
Revised Code, including the exemptions prescribed by that 12653  
division. For purposes of determining if a child with a 12654  
disability is exempt from retention under this section, an 12655  
individual services plan created for the child that has been 12656  
reviewed by either the student's school district of residence or 12657  
the school district in which the chartered nonpublic school is 12658  
located and that specifies that the student is not subject to 12659  
retention shall be considered in the same manner as an 12660  
individualized education program or plan under section 504 of 12661  
the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, 12662

as amended, as prescribed by division (A) (2) of section 3313.608 12663  
of the Revised Code. 12664

As used in this section, "child with a disability" and 12665  
"school district of residence" have the same meanings as in 12666  
section 3323.01 of the Revised Code. 12667

(B) (1) Each chartered nonpublic school that enrolls 12668  
students in any of grades kindergarten through three and that 12669  
accepts students under the educational choice scholarship pilot 12670  
program or the pilot project scholarship program shall adopt 12671  
policies and procedures for the annual assessment of the reading 12672  
skills of those students. Each school may use the diagnostic 12673  
assessment to measure reading ability for the appropriate grade 12674  
level prescribed in division (D) of section 3301.079 of the 12675  
Revised Code. If the school uses such assessments, the 12676  
department of ~~education~~ learning and achievement shall furnish 12677  
them to the chartered nonpublic school. 12678

(2) For each student identified as having reading skills 12679  
below grade level, the school shall do both of the following: 12680

(a) Provide to the student's parent or guardian, in 12681  
writing, all of the following: 12682

(i) Notification that the student has been identified as 12683  
having a substantial deficiency in reading; 12684

(ii) Notification that if the student attains a score in 12685  
the range designated under division (A) (3) of section 3301.0710 12686  
of the Revised Code on the assessment prescribed under that 12687  
section to measure skill in English language arts expected at 12688  
the end of third grade, the student shall be retained unless the 12689  
student is exempt under division (A) (1) of section 3313.608 of 12690  
the Revised Code. 12691

(b) Provide intensive reading instruction services, as 12692  
determined appropriate by the school, to each student identified 12693  
under this section. 12694

(C) Each chartered nonpublic school subject to this 12695  
section annually shall report to the department the number of 12696  
students identified as reading at grade level and the number of 12697  
students identified as reading below grade level. 12698

**Sec. 3301.18.** The department of ~~education~~ learning and 12699  
achievement shall: 12700

(A) Administer grants under section 3301.19 of the Revised 12701  
Code in support of voluntary desegregation within school 12702  
districts; 12703

(B) Provide technical assistance to school districts 12704  
developing voluntary plans for desegregation or plans to reduce 12705  
or eliminate racial isolation; 12706

(C) Develop desegregation plans as required by court order 12707  
and provide technical assistance to school districts required to 12708  
develop plans under court order; 12709

(D) Report to the general assembly annually on 12710  
expenditures made by the state to reduce or eliminate racial 12711  
isolation and enumerate anticipated expenses for desegregation 12712  
resulting from court action or action taken by the federal 12713  
government. 12714

**Sec. 3301.19.** The department of ~~education~~ learning and 12715  
achievement shall administer a program to support school boards 12716  
that voluntarily adopt and implement plans of student transfers 12717  
to desegregate schools within their districts. To be eligible 12718  
for such support, both of the following must apply: 12719

(A) The district must have a minority enrollment of 12720  
between twenty-five and seventy-five per cent, according to the 12721  
most recent racial and ethnic census of the district prepared by 12722  
the department; 12723

(B) The school board must adopt and submit to the 12724  
department, not later than the first day of October, a plan for 12725  
reducing racial isolation through the transfer of not fewer than 12726  
fifty students in the district. The plan must provide for any or 12727  
all of the following: 12728

(1) The transfer of minority students from a school with 12729  
greater than the average minority composition of the district to 12730  
a school with less than the average minority composition of the 12731  
district; 12732

(2) The transfer of majority students from a school with 12733  
less than the average minority composition of the district to a 12734  
school with more than the average minority composition of the 12735  
district; 12736

(3) The transfer of minority or majority students to 12737  
designated schools if the transfers cause the racial composition 12738  
of the designated schools to more closely approximate the 12739  
student racial composition of the entire district taken as a 12740  
whole. 12741

The department ~~of education~~ shall pay the school district 12742  
an amount equal to four hundred dollars per student transferred, 12743  
except that if all payments required to be made under this 12744  
section during the fiscal year exceed the appropriation for the 12745  
purpose, the payment to each school district shall be 12746  
proportionately reduced. The school board may spend the amount 12747  
received only on activities other than transportation that 12748

support the reduction of racial isolation. In the case of a 12749  
transfer from a school that is being permanently closed or that 12750  
results from a permanent change in the boundary of a school 12751  
attendance zone, payment shall be made only for the initial year 12752  
the transfer is made. In the case of any other kind of transfer, 12753  
payment shall be made for each fiscal year the transfer occurs. 12754

**Sec. 3301.21.** There is hereby created in the state 12755  
treasury the state action for education leadership fund. Money 12756  
received by the ~~department of education state~~ from the Wallace 12757  
foundation shall be deposited into the fund. All investment 12758  
earnings of the fund shall be credited to the fund. The 12759  
department of learning and achievement shall use the money in 12760  
the fund for the following purposes: 12761

(A) To develop leadership training programs for the big 12762  
eight school districts, as defined in section 3314.02 of the 12763  
Revised Code; 12764

(B) To target training to teacher-leaders, principals, and 12765  
union leaders; 12766

(C) To increase administrators' and teachers' skills in 12767  
using student assessment data to improve instructional 12768  
decisions; 12769

(D) To align district and building budget allocations with 12770  
student performance data. 12771

**Sec. 3301.22.** The ~~state board of education~~ department of 12772  
learning and achievement shall develop a model policy to 12773  
prohibit harassment, intimidation, or bullying in order to 12774  
assist school districts in developing their own policies under 12775  
section 3313.666 of the Revised Code. ~~The board shall issue the~~ 12776  
~~model policy within six months after the effective date of this~~ 12777

<del>section.</del>	12778
<b>Sec. 3301.25.</b> The department of <del>education</del> <u>learning and achievement</u> shall distribute to the library of each secondary school in this state a copy of a videotape of the Ohio veterans plaza dedication <del>;</del> and shall distribute the book Letters Home: The Letters of the Ohio Veterans Plaza or other appropriate written material regarding veterans.	12779 12780 12781 12782 12783 12784
<b>Sec. 3301.27.</b> The department of <del>education</del> <u>learning and achievement</u> shall conduct research on the factors that improve education effectiveness in school districts and for this purpose may require school districts to administer tests in addition to those otherwise required by law, such as the national assessment of education progress. The department shall make the results of any research conducted under this section available to all school districts.	12785 12786 12787 12788 12789 12790 12791 12792
<b>Sec. 3301.30.</b> The department of <del>education</del> <u>learning and achievement</u> shall:	12793 12794
(A) Actively encourage, assist, and support boards of education in applying for moneys for programs for pre-school children of migrant agricultural laborers under Title I of the "Elementary and Secondary Education Act of 1965," 79 Stat. 27, 20 U.S.C.A. 236, as amended;	12795 12796 12797 12798 12799
(B) Establish an official relationship with the Texas education agency and the Florida department of education to cooperate and exchange information with those states concerning education for children of migrant <del>agricultural</del> <u>agricultural</u> laborers, and coordinate its activities and services for such children with those states and any other states that provide education for such children;	12800 12801 12802 12803 12804 12805 12806

(C) Take all necessary steps to compensate for the lack of 12807  
continuity in instructional curriculum experienced by children 12808  
of migrant agricultural laborers as a result of their parents' 12809  
occupation by assuring that: 12810

(1) Coordinated interstate and intrastate programs are 12811  
provided at all levels, including coordinated programs leading 12812  
to credit accrual; 12813

(2) Parents are given information about the availability 12814  
of interstate and intrastate programs. 12815

(D) Take a more active role in encouraging boards of 12816  
education to offer, in accordance with section 3313.641 of the 12817  
Revised Code, alternative evening and tutorial programs for 12818  
children of migrant agricultural laborers and their families 12819  
during late spring, summer, and early fall. 12820

**Sec. 3301.311.** (A) As used in this section, "preschool 12821  
program" has the same meaning as in section 3301.52 of the 12822  
Revised Code. 12823

(B) Subject to divisions (C) and (D) of this section, 12824  
beginning in fiscal year 2006, no preschool program, and no 12825  
early childhood education program or early learning program as 12826  
defined by the department of ~~education~~learning and achievement 12827  
shall receive any funds from the state unless fifty per cent of 12828  
the staff members employed by that program as teachers are 12829  
working toward an associate degree of a type approved by the 12830  
department. 12831

(C) (1) Subject to division (C) (2) of this section, 12832  
beginning in fiscal year 2010, no preschool program, and no 12833  
early childhood education program or early learning program as 12834  
defined by the department, existing prior to fiscal year 2007, 12835

shall receive any funds from the state unless every staff member 12836  
employed by that program as a teacher has attained an associate 12837  
degree of a type approved by the department. 12838

(2) Beginning in fiscal year 2011, no preschool program, 12839  
and no early childhood education program or early learning 12840  
program as defined by the department, existing prior to fiscal 12841  
year 2007, shall receive any funds from the state unless fifty 12842  
per cent of the staff members employed by the program as 12843  
teachers have attained a bachelor's degree of a type approved by 12844  
the department. 12845

(D) (1) Subject to division (D) (2) of this section, 12846  
beginning in fiscal year 2012, no preschool program, and no 12847  
early childhood education program or early learning program as 12848  
defined by the department, established during or after fiscal 12849  
year 2007, shall receive any funds from the state unless every 12850  
staff member employed by that program as a teacher has attained 12851  
an associate degree of a type approved by the department. 12852

(2) Beginning in fiscal year 2013, no preschool program, 12853  
and no early childhood education program or early learning 12854  
program as defined by the department, established during or 12855  
after fiscal year 2007, shall receive any funds from the state 12856  
unless fifty per cent of the staff members employed by the 12857  
program as teachers have attained a bachelor's degree of a type 12858  
approved by the department. 12859

**Sec. 3301.40.** (A) As used in this section, "adult 12860  
education" has the meaning as established under the "adult 12861  
education act," 102 Stat. 302 (1988), 20 U.S.C. 1201a(2), as 12862  
amended. 12863

(B) ~~Beginning July 1, 1996, the~~ The department of 12864

~~education-learning and achievement~~ may distribute state funds to 12865  
organizations that ~~quality~~ qualify for federal funds under the 12866  
"Adult Education Act," 102 Stat. 302 (1988), 20 1201 to 1213d, 12867  
as amended. The funds shall be used by qualifying organizations 12868  
to provide adult education services. State funds distributed 12869  
pursuant to this section shall be distributed in accordance with 12870  
the rules adopted by the ~~state board of education~~ department 12871  
pursuant to this section. 12872

Each organization that receives funds under this section 12873  
shall file program performance reports with the department. The 12874  
reports shall be filed at times required by ~~state board of~~ 12875  
~~education~~ department rule and contain assessments of individual 12876  
students as they enter, progress through, and exit the adult 12877  
education program; records regarding individual student program 12878  
participation time; reports of individual student retention 12879  
rates; and any other information required by rule. 12880

(C) The ~~state board of education~~ department shall adopt 12881  
rules for the distribution of funds under this section. The 12882  
rules shall include the following: 12883

(1) Requirements for program performance reports. 12884

(2) Indicators of adult education program quality, 12885  
including indicators of learner achievement, program 12886  
environment, program planning, curriculum and instruction, staff 12887  
development, support services, and recruitment and retention. 12888

(3) A formula for the distribution of funds under this 12889  
section. The formula shall include as a factor an organization's 12890  
quantifiable success in meeting the indicators of program 12891  
quality established pursuant to division (C) (2) of this section. 12892

(4) Standards and procedures for reducing or discontinuing 12893

funding to organizations that fail to meet the requirements of 12894  
this section. 12895

(5) Any other requirements or standards considered 12896  
appropriate by the ~~board~~ department. 12897

**Sec. 3301.45.** (A) Not later than the thirtieth day of 12898  
September of each year, the department of ~~education~~ learning and 12899  
achievement shall distribute to all public high schools the 12900  
information provided by the director of job and family services 12901  
on the online education and career planning tool developed under 12902  
section 6301.15 of the Revised Code. 12903

(B) Annually, the department of ~~education~~ shall survey 12904  
high school administrators and guidance counselors regarding 12905  
their use of the online planning tool and provide the results of 12906  
the survey to the director of job and family services to support 12907  
future refinements and improvements to the online planning tool. 12908

As used in this section, "public high school" means a 12909  
school that serves students in any of grades nine through twelve 12910  
and is operated by a school district or a community school 12911  
established under Chapter 3314. of the Revised Code, a STEM 12912  
school established under Chapter 3326. of the Revised Code, or a 12913  
college-preparatory boarding school established under Chapter 12914  
3328. of the Revised Code. 12915

**Sec. 3301.46.** Not later than April 30, 2009, the 12916  
department of ~~education and the chancellor of the Ohio board of~~ 12917  
~~regents jointly~~ learning and achievement shall propose a 12918  
standard method and form for documenting on high school 12919  
transcripts high school credits earned that are compatible with 12920  
the standards for credit transfer and articulation adopted under 12921  
sections 3333.16 and 3333.161 of the Revised Code and any 12922

electronic clearinghouse for student transcript transfer 12923  
developed by the ~~chancellor~~ department. The proposal shall be 12924  
submitted to the ~~state board of education~~, the governor, the 12925  
speaker and minority leader of the house of representatives, the 12926  
president and minority leader of the senate, and the 12927  
chairpersons and ranking minority members of the standing 12928  
committees of the house of representatives and the senate that 12929  
consider education legislation. 12930

**Sec. 3301.49.** Pursuant to paragraph A of Article III of 12931  
the educational compact enacted in section 3301.48 of the 12932  
Revised Code, there shall be seven members to the educational 12933  
commission of the states who shall serve from this state, one of 12934  
such members shall be the governor; one member shall be a member 12935  
of the senate appointed by the president; one member shall be a 12936  
member of the house of representatives appointed by the speaker 12937  
of the house of representatives; and four members shall be 12938  
appointed by and serve at the pleasure of the governor. Two of 12939  
the members appointed by the governor shall be professional 12940  
educators associated with either public or private educational 12941  
systems and may be an officer of the state, any college or 12942  
university in the state or any officer or administrator of any 12943  
public school district. Two of the members appointed by the 12944  
governor shall be ~~laymen~~ laypersons. 12945

The state shall pay the actual expenses of members of the 12946  
Ohio commission while attending to any business of the 12947  
commission. The governor shall appoint a ~~chairman~~ chairperson of 12948  
the Ohio members of the educational commission of the states and 12949  
such membership shall meet on the call of its ~~chairman~~ 12950  
chairperson or at the request of a majority of its members. In 12951  
any event, the membership shall meet not less often than three 12952  
times annually. The membership may consider any and all matters 12953

relating to recommendations of the educational commission of the states and the activities of the members in representing this state thereon.

Pursuant to paragraph (I) of Article III of the compact the educational commission of the states shall file a copy of its bylaws and any amendment thereto with the ~~superintendent of public instruction~~ department of learning and achievement.

**Sec. 3301.50.** Except as otherwise provided under division (B) of section 3301.54 of the Revised Code, the issuing of any educator license designated for teaching in a preschool setting pursuant to section 3319.22 of the Revised Code shall not be construed as requiring any person who does not hold such a license to obtain one in order to be employed as a teacher in a pre-kindergarten program. However, a person hired after July 1, 1988, to direct a preschool program regulated by the ~~state board of education~~ department of learning and achievement under sections 3301.52 to 3301.57 of the Revised Code, other than a program operated by a nontax-supported eligible nonpublic school, shall hold a valid educator license designated as appropriate for teaching or being an administrator in a preschool setting issued pursuant to section 3319.22 of the Revised Code plus the four courses required by division (A) (1) of section 3301.54 of the Revised Code, unless division (A) (4) of that section applies to the person.

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of the Revised Code:

(A) "Preschool program" means either of the following:

(1) A child care program for preschool children that is operated by a school district board of education or an eligible

nonpublic school.	12983
(2) A child care program for preschool children age three or older that is operated by a county board of developmental disabilities or a community school.	12984 12985 12986
(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.	12987 12988
(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.	12989 12990 12991
(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of a community school or an eligible nonpublic school.	12992 12993 12994
(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.	12995 12996 12997 12998
(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.	12999 13000 13001
(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.	13002 13003 13004 13005
(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B) (8) of section 5104.02 of the Revised Code or chartered by the <del>state board of education</del> <u>department of learning and achievement</u> for any combination of grades one through twelve, regardless of whether it also offers	13006 13007 13008 13009 13010

kindergarten. 13011

(I) "School child program" means a child care program for 13012  
only school children that is operated by a school district board 13013  
of education, county board of developmental disabilities, 13014  
community school, or eligible nonpublic school. 13015

(J) "School child" means a child who is enrolled in or is 13016  
eligible to be enrolled in a grade of kindergarten or above but 13017  
is less than fifteen years old. 13018

(K) "School child program staff member" means an employee 13019  
whose primary responsibility is the care, teaching, or 13020  
supervision of children in a school child program. 13021

(L) "Child care" means administering to the needs of 13022  
infants, toddlers, preschool children, and school children 13023  
outside of school hours by persons other than their parents or 13024  
guardians, custodians, or relatives by blood, marriage, or 13025  
adoption for any part of the twenty-four-hour day in a place or 13026  
residence other than a child's own home. 13027

(M) "Child day-care center," "publicly funded child care," 13028  
and "school-age child care center" have the same meanings as in 13029  
section 5104.01 of the Revised Code. 13030

(N) "Community school" means either of the following: 13031

(1) A community school established under Chapter 3314. of 13032  
the Revised Code that is sponsored by an entity that is rated 13033  
"exemplary" under section 3314.016 of the Revised Code. 13034

(2) A community school established under Chapter 3314. of 13035  
the Revised Code that has received, on its most recent report 13036  
card, either of the following: 13037

(a) If the school offers any of grade levels four through 13038

twelve, a grade of "C" or better for the overall value-added 13039  
progress dimension under division (C) (1) (e) of section 3302.03 13040  
of the Revised Code and for the performance index score under 13041  
division (C) (1) (b) of section 3302.03 of the Revised Code; 13042

(b) If the school does not offer a grade level higher than 13043  
three, a grade of "C" or better for making progress in improving 13044  
literacy in grades kindergarten through three under division (C) 13045  
(1) (g) of section 3302.03 of the Revised Code. 13046

**Sec. 3301.521.** Sections 3301.53 to 3301.59 of the Revised 13047  
Code do not apply to child care provided exclusively for 13048  
participants of an adult education program that receives funds 13049  
under the department of ~~education's~~ learning and achievement's 13050  
state plan for implementing the "Adult Education Act of 1966," 13051  
80 Stat. 1216, 20 U.S.C. 1201, as amended, or an adult education 13052  
program operated under section 3313.52, 3313.531, 3313.641, or 13053  
3313.644 of the Revised Code, if the child care is provided on a 13054  
part-time basis, is provided on the same premises as and during 13055  
the hours of operation of the adult education program, and at 13056  
least one parent, custodian, or guardian of each child is on the 13057  
premises and readily accessible at all times. 13058

**Sec. 3301.53.** (A) ~~The state board of education~~ department 13059  
of learning and achievement, in consultation with the director 13060  
of job and family services, shall formulate and prescribe by 13061  
rule adopted under Chapter 119. of the Revised Code minimum 13062  
standards to be applied to preschool programs operated by school 13063  
district boards of education, county boards of developmental 13064  
disabilities, community schools, or eligible nonpublic schools. 13065  
The rules shall include the following: 13066

(1) Standards ensuring that the preschool program is 13067  
located in a safe and convenient facility that accommodates the 13068

enrollment of the program, is of the quality to support the 13069  
growth and development of the children according to the program 13070  
objectives, and meets the requirements of section 3301.55 of the 13071  
Revised Code; 13072

(2) Standards ensuring that supervision, discipline, and 13073  
programs will be administered according to established 13074  
objectives and procedures; 13075

(3) Standards ensuring that preschool staff members and 13076  
nonteaching employees are recruited, employed, assigned, 13077  
evaluated, and provided inservice education without 13078  
discrimination on the basis of age, color, national origin, 13079  
race, or sex; and that preschool staff members and nonteaching 13080  
employees are assigned responsibilities in accordance with 13081  
written position descriptions commensurate with their training 13082  
and experience; 13083

(4) A requirement that boards of education intending to 13084  
establish a preschool program demonstrate a need for a preschool 13085  
program prior to establishing the program; 13086

(5) Requirements that children participating in preschool 13087  
programs have been immunized to the extent considered 13088  
appropriate by the ~~state board~~ department to prevent the spread 13089  
of communicable disease; 13090

(6) Requirements that the parents of preschool children 13091  
complete the emergency medical authorization form specified in 13092  
section 3313.712 of the Revised Code. 13093

(B) The ~~state board of education~~ department in 13094  
consultation with the director of job and family services shall 13095  
ensure that the rules adopted by the ~~state board~~ department 13096  
under sections 3301.52 to 3301.58 of the Revised Code are 13097

consistent with and meet or exceed the requirements of Chapter 13098  
5104. of the Revised Code with regard to child day-care centers. 13099  
The ~~state board~~ director of learning and achievement and the 13100  
director of job and family services shall review all such rules 13101  
at least once every five years. 13102

(C) The ~~state board of education department~~, in 13103  
consultation with the director of job and family services, shall 13104  
adopt rules for school child programs that are consistent with 13105  
and meet or exceed the requirements of the rules adopted for 13106  
school-age child care centers under Chapter 5104. of the Revised 13107  
Code. 13108

**Sec. 3301.54.** (A) (1) Each preschool program shall be 13109  
directed and supervised by a director, a head teacher, an 13110  
elementary principal, or a site administrator who is on site and 13111  
responsible for supervision of the program. Except as otherwise 13112  
provided in division (A) (2) or (3) of this section, this person 13113  
shall hold a valid educator license designated as appropriate 13114  
for teaching or being an administrator in a preschool setting 13115  
issued pursuant to section 3319.22 of the Revised Code and have 13116  
completed at least four courses in child development or early 13117  
childhood education from an accredited college, university, or 13118  
technical college. 13119

(2) If the person was employed prior to July 1, 1988, by a 13120  
school district board of education or an eligible nonpublic 13121  
school to direct a preschool program, the person shall be 13122  
considered to meet the requirements of this section if the 13123  
person holds a valid kindergarten-primary certificate described 13124  
under former division (A) of section 3319.22 of the Revised Code 13125  
as it existed on January 1, 1996. 13126

(3) If the person is employed to direct a preschool 13127

program operated by an eligible, nontax-supported, nonpublic 13128  
school, the person shall be considered to meet the requirements 13129  
of this section if the person holds a valid teaching certificate 13130  
issued in accordance with section 3301.071 of the Revised Code. 13131

(B) Each preschool staff member shall be at least eighteen 13132  
years of age and have a high school diploma or a certificate of 13133  
high school equivalence issued by the ~~department of education~~ 13134  
superintendent of public instruction or a primary-secondary 13135  
education or higher education agency of another state, except 13136  
that a staff member may be less than eighteen years of age if 13137  
the staff member is a graduate of a two-year vocational child- 13138  
care training program approved by the ~~state board of education~~ 13139  
department of learning and achievement, or is a student enrolled 13140  
in the second year of such a program that leads to high school 13141  
graduation, provided that the student performs duties in the 13142  
preschool program under the continuous supervision of an 13143  
experienced preschool staff member and receives periodic 13144  
supervision from the vocational child-care training program 13145  
teacher-coordinator in the student's high school. 13146

A preschool staff member shall annually complete fifteen 13147  
hours of inservice training in child development or early 13148  
childhood education, child abuse recognition and prevention, and 13149  
first aid, and in the prevention, recognition, and management of 13150  
communicable diseases, until a total of forty-five hours has 13151  
been completed, unless the staff member holds an associate or 13152  
higher degree in child development or early childhood education 13153  
from an accredited college, university, or technical college, or 13154  
any type of educator license designated as appropriate for 13155  
teaching in an associate teaching position in a preschool 13156  
setting issued by the state board of education pursuant to 13157  
section 3319.22 of the Revised Code. 13158

**Sec. 3301.541.** (A) (1) The director, head teacher, 13159  
elementary principal, or site administrator of a preschool 13160  
program shall request the superintendent of the bureau of 13161  
criminal identification and investigation to conduct a criminal 13162  
records check with respect to any applicant who has applied to 13163  
the preschool program for employment as a person responsible for 13164  
the care, custody, or control of a child. If the applicant does 13165  
not present proof that the applicant has been a resident of this 13166  
state for the five-year period immediately prior to the date 13167  
upon which the criminal records check is requested or does not 13168  
provide evidence that within that five-year period the 13169  
superintendent has requested information about the applicant 13170  
from the federal bureau of investigation in a criminal records 13171  
check, the director, head teacher, or elementary principal shall 13172  
request that the superintendent obtain information from the 13173  
federal bureau of investigation as a part of the criminal 13174  
records check for the applicant. If the applicant presents proof 13175  
that the applicant has been a resident of this state for that 13176  
five-year period, the director, head teacher, or elementary 13177  
principal may request that the superintendent include 13178  
information from the federal bureau of investigation in the 13179  
criminal records check. 13180

(2) Any director, head teacher, elementary principal, or 13181  
site administrator required by division (A) (1) of this section 13182  
to request a criminal records check shall provide to each 13183  
applicant a copy of the form prescribed pursuant to division (C) 13184  
(1) of section 109.572 of the Revised Code, provide to each 13185  
applicant a standard impression sheet to obtain fingerprint 13186  
impressions prescribed pursuant to division (C) (2) of section 13187  
109.572 of the Revised Code, obtain the completed form and 13188  
impression sheet from each applicant, and forward the completed 13189

form and impression sheet to the superintendent of the bureau of 13190  
criminal identification and investigation at the time the person 13191  
requests a criminal records check pursuant to division (A) (1) of 13192  
this section. 13193

(3) Any applicant who receives pursuant to division (A) (2) 13194  
of this section a copy of the form prescribed pursuant to 13195  
division (C) (1) of section 109.572 of the Revised Code and a 13196  
copy of an impression sheet prescribed pursuant to division (C) 13197  
(2) of that section and who is requested to complete the form 13198  
and provide a set of fingerprint impressions shall complete the 13199  
form or provide all the information necessary to complete the 13200  
form and provide the impression sheet with the impressions of 13201  
the applicant's fingerprints. If an applicant, upon request, 13202  
fails to provide the information necessary to complete the form 13203  
or fails to provide impressions of the applicant's fingerprints, 13204  
the preschool program shall not employ that applicant for any 13205  
position for which a criminal records check is required by 13206  
division (A) (1) of this section. 13207

(B) (1) Except as provided in rules adopted by the 13208  
department of ~~education~~ learning and achievement in accordance 13209  
with division (E) of this section, no preschool program shall 13210  
employ a person as a person responsible for the care, custody, 13211  
or control of a child if the person previously has been 13212  
convicted of or pleaded guilty to any of the following: 13213

(a) A violation of section 2903.01, 2903.02, 2903.03, 13214  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 13215  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 13216  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 13217  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 13218  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 13219

2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 13220  
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 13221  
section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that 13222  
would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation 13223  
occurred prior to that date, a violation of section 2925.11 of 13224  
the Revised Code that is not a minor drug possession offense, or 13225  
felonious sexual penetration in violation of former section 13226  
2907.12 of the Revised Code; 13227  
13228  
13229

(b) A violation of an existing or former law of this 13230  
state, any other state, or the United States that is 13231  
substantially equivalent to any of the offenses or violations 13232  
described in division (B) (1) (a) of this section. 13233

(2) A preschool program may employ an applicant 13234  
conditionally until the criminal records check required by this 13235  
section is completed and the preschool program receives the 13236  
results of the criminal records check. If the results of the 13237  
criminal records check indicate that, pursuant to division (B) 13238  
(1) of this section, the applicant does not qualify for 13239  
employment, the preschool program shall release the applicant 13240  
from employment. 13241

(C) (1) Each preschool program shall pay to the bureau of 13242  
criminal identification and investigation the fee prescribed 13243  
pursuant to division (C) (3) of section 109.572 of the Revised 13244  
Code for each criminal records check conducted in accordance 13245  
with that section upon the request pursuant to division (A) (1) 13246  
of this section of the director, head teacher, elementary 13247  
principal, or site administrator of the preschool program. 13248

(2) A preschool program may charge an applicant a fee for 13249

the costs it incurs in obtaining a criminal records check under 13250  
this section. A fee charged under this division shall not exceed 13251  
the amount of fees the preschool program pays under division (C) 13252  
(1) of this section. If a fee is charged under this division, 13253  
the preschool program shall notify the applicant at the time of 13254  
the applicant's initial application for employment of the amount 13255  
of the fee and that, unless the fee is paid, the applicant will 13256  
not be considered for employment. 13257

(D) The report of any criminal records check conducted by 13258  
the bureau of criminal identification and investigation in 13259  
accordance with section 109.572 of the Revised Code and pursuant 13260  
to a request under division (A) (1) of this section is not a 13261  
public record for the purposes of section 149.43 of the Revised 13262  
Code and shall not be made available to any person other than 13263  
the applicant who is the subject of the criminal records check 13264  
or the applicant's representative, the preschool program 13265  
requesting the criminal records check or its representative, and 13266  
any court, hearing officer, or other necessary individual in a 13267  
case dealing with the denial of employment to the applicant. 13268

(E) The department of ~~education~~learning and achievement 13269  
shall adopt rules pursuant to Chapter 119. of the Revised Code 13270  
to implement this section, including rules specifying 13271  
circumstances under which a preschool program may hire a person 13272  
who has been convicted of an offense listed in division (B) (1) 13273  
of this section but who meets standards in regard to 13274  
rehabilitation set by the department. 13275

(F) Any person required by division (A) (1) of this section 13276  
to request a criminal records check shall inform each person, at 13277  
the time of the person's initial application for employment, 13278  
that the person is required to provide a set of impressions of 13279

the person's fingerprints and that a criminal records check is 13280  
required to be conducted and satisfactorily completed in 13281  
accordance with section 109.572 of the Revised Code if the 13282  
person comes under final consideration for appointment or 13283  
employment as a precondition to employment for that position. 13284

(G) As used in this section: 13285

(1) "Applicant" means a person who is under final 13286  
consideration for appointment or employment in a position with a 13287  
preschool program as a person responsible for the care, custody, 13288  
or control of a child, except that "applicant" does not include 13289  
a person already employed by a board of education, community 13290  
school, or chartered nonpublic school in a position of care, 13291  
custody, or control of a child who is under consideration for a 13292  
different position with such board or school. 13293

(2) "Criminal records check" has the same meaning as in 13294  
section 109.572 of the Revised Code. 13295

(3) "Minor drug possession offense" has the same meaning 13296  
as in section 2925.01 of the Revised Code. 13297

(H) If the board of education of a local school district 13298  
adopts a resolution requesting the assistance of the educational 13299  
service center in which the local district has territory in 13300  
conducting criminal records checks of substitute teachers under 13301  
this section, the appointing or hiring officer of such 13302  
educational service center governing board shall serve for 13303  
purposes of this section as the appointing or hiring officer of 13304  
the local board in the case of hiring substitute teachers for 13305  
employment in the local district. 13306

**Sec. 3301.55.** (A) A school district, county board of 13307  
developmental disabilities, community school, or eligible 13308

nonpublic school operating a preschool program shall house the 13309  
program in buildings that meet the following requirements: 13310

(1) The building is operated by the district, county board 13311  
of developmental disabilities, community school, or eligible 13312  
nonpublic school and has been approved by the division of 13313  
industrial compliance in the department of commerce or a 13314  
certified municipal, township, or county building department for 13315  
the purpose of operating a program for preschool children. Any 13316  
such structure shall be constructed, equipped, repaired, 13317  
altered, and maintained in accordance with applicable provisions 13318  
of Chapters 3781. and 3791. and with rules adopted by the board 13319  
of building standards under Chapter 3781. of the Revised Code 13320  
for the safety and sanitation of structures erected for this 13321  
purpose. 13322

(2) The building is in compliance with fire and safety 13323  
laws and regulations as evidenced by reports of annual school 13324  
fire and safety inspections as conducted by appropriate local 13325  
authorities. 13326

(3) The school is in compliance with rules established by 13327  
the ~~state board of education~~ department of learning and 13328  
achievement regarding school food services. 13329

(4) The facility includes not less than thirty-five square 13330  
feet of indoor space for each child in the program. Safe play 13331  
space, including both indoor and outdoor play space, totaling 13332  
not less than sixty square feet for each child using the space 13333  
at any one time, shall be regularly available and scheduled for 13334  
use. 13335

(5) First aid facilities and space for temporary placement 13336  
or isolation of injured or ill children are provided. 13337

(B) Each school district, county board of developmental disabilities, community school, or eligible nonpublic school that operates, or proposes to operate, a preschool program shall submit a building plan including all information specified by the ~~state board of education department~~ to the ~~board department~~ not later than the first day of September of the school year in which the program is to be initiated. The ~~board department~~ shall determine whether the buildings meet the requirements of this section and section 3301.53 of the Revised Code, ~~and notify the superintendent of its determination.~~ If the ~~board department~~ determines, on the basis of the building plan or any other information, that the buildings do not meet those requirements, it shall cause the buildings to be inspected ~~by the department of education.~~ The department shall make a report ~~to the superintendent~~ specifying any aspects of the building that are not in compliance with the requirements of this section and section 3301.53 of the Revised Code and the time period that will be allowed the district, county board of developmental disabilities, or school to meet the requirements.

**Sec. 3301.56.** (A) The director, head teacher, elementary principal, or site administrator who is on site and responsible for supervision of each preschool program shall be responsible for the following:

(1) Ensuring that the health and safety of the children are safeguarded by an organized program of school health services designed to identify child health problems and to coordinate school and community health resources for children, as evidenced by but not limited to:

(a) Requiring immunization and compliance with emergency medical authorization requirements in accordance with rules

adopted by the ~~state board of education~~ department of learning 13368  
and achievement under section 3301.53 of the Revised Code; 13369

(b) Providing procedures for emergency situations, 13370  
including fire drills, rapid dismissals, tornado drills, and 13371  
school safety drills in accordance with section 3737.73 of the 13372  
Revised Code, and keeping records of such drills or dismissals; 13373

(c) Posting emergency procedures in preschool rooms and 13374  
making them available to school personnel, children, and 13375  
parents; 13376

(d) Posting emergency numbers by each telephone; 13377

(e) Supervising grounds, play areas, and other facilities 13378  
when scheduled for use by children; 13379

(f) Providing first-aid facilities and materials. 13380

(2) Maintaining cumulative records for each child; 13381

(3) Supervising each child's admission, placement, and 13382  
withdrawal according to established procedures; 13383

(4) Preparing at least once annually for each group of 13384  
children in the program a roster of names and telephone numbers 13385  
of parents, guardians, and custodians of children in the group 13386  
and, on request, furnishing the roster for each group to the 13387  
parents, guardians, and custodians of children in that group. 13388  
The director may prepare a similar roster of all children in the 13389  
program and, on request, make it available to the parents, 13390  
guardians, and custodians, of children in the program. The 13391  
director shall not include in either roster the name or 13392  
telephone number of any parent, guardian, or custodian who 13393  
requests that the parent's, guardian's, or custodian's name or 13394  
number not be included, and shall not furnish any roster to any 13395

person other than a parent, guardian, or custodian of a child in 13396  
the program. 13397

(5) Ensuring that clerical and custodial services are 13398  
provided for the program; 13399

(6) Supervising the instructional program and the daily 13400  
operation of the program; 13401

(7) Supervising and evaluating preschool staff members 13402  
according to a planned sequence of observations and evaluation 13403  
conferences, and supervising nonteaching employees. 13404

(B) (1) In each program the maximum number of children per 13405  
preschool staff member and the maximum group size by age 13406  
category of children shall be as follows: 13407

Maximum	Staff Member/				
Age Group	Group Size	Child	Ratio		
Birth to less than 12 months	12	1:5, or 2:12 if			
	two preschool				
	staff members				
	are in the room				
12 months to less than 18 months	12	1:6			
18 months to less than 30 months	14	1:7			
30 months to less than 3 years	16	1:8			
3-year-olds	24	1:12			
4- and 5-year-olds not in school	28	1:14			

(2) When age groups are combined, the maximum number of 13419  
children per preschool staff member shall be determined by the 13420  
age of the youngest child in the group, except that when no more 13421  
than one child thirty months of age or older receives child care 13422  
in a group in which all the other children are in the next older 13423  
age group, the maximum number of children per child-care staff 13424

member and maximum group size requirements of the older age 13425  
group established under division (B) (1) of this section shall 13426  
apply. 13427

(3) In a room where children are napping, if all the 13428  
children are at least eighteen months of age, the maximum number 13429  
of children per preschool staff member shall, for a period not 13430  
to exceed one and one-half hours in any twenty-four hour day, be 13431  
twice the maximum number of children per preschool staff member 13432  
established under division (B) (1) of this section if all the 13433  
following criteria are met: 13434

(a) At least one preschool staff member is present in the 13435  
room; 13436

(b) Sufficient preschool staff members are present on the 13437  
preschool program premises to comply with division (B) (1) of 13438  
this section; 13439

(c) Naptime preparations have been completed and the 13440  
children are resting or napping. 13441

(4) Any accredited program that uses the Montessori method 13442  
endorsed by the American Montessori society or the association 13443  
Montessori internationale as its primary method of instruction 13444  
and is licensed as a preschool program under section 3301.58 of 13445  
the Revised Code may combine preschool children of ages three to 13446  
five years old with children enrolled in kindergarten. 13447  
Notwithstanding anything to the contrary in division (B) (2) of 13448  
this section, when such age groups are combined, the maximum 13449  
number of children per preschool staff member shall be twelve 13450  
and the maximum group size shall be twenty-four children. 13451

(C) In each building in which a preschool program is 13452  
operated there shall be on the premises, and readily available 13453

at all times, at least one employee who has completed a course 13454  
in first aid and in the prevention, recognition, and management 13455  
of communicable diseases which is approved by the state 13456  
department of health, and an employee who has completed a course 13457  
in child abuse recognition and prevention. 13458

(D) Any parent, guardian, or custodian of a child enrolled 13459  
in a preschool program shall be permitted unlimited access to 13460  
the school during its hours of operation to contact the 13461  
parent's, guardian's, or custodian's child, evaluate the care 13462  
provided by the program, or evaluate the premises, or for other 13463  
purposes approved by the director. Upon entering the premises, 13464  
the parent, guardian, or custodian shall report to the school 13465  
office. 13466

**Sec. 3301.57.** (A) For the purpose of improving programs, 13467  
facilities, and implementation of the standards promulgated by 13468  
the ~~state board of education~~ department of learning and 13469  
achievement under section 3301.53 of the Revised Code, the ~~state~~ 13470  
~~department of education~~ shall provide consultation and technical 13471  
assistance to school districts, county boards of developmental 13472  
disabilities, community schools, and eligible nonpublic schools 13473  
operating preschool programs or school child programs, and 13474  
inservice training to preschool staff members, school child 13475  
program staff members, and nonteaching employees. 13476

(B) The department and the school district board of 13477  
education, county board of developmental disabilities, community 13478  
school, or eligible nonpublic school shall jointly monitor each 13479  
preschool program and each school child program. 13480

If the program receives any grant or other funding from 13481  
the state or federal government, the department annually shall 13482  
monitor all reports on attendance, financial support, and 13483

expenditures according to provisions for use of the funds. 13484

(C) The department ~~of education~~, at least once during 13485  
every twelve-month period of operation of a preschool program or 13486  
a licensed school child program, shall inspect the program and 13487  
provide a written inspection report to the superintendent of the 13488  
school district, county board of developmental disabilities, 13489  
community school, or eligible nonpublic school. The department 13490  
may inspect any program more than once, as considered necessary 13491  
by the department, during any twelve-month period of operation. 13492  
All inspections may be unannounced. No person shall interfere 13493  
with any inspection conducted pursuant to this division or to 13494  
the rules adopted pursuant to sections 3301.52 to 3301.59 of the 13495  
Revised Code. 13496

Upon receipt of any complaint that a preschool program or 13497  
a licensed school child program is out of compliance with the 13498  
requirements in sections 3301.52 to 3301.59 of the Revised Code 13499  
or the rules adopted under those sections, the department shall 13500  
investigate and may inspect the program. 13501

(D) If a preschool program or a licensed school child 13502  
program is determined to be out of compliance with the 13503  
requirements of sections 3301.52 to 3301.59 of the Revised Code 13504  
or the rules adopted under those sections, the department of 13505  
~~education~~ learning and achievement shall notify the appropriate 13506  
superintendent, county board of developmental disabilities, 13507  
community school, or eligible nonpublic school in writing 13508  
regarding the nature of the violation, what must be done to 13509  
correct the violation, and by what date the correction must be 13510  
made. If the correction is not made by the date established by 13511  
the department, it may commence action under Chapter 119. of the 13512  
Revised Code to close the program or to revoke the license of 13513

the program. If a program does not comply with an order to cease operation issued in accordance with Chapter 119. of the Revised Code, the department shall notify the attorney general, the prosecuting attorney of the county in which the program is located, or the city attorney, village solicitor, or other chief legal officer of the municipal corporation in which the program is located that the program is operating in violation of sections 3301.52 to 3301.59 of the Revised Code or the rules adopted under those sections and in violation of an order to cease operation issued in accordance with Chapter 119. of the Revised Code. Upon receipt of the notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer shall file a complaint in the court of common pleas of the county in which the program is located requesting the court to issue an order enjoining the program from operating. The court shall grant the requested injunctive relief upon a showing that the program named in the complaint is operating in violation of sections 3301.52 to 3301.59 of the Revised Code or the rules adopted under those sections and in violation of an order to cease operation issued in accordance with Chapter 119. of the Revised Code.

(E) The department ~~of education~~ shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The department shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, beginning in 1999.

**Sec. 3301.58.** (A) The department of ~~education~~ learning and

achievement is responsible for the licensing of preschool 13545  
programs and school child programs and for the enforcement of 13546  
sections 3301.52 to 3301.59 of the Revised Code and of any rules 13547  
adopted under those sections. No school district board of 13548  
education, county board of developmental disabilities, community 13549  
school, or eligible nonpublic school shall operate, establish, 13550  
manage, conduct, or maintain a preschool program without a 13551  
license issued under this section. A school district board of 13552  
education, county board of developmental disabilities, community 13553  
school, or eligible nonpublic school may obtain a license under 13554  
this section for a school child program. The school district 13555  
board of education, county board of developmental disabilities, 13556  
community school, or eligible nonpublic school shall post the 13557  
license for each preschool program and licensed school child 13558  
program it operates, establishes, manages, conducts, or 13559  
maintains in a conspicuous place in the preschool program or 13560  
licensed school child program that is accessible to parents, 13561  
custodians, or guardians and employees and staff members of the 13562  
program at all times when the program is in operation. 13563

(B) Any school district board of education, county board 13564  
of developmental disabilities, community school, or eligible 13565  
nonpublic school that desires to operate, establish, manage, 13566  
conduct, or maintain a preschool program shall apply to the 13567  
department of ~~education~~ learning and achievement for a license 13568  
on a form that the department shall prescribe by rule. Any 13569  
school district board of education, county board of 13570  
developmental disabilities, community school, or eligible 13571  
nonpublic school that desires to obtain a license for a school 13572  
child program shall apply to the department for a license on a 13573  
form that the department shall prescribe by rule. The department 13574  
shall provide at no charge to each applicant for a license under 13575

this section a copy of the requirements under sections 3301.52 13576  
to 3301.59 of the Revised Code and any rules adopted under those 13577  
sections. The department may establish application fees by rule 13578  
adopted under Chapter 119. of the Revised Code, and all 13579  
applicants for a license shall pay any fee established by the 13580  
department at the time of making an application for a license. 13581  
All fees collected pursuant to this section shall be paid into 13582  
the state treasury to the credit of the general revenue fund. 13583

(C) Upon the filing of an application for a license, the 13584  
department ~~of education~~ shall investigate and inspect the 13585  
preschool program or school child program to determine the 13586  
license capacity for each age category of children of the 13587  
program and to determine whether the program complies with 13588  
sections 3301.52 to 3301.59 of the Revised Code and any rules 13589  
adopted under those sections. When, after investigation and 13590  
inspection, the department ~~of education~~ is satisfied that 13591  
sections 3301.52 to 3301.59 of the Revised Code and any rules 13592  
adopted under those sections are complied with by the applicant, 13593  
the department ~~of education~~ shall issue the program a 13594  
provisional license as soon as practicable in the form and 13595  
manner prescribed by the rules of the department. The 13596  
provisional license shall be valid for one year from the date of 13597  
issuance unless revoked. 13598

(D) The department ~~of education~~ shall investigate and 13599  
inspect a preschool program or school child program that has 13600  
been issued a provisional license at least once during operation 13601  
under the provisional license. If, after the investigation and 13602  
inspection, the department ~~of education~~ determines that the 13603  
requirements of sections 3301.52 to 3301.59 of the Revised Code 13604  
and any rules adopted under those sections are met by the 13605  
provisional licensee, the department ~~of education~~ shall issue 13606

the program a license. The license shall remain valid unless 13607  
revoked or the program ceases operations. 13608

(E) The department of ~~education~~ annually shall investigate 13609  
and inspect each preschool program or school child program 13610  
licensed under division (D) of this section to determine if the 13611  
requirements of sections 3301.52 to 3301.59 of the Revised Code 13612  
and any rules adopted under those sections are met by the 13613  
program, and shall notify the program of the results. 13614

(F) The license or provisional license shall state the 13615  
name of the school district board of education, county board of 13616  
developmental disabilities, community school, or eligible 13617  
nonpublic school that operates the preschool program or school 13618  
child program and the license capacity of the program. 13619

(G) The department of ~~education~~ may revoke the license of 13620  
any preschool program or school child program that is not in 13621  
compliance with the requirements of sections 3301.52 to 3301.59 13622  
of the Revised Code and any rules adopted under those sections. 13623

(H) If the department of ~~education~~ revokes a license, the 13624  
department shall not issue a license to the program within two 13625  
years from the date of the revocation. All actions of the 13626  
department with respect to licensing preschool programs and 13627  
school child programs shall be in accordance with Chapter 119. 13628  
of the Revised Code. 13629

**Sec. 3301.59.** (A) No school child program may receive any 13630  
state or federal funds specifically allocated for school child 13631  
programs unless the school child program is licensed by the 13632  
department of ~~education~~ learning and achievement pursuant to 13633  
sections 3301.52 to 3301.59 of the Revised Code or by the 13634  
department of job and family services pursuant to Chapter 5104. 13635

of the Revised Code. 13636

(B) If an eligible nonpublic school is operating, 13637  
managing, conducting, or maintaining a preschool program or 13638  
school child program on July 22, 1991, and if the eligible 13639  
nonpublic school previously obtained a license for the program 13640  
from the department of job and family services pursuant to 13641  
Chapter 5104. of the Revised Code, the eligible nonpublic school 13642  
shall do one of the following: 13643

(1) On or before the expiration date of the license, apply 13644  
pursuant to Chapter 5104. of the Revised Code to the department 13645  
of job and family services for a renewal of the license; 13646

(2) On or before the expiration date of the license, apply 13647  
pursuant to sections 3301.52 to 3301.59 of the Revised Code to 13648  
the department of ~~education~~learning and achievement for a 13649  
license for the program; 13650

(3) If the program is a preschool program, cease to 13651  
operate, manage, conduct, or maintain the program; 13652

(4) If the program is a school child program, not accept 13653  
any state or federal funds specifically allocated for school 13654  
child programs and not accept any state or federal funds for 13655  
publicly funded child care pursuant to Chapter 5104. of the 13656  
Revised Code. 13657

(C) If an eligible nonpublic school is operating, 13658  
managing, conducting, or maintaining a preschool program or 13659  
school child program on July 22, 1991, and if the eligible 13660  
nonpublic school previously has not obtained a license for the 13661  
program from the department of job and family services pursuant 13662  
to Chapter 5104. of the Revised Code, the eligible nonpublic 13663  
school shall do one of the following: 13664

- (1) On July 22, 1991, apply pursuant to Chapter 5104. of the Revised Code to the department of job and family services for a license for the program; 13665  
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- (2) On July 22, 1991, apply pursuant to sections 3301.52 to 3301.59 of the Revised Code to the department of ~~education~~ learning and achievement for a license for the program; 13668  
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- (3) If the program is a preschool program, cease to operate, manage, conduct, or maintain the program; 13671  
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- (4) If the program is a school child program, not accept any state or federal funds specifically allocated for school child programs and not accept any state or federal funds for publicly funded child care pursuant to Chapter 5104. of the Revised Code. 13673  
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- (D)(1) If an eligible nonpublic school that operates, manages, conducts, or maintains a preschool program or a school child program elects pursuant to division (B)(1) of this section to renew a license for the program that was issued by the department of job and family services or elects pursuant to division (C)(1) of this section to apply to the department of job and family services for a license for the program, that preschool program or school child program is subject to Chapter 5104. of the Revised Code and to licensure under that chapter until the eligible nonpublic school ceases to operate, manage, conduct, or maintain the program. 13678  
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- (2) If an eligible nonpublic school that operates, manages, conducts, or maintains a preschool program or a school child program elects pursuant to division (B)(2) or (C)(2) of this section to apply to the department of ~~education~~ learning and achievement for a license for the program, that preschool 13689  
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program or school child program is subject to sections 3301.52 13694  
to 3301.59 of the Revised Code and to licensure under those 13695  
sections until the eligible nonpublic school ceases to operate, 13696  
manage, conduct, or maintain the program. 13697

(E) ~~Not later than July 22, 1992, the~~ The departments of 13698  
job and family services and ~~education~~ learning and achievement 13699  
shall each prepare a list of the preschool programs and school 13700  
child programs that are licensed by the respective departments. 13701

**Sec. 3301.61.** (A) The state council on educational 13702  
opportunity for military children is hereby established within 13703  
the department of ~~education~~ learning and achievement. The 13704  
council shall consist of the following members: 13705

(1) The ~~superintendent of public instruction~~ director of 13706  
learning and achievement or the ~~superintendent's~~ director's 13707  
designee; 13708

(2) The director of veterans services or the director's 13709  
designee; 13710

(3) The superintendent of a school district that has a 13711  
high concentration of children of military families, appointed 13712  
by the governor; 13713

(4) A representative of a military installation located in 13714  
this state, appointed by the governor; 13715

(5) A representative of the governor's office, appointed 13716  
by the governor; 13717

(6) Four members of the general assembly, appointed as 13718  
follows: 13719

(a) One member of the house of representatives appointed 13720  
by the speaker of the house of representatives; 13721

(b) One member of the house of representatives appointed	13722
by the minority leader of the house of representatives;	13723
(c) One member of the senate appointed by the president of	13724
the senate;	13725
(d) One member of the senate appointed by the minority	13726
leader of the senate.	13727
(7) The compact commissioner appointed under section	13728
3301.62 of the Revised Code;	13729
(8) The military family education liaison appointed under	13730
section 3301.63 of the Revised Code;	13731
(9) Other members appointed in the manner prescribed by	13732
and seated at the discretion of the voting members of the	13733
council.	13734
The members of the council shall serve at the pleasure of	13735
their appointing authorities. Vacancies shall be filled in the	13736
manner of the initial appointments.	13737
The members appointed under divisions (A) (6) to (9) of	13738
this section shall be nonvoting members of the council.	13739
The members of the council shall serve without	13740
compensation.	13741
(B) The council shall oversee and provide coordination for	13742
the state's participation in and compliance with the interstate	13743
compact on educational opportunity for military children, as	13744
ratified by section 3301.60 of the Revised Code.	13745
(C) The department of <del>education</del> <u>learning and achievement</u>	13746
shall provide staff support for the council.	13747
(D) Sections 101.82 to 101.87 of the Revised Code do not	13748

apply to the council. 13749

(E) As used in this section, "children of military 13750  
families" and "military installation" have the same meanings as 13751  
in Article II of the interstate compact on educational 13752  
opportunity for military children. 13753

**Sec. 3301.62.** The governor shall appoint a compact 13754  
commissioner who shall be responsible for administering the 13755  
state's participation in the interstate compact on educational 13756  
opportunity for military children, as ratified by section 13757  
3301.60 of the Revised Code. The compact commissioner shall be a 13758  
state officer within the department of ~~education-learning and~~ 13759  
achievement and shall serve at the pleasure of the governor. 13760

**Sec. 3301.63.** The state council on educational opportunity 13761  
for military children, established under section 3301.61 of the 13762  
Revised Code, shall appoint a military family education liaison 13763  
to assist families and the state in implementing the interstate 13764  
compact on educational opportunity for military children, as 13765  
ratified by section 3301.60 of the Revised Code. The department 13766  
of ~~education-learning and achievement~~ shall provide staff 13767  
support for the military family education liaison. 13768

**Sec. 3301.64.** The annual assessment charged to the state 13769  
for participating in the interstate compact on educational 13770  
opportunity for military children shall be divided equally 13771  
between the department of ~~education-learning and achievement~~ and 13772  
the department of veterans services. 13773

**Sec. 3301.70.** (A) The ~~state board of education-department~~ 13774  
of learning and achievement is the designated state agency 13775  
responsible for the coordination and administration of sections 13776  
110 to 118 of the "National and Community Service Act of 1990," 13777

104 Stat. 3127 (1990), 42 U.S.C. 12401 to 12431, as amended. 13778  
With the assistance of the Ohio commission on service and 13779  
volunteerism created in section 121.40 of the Revised Code, the 13780  
~~state board department~~ shall coordinate with other state 13781  
agencies to apply for funding under the act when appropriate. 13782

(B) With the assistance of the Ohio commission on service 13783  
and volunteerism, the ~~state board of education department~~ shall 13784  
develop a plan to assist school districts in the implementation 13785  
of section 3313.605 of the Revised Code and other community 13786  
service activities of school districts. The ~~state board~~ 13787  
~~department~~ shall encourage the development of school district 13788  
programs meeting the requirements for funding under the National 13789  
and Community Service Act of 1990. The plan shall include the 13790  
investigation of funding from all available sources for school 13791  
community service education programs, including funds available 13792  
under the National and Community Service Act of 1990, and the 13793  
provision of technical assistance to school districts for the 13794  
implementation of community service education programs. The plan 13795  
shall also provide for technical assistance to be given to 13796  
school boards to assist in obtaining funds for community service 13797  
education programs from any source. 13798

(C) With the assistance of the Ohio commission on service 13799  
and volunteerism, the ~~state board of education department~~ shall 13800  
do all of the following: 13801

(1) Disseminate information about school district 13802  
community service education programs to other school districts 13803  
and to statewide organizations involved with or promoting 13804  
volunteerism; 13805

(2) Recruit additional school districts to develop 13806  
community service education programs; 13807

(3) Identify or develop model community service programs, 13808  
teacher training courses, and community service curricula and 13809  
teaching materials for possible use by school districts in their 13810  
programs. 13811

**Sec. 3301.71.** On receipt of a notice pursuant to section 13812  
3123.43 of the Revised Code, the ~~state board of education~~ 13813  
department of learning and achievement shall comply with 13814  
sections 3123.41 to 3123.50 of the Revised Code and any 13815  
applicable rules adopted under section 3123.63 of the Revised 13816  
Code with respect to a license or certificate issued pursuant to 13817  
this chapter. 13818

**Sec. 3301.80.** (A) The ~~department of education~~ 13819  
superintendent of public instruction shall award a certificate 13820  
of high school equivalence to each person who achieves the 13821  
equivalent of a high school education, as measured by scores 13822  
obtained on a high school equivalency test approved by the 13823  
department of learning and achievement pursuant to division (B) 13824  
of this section. Each certificate awarded under this section 13825  
shall be signed by the superintendent of public instruction and 13826  
the president of the state board of education. 13827

Notwithstanding anything to the contrary in the Revised 13828  
Code, a person who seeks to obtain a certificate of high school 13829  
equivalence shall be subject to the requirements of section 13830  
3301.81 of the Revised Code. 13831

(B) The department of learning and achievement shall 13832  
approve at least two nationally recognized high school 13833  
equivalency tests for the purpose of awarding certificates of 13834  
high school equivalence under this section. For each test 13835  
approved pursuant to division (B) of this section, the 13836  
department shall ensure that the scores required for passage are 13837

equivalent to the scores required for passage on the other 13838  
approved equivalency tests. 13839

(C) All of the following shall be considered the 13840  
equivalent of a certificate of high school equivalence awarded 13841  
by the ~~department~~state superintendent under this section: 13842

(1) A high school equivalence diploma or a certificate of 13843  
high school equivalence awarded by the state board of education 13844  
prior to ~~the effective date of this section~~ September 14, 2016; 13845

(2) A certificate of high school equivalence issued prior 13846  
to January 1, 1994, attesting to the achievement of the 13847  
equivalent of a high school education as measured by scores 13848  
obtained on tests of general educational development; 13849

(3) A statement issued by a primary-secondary education or 13850  
higher education agency of another state that indicates that its 13851  
holder has achieved the equivalent of a high school education as 13852  
measured by scores obtained on a similar nationally recognized 13853  
high school equivalency test. 13854

(D) The ~~state board, in consultation with the chancellor~~ 13855  
~~of higher education,~~ department shall adopt rules to administer 13856  
this section and section 3301.81 of the Revised Code. 13857

**Sec. 3301.81.** (A) A person who meets all of the following 13858  
criteria shall be permitted to take a high school equivalency 13859  
test approved by the department of ~~education~~learning and 13860  
achievement pursuant to division (B) of section 3301.80 of the 13861  
Revised Code: 13862

(1) The person is at least eighteen years of age. 13863

(2) The person is officially withdrawn from school. 13864

(3) The person has not received a high school diploma or 13865

honors diploma awarded under section 3313.61, 3313.611,  
3313.612, or 3325.08 of the Revised Code. 13866  
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(B) A person who is at least sixteen years of age but less  
than eighteen years of age may apply to the department to take  
an approved equivalency test, so long as the person meets all of  
the following criteria: 13868  
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(1) The person has not received a high school diploma or  
honors diploma awarded under section 3313.61, 3313.611,  
3313.612, or 3325.08 of the Revised Code. 13872  
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(2) The person is officially withdrawn from school. 13875

(3) The person submits, along with the application,  
written approval from the person's parent or guardian or a court  
official. 13876  
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(C) For the purpose of calculating graduation rates for  
the school district and building report cards under section  
3302.03 of the Revised Code, the department shall count any  
person who officially withdraws from school to take an approved  
equivalency test under this section as a dropout from the  
district or school in which the person was last enrolled. 13879  
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(D) If a person takes an approved equivalency test and  
fails to attain the scores required to earn a certificate of  
high school equivalence, as defined in section 5107.40 of the  
Revised Code, on the entire battery of tests, that person shall  
be required to retake only the specific test on which the person  
did not attain a passing score in order to earn a certificate of  
high school equivalence. If a person retakes a specific test,  
that person shall be responsible only for the cost of that test  
and not for the cost of the entire battery of tests, unless that  
person is retaking the entire battery. 13885  
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**Sec. 3301.86.** The classroom reading improvement grants 13895  
program is hereby established. Under the program, the department 13896  
of ~~education~~learning and achievement shall award reading 13897  
intervention grants to public schools and classrooms operated by 13898  
city, local, and exempted village school districts, by community 13899  
schools, and by educational service centers. The grants shall be 13900  
used to fund the engagement of volunteers to assist struggling 13901  
students in grades kindergarten through twelve improve their 13902  
reading skills, to improve reading outcomes in low-performing 13903  
schools, and to facilitate closing the achievement gap between 13904  
students of different subgroups. 13905

**Sec. 3301.88.** (A) A recipient of a grant under section 13906  
3301.86 of the Revised Code may request from the bureau of 13907  
criminal identification and investigation a criminal records 13908  
check on any individual, other than an individual described in 13909  
division (B) of this section, who applies to participate in 13910  
providing directly to children any program or service funded in 13911  
whole or in part by the grant. If a recipient elects to request 13912  
a criminal records check, the request shall consist of a request 13913  
for the information a school district board of education may 13914  
request under division (F) (2) (a) of section 109.57 of the 13915  
Revised Code and shall be accompanied by one of the following 13916  
identification options: 13917

(1) The form and standard impression sheet prescribed by 13918  
the bureau under division (C) of section 109.572 of the Revised 13919  
Code; 13920

(2) A form prescribed by the bureau on which is specified 13921  
the individual's name, social security number, and date of 13922  
birth. 13923

(B) A grant recipient shall not request a criminal records 13924

check under division (A) of this section with respect to any 13925  
individual who furnishes the grant recipient with a certified 13926  
copy of a report of a criminal records check completed by the 13927  
bureau within one year prior to applying to participate in 13928  
providing programs or services under the grant. 13929

(C) Except as provided in rules adopted under division (G) 13930  
(2) of this section, a grant recipient shall not allow an 13931  
individual to participate in providing directly to children any 13932  
program or service funded in whole or in part by the grant if 13933  
the information requested under this section from the bureau 13934  
indicates that the individual has ever pleaded guilty to or been 13935  
found guilty by a jury or court of any of the following: 13936

(1) A felony; 13937

(2) A violation of section 2903.16, 2903.34, 2905.05, 13938  
2907.04, 2907.06, 2907.07, 2907.08, 2907.09, 2907.23, 2907.25, 13939  
2907.31, 2919.12, 2919.22, 2919.24, 2925.04, or 3716.11 of the 13940  
Revised Code; a violation of section 2905.04 of the Revised Code 13941  
as it existed prior to July 1, 1996; or a violation of section 13942  
2919.23 of the Revised Code that would have been a violation of 13943  
section 2905.04 of the Revised Code as it existed prior to July 13944  
1, 1996, had it been committed prior to that date; 13945

(3) An offense of violence; 13946

(4) A theft offense, as defined in section 2913.01 of the 13947  
Revised Code; 13948

(5) A drug abuse offense, as defined in section 2925.01 of 13949  
the Revised Code; 13950

(6) A violation of an existing or former ordinance of a 13951  
municipal corporation or law of the United States or another 13952  
state that is substantively comparable to an offense listed in 13953

divisions (C) (1) to (5) of this section. 13954

(D) A grant recipient that elects to request criminal 13955  
records checks may conditionally allow an individual to 13956  
participate in providing programs or services directly to 13957  
children until the criminal records check is completed and the 13958  
grant recipient receives the results. If the results of the 13959  
criminal records check indicate that the individual has been 13960  
convicted of or pleaded guilty to an offense listed in division 13961  
(C) of this section, the grant recipient shall not allow the 13962  
individual to further participate in providing directly to 13963  
children any program or service funded in whole or in part by 13964  
the grant, except as provided in the rules adopted under 13965  
division (G) (2) of this section. 13966

(E) The report of any criminal records check conducted in 13967  
accordance with division (F) (5) of section 109.57 of the Revised 13968  
Code pursuant to a request under this section is not a public 13969  
record for purposes of section 149.43 of the Revised Code. The 13970  
report shall not be made available to any person other than the 13971  
individual who is the subject of the criminal records check or 13972  
the individual's representative, the grant recipient or the 13973  
grant recipient's representative, and any court, hearing 13974  
officer, or other necessary individual in a case dealing with 13975  
the denial of the individual's participation in a program or 13976  
service funded by a grant awarded under section 3301.86 of the 13977  
Revised Code. 13978

(F) The department of ~~education~~learning and achievement 13979  
shall reimburse each grant recipient for each criminal records 13980  
check the actual amount paid by the grant recipient for the 13981  
portion of the criminal records check conducted by the bureau of 13982  
criminal identification and investigation. Reimbursement shall 13983

be paid under this division only for criminal records checks on 13984  
individuals who apply to participate in providing directly to 13985  
children any program or service funded in whole or in part by 13986  
the grant. To receive it, the grant recipient must submit 13987  
information to the department in the form and manner required by 13988  
the department. The reimbursement is in addition to the grant 13989  
awarded to the recipient under section 3301.86 of the Revised 13990  
Code. 13991

(G) The ~~state board of education~~ department shall adopt 13992  
rules in accordance with Chapter 119. of the Revised Code: 13993

(1) Prescribing the form and manner in which grant 13994  
recipients must submit information to the department to receive 13995  
reimbursement under division (F) of this section; 13996

(2) Specifying circumstances under which a grant recipient 13997  
may allow an individual whose criminal records check report 13998  
indicates that the individual has been convicted of or pleaded 13999  
guilty to an offense listed in division (C) of this section, but 14000  
who meets standards in regard to rehabilitation set forth in the 14001  
rules, to participate in providing directly to children any 14002  
program or service funded in whole or in part by the grant. 14003

**Sec. 3301.922.** The department of ~~education~~ learning and 14004  
achievement shall issue an annual report on the participation by 14005  
public and chartered nonpublic schools in the option of sections 14006  
3313.674, 3314.15, and 3326.26 of the Revised Code to screen 14007  
students for body mass index and weight status category. The 14008  
department shall include in the report any data regarding 14009  
student health and wellness collected in conjunction with those 14010  
sections. The department shall submit each report to the 14011  
governor and the general assembly. 14012

**Sec. 3301.923.** The department of ~~education~~ learning and achievement shall establish a clearinghouse of best practices that schools may use to promote student health. The department shall update the clearinghouse as necessary.

**Sec. 3301.94.** ~~Upon approval of the state board of education, the superintendent of public instruction and the chancellor of the Ohio board of regents may enter into a memorandum of understanding under which the department of education, on behalf of the chancellor, will~~ The department of learning and achievement may establish a clearinghouse to receive and maintain copies of data records containing student information reported to the ~~chancellor~~ department for the purpose of combining those records with the data reported to the education management information system established under section 3301.0714 of the Revised Code to establish an education data repository that may be used to conduct longitudinal research and evaluation. ~~The memorandum of understanding shall specify~~ If such a clearinghouse is established, the department shall do all of the following:

(A) ~~That, prior to establishing the repository, the superintendent and chancellor shall develop~~ Develop a strategic plan for the repository that outlines the goals to be achieved from its implementation and use. A copy of the strategic plan shall be provided to the governor, the president of the senate, and the speaker of the house of representatives.

(B) ~~That the chancellor shall submit~~ Submit all student data to be included in the repository to the independent contractor engaged by the department to create and maintain the student data verification codes required by division (D) (2) of section 3301.0714 of the Revised Code. For each higher education

student included in the data submitted ~~by the chancellor~~, the 14043  
independent contractor shall determine whether a data 14044  
verification code has been assigned to that student. In the case 14045  
of a higher education student to whom a data verification code 14046  
has been assigned, the independent contractor shall add the code 14047  
to the student's data record and remove from the data record any 14048  
information that would enable the data verification code to be 14049  
matched to personally identifiable student data. In the case of 14050  
a student to whom a data verification code has not been 14051  
assigned, the independent contractor shall assign a data 14052  
verification code to the student, add the data verification code 14053  
to the student's data record, and remove from the data record 14054  
any information that would enable the data verification code to 14055  
be matched to personally identifiable student data. After making 14056  
the modifications described in this division, the independent 14057  
contractor shall transmit the data to the department. 14058

(C) ~~That the superintendent and the chancellor jointly~~ 14059  
~~shall develop~~ Develop procedures for the maintenance of the data 14060  
in the repository and shall designate the types of research that 14061  
may be conducted using that data. Permitted uses of the data 14062  
shall include, but are not limited to, the following: 14063

(1) Assisting the department, ~~superintendent, or state~~ 14064  
~~board~~ in performing audit and evaluation functions concerning 14065  
preschool, elementary, and secondary education as required or 14066  
authorized by any provision of law, including division (C) of 14067  
section 3301.07 and sections ~~3301.12,~~ 3301.16, 3301.53, 3301.57, 14068  
3301.58, and 3302.03 of the Revised Code; 14069

(2) Assisting the ~~chancellor~~ department in performing 14070  
audit and evaluation functions concerning higher education as 14071  
required or authorized by any provision of law, including 14072

sections 3333.04, 3333.041, 3333.047, 3333.122, 3333.123, 14073  
3333.16, 3333.161, 3333.374, 3333.72, and 3333.82 of the Revised 14074  
Code. 14075

(D) ~~That the superintendent and the chancellor, from time~~ 14076  
~~to time, jointly may~~ Have the power to enter into written 14077  
agreements with entities for the use of data in the repository 14078  
to conduct research and analysis designed to evaluate the 14079  
effectiveness of programs or services, to measure progress 14080  
against specific strategic planning goals, or for any other 14081  
purpose permitted by law that the ~~superintendent and chancellor~~ 14082  
~~consider~~ department considers necessary for the performance of 14083  
their duties under the Revised Code. The agreements may permit 14084  
the disclosure of personally identifiable student information to 14085  
the entity named in the agreement, provided that disclosure 14086  
complies with the "Family Educational Rights and Privacy Act of 14087  
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and 14088  
regulations promulgated under that act prescribing requirements 14089  
for such agreements. ~~The superintendent shall notify the state~~ 14090  
~~board of each agreement entered into under this division.~~ 14091

(E) ~~That~~ Ensure that the data in the repository submitted 14092  
by the department shall remain under the direct control of the 14093  
department ~~and that the data in the repository submitted by the~~ 14094  
~~chancellor shall remain under the direct control of the~~ 14095  
~~chancellor;~~ 14096

(F) ~~That~~ Ensure that the data in the repository shall be 14097  
managed in a manner that complies with the "Family Educational 14098  
Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, 14099  
as amended; 14100

(G) ~~That~~ Ensure that all costs related to the initial 14101  
establishment and ongoing maintenance of the repository shall be 14102

paid from funds received from state incentive grants awarded 14103  
under division (A), Title XIV, section 14006 of the American 14104  
Recovery and Reinvestment Act of 2009, other federal grant 14105  
programs, or existing appropriations of the department ~~or~~ 14106  
~~chancellor~~ that are designated for a purpose consistent with 14107  
this section; 14108

(H) ~~That the department annually shall~~ Annually report to 14109  
the ~~state board and the chancellor~~ governor all requests for 14110  
access to or use of the data in the repository and all costs 14111  
related to the initial establishment and ongoing maintenance of 14112  
the repository. 14113

For purposes of this section, "higher education student" 14114  
means a student who has completed the twelfth grade and is 14115  
enrolled at an Ohio institution of higher education for which 14116  
the department collects student-specific data. 14117

**Sec. 3301.941.** As used in this section, "early childhood 14118  
program" means any publicly funded program providing services to 14119  
children younger than compulsory school age, as defined in 14120  
section 3321.01 of the Revised Code. 14121

Student level data records collected and maintained for 14122  
purposes of administering early childhood programs shall be 14123  
assigned a unique student data verification code in accordance 14124  
with division (D)(2) of section 3301.0714 of the Revised Code 14125  
and shall be included in the combined data repository authorized 14126  
by section 3301.94 of the Revised Code. The department of 14127  
learning and achievement may require certain personally 14128  
identifiable student data, including student names, to be 14129  
reported to the department for purposes of administering early 14130  
childhood programs but not be included in the combined data 14131  
repository. The department and each school or center providing 14132

services through an early childhood program that receives a 14133  
student level data record, a data verification code, or other 14134  
personally identifiable information shall not release that 14135  
record, code, or other information to any person except as 14136  
provided by section 3319.321 of the Revised Code or the "Family 14137  
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 14138  
U.S.C. 1232g. Any document relative to an early childhood 14139  
program that the department holds in its files that contains a 14140  
student's name, data verification code, or other personally 14141  
identifiable information shall not be a public record under 14142  
section 149.43 of the Revised Code. 14143

Any state agency that administers an early childhood 14144  
program may use student data contained in the combined data 14145  
repository to conduct research and analysis designed to evaluate 14146  
the effectiveness of and investments in that program, in 14147  
compliance with the Family Educational Rights and Privacy Act 14148  
and regulations promulgated under that act. 14149

**Sec. 3301.948.** Notwithstanding anything in the Revised 14150  
Code to the contrary, the department of ~~education~~ learning and 14151  
achievement, any school district, any school, or any third party 14152  
under contract with the state, a school district, or a school 14153  
shall not provide student names and addresses to any multi-state 14154  
consortium that offers summative assessments. 14155

**Sec. 3301.95.** Each school district that receives federal 14156  
funding under the "American Recovery and Reinvestment Act of 14157  
2009," Pub. L. No. 111-5, 123 Stat. 115, shall use the required 14158  
amounts of that funding for services for students enrolled in 14159  
nonpublic schools located in the district as prescribed under 14160  
Title I of the "Elementary and Secondary Education Act of 1965," 14161  
20 U.S.C. 6301 et seq., the "Individuals with Disabilities 14162

Education Improvement Act of 2004," 20 U.S.C. 1400 et seq., or 14163  
the "Enhancing Education Through Technology Act of 2001," 20 14164  
U.S.C. 6751 et seq., and under section 3323.041 of the Revised 14165  
Code. 14166

The department of ~~education~~learning and achievement shall 14167  
ensure compliance with this section. 14168

**Sec. 3302.01.** As used in this chapter: 14169

(A) "Performance index score" means the average of the 14170  
totals derived from calculations, for each subject area, of the 14171  
weighted proportion of untested students and students scoring at 14172  
each level of skill described in division (A) (2) of section 14173  
3301.0710 of the Revised Code on the state achievement 14174  
assessments, as follows: 14175

(1) For the assessments prescribed by division (A) (1) of 14176  
section 3301.0710 of the Revised Code, the average for each of 14177  
the subject areas of English language arts, mathematics, and 14178  
science. 14179

(2) For the assessments prescribed by division (B) (1) of 14180  
section 3301.0710 and division (B) (2) of section 3301.0712 of 14181  
the Revised Code, the average for each of the subject areas of 14182  
English language arts and mathematics. 14183

The department of ~~education~~learning and achievement shall 14184  
assign weights such that students who do not take an assessment 14185  
receive a weight of zero and students who take an assessment 14186  
receive progressively larger weights dependent upon the level of 14187  
skill attained on the assessment. The department shall assign 14188  
additional weights to students who have been permitted to pass 14189  
over a subject in accordance with a student acceleration policy 14190  
adopted under section 3324.10 of the Revised Code. If such a 14191

student attains the proficient score prescribed under division 14192  
(A) (2) (c) of section 3301.0710 of the Revised Code or higher on 14193  
an assessment, the department shall assign the student the 14194  
weight prescribed for the next higher scoring level. If such a 14195  
student attains the advanced score, prescribed under division 14196  
(A) (2) (a) of section 3301.0710 of the Revised Code, on an 14197  
assessment, the department shall assign to the student an 14198  
additional proportional weight, as approved by the ~~state board~~ 14199  
department. For each school year that such a student's score is 14200  
included in the performance index score and the student attains 14201  
the proficient score on an assessment, that additional weight 14202  
shall be assigned to the student on a subject-by-subject basis. 14203

Students shall be included in the "performance index 14204  
score" in accordance with division (K) (2) of section 3302.03 of 14205  
the Revised Code. 14206

(B) "Subgroup" means a subset of the entire student 14207  
population of the state, a school district, or a school building 14208  
and includes each of the following: 14209

(1) Major racial and ethnic groups; 14210

(2) Students with disabilities; 14211

(3) Economically disadvantaged students; 14212

(4) Limited English proficient students; 14213

(5) Students identified as gifted in superior cognitive 14214  
ability and specific academic ability fields under Chapter 3324. 14215  
of the Revised Code. For students who are gifted in specific 14216  
academic ability fields, the department shall use data for those 14217  
students with specific academic ability in math and reading. If 14218  
any other academic field is assessed, the department shall also 14219  
include data for students with specific academic ability in that 14220

field. 14221

(6) Students in the lowest quintile for achievement 14222  
statewide, as determined by a method prescribed by the ~~state~~ 14223  
~~board of education~~ department. 14224

(C) "No Child Left Behind Act of 2001" includes the 14225  
statutes codified at 20 U.S.C. 6301 et seq. and any amendments, 14226  
waivers, or both thereto, rules and regulations promulgated 14227  
pursuant to those statutes, guidance documents, and any other 14228  
policy directives regarding implementation of that act issued by 14229  
the United States department of education. 14230

(D) "Adequate yearly progress" means a measure of annual 14231  
academic performance as calculated in accordance with the "No 14232  
Child Left Behind Act of 2001." 14233

(E) "Supplemental educational services" means additional 14234  
academic assistance, such as tutoring, remediation, or other 14235  
educational enrichment activities, that is conducted outside of 14236  
the regular school day by a provider approved by the department 14237  
in accordance with the "No Child Left Behind Act of 2001." 14238

(F) "Value-added progress dimension" means a measure of 14239  
academic gain for a student or group of students over a specific 14240  
period of time that is calculated by applying a statistical 14241  
methodology to individual student achievement data derived from 14242  
the achievement assessments prescribed by section 3301.0710 of 14243  
the Revised Code. The "value-added progress dimension" shall be 14244  
developed and implemented in accordance with section 3302.021 of 14245  
the Revised Code. 14246

(G) (1) "Four-year adjusted cohort graduation rate" means 14247  
the number of students who graduate in four years or less with a 14248  
regular high school diploma divided by the number of students 14249

who form the adjusted cohort for the graduating class. 14250

(2) "Five-year adjusted cohort graduation rate" means the 14251  
number of students who graduate in five years with a regular 14252  
high school diploma divided by the number of students who form 14253  
the adjusted cohort for the four-year graduation rate. 14254

(H) "State institution of higher education" has the same 14255  
meaning as in section 3345.011 of the Revised Code. 14256

(I) "Annual measurable objectives" means a measure of 14257  
student progress determined in accordance with an agreement 14258  
between the department of ~~education~~ learning and achievement and 14259  
the United States department of education. 14260

(J) "Community school" means a community school 14261  
established under Chapter 3314. of the Revised Code. 14262

(K) "STEM school" means a science, technology, 14263  
engineering, and mathematics school established under Chapter 14264  
3326. of the Revised Code. 14265

(L) "Entitled to attend school in the district" means 14266  
entitled to attend school in a school district under section 14267  
3313.64 or 3313.65 of the Revised Code. 14268

**Sec. 3302.02.** Not later than one year after the adoption 14269  
of rules under division (D) of section 3301.0712 of the Revised 14270  
Code and at least every sixth year thereafter, ~~upon~~ 14271  
~~recommendations of the superintendent of public instruction, the~~ 14272  
~~state board of education~~ the department of learning and 14273  
achievement shall establish a set of performance indicators that 14274  
considered as a unit will be used as one of the performance 14275  
categories for the report cards required by section 3302.03 of 14276  
the Revised Code. In establishing these indicators, the 14277  
~~superintendent~~ department shall consider inclusion of student 14278

performance on assessments prescribed under section 3301.0710 or 14279  
3301.0712 of the Revised Code, rates of student improvement on 14280  
such assessments, the breadth of coursework available within the 14281  
district, and other indicators of student success. 14282

Beginning with the report card for the 2014-2015 school 14283  
year, the performance indicators shall include an indicator that 14284  
reflects the level of services provided to, and the performance 14285  
of, students identified as gifted under Chapter 3324. of the 14286  
Revised Code. The indicator shall include the performance of 14287  
students identified as gifted on state assessments and value- 14288  
added growth measure disaggregated for students identified as 14289  
gifted. 14290

For the 2013-2014 school year, except as otherwise 14291  
provided in this section, for any indicator based on the 14292  
percentage of students attaining a proficient score on the 14293  
assessments prescribed by divisions (A) and (B) (1) of section 14294  
3301.0710 of the Revised Code, a school district or building 14295  
shall be considered to have met the indicator if at least eighty 14296  
per cent of the tested students attain a score of proficient or 14297  
higher on the assessment. A school district or building shall be 14298  
considered to have met the indicator for the assessments 14299  
prescribed by division (B) (1) of section 3301.0710 of the 14300  
Revised Code and only as administered to eleventh grade 14301  
students, if at least eighty-five per cent of the tested 14302  
students attain a score of proficient or higher on the 14303  
assessment. 14304

The ~~state board department~~ shall adopt rules, under 14305  
Chapter 119. of the Revised Code, to establish proficiency 14306  
percentages to meet each indicator that is based on a state 14307  
assessment, prescribed under section 3301.0710 or 3301.0712 of 14308

the Revised Code, for the 2014-2015 school year and thereafter 14309  
by the following dates: 14310

(A) Not later than December 31, 2015, for the 2014-2015 14311  
school year; 14312

(B) Not later than July 1, 2016, for the 2015-2016 school 14313  
year; 14314

(C) Not later than July 1, 2017, for the 2016-2017 school 14315  
year, and for each school year thereafter. 14316

**Sec. 3302.021.** (A) ~~Not earlier than July 1, 2005, and not~~ 14317  
~~later than July 1, 2007, the~~ The department of education- 14318  
learning and achievement shall implement a value-added progress 14319  
dimension for school districts and buildings and shall 14320  
incorporate the value-added progress dimension into the report 14321  
cards and performance ratings issued for districts and buildings 14322  
under section 3302.03 of the Revised Code. 14323

~~The state board of education-~~ department shall adopt rules, 14324  
pursuant to Chapter 119. of the Revised Code, for the 14325  
implementation of the value-added progress dimension. The rules 14326  
adopted under this division shall specify both of the following: 14327

(1) A scale for describing the levels of academic progress 14328  
in reading and mathematics relative to a standard year of 14329  
academic growth in those subjects for each of grades three 14330  
through eight; 14331

(2) That the department shall maintain the confidentiality 14332  
of individual student test scores and individual student reports 14333  
in accordance with sections 3301.0711, 3301.0714, and 3319.321 14334  
of the Revised Code and federal law. The department may require 14335  
school districts to use a unique identifier for each student for 14336  
this purpose. Individual student test scores and individual 14337

student reports shall be made available only to a student's 14338  
classroom teacher and other appropriate educational personnel 14339  
and to the student's parent or guardian. 14340

(B) The department shall use a system designed for 14341  
collecting necessary data, calculating the value-added progress 14342  
dimension, analyzing data, and generating reports, which system 14343  
has been used previously by a nonprofit organization led by the 14344  
Ohio business community for at least one year in the operation 14345  
of a pilot program in cooperation with school districts to 14346  
collect and report student achievement data via electronic means 14347  
and to provide information to the districts regarding the 14348  
academic performance of individual students, grade levels, 14349  
school buildings, and the districts as a whole. 14350

(C) The department shall not pay more than two dollars per 14351  
student for data analysis and reporting to implement the value- 14352  
added progress dimension in the same manner and with the same 14353  
services as under the pilot program described by division (B) of 14354  
this section. However, nothing in this section shall preclude 14355  
the department or any school district from entering into a 14356  
contract for the provision of more services at a higher fee per 14357  
student. Any data analysis conducted under this section by an 14358  
entity under contract with the department shall be completed in 14359  
accordance with timelines established by the ~~superintendent of~~ 14360  
~~public instruction~~ department. 14361

~~(D) The department shall share any aggregate student data~~ 14362  
~~and any calculation, analysis, or report utilizing aggregate~~ 14363  
~~student data that is generated under this section with the~~ 14364  
~~chancellor of the Ohio board of regents. The department shall~~ 14365  
~~not share individual student test scores and individual student~~ 14366  
~~reports with the chancellor.~~ 14367

**Sec. 3302.03.** Annually, not later than the fifteenth day 14368  
of September or the preceding Friday when that day falls on a 14369  
Saturday or Sunday, the department of ~~education~~ learning and 14370  
achievement shall assign a letter grade for overall academic 14371  
performance and for each separate performance measure for each 14372  
school district, and each school building in a district, in 14373  
accordance with this section. The ~~state board~~ department shall 14374  
adopt rules pursuant to Chapter 119. of the Revised Code to 14375  
establish performance criteria for each letter grade and 14376  
prescribe a method by which the department assigns each letter 14377  
grade. For a school building to which any of the performance 14378  
measures do not apply, due to grade levels served by the 14379  
building, the ~~state board~~ department shall designate the 14380  
performance measures that are applicable to the building and 14381  
that must be calculated separately and used to calculate the 14382  
building's overall grade. The department shall issue annual 14383  
report cards reflecting the performance of each school district, 14384  
each building within each district, and for the state as a whole 14385  
using the performance measures and letter grade system described 14386  
in this section. The department shall include on the report card 14387  
for each district and each building within each district the 14388  
most recent two-year trend data in student achievement for each 14389  
subject and each grade. 14390

(A) (1) For the 2012-2013 school year, the department shall 14391  
issue grades as described in division (E) of this section for 14392  
each of the following performance measures: 14393

(a) Annual measurable objectives; 14394

(b) Performance index score for a school district or 14395  
building. Grades shall be awarded as a percentage of the total 14396  
possible points on the performance index system as adopted by 14397

~~the state board~~ department. In adopting benchmarks for assigning 14398  
letter grades under division (A) (1) (b) of this section, the 14399  
~~state board of education~~ department shall designate ninety per 14400  
cent or higher for an "A," at least seventy per cent but not 14401  
more than eighty per cent for a "C," and less than fifty per 14402  
cent for an "F." 14403

(c) The extent to which the school district or building 14404  
meets each of the applicable performance indicators established 14405  
by the ~~state board~~ department under section 3302.02 of the 14406  
Revised Code and the percentage of applicable performance 14407  
indicators that have been achieved. In adopting benchmarks for 14408  
assigning letter grades under division (A) (1) (c) of this 14409  
section, the ~~state board~~ department shall designate ninety per 14410  
cent or higher for an "A." 14411

(d) The four- and five-year adjusted cohort graduation 14412  
rates. 14413

In adopting benchmarks for assigning letter grades under 14414  
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 14415  
department shall designate a four-year adjusted cohort 14416  
graduation rate of ninety-three per cent or higher for an "A" 14417  
and a five-year cohort graduation rate of ninety-five per cent 14418  
or higher for an "A." 14419

(e) The overall score under the value-added progress 14420  
dimension of a school district or building, for which the 14421  
department shall use up to three years of value-added data as 14422  
available. The letter grade assigned for this growth measure 14423  
shall be as follows: 14424

(i) A score that is at least two standard errors of 14425  
measure above the mean score shall be designated as an "A." 14426

(ii) A score that is at least one standard error of 14427  
measure but less than two standard errors of measure above the 14428  
mean score shall be designated as a "B." 14429

(iii) A score that is less than one standard error of 14430  
measure above the mean score but greater than or equal to one 14431  
standard error of measure below the mean score shall be 14432  
designated as a "C." 14433

(iv) A score that is not greater than one standard error 14434  
of measure below the mean score but is greater than or equal to 14435  
two standard errors of measure below the mean score shall be 14436  
designated as a "D." 14437

(v) A score that is not greater than two standard errors 14438  
of measure below the mean score shall be designated as an "F." 14439

Whenever the value-added progress dimension is used as a 14440  
graded performance measure, whether as an overall measure or as 14441  
a measure of separate subgroups, the grades for the measure 14442  
shall be calculated in the same manner as prescribed in division 14443  
(A) (1) (e) of this section. 14444

(f) The value-added progress dimension score for a school 14445  
district or building disaggregated for each of the following 14446  
subgroups: students identified as gifted, students with 14447  
disabilities, and students whose performance places them in the 14448  
lowest quintile for achievement on a statewide basis. Each 14449  
subgroup shall be a separate graded measure. 14450

(2) ~~Not later than April 30, 2013, the state board of~~ 14451  
~~education~~ The department shall adopt a resolution describing the 14452  
performance measures, benchmarks, and grading system for the 14453  
2012-2013 school year and, ~~not later than June 30, 2013,~~ shall 14454  
adopt rules in accordance with Chapter 119. of the Revised Code 14455

that prescribe the methods by which the performance measures 14456  
under division (A) (1) of this section shall be assessed and 14457  
assigned a letter grade, including performance benchmarks for 14458  
each letter grade. 14459

At least forty-five days prior to the ~~state board's~~ 14460  
department's adoption of rules to prescribe the methods by which 14461  
the performance measures under division (A) (1) of this section 14462  
shall be assessed and assigned a letter grade, the department 14463  
shall conduct a public presentation before the standing 14464  
committees of the house of representatives and the senate that 14465  
consider education legislation describing such methods, 14466  
including performance benchmarks. 14467

(3) There shall not be an overall letter grade for a 14468  
school district or building for the 2012-2013 school year. 14469

(B) (1) For the 2013-2014 and 2014-2015 school years, the 14470  
department shall issue grades as described in division (E) of 14471  
this section for each of the following performance measures: 14472

(a) Annual measurable objectives; 14473

(b) Performance index score for a school district or 14474  
building. Grades shall be awarded as a percentage of the total 14475  
possible points on the performance index system as created by 14476  
the department. In adopting benchmarks for assigning letter 14477  
grades under division (B) (1) (b) of this section, the ~~state board~~ 14478  
department shall designate ninety per cent or higher for an "A," 14479  
at least seventy per cent but not more than eighty per cent for 14480  
a "C," and less than fifty per cent for an "F." 14481

(c) The extent to which the school district or building 14482  
meets each of the applicable performance indicators established 14483  
by the ~~state board~~ department under section 3302.03 of the 14484

Revised Code and the percentage of applicable performance 14485  
indicators that have been achieved. In adopting benchmarks for 14486  
assigning letter grades under division (B) (1) (c) of this 14487  
section, the ~~state board~~ department shall designate ninety per 14488  
cent or higher for an "A." 14489

(d) The four- and five-year adjusted cohort graduation 14490  
rates; 14491

(e) The overall score under the value-added progress 14492  
dimension of a school district or building, for which the 14493  
department shall use up to three years of value-added data as 14494  
available. 14495

(f) The value-added progress dimension score for a school 14496  
district or building disaggregated for each of the following 14497  
subgroups: students identified as gifted in superior cognitive 14498  
ability and specific academic ability fields under Chapter 3324. 14499  
of the Revised Code, students with disabilities, and students 14500  
whose performance places them in the lowest quintile for 14501  
achievement on a statewide basis. Each subgroup shall be a 14502  
separate graded measure. 14503

(g) Whether a school district or building is making 14504  
progress in improving literacy in grades kindergarten through 14505  
three, as determined using a method prescribed by the ~~state~~ 14506  
~~board~~ department. The ~~state board~~ department shall adopt rules 14507  
to prescribe benchmarks and standards for assigning grades to 14508  
districts and buildings for purposes of division (B) (1) (g) of 14509  
this section. In adopting benchmarks for assigning letter grades 14510  
under divisions (B) (1) (g) and (C) (1) (g) of this section, the 14511  
~~state board~~ department shall determine progress made based on 14512  
the reduction in the total percentage of students scoring below 14513  
grade level, or below proficient, compared from year to year on 14514

the reading and writing diagnostic assessments administered 14515  
under section 3301.0715 of the Revised Code and the third grade 14516  
English language arts assessment under section 3301.0710 of the 14517  
Revised Code, as applicable. The ~~state board~~ department shall 14518  
designate for a "C" grade a value that is not lower than the 14519  
statewide average value for this measure. No grade shall be 14520  
issued under divisions (B) (1) (g) and (C) (1) (g) of this section 14521  
for a district or building in which less than five per cent of 14522  
students have scored below grade level on the diagnostic 14523  
assessment administered to students in kindergarten under 14524  
division (B) (1) of section 3313.608 of the Revised Code. 14525

(h) For a high mobility school district or building, an 14526  
additional value-added progress dimension score. For this 14527  
measure, the department shall use value-added data from the most 14528  
recent school year available and shall use assessment scores for 14529  
only those students to whom the district or building has 14530  
administered the assessments prescribed by section 3301.0710 of 14531  
the Revised Code for each of the two most recent consecutive 14532  
school years. 14533

As used in this division, "high mobility school district 14534  
or building" means a school district or building where at least 14535  
twenty-five per cent of its total enrollment is made up of 14536  
students who have attended that school district or building for 14537  
less than one year. 14538

(2) In addition to the graded measures in division (B) (1) 14539  
of this section, the department shall include on a school 14540  
district's or building's report card all of the following 14541  
without an assigned letter grade: 14542

(a) The percentage of students enrolled in a district or 14543  
building participating in advanced placement classes and the 14544

percentage of those students who received a score of three or 14545  
better on advanced placement examinations; 14546

(b) The number of a district's or building's students who 14547  
have earned at least three college credits through dual 14548  
enrollment or advanced standing programs, such as the post- 14549  
secondary enrollment options program under Chapter 3365. of the 14550  
Revised Code and state-approved career-technical courses offered 14551  
through dual enrollment or statewide articulation, that appear 14552  
on a student's transcript or other official document, either of 14553  
which is issued by the institution of higher education from 14554  
which the student earned the college credit. The credits earned 14555  
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 14556  
this section shall not include any that are remedial or 14557  
developmental and shall include those that count toward the 14558  
curriculum requirements established for completion of a degree. 14559

(c) The percentage of students enrolled in a district or 14560  
building who have taken a national standardized test used for 14561  
college admission determinations and the percentage of those 14562  
students who are determined to be remediation-free in accordance 14563  
with standards adopted under division (F) of section 3345.061 of 14564  
the Revised Code; 14565

(d) The percentage of the district's or the building's 14566  
students who receive industry-recognized credentials as approved 14567  
under section 3313.6113 of the Revised Code. 14568

(e) The percentage of students enrolled in a district or 14569  
building who are participating in an international baccalaureate 14570  
program and the percentage of those students who receive a score 14571  
of four or better on the international baccalaureate 14572  
examinations. 14573

(f) The percentage of the district's or building's students who receive an honors diploma under division (B) of section 3313.61 of the Revised Code. 14574  
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(3) Not later than December 31, 2013, the ~~state board~~ department shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under divisions (B) (1) (f) and (B) (1) (g) of this section will be assessed and assigned a letter grade, including performance benchmarks for each grade. 14577  
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At least forty-five days prior to the ~~state board's~~ department's adoption of rules to prescribe the methods by which the performance measures under division (B) (1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks. 14583  
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(4) There shall not be an overall letter grade for a school district or building for the 2013-2014, 2014-2015, 2015-2016, and 2016-2017 school years. 14591  
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(C) (1) For the 2014-2015 school year and each school year thereafter, the department shall issue grades as described in division (E) of this section for each of the performance measures prescribed in division (C) (1) of this section. The graded measures are as follows: 14594  
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(a) Annual measurable objectives; 14599

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by 14600  
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the department. In adopting benchmarks for assigning letter 14603  
grades under division (C) (1) (b) of this section, the ~~state board~~ 14604  
department shall designate ninety per cent or higher for an "A," 14605  
at least seventy per cent but not more than eighty per cent for 14606  
a "C," and less than fifty per cent for an "F." 14607

(c) The extent to which the school district or building 14608  
meets each of the applicable performance indicators established 14609  
by the ~~state board~~ department under section 3302.03 of the 14610  
Revised Code and the percentage of applicable performance 14611  
indicators that have been achieved. In adopting benchmarks for 14612  
assigning letter grades under division (C) (1) (c) of this 14613  
section, the ~~state board~~ department shall designate ninety per 14614  
cent or higher for an "A." 14615

(d) The four- and five-year adjusted cohort graduation 14616  
rates; 14617

(e) The overall score under the value-added progress 14618  
dimension, or another measure of student academic progress if 14619  
adopted by the ~~state board~~ department, of a school district or 14620  
building, for which the department shall use up to three years 14621  
of value-added data as available. 14622

In adopting benchmarks for assigning letter grades for 14623  
overall score on value-added progress dimension under division 14624  
(C) (1) (e) of this section, the ~~state board~~ department shall 14625  
prohibit the assigning of a grade of "A" for that measure unless 14626  
the district's or building's grade assigned for value-added 14627  
progress dimension for all subgroups under division (C) (1) (f) of 14628  
this section is a "B" or higher. 14629

For the metric prescribed by division (C) (1) (e) of this 14630  
section, the ~~state board~~ department may adopt a student academic 14631

progress measure to be used instead of the value-added progress dimension. If the ~~state board department~~ adopts such a measure, it also shall prescribe a method for assigning letter grades for the new measure that is comparable to the method prescribed in division (A) (1) (e) of this section.

(f) The value-added progress dimension score of a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the ~~state board department~~. Each subgroup shall be a separate graded measure.

The ~~state board department~~ may adopt student academic progress measures to be used instead of the value-added progress dimension. If the ~~state board department~~ adopts such measures, it also shall prescribe a method for assigning letter grades for the new measures that is comparable to the method prescribed in division (A) (1) (e) of this section.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the ~~state board department~~. The ~~state board department~~ shall adopt rules to prescribe benchmarks and standards for assigning grades to a district or building for purposes of division (C) (1) (g) of this section. The ~~state board department~~ shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under division (C) (1) (g) of this section for a district or building in which less

than five per cent of students have scored below grade level on 14662  
the kindergarten diagnostic assessment under division (B) (1) of 14663  
section 3313.608 of the Revised Code. 14664

(h) For a high mobility school district or building, an 14665  
additional value-added progress dimension score. For this 14666  
measure, the department shall use value-added data from the most 14667  
recent school year available and shall use assessment scores for 14668  
only those students to whom the district or building has 14669  
administered the assessments prescribed by section 3301.0710 of 14670  
the Revised Code for each of the two most recent consecutive 14671  
school years. 14672

As used in this division, "high mobility school district 14673  
or building" means a school district or building where at least 14674  
twenty-five per cent of its total enrollment is made up of 14675  
students who have attended that school district or building for 14676  
less than one year. 14677

(2) In addition to the graded measures in division (C) (1) 14678  
of this section, the department shall include on a school 14679  
district's or building's report card all of the following 14680  
without an assigned letter grade: 14681

(a) The percentage of students enrolled in a district or 14682  
building who have taken a national standardized test used for 14683  
college admission determinations and the percentage of those 14684  
students who are determined to be remediation-free in accordance 14685  
with the standards adopted under division (F) of section 14686  
3345.061 of the Revised Code; 14687

(b) The percentage of students enrolled in a district or 14688  
building participating in advanced placement classes and the 14689  
percentage of those students who received a score of three or 14690

better on advanced placement examinations; 14691

(c) The percentage of a district's or building's students 14692  
who have earned at least three college credits through advanced 14693  
standing programs, such as the college credit plus program under 14694  
Chapter 3365. of the Revised Code and state-approved career- 14695  
technical courses offered through dual enrollment or statewide 14696  
articulation, that appear on a student's college transcript 14697  
issued by the institution of higher education from which the 14698  
student earned the college credit. The credits earned that are 14699  
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 14700  
shall not include any that are remedial or developmental and 14701  
shall include those that count toward the curriculum 14702  
requirements established for completion of a degree. 14703

(d) The percentage of the district's or building's 14704  
students who receive an honor's diploma under division (B) of 14705  
section 3313.61 of the Revised Code; 14706

(e) The percentage of the district's or building's 14707  
students who receive industry-recognized credentials as approved 14708  
under section 3313.6113 of the Revised Code; 14709

(f) The percentage of students enrolled in a district or 14710  
building who are participating in an international baccalaureate 14711  
program and the percentage of those students who receive a score 14712  
of four or better on the international baccalaureate 14713  
examinations; 14714

(g) The results of the college and career-ready 14715  
assessments administered under division (B) (1) of section 14716  
3301.0712 of the Revised Code. 14717

(3) The ~~state board~~ department shall adopt rules pursuant 14718  
to Chapter 119. of the Revised Code that establish a method to 14719

assign an overall grade for a school district or school building 14720  
for the 2017-2018 school year and each school year thereafter. 14721  
The rules shall group the performance measures in divisions (C) 14722  
(1) and (2) of this section into the following components: 14723

(a) Gap closing, which shall include the performance 14724  
measure in division (C) (1) (a) of this section; 14725

(b) Achievement, which shall include the performance 14726  
measures in divisions (C) (1) (b) and (c) of this section; 14727

(c) Progress, which shall include the performance measures 14728  
in divisions (C) (1) (e) and (f) of this section; 14729

(d) Graduation, which shall include the performance 14730  
measure in division (C) (1) (d) of this section; 14731

(e) Kindergarten through third-grade literacy, which shall 14732  
include the performance measure in division (C) (1) (g) of this 14733  
section; 14734

(f) Prepared for success, which shall include the 14735  
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 14736  
and (f) of this section. The ~~state board~~ department shall 14737  
develop a method to determine a grade for the component in 14738  
division (C) (3) (f) of this section using the performance 14739  
measures in divisions (C) (2) (a), (b), (c), (d), (e), and (f) of 14740  
this section. When available, the ~~state board~~ department may 14741  
incorporate the performance measure under division (C) (2) (g) of 14742  
this section into the component under division (C) (3) (f) of this 14743  
section. When determining the overall grade for the prepared for 14744  
success component prescribed by division (C) (3) (f) of this 14745  
section, no individual student shall be counted in more than one 14746  
performance measure. However, if a student qualifies for more 14747  
than one performance measure in the component, the ~~state board~~ 14748

department may, in its method to determine a grade for the 14749  
component, specify an additional weight for such a student that 14750  
is not greater than or equal to 1.0. In determining the overall 14751  
score under division (C) (3) (f) of this section, the ~~state board-~~ 14752  
department shall ensure that the pool of students included in 14753  
the performance measures aggregated under that division are all 14754  
of the students included in the four- and five-year adjusted 14755  
graduation cohort. 14756

In the rules adopted under division (C) (3) of this 14757  
section, the ~~state board-~~department shall adopt a method for 14758  
determining a grade for each component in divisions (C) (3) (a) to 14759  
(f) of this section. The ~~state board-~~department also shall 14760  
establish a method to assign an overall grade of "A," "B," "C," 14761  
"D," or "F" using the grades assigned for each component. The 14762  
method the ~~state board-~~department adopts for assigning an 14763  
overall grade shall give equal weight to the components in 14764  
divisions (C) (3) (b) and (c) of this section. 14765

At least forty-five days prior to the ~~state board's-~~ 14766  
department's adoption of rules to prescribe the methods for 14767  
calculating the overall grade for the report card, as required 14768  
by this division, the department shall conduct a public 14769  
presentation before the standing committees of the house of 14770  
representatives and the senate that consider education 14771  
legislation describing the format for the report card, weights 14772  
that will be assigned to the components of the overall grade, 14773  
and the method for calculating the overall grade. 14774

(D) On or after July 1, 2015, the ~~state board-~~department 14775  
may develop a measure of student academic progress for high 14776  
school students using only data from assessments in English 14777  
language arts and mathematics. If the ~~state board-~~department 14778

develops this measure, each school district and applicable 14779  
school building shall be assigned a separate letter grade for it 14780  
not sooner than the 2017-2018 school year. The district's or 14781  
building's grade for that measure shall not be included in 14782  
determining the district's or building's overall letter grade. 14783

(E) The letter grades assigned to a school district or 14784  
building under this section shall be as follows: 14785

(1) "A" for a district or school making excellent 14786  
progress; 14787

(2) "B" for a district or school making above average 14788  
progress; 14789

(3) "C" for a district or school making average progress; 14790

(4) "D" for a district or school making below average 14791  
progress; 14792

(5) "F" for a district or school failing to meet minimum 14793  
progress. 14794

(F) When reporting data on student achievement and 14795  
progress, the department shall disaggregate that data according 14796  
to the following categories: 14797

(1) Performance of students by grade-level; 14798

(2) Performance of students by race and ethnic group; 14799

(3) Performance of students by gender; 14800

(4) Performance of students grouped by those who have been 14801  
enrolled in a district or school for three or more years; 14802

(5) Performance of students grouped by those who have been 14803  
enrolled in a district or school for more than one year and less 14804  
than three years; 14805

(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	14806 14807
(7) Performance of students grouped by those who are economically disadvantaged;	14808 14809
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	14810 14811 14812
(9) Performance of students grouped by those who are classified as limited English proficient;	14813 14814
(10) Performance of students grouped by those who have disabilities;	14815 14816
(11) Performance of students grouped by those who are classified as migrants;	14817 14818
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	14819 14820 14821 14822 14823 14824 14825 14826 14827
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the <del>state board</del> <u>department</u> .	14828 14829 14830
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the	14831 14832 14833

department shall disaggregate data on student performance 14834  
according to any combinations of two or more of the categories 14835  
listed in divisions (F) (1) to (13) of this section that it deems 14836  
relevant. 14837

In reporting data pursuant to division (F) of this 14838  
section, the department shall not include in the report cards 14839  
any data statistical in nature that is statistically unreliable 14840  
or that could result in the identification of individual 14841  
students. For this purpose, the department shall not report 14842  
student performance data for any group identified in division 14843  
(F) of this section that contains less than ten students. If the 14844  
department does not report student performance data for a group 14845  
because it contains less than ten students, the department shall 14846  
indicate on the report card that is why data was not reported. 14847

(G) The department may include with the report cards any 14848  
additional education and fiscal performance data it deems 14849  
valuable. 14850

(H) The department shall include on each report card a 14851  
list of additional information collected by the department that 14852  
is available regarding the district or building for which the 14853  
report card is issued. When available, such additional 14854  
information shall include student mobility data disaggregated by 14855  
race and socioeconomic status, college enrollment data, and the 14856  
reports prepared under section 3302.031 of the Revised Code. 14857

The department shall maintain a site on the world wide 14858  
web. The report card shall include the address of the site and 14859  
shall specify that such additional information is available to 14860  
the public at that site. The department shall also provide a 14861  
copy of each item on the list to the superintendent of each 14862  
school district. The district superintendent shall provide a 14863

copy of any item on the list to anyone who requests it. 14864

(I) (1) (a) Except as provided in division (I) (1) (b) of this 14865  
section, for any district that sponsors a conversion community 14866  
school under Chapter 3314. of the Revised Code, the department 14867  
shall combine data regarding the academic performance of 14868  
students enrolled in the community school with comparable data 14869  
from the schools of the district for the purpose of determining 14870  
the performance of the district as a whole on the report card 14871  
issued for the district under this section or section 3302.033 14872  
of the Revised Code. 14873

(b) The department shall not combine data from any 14874  
conversion community school that a district sponsors if a 14875  
majority of the students enrolled in the conversion community 14876  
school are enrolled in a dropout prevention and recovery program 14877  
that is operated by the school, as described in division (A) (4) 14878  
(a) of section 3314.35 of the Revised Code. The department shall 14879  
include as an addendum to the district's report card the ratings 14880  
and performance measures that are required under section 14881  
3314.017 of the Revised Code for any community school to which 14882  
division (I) (1) (b) of this section applies. This addendum shall 14883  
include, at a minimum, the data specified in divisions (C) (1) 14884  
(a), (C) (2), and (C) (3) of section 3314.017 of the Revised Code. 14885

(2) Any district that leases a building to a community 14886  
school located in the district or that enters into an agreement 14887  
with a community school located in the district whereby the 14888  
district and the school endorse each other's programs may elect 14889  
to have data regarding the academic performance of students 14890  
enrolled in the community school combined with comparable data 14891  
from the schools of the district for the purpose of determining 14892  
the performance of the district as a whole on the district 14893

report card. Any district that so elects shall annually file a copy of the lease or agreement with the department. 14894  
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(3) Any municipal school district, as defined in section 3311.71 of the Revised Code, that sponsors a community school located within the district's territory, or that enters into an agreement with a community school located within the district's territory whereby the district and the community school endorse each other's programs, may exercise either or both of the following elections: 14896  
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(a) To have data regarding the academic performance of students enrolled in that community school combined with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the district's report card; 14903  
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(b) To have the number of students attending that community school noted separately on the district's report card. 14908  
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The election authorized under division (I) (3) (a) of this section is subject to approval by the governing authority of the community school. 14910  
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Any municipal school district that exercises an election to combine or include data under division (I) (3) of this section, by the first day of October of each year, shall file with the department documentation indicating eligibility for that election, as required by the department. 14913  
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(J) The department shall include on each report card the percentage of teachers in the district or building who are highly qualified, as defined by the No Child Left Behind Act of 2001, and a comparison of that percentage with the percentages of such teachers in similar districts and buildings. 14918  
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(K) (1) In calculating English language arts, mathematics, 14923  
or science assessment passage rates used to determine school 14924  
district or building performance under this section, the 14925  
department shall include all students taking an assessment with 14926  
accommodation or to whom an alternate assessment is administered 14927  
pursuant to division (C) (1) or (3) of section 3301.0711 of the 14928  
Revised Code. 14929

(2) In calculating performance index scores, rates of 14930  
achievement on the performance indicators established by the 14931  
~~state board~~ department under section 3302.02 of the Revised 14932  
Code, and annual measurable objectives for determining adequate 14933  
yearly progress for school districts and buildings under this 14934  
section, the department shall do all of the following: 14935

(a) Include for each district or building only those 14936  
students who are included in the ADM certified for the first 14937  
full school week of October and are continuously enrolled in the 14938  
district or building through the time of the spring 14939  
administration of any assessment prescribed by division (A) (1) 14940  
or (B) (1) of section 3301.0710 or division (B) of section 14941  
3301.0712 of the Revised Code that is administered to the 14942  
student's grade level; 14943

(b) Include cumulative totals from both the fall and 14944  
spring administrations of the third grade English language arts 14945  
achievement assessment; 14946

(c) Except as required by the No Child Left Behind Act of 14947  
2001, exclude for each district or building any limited English 14948  
proficient student who has been enrolled in United States 14949  
schools for less than one full school year. 14950

(L) Beginning with the 2015-2016 school year and at least 14951

once every three years thereafter, the ~~state board of education-~~ 14952  
~~department~~ shall review and may adjust the benchmarks for 14953  
assigning letter grades to the performance measures and 14954  
components prescribed under divisions (C) (3) and (D) of this 14955  
section. 14956

**Sec. 3302.031.** In addition to the report cards required 14957  
under section 3302.03 of the Revised Code, the department of 14958  
~~education-learning and achievement~~ shall annually prepare the 14959  
following reports for each school district and make a copy of 14960  
each report available to the superintendent of each district: 14961

(A) A funding and expenditure accountability report which 14962  
shall consist of the amount of state aid payments the school 14963  
district will receive during the fiscal year under Chapter 3317. 14964  
of the Revised Code and any other fiscal data the department 14965  
determines is necessary to inform the public about the financial 14966  
status of the district; 14967

(B) A school safety and discipline report which shall 14968  
consist of statistical information regarding student safety and 14969  
discipline in each school building, including the number of 14970  
suspensions and expulsions disaggregated according to race and 14971  
gender; 14972

(C) A student equity report which shall consist of at 14973  
least a description of the status of teacher qualifications, 14974  
library and media resources, textbooks, classroom materials and 14975  
supplies, and technology resources for each district. To the 14976  
extent possible, the information included in the report required 14977  
under this division shall be disaggregated according to grade 14978  
level, race, gender, disability, and scores attained on 14979  
assessments required under sections 3301.0710 and 3301.0712 of 14980  
the Revised Code. 14981

(D) A school enrollment report which shall consist of 14982  
information about the composition of classes within each 14983  
district by grade and subject disaggregated according to race, 14984  
gender, and scores attained on assessments required under 14985  
sections 3301.0710 and 3301.0712 of the Revised Code; 14986

(E) A student retention report which shall consist of the 14987  
number of students retained in their respective grade levels in 14988  
the district disaggregated by grade level, subject area, race, 14989  
gender, and disability; 14990

(F) A school district performance report which shall 14991  
describe for the district and each building within the district 14992  
the extent to which the district or building meets each of the 14993  
applicable performance indicators established under section 14994  
3302.02 of the Revised Code, the number of performance 14995  
indicators that have been achieved, and the performance index 14996  
score. In calculating the rates of achievement on the 14997  
performance indicators and the performance index scores for each 14998  
report, the department shall exclude all students with 14999  
disabilities. 15000

**Sec. 3302.032.** (A) ~~Not later than December 31, 2011, the~~ 15001  
~~state board of education~~ The department of learning and 15002  
achievement shall establish a measure of the following: 15003

(1) Student success in meeting the benchmarks contained in 15004  
the physical education standards adopted under division (A) (3) 15005  
of section 3301.079 of the Revised Code; 15006

(2) Compliance with the requirements for local wellness 15007  
policies prescribed by section 204 of the "Child Nutrition and 15008  
WIC Reauthorization Act of 2004," 42 U.S.C. 1751 note; 15009

(3) Whether a school district or building has elected to 15010

administer the screenings authorized by sections 3313.674, 15011  
3314.15, and 3326.26 of the Revised Code; 15012

(4) Whether a school district or building is participating 15013  
in the physical activity pilot program administered under 15014  
section 3313.6016 of the Revised Code. 15015

(B) The measure shall be included on the school district 15016  
and building report cards issued under section 3302.03 of the 15017  
Revised Code, beginning with the report cards issued for the 15018  
2012-2013 school year, but it shall not be a factor in the 15019  
performance ratings issued under that section. 15020

(C) The department ~~of education~~ may accept, receive, and 15021  
expend gifts, devises, or bequests of money for the purpose of 15022  
establishing the measure required by this section. 15023

**Sec. 3302.033.** ~~The state board of education~~ department of 15024  
learning and achievement, in consultation with ~~the chancellor of~~ 15025  
~~the Ohio board of regents, any office within the office of the~~ 15026  
~~governor concerning workforce development,~~ the Ohio association 15027  
of career and technical education, the Ohio association of city 15028  
career-technical schools, and the Ohio association of career- 15029  
technical superintendents, shall approve a report card for joint 15030  
vocational school districts and for other career-technical 15031  
planning districts that are not joint vocational school 15032  
districts, which may contain disaggregated data for each joint 15033  
vocational school district, if applicable. The ~~state board~~ 15034  
department shall submit details of the approved report card to 15035  
the governor, the speaker of the house of representatives, the 15036  
president of the senate, and the chairpersons of the standing 15037  
committees of the house of representatives and the senate 15038  
principally responsible for education policy. The department ~~of~~ 15039  
~~education~~ annually shall issue a report card for each joint 15040

vocational school district and other career-technical planning 15041  
districts that are not joint vocational school districts, 15042  
beginning with report cards for the 2012-2013 school year to be 15043  
published not later than September 1, 2013. 15044

As used in this section, "career-technical planning 15045  
district" means a school district or group of school districts 15046  
designated by the department as being responsible for the 15047  
planning for and provision of career-technical education 15048  
services to students within the district or group. 15049

**Sec. 3302.034.** (A) ~~Not later than December 31, 2013, the~~ 15050  
~~state board of education~~ The department of learning and 15051  
achievement shall adopt and specify measures in addition to 15052  
those included on the report card issued under section 3302.03 15053  
of the Revised Code. The measures adopted under this section 15054  
shall be reported separately, as specified under division (B) of 15055  
this section, for each school district, each building in a 15056  
district, each community school established under Chapter 3314., 15057  
each STEM school established under Chapter 3326., and each 15058  
college-preparatory boarding school established under Chapter 15059  
3328. of the Revised Code. The measures shall include at least 15060  
the following: 15061

(1) Data for students who have passed over a grade or 15062  
subject area under an acceleration policy prescribed under 15063  
section 3324.10 of the Revised Code; 15064

(2) The number of students who are economically 15065  
disadvantaged as determined by the department of ~~education~~ 15066  
learning and achievement; 15067

(3) The number of lead teachers employed by each district 15068  
and each building once the data is available through the 15069

education management information system established under	15070
section 3301.0714 of the Revised Code;	15071
(4) The amount of students screened and identified as	15072
gifted under Chapter 3324. of the Revised Code;	15073
(5) Postgraduate student outcome data as described under	15074
division (E) (2) (d) (ii) of section 3314.017 of the Revised Code;	15075
(6) Availability of courses in fine arts;	15076
(7) Participation with other school districts to provide	15077
career-technical education services to students.	15078
(B) The department shall report this information annually	15079
beginning with the 2013-2014 school year and make this	15080
information available on its web site for comparison purposes.	15081
<b>Sec. 3302.035.</b> (A) Not later than October 1, 2015, and not	15082
later than the first day of October each year thereafter, the	15083
department of <del>education</del> <u>learning and achievement</u> shall report	15084
for each school district, each community school established	15085
under Chapter 3314., each STEM school established under Chapter	15086
3326., and each college-preparatory boarding school established	15087
under Chapter 3328. of the Revised Code, the following measures	15088
for students with disabilities enrolled in that school district	15089
or community, STEM, or college-preparatory boarding school:	15090
(1) The value-added progress dimension score, as	15091
disaggregated for that subgroup under division (C) (1) (f) of	15092
section 3302.03 of the Revised Code;	15093
(2) The performance index score for that subgroup, as	15094
defined under division (A) of section 3302.01 of the Revised	15095
Code;	15096
(3) The four- and five-year adjusted cohort graduation	15097

rates, as defined under divisions (G)(1) and (2) of section 15098  
3302.01 of the Revised Code, for that subgroup. 15099

(B) The department shall make each report completed 15100  
pursuant to division (A) of this section available on its web 15101  
site for comparison purposes. 15102

**Sec. 3302.036.** (A) Notwithstanding anything in the Revised 15103  
Code to the contrary, the department of ~~education-learning and~~ 15104  
achievement shall not assign an overall letter grade under 15105  
division (C)(3) of section 3302.03 of the Revised Code for any 15106  
school district or building for the 2014-2015, 2015-2016, or 15107  
2016-2017 school years, may, at the discretion of the ~~state-~~ 15108  
~~board of education department,~~ not assign an individual grade to 15109  
any component prescribed under division (C)(3) of section 15110  
3302.03 of the Revised Code, and shall not rank school 15111  
districts, community schools established under Chapter 3314. of 15112  
the Revised Code, or STEM schools established under Chapter 15113  
3326. of the Revised Code under section 3302.21 of the Revised 15114  
Code for those school years. The report card ratings issued for 15115  
the 2014-2015, 2015-2016, or 2016-2017 school years shall not be 15116  
considered in determining whether a school district or a school 15117  
is subject to sanctions or penalties. However, the report card 15118  
ratings of any previous or subsequent years shall be considered 15119  
in determining whether a school district or building is subject 15120  
to sanctions or penalties. Accordingly, the report card ratings 15121  
for the 2014-2015, 2015-2016, or 2016-2017 school years shall 15122  
have no effect in determining sanctions or penalties, but shall 15123  
not create a new starting point for determinations that are 15124  
based on ratings over multiple years. 15125

(B) The provisions from which a district or school is 15126  
exempt under division (A) of this section shall be the 15127

following:	15128
(1) Any restructuring provisions established under this chapter, except as required under the "No Child Left Behind Act of 2001";	15129 15130 15131
(2) Provisions for the Columbus city school pilot project under section 3302.042 of the Revised Code;	15132 15133
(3) Provisions for academic distress commissions under former section 3302.10 of the Revised Code as it existed prior <del>to the effective date of this amendment</del> <u>October 15, 2015</u> . The provisions of this section do not apply to academic distress commissions under the version of that section as it exists on or <del>after the effective date of this amendment</del> <u>October 15, 2015</u> .	15134 15135 15136 15137 15138 15139
(4) Provisions prescribing new buildings where students are eligible for the educational choice scholarships under section 3310.03 of the Revised Code;	15140 15141 15142
(5) Provisions defining "challenged school districts" in which new start-up community schools may be located, as prescribed in section 3314.02 of the Revised Code;	15143 15144 15145
(6) Provisions prescribing community school closure requirements under section 3314.35 or 3314.351 of the Revised Code.	15146 15147 15148
(C) Notwithstanding anything in the Revised Code to the contrary and except as provided in Section 3 of H.B. 7 of the 131st general assembly, no school district, community school, or STEM school shall utilize at any time during a student's academic career a student's score on any assessment administered under division (A) of section 3301.0710 or division (B) (2) of section 3301.0712 of the Revised Code in the 2014-2015, 2015-2016, or 2016-2017 school <del>year</del> <u>years</u> as a factor in any decision	15149 15150 15151 15152 15153 15154 15155 15156

to promote or to deny the student promotion to a higher grade 15157  
level or in any decision to grant course credit. No individual 15158  
student score reports on such assessments administered in the 15159  
2014-2015, 2015-2016, or 2016-2017 school years shall be 15160  
released, except to a student's school district or school or to 15161  
the student or the student's parent or guardian. 15162

**Sec. 3302.037.** The department of ~~education~~learning and 15163  
achievement shall conduct a study to evaluate the validity and 15164  
usefulness of using the "similar students measure," as created 15165  
by the California charter schools association, to calculate 15166  
student academic progress, using a regression model to take into 15167  
account demographic differences, for each public school. 15168

Not later than December 1, 2016, the department shall 15169  
prepare and submit a report regarding its findings and 15170  
recommendations to ~~the state board of education and~~ the general 15171  
assembly in accordance with section 101.68 of the Revised Code. 15172

**Sec. 3302.04.** As used in divisions (A), (C), and (D) of 15173  
this section, for the 2014-2015 school year, and for each school 15174  
year thereafter, when a provision refers to a school district or 15175  
school building in a state of academic emergency, it shall mean 15176  
a district or building rated "F"; when a provision refers to a 15177  
school district or school building under an academic watch, it 15178  
shall mean a district or building rated "D"; and when a 15179  
provision refers to a school district or school building in need 15180  
of continuous improvement, it shall mean a district or building 15181  
rated "C" as those letter grade ratings for overall performance 15182  
are assigned under division (C) (3) of section 3302.03 of the 15183  
Revised Code, as it exists on or after March 22, 2013. 15184

(A) The department of ~~education~~learning and achievement 15185  
shall establish a system of intensive, ongoing support for the 15186

improvement of school districts and school buildings. In 15187  
accordance with the model of differentiated accountability 15188  
described in section 3302.041 of the Revised Code, the system 15189  
shall give priority to the following: 15190

(1) For any school year prior to the 2012-2013 school 15191  
year, districts and buildings that have been declared to be 15192  
under an academic watch or in a state of academic emergency 15193  
under section 3302.03 of the Revised Code; 15194

(2) For the 2012-2013 school year, and for each school 15195  
year thereafter, districts and buildings in the manner 15196  
prescribed by any agreement currently in force between the 15197  
department and the United States department of education. The 15198  
department shall endeavor to include schools and buildings that 15199  
receive grades under section 3302.03 of the Revised Code that 15200  
the department considers to be low performing. 15201

The system shall include services provided to districts 15202  
and buildings through regional service providers, such as 15203  
educational service centers. The system may include the 15204  
appointment of an improvement coordinator for any of the lowest 15205  
performing districts, as determined by the department, to 15206  
coordinate the district's academic improvement efforts and to 15207  
build support among the community for those efforts. 15208

(B) This division does not apply to any school district 15209  
after June 30, 2008. 15210

When a school district has been notified by the department 15211  
pursuant to section 3302.03 of the Revised Code that the 15212  
district or a building within the district has failed to make 15213  
adequate yearly progress for two consecutive school years, the 15214  
district shall develop a three-year continuous improvement plan 15215

for the district or building containing each of the following: 15216

(1) An analysis of the reasons for the failure of the 15217  
district or building to meet any of the applicable performance 15218  
indicators established under section 3302.02 of the Revised Code 15219  
that it did not meet and an analysis of the reasons for its 15220  
failure to make adequate yearly progress; 15221

(2) Specific strategies that the district or building will 15222  
use to address the problems in academic achievement identified 15223  
in division (B) (1) of this section; 15224

(3) Identification of the resources that the district will 15225  
allocate toward improving the academic achievement of the 15226  
district or building; 15227

(4) A description of any progress that the district or 15228  
building made in the preceding year toward improving its 15229  
academic achievement; 15230

(5) An analysis of how the district is utilizing the 15231  
professional development standards adopted by the ~~state board~~ 15232  
department pursuant to section 3319.61 of the Revised Code; 15233

(6) Strategies that the district or building will use to 15234  
improve the cultural competency, as defined pursuant to section 15235  
3319.61 of the Revised Code, of teachers and other educators. 15236

No three-year continuous improvement plan shall be 15237  
developed or adopted pursuant to this division unless at least 15238  
one public hearing is held within the affected school district 15239  
or building concerning the final draft of the plan. Notice of 15240  
the hearing shall be given two weeks prior to the hearing by 15241  
publication in one newspaper of general circulation within the 15242  
territory of the affected school district or building. Copies of 15243  
the plan shall be made available to the public. 15244

(C) (1) For any school year prior to the school year that begins on July 1, 2012, when a school district or building has been notified by the department pursuant to section 3302.03 of the Revised Code that the district or building is under an academic watch or in a state of academic emergency, the district or building shall be subject to any rules establishing intervention in academic watch or emergency school districts or buildings.

(2) For the 2012-2013 school year, and for each school year thereafter, a district or building that meets the conditions for intervention prescribed by the agreement described in division (A) (2) of this section shall be subject to any rules establishing such intervention.

(D) (1) For any school year prior to the 2012-2013 school year, within one hundred twenty days after any school district or building is declared to be in a state of academic emergency under section 3302.03 of the Revised Code, the department may initiate a site evaluation of the building or school district.

(2) For the 2012-2013 school year, and for each school year thereafter, the department may initiate a site evaluation of a building or school district that meets the conditions for a site evaluation prescribed by the agreement described in division (A) (2) of this section.

(3) Division (D) (3) of this section does not apply to any school district after June 30, 2008.

If any school district that is declared to be in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code or encompasses a building that is declared to be in a state of academic emergency or in a

state of academic watch fails to demonstrate to the department 15274  
satisfactory improvement of the district or applicable buildings 15275  
or fails to submit to the department any information required 15276  
under rules established by the ~~state board of education~~ 15277  
department, prior to approving a three-year continuous 15278  
improvement plan under rules established by the ~~state board of~~ 15279  
education department, the department shall conduct a site 15280  
evaluation of the school district or applicable buildings to 15281  
determine whether the school district is in compliance with 15282  
minimum standards established by law or rule. 15283

(4) Division (D) (4) of this section does not apply to any 15284  
school district after June 30, 2008. Site evaluations conducted 15285  
under divisions (D) (1), (2), and (3) of this section shall 15286  
include, but not be limited to, the following: 15287

(a) Determining whether teachers are assigned to subject 15288  
areas for which they are licensed or certified; 15289

(b) Determining pupil-teacher ratios; 15290

(c) Examination of compliance with minimum instruction 15291  
time requirements for each school day and for each school year; 15292

(d) Determining whether materials and equipment necessary 15293  
to implement the curriculum approved by the school district 15294  
board are available; 15295

(e) Examination of whether the teacher and principal 15296  
evaluation systems comply with sections 3311.80, 3311.84, 15297  
3319.02, and 3319.111 of the Revised Code; 15298

(f) Examination of the adequacy of efforts to improve the 15299  
cultural competency, as defined pursuant to section 3319.61 of 15300  
the Revised Code, of teachers and other educators. 15301

(E) This division applies only to school districts that 15302  
operate a school building that fails to make adequate yearly 15303  
progress for two or more consecutive school years. It does not 15304  
apply to any such district after June 30, 2008, except as 15305  
provided in division (D) (2) of section 3313.97 of the Revised 15306  
Code. 15307

(1) For any school building that fails to make adequate 15308  
yearly progress for two consecutive school years, the district 15309  
shall do all of the following: 15310

(a) Provide written notification of the academic issues 15311  
that resulted in the building's failure to make adequate yearly 15312  
progress to the parent or guardian of each student enrolled in 15313  
the building. The notification shall also describe the actions 15314  
being taken by the district or building to improve the academic 15315  
performance of the building and any progress achieved toward 15316  
that goal in the immediately preceding school year. 15317

(b) If the building receives funds under Title I, Part A 15318  
of the "Elementary and Secondary Education Act of 1965," 20 15319  
U.S.C. 6311 to 6339, from the district, in accordance with 15320  
section 3313.97 of the Revised Code, offer all students enrolled 15321  
in the building the opportunity to enroll in an alternative 15322  
building within the district that is not in school improvement 15323  
status as defined by the "No Child Left Behind Act of 2001." 15324  
Notwithstanding Chapter 3327. of the Revised Code, the district 15325  
shall spend an amount equal to twenty per cent of the funds it 15326  
receives under Title I, Part A of the "Elementary and Secondary 15327  
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 15328  
transportation for students who enroll in alternative buildings 15329  
under this division, unless the district can satisfy all demand 15330  
for transportation with a lesser amount. If an amount equal to 15331

twenty per cent of the funds the district receives under Title 15332  
I, Part A of the "Elementary and Secondary Education Act of 15333  
1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all 15334  
demand for transportation, the district shall grant priority 15335  
over all other students to the lowest achieving students among 15336  
the subgroup described in division (B) (3) of section 3302.01 of 15337  
the Revised Code in providing transportation. Any district that 15338  
does not receive funds under Title I, Part A of the "Elementary 15339  
and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, 15340  
shall not be required to provide transportation to any student 15341  
who enrolls in an alternative building under this division. 15342

(2) For any school building that fails to make adequate 15343  
yearly progress for three consecutive school years, the district 15344  
shall do both of the following: 15345

(a) If the building receives funds under Title I, Part A 15346  
of the "Elementary and Secondary Education Act of 1965," 20 15347  
U.S.C. 6311 to 6339, from the district, in accordance with 15348  
section 3313.97 of the Revised Code, provide all students 15349  
enrolled in the building the opportunity to enroll in an 15350  
alternative building within the district that is not in school 15351  
improvement status as defined by the "No Child Left Behind Act 15352  
of 2001." Notwithstanding Chapter 3327. of the Revised Code, the 15353  
district shall provide transportation for students who enroll in 15354  
alternative buildings under this division to the extent required 15355  
under division (E) (2) of this section. 15356

(b) If the building receives funds under Title I, Part A 15357  
of the "Elementary and Secondary Education Act of 1965," 20 15358  
U.S.C. 6311 to 6339, from the district, offer supplemental 15359  
educational services to students who are enrolled in the 15360  
building and who are in the subgroup described in division (B) 15361

(3) of section 3302.01 of the Revised Code. 15362

The district shall spend a combined total of an amount 15363  
equal to twenty per cent of the funds it receives under Title I, 15364  
Part A of the "Elementary and Secondary Education Act of 1965," 15365  
20 U.S.C. 6311 to 6339, to provide transportation for students 15366  
who enroll in alternative buildings under division (E) (1) (b) or 15367  
(E) (2) (a) of this section and to pay the costs of the 15368  
supplemental educational services provided to students under 15369  
division (E) (2) (b) of this section, unless the district can 15370  
satisfy all demand for transportation and pay the costs of 15371  
supplemental educational services for those students who request 15372  
them with a lesser amount. In allocating funds between the 15373  
requirements of divisions (E) (1) (b) and (E) (2) (a) and (b) of 15374  
this section, the district shall spend at least an amount equal 15375  
to five per cent of the funds it receives under Title I, Part A 15376  
of the "Elementary and Secondary Education Act of 1965," 20 15377  
U.S.C. 6311 to 6339, to provide transportation for students who 15378  
enroll in alternative buildings under division (E) (1) (b) or (E) 15379  
(2) (a) of this section, unless the district can satisfy all 15380  
demand for transportation with a lesser amount, and at least an 15381  
amount equal to five per cent of the funds it receives under 15382  
Title I, Part A of the "Elementary and Secondary Education Act 15383  
of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the 15384  
supplemental educational services provided to students under 15385  
division (E) (2) (b) of this section, unless the district can pay 15386  
the costs of such services for all students requesting them with 15387  
a lesser amount. If an amount equal to twenty per cent of the 15388  
funds the district receives under Title I, Part A of the 15389  
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 15390  
to 6339, is insufficient to satisfy all demand for 15391  
transportation under divisions (E) (1) (b) and (E) (2) (a) of this 15392

section and to pay the costs of all of the supplemental 15393  
educational services provided to students under division (E) (2) 15394  
(b) of this section, the district shall grant priority over all 15395  
other students in providing transportation and in paying the 15396  
costs of supplemental educational services to the lowest 15397  
achieving students among the subgroup described in division (B) 15398  
(3) of section 3302.01 of the Revised Code. 15399

Any district that does not receive funds under Title I, 15400  
Part A of the "Elementary and Secondary Education Act of 1965," 15401  
20 U.S.C. 6311 to 6339, shall not be required to provide 15402  
transportation to any student who enrolls in an alternative 15403  
building under division (E) (2) (a) of this section or to pay the 15404  
costs of supplemental educational services provided to any 15405  
student under division (E) (2) (b) of this section. 15406

No student who enrolls in an alternative building under 15407  
division (E) (2) (a) of this section shall be eligible for 15408  
supplemental educational services under division (E) (2) (b) of 15409  
this section. 15410

(3) For any school building that fails to make adequate 15411  
yearly progress for four consecutive school years, the district 15412  
shall continue to comply with division (E) (2) of this section 15413  
and shall implement at least one of the following options with 15414  
respect to the building: 15415

(a) Institute a new curriculum that is consistent with the 15416  
statewide academic standards adopted pursuant to division (A) of 15417  
section 3301.079 of the Revised Code; 15418

(b) Decrease the degree of authority the building has to 15419  
manage its internal operations; 15420

(c) Appoint an outside expert to make recommendations for 15421

improving the academic performance of the building. The district 15422  
may request the department to establish a state intervention 15423  
team for this purpose pursuant to division (G) of this section. 15424

(d) Extend the length of the school day or year; 15425

(e) Replace the building principal or other key personnel; 15426

(f) Reorganize the administrative structure of the 15427  
building. 15428

(4) For any school building that fails to make adequate 15429  
yearly progress for five consecutive school years, the district 15430  
shall continue to comply with division (E)(2) of this section 15431  
and shall develop a plan during the next succeeding school year 15432  
to improve the academic performance of the building, which shall 15433  
include at least one of the following options: 15434

(a) Reopen the school as a community school under Chapter 15435  
3314. of the Revised Code; 15436

(b) Replace personnel; 15437

(c) Contract with a nonprofit or for-profit entity to 15438  
operate the building; 15439

(d) Turn operation of the building over to the department; 15440

(e) Other significant restructuring of the building's 15441  
governance. 15442

(5) For any school building that fails to make adequate 15443  
yearly progress for six consecutive school years, the district 15444  
shall continue to comply with division (E)(2) of this section 15445  
and shall implement the plan developed pursuant to division (E) 15446  
(4) of this section. 15447

(6) A district shall continue to comply with division (E) 15448

(1) (b) or (E) (2) of this section, whichever was most recently applicable, with respect to any building formerly subject to one of those divisions until the building makes adequate yearly progress for two consecutive school years.

(F) This division applies only to school districts that have been identified for improvement by the department pursuant to the "No Child Left Behind Act of 2001." It does not apply to any such district after June 30, 2008.

(1) If a school district has been identified for improvement for one school year, the district shall provide a written description of the continuous improvement plan developed by the district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district. If the district does not have a continuous improvement plan, the district shall develop such a plan in accordance with division (B) of this section and provide a written description of the plan to the parent or guardian of each student enrolled in the district.

(2) If a school district has been identified for improvement for two consecutive school years, the district shall continue to implement the continuous improvement plan developed by the district pursuant to division (B) or (F) (1) of this section.

(3) If a school district has been identified for improvement for three consecutive school years, the department shall take at least one of the following corrective actions with respect to the district:

(a) Withhold a portion of the funds the district is entitled to receive under Title I, Part A of the "Elementary and

Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339; 15478

(b) Direct the district to replace key district personnel; 15479

(c) Institute a new curriculum that is consistent with the 15480  
statewide academic standards adopted pursuant to division (A) of 15481  
section 3301.079 of the Revised Code; 15482

(d) Establish alternative forms of governance for 15483  
individual school buildings within the district; 15484

(e) Appoint a trustee to manage the district in place of 15485  
the district superintendent and board of education. 15486

The department shall conduct individual audits of a 15487  
sampling of districts subject to this division to determine 15488  
compliance with the corrective actions taken by the department. 15489

(4) If a school district has been identified for 15490  
improvement for four consecutive school years, the department 15491  
shall continue to monitor implementation of the corrective 15492  
action taken under division (F) (3) of this section with respect 15493  
to the district. 15494

(5) If a school district has been identified for 15495  
improvement for five consecutive school years, the department 15496  
shall take at least one of the corrective actions identified in 15497  
division (F) (3) of this section with respect to the district, 15498  
provided that the corrective action the department takes is 15499  
different from the corrective action previously taken under 15500  
division (F) (3) of this section with respect to the district. 15501

(G) The department may establish a state intervention team 15502  
to evaluate all aspects of a school district or building, 15503  
including management, curriculum, instructional methods, 15504  
resource allocation, and scheduling. Any such intervention team 15505

shall be appointed by the department and shall include teachers 15506  
and administrators recognized as outstanding in their fields. 15507  
The intervention team shall make recommendations regarding 15508  
methods for improving the performance of the district or 15509  
building. 15510

The department shall not approve a district's request for 15511  
an intervention team under division (E) (3) of this section if 15512  
the department cannot adequately fund the work of the team, 15513  
unless the district agrees to pay for the expenses of the team. 15514

(H) The department shall conduct individual audits of a 15515  
sampling of community schools established under Chapter 3314. of 15516  
the Revised Code to determine compliance with this section. 15517

(I) The ~~state board~~ department shall adopt rules for 15518  
implementing this section. 15519

**Sec. 3302.041.** Beginning July 1, 2008, and contingent upon 15520  
continued approval by the United States department of education, 15521  
each school district that has been identified for improvement, 15522  
or that contains a school building that has been identified for 15523  
improvement, shall implement all corrective actions required by 15524  
the model of differentiated accountability developed by the ~~Ohio~~ 15525  
department of ~~education~~ learning and achievement and approved by 15526  
the United States department of education. In any school year in 15527  
which a district is subject to this division, the ~~Ohio~~ 15528  
department of ~~education~~ learning and achievement shall notify 15529  
the district, prior to the district's opening date, of the 15530  
corrective actions it is required to implement in that school 15531  
year. 15532

**Sec. 3302.042.** (A) This section shall operate as a pilot 15533  
project that applies to any school that has been ranked 15534

according to performance index score under section 3302.21 of 15535  
the Revised Code in the lowest five per cent of all public 15536  
school buildings statewide for three or more consecutive school 15537  
years and is operated by the Columbus city school district. The 15538  
pilot project shall commence once the department of ~~education-~~ 15539  
learning and achievement establishes implementation guidelines 15540  
for the pilot project in consultation with the Columbus city 15541  
school district. 15542

(B) Except as provided in division (D), (E), or (F) of 15543  
this section, if the parents or guardians of at least fifty per 15544  
cent of the students enrolled in a school to which this section 15545  
applies, or if the parents or guardians of at least fifty per 15546  
cent of the total number of students enrolled in that school and 15547  
the schools of lower grade levels whose students typically 15548  
matriculate into that school, by the thirty-first day of 15549  
December of any school year in which the school is subject to 15550  
this section, sign and file with the school district treasurer a 15551  
petition requesting the district board of education to implement 15552  
one of the following reforms in the school, and if the validity 15553  
and sufficiency of the petition is certified in accordance with 15554  
division (C) of this section, the board shall implement the 15555  
requested reform in the next school year: 15556

(1) Reopen the school as a community school under Chapter 15557  
3314. of the Revised Code; 15558

(2) Replace at least seventy per cent of the school's 15559  
personnel who are related to the school's poor academic 15560  
performance or, at the request of the petitioners, retain not 15561  
more than thirty per cent of the personnel; 15562

(3) Contract with another school district or a nonprofit 15563  
or for-profit entity with a demonstrated record of effectiveness 15564

to operate the school; 15565

(4) Turn operation of the school over to the department; 15566

(5) Any other major restructuring of the school that makes 15567  
fundamental reforms in the school's staffing or governance. 15568

(C) Not later than thirty days after receipt of a petition 15569  
under division (B) of this section, the district treasurer shall 15570  
verify the validity and sufficiency of the signatures on the 15571  
petition and certify to the district board whether the petition 15572  
contains the necessary number of valid signatures to require the 15573  
board to implement the reform requested by the petitioners. If 15574  
the treasurer certifies to the district board that the petition 15575  
does not contain the necessary number of valid signatures, any 15576  
person who signed the petition may file an appeal with the 15577  
county auditor within ten days after the certification. Not 15578  
later than thirty days after the filing of an appeal, the county 15579  
auditor shall conduct an independent verification of the 15580  
validity and sufficiency of the signatures on the petition and 15581  
certify to the district board whether the petition contains the 15582  
necessary number of valid signatures to require the board to 15583  
implement the requested reform. If the treasurer or county 15584  
auditor certifies that the petition contains the necessary 15585  
number of valid signatures, the district board shall notify the 15586  
~~superintendent of public instruction and the state board of~~ 15587  
~~education of the certification department.~~ 15588

(D) The district board shall not implement the reform 15589  
requested by the petitioners in any of the following 15590  
circumstances: 15591

(1) The district board has determined that the request is 15592  
for reasons other than improving student academic achievement or 15593

student safety. 15594

(2) The ~~state superintendent~~ department has determined 15595  
that implementation of the requested reform would not comply 15596  
with the model of differentiated accountability described in 15597  
section 3302.041 of the Revised Code. 15598

(3) The petitioners have requested the district board to 15599  
implement the reform described in division (B)(4) of this 15600  
section and the department has not agreed to take over the 15601  
school's operation. 15602

(4) When all of the following have occurred: 15603

(a) After a public hearing on the matter, the district 15604  
board issued a written statement explaining the reasons that it 15605  
is unable to implement the requested reform and agreeing to 15606  
implement one of the other reforms described in division (B) of 15607  
this section. 15608

(b) The district board submitted its written statement to 15609  
the ~~state superintendent and the state board~~ department along 15610  
with evidence showing how the alternative reform the district 15611  
board has agreed to implement will enable the school to improve 15612  
its academic performance. 15613

(c) ~~Both the state superintendent and the state board have~~ 15614  
The department has approved implementation of the alternative 15615  
reform. 15616

(E) If the provisions of this section conflict in any way 15617  
with the requirements of federal law, federal law shall prevail 15618  
over the provisions of this section. 15619

(F) If a school is restructured under this section, 15620  
section 3302.10 or 3302.12 of the Revised Code, or federal law, 15621

the school shall not be required to restructure again under 15622  
state law for three consecutive years after the implementation 15623  
of that prior restructuring. 15624

(G) Beginning not later than six months after the first 15625  
petition under this section has been resolved, the department ~~of~~ 15626  
~~education~~ shall annually evaluate the pilot program and submit a 15627  
report to the general assembly under section 101.68 of the 15628  
Revised Code. Such reports shall contain its recommendations to 15629  
the general assembly with respect to the continuation of the 15630  
pilot program, its expansion to other school districts, or the 15631  
enactment of further legislation establishing the program 15632  
statewide under permanent law. 15633

**Sec. 3302.05.** The ~~state board of education~~ department of 15634  
learning and achievement shall adopt rules freeing school 15635  
districts from specified state mandates if one of the following 15636  
applies: 15637

(A) For the 2011-2012 school year, the school district was 15638  
declared to be excellent under section 3302.03 of the Revised 15639  
Code, as that section existed prior to March 22, 2013, and had 15640  
above expected growth in the overall value-added measure. 15641

(B) For the 2012-2013 school year, the school district 15642  
received a grade of "A" for the number of performance indicators 15643  
met under division (A) (1) (c) of section 3302.03 of the Revised 15644  
Code and for the value-added dimension under division (A) (1) (e) 15645  
of section 3302.03 of the Revised Code. 15646

(C) For the 2013-2014, 2014-2015, or 2015-2016 school 15647  
year, the school district received a grade of "A" for the number 15648  
of performance indicators met under division (B) (1) (c) of 15649  
section 3302.03 of the Revised Code and for the value-added 15650

dimension under division (B) (1) (e) of section 3302.03 of the Revised Code. 15651  
15652

(D) For the 2016-2017 school year and for each school year thereafter, the school district received an overall grade of "A" under division (C) (3) of section 3302.03 of the Revised Code. 15653  
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Any mandates included in the rules shall be only those statutes or rules pertaining to state education requirements. The rules shall not exempt districts from any operating standard adopted under division (D) (3) of section 3301.07 of the Revised Code. 15656  
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**Sec. 3302.06.** (A) Any school of a city, exempted village, or local school district may apply to the district board of education to be designated as an innovation school. Each application shall include an innovation plan that contains the following: 15661  
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15663  
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(1) A statement of the school's mission and an explanation of how the designation would enhance the school's ability to fulfill its mission; 15666  
15667  
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(2) A description of the innovations the school would implement; 15669  
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(3) An explanation of how implementation of the innovations described in division (A) (2) of this section would affect the school's programs and policies, including any of the following that apply: 15671  
15672  
15673  
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(a) The school's educational program; 15675

(b) The length of the school day and the school year; 15676

(c) The school's student promotion policy; 15677

(d) The school's plan for the assessment of students;	15678
(e) The school's budget;	15679
(f) The school's staffing levels.	15680
(4) A description of the improvements in student academic performance that the school expects to achieve by implementing the innovations described in division (A) (2) of this section;	15681 15682 15683
(5) An estimate of the cost savings and increased efficiencies, if any, that the school expects to achieve by implementing the innovations described in division (A) (2) of this section;	15684 15685 15686 15687
(6) A description of any laws in Title XXXVIII of the Revised Code, rules adopted by the <del>state board of education</del> <u>department of learning and achievement</u> , or requirements enacted by the district board that would need to be waived to implement the innovations described in division (A) (2) of this section;	15688 15689 15690 15691 15692
(7) A description of any provisions of a collective bargaining agreement covering personnel of the school that would need to be waived to implement the innovations described in division (A) (2) of this section;	15693 15694 15695 15696
(8) Evidence that a majority of the administrators assigned to the school and a majority of the teachers assigned to the school consent to seeking the designation and a statement of the level of support for seeking the designation demonstrated by other staff working in the school, students enrolled in the school and their parents, and members of the community in which the school is located.	15697 15698 15699 15700 15701 15702 15703
(B) Two or more schools of the district may apply to the district board to be designated as an innovation school zone, if	15704 15705

the schools share common interests based on factors such as 15706  
geographical proximity or similar educational programs or if the 15707  
schools serve the same classes of students as they advance to 15708  
higher grade levels. Each application shall include an 15709  
innovation plan that contains the information prescribed by 15710  
divisions (A) (1) to (8) of this section for each participating 15711  
school and the following additional information: 15712

(1) A description of how innovations in the participating 15713  
schools would be integrated to achieve results that would be 15714  
less likely to be achieved by each participating school alone; 15715

(2) An estimate of any economies of scale that would be 15716  
realized by implementing innovations jointly. 15717

**Sec. 3302.062.** (A) If a school district board of education 15718  
approves an application under division (B) (1) of section 15719  
3302.061 of the Revised Code or designates an innovation school 15720  
or innovation school zone under division (D) of that section, 15721  
the district board shall apply to the ~~state board of education~~ 15722  
department of learning and achievement for designation as a 15723  
school district of innovation by submitting to the ~~state board~~ 15724  
department the innovation plan included in the approved 15725  
application or created by the district board. 15726

Within sixty days after receipt of the application, the 15727  
~~state board department~~ shall designate the district as a school 15728  
district of innovation, unless the ~~state board department~~ 15729  
determines that the submitted innovation plan is not financially 15730  
feasible or will likely result in decreased academic 15731  
achievement. If the ~~state board department~~ so determines, it 15732  
shall provide a written explanation of the basis for its 15733  
determination to the district board. If the district is not 15734  
designated as a school district of innovation, the district 15735

board shall not implement the innovation plan. However, the 15736  
district board may reapply for designation as a school district 15737  
of innovation at any time. 15738

(B) A district board may request the ~~state board~~ 15739  
department to make a preliminary review of an innovation plan 15740  
prior to the district board's formal application for designation 15741  
as a school district of innovation. In that case, the ~~state~~ 15742  
~~board department~~ shall review the innovation plan and, within 15743  
sixty days after the request, recommend to the district board 15744  
any changes or additions that the ~~state board~~ department 15745  
believes will improve the plan, which may include further 15746  
innovations or measures to increase the likelihood that the 15747  
innovations will result in higher academic achievement. The 15748  
district board may revise the innovation plan prior to making 15749  
formal application for designation as a school district of 15750  
innovation. 15751

**Sec. 3302.063.** (A) Except as provided in division (B) of 15752  
this section, upon designation of a school district of 15753  
innovation under section 3302.062 of the Revised Code, the ~~state~~ 15754  
~~board of education~~ department of learning and achievement shall 15755  
waive any laws in Title XXXIII of the Revised Code or rules 15756  
adopted by the ~~state board~~ department that are specified in the 15757  
innovation plan submitted by the district board of education as 15758  
needing to be waived to implement the plan. The waiver shall 15759  
apply only to the school or schools participating in the 15760  
innovation plan and shall not apply to the district as a whole, 15761  
unless each of the district's schools is a participating school. 15762  
The waiver shall cease to apply to a school if the school's 15763  
designation as an innovation school is revoked or the innovation 15764  
school zone in which the school participates has its designation 15765  
revoked under section 3302.065 of the Revised Code, or if the 15766

school is removed from an innovation school zone under that 15767  
section or section 3302.064 of the Revised Code. 15768

(B) The ~~state board~~ department shall not waive any law or 15769  
rule regarding the following: 15770

(1) Funding for school districts under Chapter 3317. of 15771  
the Revised Code; 15772

(2) The requirements of Chapters 3323. and 3324. of the 15773  
Revised Code for the provision of services to students with 15774  
disabilities and gifted students; 15775

(3) Requirements related to the provision of career- 15776  
technical education that are necessary to comply with federal 15777  
law or maintenance of effort provisions; 15778

(4) Administration of the assessments prescribed by 15779  
sections 3301.0710, 3301.0712, and 3301.0715 of the Revised 15780  
Code; 15781

(5) Requirements related to the issuance of report cards 15782  
and the assignment of performance ratings under section 3302.03 15783  
of the Revised Code; 15784

(6) Implementation of the model of differentiated 15785  
accountability under section 3302.041 of the Revised Code; 15786

(7) Requirements for the reporting of data to the 15787  
~~department of education~~; 15788

(8) Criminal records checks of school employees; 15789

(9) The requirements of Chapters 3307. and 3309. regarding 15790  
the retirement systems for teachers and school employees. 15791

(C) If a district board's revisions to an innovation plan 15792  
under section 3302.066 of the Revised Code require a waiver of 15793

additional laws or ~~state board department~~ rules, the ~~state board department~~ shall grant a waiver from those laws or rules upon evidence that administrators and teachers have consented to the revisions as required by that section.

**Sec. 3302.066.** A school district board of education may revise an innovation plan approved or created under section 3302.061 of the Revised Code, in collaboration with the school or schools participating in the plan, to further improve student academic performance. The revisions may include identifying additional laws in Title XXXIII of the Revised Code, rules adopted by the ~~state board of education~~ department of learning and achievement, requirements enacted by the district board, or provisions of a collective bargaining agreement that need to be waived. Any revisions to an innovation plan shall require the consent, in each school participating in the plan, of a majority of the administrators assigned to that school and a majority of the teachers assigned to that school.

**Sec. 3302.068.** Not later than the first day of July each year, the department of ~~education~~ learning and achievement shall issue, and post on its web site, a report on school districts of innovation. The report shall include the following information:

(A) The number of districts designated as school districts of innovation in the preceding school year and the total number of school districts of innovation statewide;

(B) The number of innovation schools in each school district of innovation and the number of district students served by the schools, expressed as a total number and as a percentage of the district's total student population;

(C) The number of innovation school zones in each school

district of innovation, the number of schools participating in 15823  
each zone, and the number of district students served by the 15824  
participating schools, expressed as a total number and as a 15825  
percentage of the district's total student population; 15826

(D) An overview of the innovations implemented in 15827  
innovation schools and innovation school zones; 15828

(E) Data on the academic performance of the students 15829  
enrolled in an innovation school or an innovation school zone in 15830  
each school district of innovation, including a comparison of 15831  
the students' academic performance before and after the 15832  
district's designation as a school district of innovation; 15833

(F) Recommendations for legislative changes based on the 15834  
innovations implemented or to enhance the ability of schools and 15835  
districts to implement innovations. 15836

**Sec. 3302.07.** (A) The board of education of any school 15837  
district, the governing board of any educational service center, 15838  
or the administrative authority of any chartered nonpublic 15839  
school may submit to the ~~state board of education~~ department of  
learning and achievement an application proposing an innovative 15840  
education pilot program the implementation of which requires 15841  
exemptions from specific statutory provisions or rules. If a 15842  
district or service center board employs teachers under a 15843  
collective bargaining agreement adopted pursuant to Chapter 15844  
4117. of the Revised Code, any application submitted under this 15845  
division shall include the written consent of the teachers' 15846  
employee representative designated under division (B) of section 15847  
4117.04 of the Revised Code. The exemptions requested in the 15848  
application shall be limited to any requirement of Title XXXIII 15849  
of the Revised Code or of any rule of the ~~state board~~ department  
adopted pursuant to that title except that the application may 15850  
15851  
15852

not propose an exemption from any requirement of or rule adopted 15853  
pursuant to Chapter 3307. or 3309., sections 3319.07 to 3319.21, 15854  
or Chapter 3323. of the Revised Code. Furthermore, an exemption 15855  
from any operating standard adopted under division (B) (2) or (D) 15856  
of section 3301.07 of the Revised Code shall be granted only 15857  
pursuant to a waiver granted by the ~~superintendent of public~~ 15858  
~~instruction department~~ under division (O) of that section. 15859

(B) The ~~state board of education department~~ shall accept 15860  
any application submitted in accordance with division (A) of 15861  
this section. ~~The superintendent of public instruction and~~ shall 15862  
approve or disapprove the application in accordance with 15863  
standards for approval, ~~which shall be adopted by the state~~ 15864  
~~board.~~ 15865

(C) The ~~superintendent of public instruction department~~ 15866  
shall exempt each district or service center board or chartered 15867  
nonpublic school administrative authority with an application 15868  
approved under division (B) of this section for a specified 15869  
period from the statutory provisions or rules specified in the 15870  
approved application. The period of exemption shall not exceed 15871  
the period during which the pilot program proposed in the 15872  
application is being implemented and a reasonable period to 15873  
allow for evaluation of the effectiveness of the program. 15874

**Sec. 3302.09.** (A) Whenever the United States department of 15875  
education makes changes in its policies or rules regarding 15876  
implementation of the No Child Left Behind Act of 2001, the ~~Ohio~~ 15877  
department of ~~education~~ learning and achievement shall submit a 15878  
written description of those changes to each member of the 15879  
standing committees on education of the senate and house of 15880  
representatives. 15881

(B) If the ~~Ohio~~ department of ~~education~~ learning and 15882

achievement plans to change any of its policies or procedures 15883  
regarding the state's implementation of the No Child Left Behind 15884  
Act of 2001 based on changes in federal polices or rules 15885  
described in division (A) of this section, the ~~Ohio~~ department 15886  
of ~~education~~ learning and achievement shall submit to each 15887  
member of the standing committees a written outline of the 15888  
existing ~~Ohio state~~ policy regarding that implementation and a 15889  
written description of the changes it proposes to make. 15890

(C) On and after July 1, 2005, the ~~Ohio~~ department of 15891  
~~education~~ learning and achievement shall not make any change 15892  
proposed under division (B) of this section unless the general 15893  
assembly has adopted a concurrent resolution approving the 15894  
proposed change. 15895

**Sec. 3302.10.** (A) The ~~superintendent of public instruction~~ 15896  
~~department of learning and achievement~~ shall establish an 15897  
academic distress commission for any school district that meets 15898  
one of the following conditions: 15899

(1) The district has received an overall grade of "F" 15900  
under division (C)(3) of section 3302.03 of the Revised Code for 15901  
three consecutive years. 15902

(2) An academic distress commission established for the 15903  
district under former section 3302.10 of the Revised Code was 15904  
still in existence ~~on the effective date of this section~~ October 15905  
15, 2015, and has been in existence for at least four years. 15906

(B)(1) The academic distress commission shall consist of 15907  
five members as follows: 15908

(a) Three members appointed by the ~~state superintendent~~ 15909  
~~department~~, one of whom is a resident in the county in which a 15910  
majority of the district's territory is located; 15911

(b) One member appointed by the president of the district board of education, who shall be a teacher employed by the district;

(c) One member appointed by the mayor of the municipality in which a majority of the district's territory is located or, if no such municipality exists, by the mayor of a municipality selected by the ~~state superintendent~~ department in which the district has territory.

Appointments to the commission shall be made within thirty days after the district is notified that it is subject to this section. Members of the commission shall serve at the pleasure of their appointing authority. The ~~state superintendent~~ department shall designate a chairperson for the commission from among the members appointed by the ~~state superintendent~~ department. The chairperson shall call and conduct meetings, set meeting agendas, and serve as a liaison between the commission and the chief executive officer appointed under division (C)(1) of this section.

(2) In the case of a school district that meets the condition in division (A)(2) of this section, the academic distress commission established for the district under former section 3302.10 of the Revised Code shall be abolished and a new academic distress commission shall be appointed for the district pursuant to division (B)(1) of this section.

(C)(1) Within sixty days after the ~~state superintendent~~ department has designated a chairperson for the academic distress commission, the commission shall appoint a chief executive officer for the district, who shall be paid by the department ~~of education~~ and shall serve at the pleasure of the commission. The individual appointed as chief executive officer

shall have high-level management experience in the public or private sector. The chief executive officer shall exercise complete operational, managerial, and instructional control of the district, which shall include, but shall not be limited to, the following powers and duties, but the chief executive officer may delegate, in writing, specific powers or duties to the district board or district superintendent:

- (a) Replacing school administrators and central office staff;
- (b) Assigning employees to schools and approving transfers;
- (c) Hiring new employees;
- (d) Defining employee responsibilities and job descriptions;
- (e) Establishing employee compensation;
- (f) Allocating teacher class loads;
- (g) Conducting employee evaluations;
- (h) Making reductions in staff under section 3319.17, 3319.171, or 3319.172 of the Revised Code;
- (i) Setting the school calendar;
- (j) Creating a budget for the district;
- (k) Contracting for services for the district;
- (l) Modifying policies and procedures established by the district board;
- (m) Establishing grade configurations of schools;
- (n) Determining the school curriculum;

- (o) Selecting instructional materials and assessments; 15968
  - (p) Setting class sizes; 15969
  - (q) Providing for staff professional development. 15970
- (2) If an improvement coordinator was previously appointed 15971  
for the district pursuant to division (A) of section 3302.04 of 15972  
the Revised Code, that position shall be terminated. However, 15973  
nothing in this section shall prohibit the chief executive 15974  
officer from employing the same individual or other staff to 15975  
perform duties or functions previously performed by the 15976  
improvement coordinator. 15977
- (D) The academic distress commission, in consultation with 15978  
the ~~state superintendent department~~ and the chief executive 15979  
officer, shall be responsible for expanding high-quality school 15980  
choice options in the district. The commission, in consultation 15981  
with the ~~state superintendent department~~, may create an entity 15982  
to act as a high-quality school accelerator for schools not 15983  
operated by the district. The accelerator shall promote high- 15984  
quality schools in the district, lead improvement efforts for 15985  
underperforming schools, recruit high-quality sponsors for 15986  
community schools, attract new high-quality schools to the 15987  
district, and increase the overall capacity of schools to 15988  
deliver a high-quality education for students. Any accelerator 15989  
shall be an independent entity and the chief executive officer 15990  
shall have no authority over the accelerator. 15991
- (E) (1) Within thirty days after the chief executive 15992  
officer is appointed, the chief executive officer shall convene 15993  
a group of community stakeholders. The purpose of the group 15994  
shall be to develop expectations for academic improvement in the 15995  
district and to assist the district in building relationships 15996

with organizations in the community that can provide needed 15997  
services to students. Members of the group shall include, but 15998  
shall not be limited to, educators, civic and business leaders, 15999  
and representatives of institutions of higher education and 16000  
government service agencies. Within ninety days after the chief 16001  
executive officer is appointed, the chief executive officer also 16002  
shall convene a smaller group of community stakeholders for each 16003  
school operated by the district to develop expectations for 16004  
academic improvement in that school. The group convened for each 16005  
school shall have teachers employed in the school and parents of 16006  
students enrolled in the school among its members. 16007

(2) The chief executive officer shall create a plan to 16008  
improve the district's academic performance. In creating the 16009  
plan, the chief executive officer shall consult with the groups 16010  
convened under division (E)(1) of this section. The chief 16011  
executive officer also shall consider the availability of 16012  
funding to ensure sustainability of the plan. The plan shall 16013  
establish clear, measurable performance goals for the district 16014  
and for each school operated by the district. The performance 16015  
goals shall include, but not be limited to, the performance 16016  
measures prescribed for report cards issued under section 16017  
3302.03 of the Revised Code. Within ninety days after the chief 16018  
executive officer is appointed, the chief executive officer 16019  
shall submit the plan to the academic distress commission for 16020  
approval. Within thirty days after the submission of the plan, 16021  
the commission shall approve the plan or suggest modifications 16022  
to the plan that will render it acceptable. If the commission 16023  
suggests modifications, the chief executive officer may revise 16024  
the plan before resubmitting it to the commission. The chief 16025  
executive officer shall resubmit the plan, whether revised or 16026  
not, within fifteen days after the commission suggests 16027

modifications. The commission shall approve the plan within 16028  
thirty days after the plan is resubmitted. Upon approval of the 16029  
plan by the commission, the chief executive officer shall 16030  
implement the plan. 16031

(F) Notwithstanding any provision to the contrary in 16032  
Chapter 4117. of the Revised Code, if the district board has 16033  
entered into, modified, renewed, or extended a collective 16034  
bargaining agreement on or after ~~the effective date of this~~ 16035  
~~section~~ October 15, 2015, that contains provisions relinquishing 16036  
one or more of the rights or responsibilities listed in division 16037  
(C) of section 4117.08 of the Revised Code, those provisions are 16038  
not enforceable and the chief executive officer and the district 16039  
board shall resume holding those rights or responsibilities as 16040  
if the district board had not relinquished them in that 16041  
agreement until such time as both the academic distress 16042  
commission ceases to exist and the district board agrees to 16043  
relinquish those rights or responsibilities in a new collective 16044  
bargaining agreement. For purposes of this section, "collective 16045  
bargaining agreement" shall include any labor contract or 16046  
agreement in effect with any applicable bargaining 16047  
representative. The chief executive officer and the district 16048  
board are not required to bargain on subjects reserved to the 16049  
management and direction of the school district, including, but 16050  
not limited to, the rights or responsibilities listed in 16051  
division (C) of section 4117.08 of the Revised Code. The way in 16052  
which these subjects and these rights or responsibilities may 16053  
affect the wages, hours, terms and conditions of employment, or 16054  
the continuation, modification, or deletion of an existing 16055  
provision of a collective bargaining agreement is not subject to 16056  
collective bargaining or effects bargaining under Chapter 4117. 16057  
of the Revised Code. The provisions of this paragraph apply to a 16058

collective bargaining agreement entered into, modified, renewed, 16059  
or extended on or after ~~the effective date of this section~~ 16060  
October 15, 2015, and those provisions are deemed to be part of 16061  
that agreement regardless of whether the district satisfied the 16062  
conditions prescribed in division (A) of this section at the 16063  
time the district entered into that agreement. If the district 16064  
board relinquished one or more of the rights or responsibilities 16065  
listed in division (C) of section 4117.08 of the Revised Code in 16066  
a collective bargaining agreement entered into prior to ~~the~~ 16067  
~~effective date of this section~~ October 15, 2015, and had resumed 16068  
holding those rights or responsibilities pursuant to division 16069  
(K) of former section 3302.10 of the Revised Code, as it existed 16070  
prior to that date, the district board shall continue to hold 16071  
those rights or responsibilities until such time as both the new 16072  
academic distress commission appointed under this section ceases 16073  
to exist upon completion of the transition period specified in 16074  
division (N) (1) of this section and the district board agrees to 16075  
relinquish those rights or responsibilities in a new collective 16076  
bargaining agreement. 16077

(G) In each school year that the district is subject to 16078  
this section, the following shall apply: 16079

(1) The chief executive officer shall implement the 16080  
improvement plan approved under division (E) (2) of this section 16081  
and shall review the plan annually to determine if changes are 16082  
needed. The chief executive officer may modify the plan upon the 16083  
approval of the modifications by the academic distress 16084  
commission. 16085

(2) The chief executive officer may implement innovative 16086  
education programs to do any of the following: 16087

(a) Address the physical and mental well-being of students 16088

and their families; 16089

(b) Provide mentoring; 16090

(c) Provide job resources; 16091

(d) Disseminate higher education information; 16092

(e) Offer recreational or cultural activities; 16093

(f) Provide any other services that will contribute to a 16094  
successful learning environment. 16095

The chief executive officer shall establish a separate 16096  
fund to support innovative education programs and shall deposit 16097  
any moneys appropriated by the general assembly for the purposes 16098  
of division (G) (2) of this section in the fund. The chief 16099  
executive officer shall have sole authority to disburse moneys 16100  
from the fund until the district is no longer subject to this 16101  
section. All disbursements shall support the improvement plan 16102  
approved under division (E) (2) of this section. 16103

(3) If the district is not a school district in which the 16104  
pilot project scholarship program is operating under sections 16105  
3313.974 to 3313.979 of the Revised Code, each student who is 16106  
entitled to attend school in the district under section 3313.64 16107  
or 3313.65 of the Revised Code and is enrolled in a school 16108  
operated by the district or in a community school, or will be 16109  
both enrolling in any of grades kindergarten through twelve in 16110  
this state for the first time and at least five years of age by 16111  
the first day of January of the following school year, shall be 16112  
eligible to participate in the educational choice scholarship 16113  
pilot program established under sections 3310.01 to 3310.17 of 16114  
the Revised Code and an application for the student may be 16115  
submitted during the next application period. 16116

(4) Notwithstanding anything to the contrary in the Revised Code, the chief executive officer may limit, suspend, or alter any contract with an administrator that is entered into, modified, renewed, or extended by the district board on or after ~~the effective date of this section~~ October 15, 2015, provided that the chief executive officer shall not reduce any salary or base hourly rate of pay unless such salary or base hourly rate reductions are part of a uniform plan affecting all district employees and shall not reduce any insurance benefits unless such insurance benefit reductions are also applicable generally to other employees of the district.

(5) The chief executive officer shall represent the district board during any negotiations to modify, renew, or extend a collective bargaining agreement entered into by the board under Chapter 4117. of the Revised Code.

(H) If the report card for the district has been issued under section 3302.03 of the Revised Code for the first school year that the district is subject to this section and the district does not meet the qualification in division (N)(1) of this section, the following shall apply:

(1) The chief executive officer may reconstitute any school operated by the district. The chief executive officer shall present to the academic distress commission a plan that lists each school designated for reconstitution and explains how the chief executive officer plans to reconstitute the school. The chief executive officer may take any of the following actions to reconstitute a school:

(a) Change the mission of the school or the focus of its curriculum;

(b) Replace the school's principal and/or administrative staff; 16146  
16147

(c) Replace a majority of the school's staff, including teaching and nonteaching employees; 16148  
16149

(d) Contract with a nonprofit or for-profit entity to manage the operations of the school. The contract may provide for the entity to supply all or some of the staff for the school. 16150  
16151  
16152  
16153

(e) Reopen the school as a community school under Chapter 3314. of the Revised Code or a science, technology, engineering, and mathematics school under Chapter 3326. of the Revised Code; 16154  
16155  
16156

(f) Permanently close the school. 16157

If the chief executive officer plans to reconstitute a school under division (H) (1) (e) or (f) of this section, the commission shall review the plan for that school and either approve or reject it by the thirtieth day of June of the school year. Upon approval of the plan by the commission, the chief executive officer shall reconstitute the school as outlined in the plan. 16158  
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(2) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the chief executive officer, in consultation with the chairperson of the academic distress commission, may reopen any collective bargaining agreement entered into, modified, renewed, or extended on or after ~~the effective date of this section~~ October 15, 2015, for the purpose of renegotiating its terms. The chief executive officer shall have the sole discretion to designate any provisions of a collective bargaining agreement as subject to reopening by providing written notice to the bargaining representative. Any 16165  
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provisions designated for reopening by the chief executive officer shall be subject to collective bargaining as set forth in Chapter 4117. of the Revised Code. Any changes to the provisions subject to reopening shall take effect on the following first day of July or another date agreed to by the parties. The chief executive officer may reopen a collective bargaining agreement under division (H) (2) of this section as necessary to reconstitute a school under division (H) (1) of this section.

(I) If the report card for the district has been issued under section 3302.03 of the Revised Code for the second school year that the district is subject to this section and the district does not meet the qualification in division (N) (1) of this section, the following shall apply:

(1) The chief executive officer may exercise any of the powers authorized under division (H) of this section.

(2) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the chief executive officer may limit, suspend, or alter any provision of a collective bargaining agreement entered into, modified, renewed, or extended on or after ~~the effective date of this section~~ October 15, 2015, provided that the chief executive officer shall not reduce any base hourly rate of pay and shall not reduce any insurance benefits. The decision to limit, suspend, or alter any provision of a collective bargaining agreement under this division is not subject to bargaining under Chapter 4117. of the Revised Code; however, the chief executive officer shall have the discretion to engage in effects bargaining on the way any such decision may affect wages, hours, or terms and conditions of employment. The chief executive officer may limit, suspend,

or alter a provision of a collective bargaining agreement under 16205  
division (I) (2) of this section as necessary to reconstitute a 16206  
school under division (H) (1) of this section. 16207

(J) If the report card for the district has been issued 16208  
under section 3302.03 of the Revised Code for the third school 16209  
year that the district is subject to this section and the 16210  
district does not meet the qualification in division (N) (1) of 16211  
this section, the following shall apply: 16212

(1) The chief executive officer may exercise any of the 16213  
powers authorized under division (H) or (I) of this section. 16214

(2) The chief executive officer may continue in effect a 16215  
limitation, suspension, or alteration of a provision of a 16216  
collective bargaining agreement issued under division (I) (2) of 16217  
this section. Any such continuation shall be subject to the 16218  
requirements and restrictions of that division. 16219

(K) If the report card for the district has been issued 16220  
under section 3302.03 of the Revised Code for the fourth school 16221  
year that the district is subject to this section and the 16222  
district does not meet the qualification in division (N) (1) of 16223  
this section, the following shall apply: 16224

(1) The chief executive officer may exercise any of the 16225  
powers authorized under division (H), (I), or (J) of this 16226  
section. 16227

(2) A new board of education shall be appointed for the 16228  
district in accordance with section 3302.11 of the Revised Code. 16229  
However, the chief executive officer shall retain complete 16230  
operational, managerial, and instructional control of the 16231  
district until the chief executive officer relinquishes that 16232  
control to the district board under division (N) (1) of this 16233

section. 16234

(L) If the report card for the district has been issued 16235  
under section 3302.03 of the Revised Code for the fifth school 16236  
year, or any subsequent school year, that the district is 16237  
subject to this section and the district does not meet the 16238  
qualification in division (N)(1) of this section, the chief 16239  
executive officer may exercise any of the powers authorized 16240  
under division (H), (I), (J), or (K)(1) of this section. 16241

(M) If division (I), (J), (K), or (L) of this section 16242  
applies to a district, community schools, STEM schools, 16243  
chartered nonpublic schools, and other school districts that 16244  
enroll students residing in the district and meet academic 16245  
accountability standards shall be eligible to be paid an 16246  
academic performance bonus in each fiscal year for which the 16247  
general assembly appropriates funds for that purpose. The 16248  
academic performance bonus is intended to give students residing 16249  
in the district access to a high-quality education by 16250  
encouraging high-quality schools to enroll those students. 16251

(N) (1) When a district subject to this section receives an 16252  
overall grade of "C" or higher under division (C)(3) of section 16253  
3302.03 of the Revised Code, the district shall begin its 16254  
transition out of being subject to this section. Except as 16255  
provided in division (N)(2) of this section, the transition 16256  
period shall last until the district has received an overall 16257  
grade higher than "F" under division (C)(3) of section 3302.03 16258  
of the Revised Code for two consecutive school years after the 16259  
transition period begins. The overall grade of "C" or higher 16260  
that qualifies the district to begin the transition period shall 16261  
not count as one of the two consecutive school years. During the 16262  
transition period, the conditions described in divisions (F) to 16263

(L) of this section for the school year prior to the school year 16264  
in which the transition period begins shall continue to apply 16265  
and the chief executive officer shall work closely with the 16266  
district board and district superintendent to increase their 16267  
ability to resume control of the district and sustain the 16268  
district's academic improvement over time. Upon completion of 16269  
the transition period, the chief executive officer shall 16270  
relinquish all operational, managerial, and instructional 16271  
control of the district to the district board and district 16272  
superintendent and the academic distress commission shall cease 16273  
to exist. 16274

(2) If the district receives an overall grade of "F" under 16275  
division (C) (3) of section 3302.03 of the Revised Code at any 16276  
time during the transition period, the transition period shall 16277  
end and the district shall be fully subject to this section 16278  
again. The district shall resume being fully subject to this 16279  
section at the point it began its transition out of being 16280  
subject to this section and the division in divisions (H) to (L) 16281  
of this section that would have applied to the district had the 16282  
district not qualified to begin its transition under division 16283  
(N) (1) of this section shall apply to the district. 16284

(O) If at any time there are no longer any schools 16285  
operated by the district due to reconstitution or other closure 16286  
of the district's schools under this section, the academic 16287  
distress commission shall cease to exist and the chief executive 16288  
officer shall cease to exercise any powers with respect to the 16289  
district. 16290

(P) Beginning on ~~the effective date of this section~~ 16291  
October 15, 2015, each collective bargaining agreement entered 16292  
into by a school district board of education under Chapter 4117. 16293

of the Revised Code shall incorporate the provisions of this section. 16294  
16295

(Q) The chief executive officer, the members of the 16296  
academic distress commission, the ~~state superintendent~~ 16297  
department of learning and achievement, and any person 16298  
authorized to act on behalf of or assist them shall not be 16299  
personally liable or subject to any suit, judgment, or claim for 16300  
damages resulting from the exercise of or failure to exercise 16301  
the powers, duties, and functions granted to them in regard to 16302  
their functioning under this section, but the chief executive 16303  
officer, commission, ~~state superintendent~~ department, and such 16304  
other persons shall be subject to mandamus proceedings to compel 16305  
performance of their duties under this section. 16306

(R) The ~~state superintendent~~ department shall not exempt 16307  
any district from this section by approving an application for 16308  
an innovative education pilot program submitted by the district 16309  
under section 3302.07 of the Revised Code. 16310

**Sec. 3302.11.** (A) This section applies to any school 16311  
district that becomes subject to division (K) of section 3302.10 16312  
of the Revised Code, as it exists on and after ~~the effective~~ 16313  
date of this section, October 15, 2015. 16314

(B) As used in this section, "mayor" means the mayor of 16315  
the municipality in which a majority of the territory of a 16316  
school district to which this section applies is located or, if 16317  
no such municipality exist, the mayor of a municipality selected 16318  
by the ~~superintendent of public instruction~~ department of 16319  
learning and achievement in which the district has territory. 16320

(C) On the first day of January following the date on 16321  
which this section first applies to a school district, the mayor 16322

shall appoint a new five-member board of education for the 16323  
district from a slate of candidates nominated by the nominating 16324  
panel established under division (D)(1) of this section. 16325

(D)(1) Not later than thirty days after the date on which 16326  
this section first applies to a school district, the 16327  
~~superintendent of public instruction department~~ shall convene a 16328  
nominating panel to nominate candidates for appointment to the 16329  
district board of education. The panel shall consist of the 16330  
following members: 16331

(a) Two persons appointed by the mayor, one of whom shall 16332  
be a representative of the business community or an institution 16333  
of higher education located in the district; 16334

(b) One principal employed by the district, who shall be 16335  
selected by a vote of the district's principals conducted by the 16336  
~~state superintendent department~~; 16337

(c) One teacher appointed by the bargaining representative 16338  
for teachers employed by the district; 16339

(d) One parent of a student enrolled in the district 16340  
appointed by the parent-teacher association, or a similar 16341  
organization selected by the ~~state superintendent department~~; 16342

(e) The chairperson of the academic distress commission 16343  
established for the district under section 3302.10 of the 16344  
Revised Code and the chief executive officer appointed under 16345  
division (C)(1) of that section, until such time as the 16346  
commission ceases to exist. 16347

(2) The ~~state superintendent~~ director of learning and 16348  
achievement shall be a nonvoting member of the panel and shall 16349  
serve as chairperson of the panel for the first two years of the 16350  
panel's existence. After that time, the panel shall select one 16351

of its members as chairperson. The panel shall meet as necessary 16352  
to make nominations at the call of the chairperson. All members 16353  
of the panel shall serve at the pleasure of their appointing 16354  
authority. A vacancy on the panel shall be filled in the same 16355  
manner as the initial appointment. 16356

(E) Not later than thirty days after the nominating panel 16357  
is convened, the panel shall nominate a slate of at least ten 16358  
candidates for possible appointment to the district board of 16359  
education. All candidates shall be residents of the school 16360  
district and shall hold no elected public office. At least two 16361  
of the candidates shall reside outside of the municipal 16362  
corporation served by the mayor, if that municipal corporation 16363  
does not contain all of the district's territory. 16364

(F) Not later than thirty days after receiving the slate 16365  
of candidates, the mayor shall select five members from the 16366  
slate for appointment to the district board of education. 16367  
Initial members of the board shall take office on the first day 16368  
of January following their appointment and their terms shall 16369  
expire on the thirtieth day of June following the referendum 16370  
election required by division (G) (1) of this section. 16371

(G) (1) At the general election held in the first even- 16372  
numbered year occurring at least three years after the date on 16373  
which the academic distress commission established for the 16374  
district ceases to exist pursuant to division (N) (1) of section 16375  
3302.10 of the Revised Code, a referendum election shall be held 16376  
to determine if the mayor shall continue to appoint the district 16377  
board of education. Not later than ninety days before the 16378  
general election, the board of education shall notify the board 16379  
of elections of each county containing territory of the district 16380  
of the referendum election. At the general election, the 16381

following question shall be submitted to the electors of the 16382  
district: 16383

"Shall the mayor of . . . (here insert the name of the 16384  
applicable municipal corporation) continue to appoint the 16385  
members of the board of education of the . . . (here insert the 16386  
name of the school district to which this section applies)?" 16387

The board of elections of the county in which the majority 16388  
of the district's territory is located shall make all necessary 16389  
arrangements for the submission of the question to the electors, 16390  
and the election shall be conducted, canvassed, and certified in 16391  
the same manner as regular elections in the district for the 16392  
election of county officers, provided that in any such election 16393  
in which only part of the electors of a precinct are qualified 16394  
to vote, the board of elections may assign voters in such part 16395  
to an adjoining precinct. Such an assignment may be made to an 16396  
adjoining precinct in another county with the consent and 16397  
approval of the board of elections of such other county. Notice 16398  
of the election shall be published in a newspaper of general 16399  
circulation in the district once a week for two consecutive 16400  
weeks, or as provided in section 7.16 of the Revised Code, prior 16401  
to the election. If the board of elections operates and 16402  
maintains a web site, the board of elections shall post notice 16403  
of the election on its web site for thirty days prior to the 16404  
election. The notice shall state the question on which the 16405  
election is being held. The ballot shall be in the form 16406  
prescribed by the secretary of state. Costs of submitting the 16407  
question to the electors shall be charged to the district in 16408  
accordance with section 3501.17 of the Revised Code. 16409

(2) If a majority of the electors voting on the question 16410  
proposed in division (G) (1) of this section approve the 16411

question, the mayor shall appoint a new board of education on 16412  
the immediately following first day of July from a slate of 16413  
candidates nominated by the nominating panel in the same manner 16414  
as the initial board was appointed pursuant to divisions (E) and 16415  
(F) of this section. Three of the members of the new board shall 16416  
be appointed to four-year terms and two of the members shall be 16417  
appointed to two-year terms, each term beginning on the first 16418  
day of July. Thereafter, the mayor shall appoint members to 16419  
four-year terms in the same manner prescribed in divisions (E) 16420  
and (F) of this section. Whenever the nominating panel is 16421  
required to nominate a slate of candidates, the panel shall 16422  
nominate at least twice the number of candidates as members to 16423  
be appointed to the board at that time, including two candidates 16424  
who reside outside of the municipal corporation served by the 16425  
mayor, if that municipal corporation does not contain all of the 16426  
district's territory. Nothing in this division shall preclude 16427  
the nominating panel from nominating as a candidate a person who 16428  
was a member of the board prior to the referendum election or 16429  
shall preclude the mayor from appointing such a person to the 16430  
new board. 16431

(3) If a majority of the electors voting on the question 16432  
proposed in division (G) (1) of this section disapprove the 16433  
question, a new board of education shall be elected at the next 16434  
regular election occurring in November of an odd-numbered year. 16435  
The board shall have the same number of members as the board in 16436  
place prior to the board appointed under this section. At such 16437  
election, one-half of the total number of members rounded up to 16438  
the next whole number shall be elected for terms of four years 16439  
and the remaining members shall be elected for terms of two 16440  
years. Thereafter, their successors shall be elected in the same 16441  
manner and for the same terms as provided in the Revised Code 16442

for members of boards of education. All members of the board of  
education appointed under this section shall continue to serve  
after the end of the terms to which they were appointed until  
their successors are qualified and assume office in accordance  
with section 3313.09 of the Revised Code.

(H) All of the following shall apply to a board of  
education appointed under division (F) or (G) (2) of this  
section:

(1) At any given time, at least two of the board members  
shall have significant expertise in education, finance, or  
business management and at least one member shall reside outside  
of the municipal corporation served by the mayor, if that  
municipal corporation does not contain all of the district's  
territory.

(2) The members of the board shall designate one of its  
members as the chairperson of the board. The chairperson shall  
have all the rights, authority, and duties conferred upon the  
president of a board of education by the Revised Code.

(3) The mayor may remove any member of the board with the  
advice and consent of the nominating panel.

**Sec. 3302.12.** (A) (1) Except as provided in divisions (C)  
and (D) of this section, this section applies to a school  
building that is ranked according to performance index score  
under section 3302.21 of the Revised Code in the lowest five per  
cent of public school buildings statewide for three consecutive  
years and that meets any combination of the following for three  
consecutive years:

(a) The school building is declared to be under an  
academic watch or in a state of academic emergency under section

3302.03 of the Revised Code; 16472

(b) The school building that has received a grade of "F" 16473  
for the value-added progress dimension under division (A) (1) (e), 16474  
(B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code; 16475

(c) The school building that has received an overall grade 16476  
of "F" under section 3302.03 of the Revised Code. 16477

(2) In the case of a building to which this section 16478  
applies, the district board of education in control of that 16479  
building shall do one of the following at the conclusion of the 16480  
school year in which the building first becomes subject to this 16481  
section: 16482

(a) Close the school and direct the district 16483  
superintendent to reassign the students enrolled in the school 16484  
to other school buildings that demonstrate higher academic 16485  
achievement; 16486

(b) Contract with another school district or a nonprofit 16487  
or for-profit entity with a demonstrated record of effectiveness 16488  
to operate the school; 16489

(c) Replace the principal and all teaching staff of the 16490  
school and, upon request from the new principal, exempt the 16491  
school from all requested policies and regulations of the board 16492  
regarding curriculum and instruction. The board also shall 16493  
distribute funding to the school in an amount that is at least 16494  
equal to the product of the per pupil amount of state and local 16495  
revenues received by the district multiplied by the student 16496  
population of the school. 16497

(d) Reopen the school as a conversion community school 16498  
under Chapter 3314. of the Revised Code. 16499

(B) If an action taken by the board under division (A) (2) 16500  
of this section causes the district to no longer maintain all 16501  
grades kindergarten through twelve, as required by section 16502  
3311.29 of the Revised Code, the board shall enter into a 16503  
contract with another school district pursuant to section 16504  
3327.04 of the Revised Code for enrollment of students in the 16505  
schools of that other district to the extent necessary to comply 16506  
with the requirement of section 3311.29 of the Revised Code. 16507  
Notwithstanding any provision of the Revised Code to the 16508  
contrary, if the board enters into and maintains a contract 16509  
under section 3327.04 of the Revised Code, the district shall 16510  
not be considered to have failed to comply with the requirement 16511  
of section 3311.29 of the Revised Code. If, however, the 16512  
district board fails to or is unable to enter into or maintain 16513  
such a contract, the ~~state board of education~~ department of 16514  
learning and achievement shall take all necessary actions to 16515  
dissolve the district as provided in division (A) of section 16516  
3311.29 of the Revised Code. 16517

(C) If a particular school is required to restructure 16518  
under this section and a petition with respect to that same 16519  
school has been filed and verified under divisions (B) and (C) 16520  
of section 3302.042 of the Revised Code, the provisions of that 16521  
section and the petition filed and verified under it shall 16522  
prevail over the provisions of this section and the school shall 16523  
be restructured under that section. However, if division (D) (1), 16524  
(2), or (3) of section 3302.042 of the Revised Code also applies 16525  
to the school, the school shall be subject to restructuring 16526  
under this section and not section 3302.042 of the Revised Code. 16527

If the provisions of this section conflict in any way with 16528  
the requirements of federal law, federal law shall prevail over 16529  
the provisions of this section. 16530

(D) If a school is restructured under this section, 16531  
section 3302.042 or 3302.10 of the Revised Code, or federal law, 16532  
the school shall not be required to restructure again under 16533  
state law for three consecutive years after the implementation 16534  
of that prior restructuring. 16535

**Sec. 3302.13.** (A) This section applies to any school 16536  
district or community school that meets both of the following 16537  
criteria, as reported on the past two consecutive report cards 16538  
issued for that district or school under section 3302.03 of the 16539  
Revised Code: 16540

(1) The district or school received a grade of "D" or "F" 16541  
on the kindergarten through third-grade literacy progress 16542  
measure under division (C) (3) (e) of section 3302.03 of the 16543  
Revised Code. 16544

(2) Less than sixty per cent of the district's students 16545  
who took the third grade English language arts assessment 16546  
prescribed under section 3301.0710 of the Revised Code for that 16547  
school year attained at least a proficient score on that 16548  
assessment. 16549

(B) By December 31, 2016, and by the thirty-first day of 16550  
each December thereafter, any school district or community 16551  
school that meets the criteria set forth in division (A) of this 16552  
section shall submit to the department of ~~education~~ learning and 16553  
achievement a school or district reading achievement improvement 16554  
plan, which shall include all requirements prescribed by the 16555  
~~state board of education~~ department pursuant to division (C) of 16556  
this section. 16557

(C) Not later than December 31, 2014, the ~~state board~~ 16558  
department shall adopt rules in accordance with Chapter 119. of 16559

the Revised Code prescribing the content of and deadlines for 16560  
the reading achievement improvement plans required under 16561  
division (B) of this section. The rules shall prescribe that 16562  
each plan include, at a minimum, an analysis of relevant student 16563  
performance data, measurable student performance goals, 16564  
strategies to meet specific student needs, a staffing and 16565  
professional development plan, and instructional strategies for 16566  
improving literacy. 16567

(D) Any school district or community school to which this 16568  
section applies shall no longer be required to submit an 16569  
improvement plan pursuant to division (B) of this section when 16570  
that district or school meets either of the following criteria, 16571  
as reported on the most recent report card issued for that 16572  
district or school under section 3302.03 of the Revised Code: 16573

(1) The district or school received a grade of "C" or 16574  
higher on the kindergarten through third-grade literacy progress 16575  
measure under division (C) (3) (e) of section 3302.03 of the 16576  
Revised Code. 16577

(2) Not less than sixty per cent of the district's 16578  
students who took the third grade English language arts 16579  
assessment prescribed under section 3301.0710 of the Revised 16580  
Code for that school year attained at least a proficient score 16581  
on that assessment. 16582

(E) The department ~~of education~~ shall post in a prominent 16583  
location on its web site all plans submitted pursuant to this 16584  
section. 16585

**Sec. 3302.14.** The department of ~~education~~ learning and 16586  
achievement annually shall collect, analyze, and publish data 16587  
regarding reading achievement in schools and progress in 16588

assisting all students to become proficient readers. Beginning 16589  
on January 31, 2015, and on the thirty-first day of each January 16590  
thereafter, the department shall report these findings, in 16591  
accordance with section 101.68 of the Revised Code, to the 16592  
governor, and the general assembly, ~~and the state board of~~ 16593  
~~education~~. The report shall include, but not be limited to, both 16594  
of the following: 16595

(A) The progress of all students that were on a reading 16596  
intervention plan at any time during grades kindergarten through 16597  
four while enrolled in the state's public school system. 16598

(B) The progress of school districts and community schools 16599  
that are currently operating under a reading achievement 16600  
improvement plan pursuant to section 3302.13 of the Revised 16601  
Code, as data is made available. 16602

**Sec. 3302.15.** (A) Notwithstanding anything to the contrary 16603  
in Chapter 3301. or 3302. of the Revised Code, the board of 16604  
education of a school district, governing authority of a 16605  
community school established under Chapter 3314. of the Revised 16606  
Code, or governing body of a STEM school established under 16607  
Chapter 3326. of the Revised Code may submit to the 16608  
~~superintendent of public instruction~~ department of learning and 16609  
achievement, during the 2015-2016 school year, a request for a 16610  
waiver for up to five school years from administering the state 16611  
achievement assessments required under sections 3301.0710 and 16612  
3301.0712 of the Revised Code and related requirements specified 16613  
under division (B)(2) of this section. A district or school that 16614  
obtains a waiver under this section shall use the alternative 16615  
assessment system, as proposed by the district or school and as 16616  
approved by the ~~state superintendent~~ department, in place of the 16617  
assessments required under sections 3301.0710 and 3301.0712 of 16618

the Revised Code. 16619

(B) (1) A request for a waiver under this section shall 16620  
contain the following: 16621

(a) A timeline to develop and implement an alternative 16622  
assessment system for the district or school; 16623

(b) An overview of the proposed innovative educational 16624  
programs or strategies to be offered by the district or school; 16625

(c) An overview of the proposed alternative assessment 16626  
system; 16627

(d) An overview of planning details that have been 16628  
implemented or proposed and any documented support from 16629  
educational networks, established educational consultants, state 16630  
institutions of higher education as defined under section 16631  
3345.011 of the Revised Code, and employers or workforce 16632  
development partners; 16633

(e) An overview of the capacity to implement the 16634  
alternative assessments, conduct the evaluation of teachers with 16635  
alternative assessments, and the reporting of student 16636  
achievement data with alternative assessments for the purpose of 16637  
the report card ratings prescribed under section 3302.03 of the 16638  
Revised Code, all of which shall include any prior success in 16639  
implementing innovative educational programs or strategies, 16640  
teaching practices, or assessment practices; 16641

(f) An acknowledgement by the district or school of 16642  
federal funding that may be impacted by obtaining a waiver. 16643

(2) The request for a waiver shall indicate the extent to 16644  
which exemptions from state or federal requirements regarding 16645  
the administration of the assessments required under sections 16646

3301.0710 and 3301.0712 of the Revised Code are sought. Such 16647  
items from which a district or school may be exempt are as 16648  
follows: 16649

(a) The required administration of state assessments under 16650  
sections 3301.0710 and 3301.0712 of the Revised Code; 16651

(b) The evaluation of teachers and administrators under 16652  
sections 3311.80, 3311.84, division (D) of 3319.02, and 3319.111 16653  
of the Revised Code; 16654

(c) The reporting of student achievement data for the 16655  
purpose of the report card ratings prescribed under section 16656  
3302.03 of the Revised Code. 16657

(C) Each request for a waiver shall include the signature 16658  
of all of the following: 16659

(1) The superintendent of the school district or the 16660  
equivalent for a community school or STEM school; 16661

(2) The president of the district board or the equivalent 16662  
for a community school or STEM school; 16663

(3) The presiding officer of the labor organization 16664  
representing the district's or school's teachers, if any; 16665

(4) If the district's or school's teachers are not 16666  
represented by a labor organization, the principal and a 16667  
majority of the administrators and teachers of the district or 16668  
school. 16669

(D) Upon receipt of a request for a waiver, the ~~state-~~ 16670  
~~superintendent~~ department shall approve or deny the waiver or 16671  
may request additional information from the district or school. 16672  
The ~~state superintendent~~ department shall not grant waivers to 16673  
more than a total of ten districts, community schools, or STEM 16674

schools, based on requests for a waiver received during the 16675  
2015-2016 school year. A waiver granted to a district or school 16676  
shall be contingent on an ongoing review and evaluation by the 16677  
~~state superintendent~~ department of the program for which the 16678  
waiver was granted. 16679

(E) (1) For the purpose of this section, the department ~~of~~ 16680  
~~education~~ shall seek a waiver from the testing requirements 16681  
prescribed under the "No Child Left Behind Act of 2001," if 16682  
necessary to implement this section. 16683

(2) The department shall create a mechanism for the 16684  
comparison of the alternative assessments prescribed under 16685  
division (B) of this section and the assessments required under 16686  
sections 3301.0710 and 3301.0712 of the Revised Code as it 16687  
relates to the evaluation of teachers and student achievement 16688  
data for the purpose of state report card ratings. 16689

(F) For purposes of this section, "innovative educational 16690  
program or strategy" means a program or strategy using a new 16691  
idea or method aimed at increasing student engagement and 16692  
preparing students to be college or career ready. 16693

**Sec. 3302.151.** (A) Notwithstanding anything to the 16694  
contrary in the Revised Code, a school district that qualifies 16695  
under division (D) of this section shall be exempt from all of 16696  
the following: 16697

(1) The teacher qualification requirements under the 16698  
third-grade reading guarantee, as prescribed under divisions (B) 16699  
(3) (c) and (H) of section 3313.608 of the Revised Code. This 16700  
exemption does not relieve a teacher from holding a valid Ohio 16701  
license in a subject area and grade level determined appropriate 16702  
by the board of education of that district. 16703

(2) The mentoring component of the Ohio teacher residency program established under division (A) (1) of section 3319.223 of the Revised Code, so long as the district utilizes a local approach to train and support new teachers;

(3) Any provision of the Revised Code or rule or standard of the ~~state board of education~~ department of learning and achievement prescribing a minimum or maximum class size;

(4) Any provision of the Revised Code or rule or standard of the ~~state board~~ department requiring teachers to be licensed specifically in the grade level in which they are teaching, except unless otherwise prescribed by federal law. This exemption does not apply to special education teachers. Nor does this exemption relieve a teacher from holding a valid Ohio license in the subject area in which that teacher is teaching and at least some grade level determined appropriate by the district board.

(B) (1) Notwithstanding anything to the contrary in the Revised Code, including sections 3319.30 and 3319.36 of the Revised Code, the superintendent of a school district that qualifies under division (D) of this section may employ an individual who is not licensed as required by sections 3319.22 to 3319.30 of the Revised Code, but who is otherwise qualified based on experience, to teach classes in the district, so long as the board of education of the school district approves the individual's employment and provides mentoring and professional development opportunities to that individual, as determined necessary by the board.

(2) As a condition of employment under this section, an individual shall be subject to a criminal records check as prescribed by section 3319.391 of the Revised Code. In the

manner prescribed by the department of ~~education~~ learning and 16734  
achievement, the individual shall submit the criminal records 16735  
check to the department and shall register with the department 16736  
during the period in which the individual is employed by the 16737  
district. The department shall use the information submitted to 16738  
enroll the individual in the retained applicant fingerprint 16739  
database, established under section 109.5721 of the Revised 16740  
Code, in the same manner as any teacher licensed under sections 16741  
3319.22 to 3319.31 of the Revised Code. 16742

(3) An individual employed pursuant to this division is 16743  
subject to Chapter 3307. of the Revised Code. 16744

If the department receives notification of the arrest or 16745  
conviction of an individual employed under division (B) of this 16746  
section, the department shall promptly notify the employing 16747  
district and may take any action authorized under sections 16748  
3319.31 and 3319.311 of the Revised Code that it considers 16749  
appropriate. No district shall employ any individual under 16750  
division (B) of this section if the district learns that the 16751  
individual has plead guilty to, has been found guilty by a jury 16752  
or court of, or has been convicted of any of the offenses listed 16753  
in division (C) of section 3319.31 of the Revised Code. 16754

(C) Notwithstanding anything to the contrary in the 16755  
Revised Code, noncompliance with any of the requirements listed 16756  
in divisions (A) or (B) of this section shall not disqualify a 16757  
school district that qualifies under division (D) of this 16758  
section from receiving funds under Chapter 3317. of the Revised 16759  
Code. 16760

(D) In order for a city, local, or exempted village school 16761  
district to qualify for the exemptions described in this 16762  
section, the school district shall meet all of the following 16763

benchmarks on the most recent report card issued for that 16764  
district under section 3302.03 of the Revised Code: 16765

(1) The district received at least eighty-five per cent of 16766  
the total possible points for the performance index score 16767  
calculated under division (C) (1) (b) of that section; 16768

(2) The district received a grade of an "A" for 16769  
performance indicators met under division (C) (1) (c) of that 16770  
section; 16771

(3) The district has a four-year adjusted cohort 16772  
graduation rate of at least ninety-three per cent and a five- 16773  
year adjusted cohort graduation rate of at least ninety-five per 16774  
cent, as calculated under division (C) (1) (d) of that section. 16775

(E) A school district that meets the requirements 16776  
prescribed by division (D) of this section shall be qualified 16777  
for the exemptions prescribed by this section for three school 16778  
years, beginning with the school year in which the qualifying 16779  
report card is issued. 16780

(F) As used in this section, "license" has the same 16781  
meaning as in section 3319.31 of the Revised Code. 16782

**Sec. 3302.17.** (A) Any school building operated by a city, 16783  
exempted village, or local school district, or a community 16784  
school established under Chapter 3314. of the Revised Code is 16785  
eligible to initiate the community learning center process as 16786  
prescribed by this section. 16787

(B) Beginning with the 2015-2016 school year, each 16788  
district board of education or community school governing 16789  
authority may initiate a community learning center process for 16790  
any school building to which this section applies. 16791

First, the board or governing authority shall conduct a public information hearing at each school building to which this section applies to inform the community of the community learning center process. The board or governing authority may do all of the following with regard to the public information hearing:

(1) Announce the meeting not less than forty-five days in advance at the school and on the school's or district's web sites and using tools to ensure effective communication with individuals with disabilities;

(2) Schedule the meeting for an evening or weekend time;

(3) Provide interpretation services and written materials in all languages spoken by five per cent or more of the students enrolled in the school;

(4) Provide child care services for parents attending the meeting;

(5) Provide parents, students, teachers, nonteaching employees, and community members with the opportunity to speak at the meeting;

(6) Comply with section 149.43 of the Revised Code.

In preparing for the public information hearing, the board or governing authority shall ensure that information about the hearing is broadly distributed throughout the community.

The board or governing authority may enter into an agreement with any civic engagement organizations, community organizations, or employee organizations to support the implementation of the community learning center process.

The board or governing authority shall conduct a follow-up

hearing at least once annually until action is further taken 16820  
under the section with respect to the school building or until 16821  
the conditions described in division (A) of this section no 16822  
longer apply to the school building. 16823

(C) Not sooner than forty-five days after the first public 16824  
information hearing, the board or governing authority shall 16825  
conduct an election, by paper ballot, to initiate the process to 16826  
become a community learning center. Only parents or guardians of 16827  
students enrolled in the school and students enrolled in a 16828  
different school operated by a joint vocational school district 16829  
but are otherwise entitled to attend the school, and teachers 16830  
and nonteaching employees who are assigned to the school may 16831  
vote in the election. 16832

The board or governing authority shall distribute the 16833  
ballots by mail and shall make copies available at the school 16834  
and on the web site of the school. The board or governing 16835  
authority also may distribute the ballots by directly giving 16836  
ballots to teachers and nonteaching employees and sending home 16837  
ballots with every student enrolled in the school building. 16838

(D) The board or governing authority shall initiate the 16839  
transition of the building to a community learning center if the 16840  
results of the election held under division (C) of this section 16841  
are as follows: 16842

(1) At least fifty per cent of parents and guardians of 16843  
students enrolled in the eligible school building and students 16844  
enrolled in a different building operated by a joint vocational 16845  
school district but who are entitled to attend the school cast 16846  
ballots by a date set by the board or governing authority, and 16847  
of those ballots at least sixty-seven per cent are in favor of 16848  
initiating the process; and 16849

(2) At least fifty per cent of teachers and nonteaching employees who are assigned to the school cast ballots by a date set by the board or governing authority, and of those ballots at least sixty-seven per cent are in favor of initiating the process.

(E) If a community learning center process is initiated under this section, the board or governing authority shall create a school action team under section 3302.18 of the Revised Code. Within four months upon selection, the school action team shall conduct and complete, in consultation with community partners, a performance audit of the school and review, with parental input, the needs of the school with regard to restructuring under section 3302.10, 3302.12, or 3302.042 of the Revised Code, or federal law.

The school action team shall provide quarterly updates of its work in a public hearing that complies with the same specifications prescribed in division (B) of this section.

(F) Upon completion of the audit and review, the school action team shall present its findings at a public hearing that complies with the same specifications prescribed in division (B) of this section. After the school action team presents its findings at the public hearing, it shall create a community learning center improvement plan that designates appropriate interventions, which may be based on the recommendations developed by the department under division (H) (1) (b) of this section.

If there is a federally mandated school improvement planning process, the team shall coordinate its work with that plan.

The school action team shall approve the plan by a majority vote. 16879  
16880

(G) Upon approval of the plan by the school action team, 16881  
the team shall submit the community learning center improvement 16882  
plan to the same individuals described in division (C) of this 16883  
section. Ballots shall be distributed and an election shall be 16884  
conducted in the same manner as indicated under that division. 16885

The school action team shall submit the plan to the 16886  
district board of education or community school governing 16887  
authority, if the results of the election under division (G) of 16888  
this section are as follows: 16889

(1) At least thirty per cent of parents and guardians of 16890  
students enrolled in the eligible school building and students 16891  
enrolled in a different building operated by a joint vocational 16892  
school district but who are entitled to attend the school cast 16893  
ballots by a date set by the board or governing authority, and 16894  
of those ballots at least fifty per cent are in favor of 16895  
initiating the process; and 16896

(2) At least thirty per cent of teachers and nonteaching 16897  
employees who are assigned to the school cast ballots by a date 16898  
set by the board or governing authority, and of those ballots at 16899  
least fifty per cent are in favor of initiating the process. 16900

The board or governing authority shall evaluate the plan 16901  
and determine whether to adopt it. The board or governing 16902  
authority shall adopt the plan in full or adopt portions of the 16903  
plan. If the board or governing authority does not adopt the 16904  
plan in full, it shall provide a written explanation of why 16905  
portions of the plan were rejected. 16906

(H) (1) The department of learning and achievement shall do 16907

- all of the following with respect to this section: 16908
- (a) Adopt rules regarding the elections required under 16909  
this section; 16910
- (b) Develop appropriate interventions for a community 16911  
learning center improvement plan that may be used by a school 16912  
action team under division (F) of this section; 16913
- (c) Publish a menu of programs and services that may be 16914  
offered by community learning centers. The information shall be 16915  
posted on the department's web site. To compile this information 16916  
the department shall solicit input from resource coordinators of 16917  
existing community learning centers~~+~~. 16918
- (d) Provide information regarding implementation of 16919  
comprehensive community-based programs and supportive services 16920  
including the community learning center model to school 16921  
buildings meeting any of the following conditions: 16922
- (i) The building is in improvement status as defined by 16923  
the "No Child Left Behind Act of 2001" or under an agreement 16924  
between the ~~Ohio~~ department of ~~education-learning and~~ 16925  
achievement and the United States secretary of education. 16926
- (ii) The building is a secondary school that is among the 16927  
lowest achieving fifteen per cent of secondary schools 16928  
statewide, as determined by the department. 16929
- (iii) The building is a secondary school with a graduation 16930  
rate of sixty per cent or lower for three or more consecutive 16931  
years. 16932
- (iv) The building is a school that the department 16933  
determines is persistently low-performing. 16934
- (2) The department may do the following with respect to 16935

this section: 16936

(a) Provide assistance, facilitation, and training to 16937  
school action teams in the conducting of the audit required 16938  
under this section; 16939

(b) Provide opportunities for members of school action 16940  
teams from different schools to share school improvement 16941  
strategies with parents, teachers, and other relevant 16942  
stakeholders in higher performing schools; 16943

(c) Provide financial support in a school action team's 16944  
planning process and create a grant program to assist in the 16945  
implementation of a qualified community learning center plan. 16946

(I) Notwithstanding any provision to the contrary in 16947  
Chapter 4117. of the Revised Code, the requirements of this 16948  
section prevail over any conflicting provisions of a collective 16949  
bargaining agreement entered into on or after ~~the effective date~~ 16950  
~~of this section~~ October 15, 2015. However, the board or 16951  
governing authority and the teachers' labor organization may 16952  
negotiate additional factors to be considered in the adoption of 16953  
a community learning center plan. 16954

**Sec. 3302.20.** (A) The department of ~~education~~ learning and 16955  
achievement shall develop standards for determining, from the 16956  
existing data reported in accordance with sections 3301.0714 and 16957  
3314.17 of the Revised Code, the amount of annual operating 16958  
expenditures for classroom instructional purposes and for 16959  
nonclassroom purposes for each city, exempted village, local, 16960  
and joint vocational school district, each community school 16961  
established under Chapter 3314. that is not an internet- or 16962  
computer-based community school, each internet- or computer- 16963  
based community school, and each STEM school established under 16964

Chapter 3326. of the Revised Code. ~~The department shall present~~ 16965  
~~those standards to the state board of education for~~ 16966  
~~consideration.~~ In developing the standards, the department shall 16967  
adapt existing standards used by professional organizations, 16968  
research organizations, and other state governments. The 16969  
department also shall align the expenditure categories required 16970  
for reporting under the standards with the categories that are 16971  
required for reporting to the United States department of 16972  
education under federal law. 16973

The ~~state board~~ department shall consider the proposed 16974  
standards and adopt a final set of standards not later than 16975  
December 31, 2012. School districts, community schools, and STEM 16976  
schools shall begin reporting data in accordance with the 16977  
standards on June 30, 2013. 16978

(B) (1) The department shall categorize all city, exempted 16979  
village, and local school districts into not less than three nor 16980  
more than five groups based primarily on average daily student 16981  
enrollment as reported on the most recent report card issued for 16982  
each district under section 3302.03 of the Revised Code. 16983

(2) The department shall categorize all joint vocational 16984  
school districts into not less than three nor more than five 16985  
groups based primarily on formula ADM as that term is defined in 16986  
section 3317.02 of the Revised Code rounded to the nearest whole 16987  
number. 16988

(3) The department shall categorize all community schools 16989  
that are not internet- or computer-based community schools into 16990  
not less than three nor more than five groups based primarily on 16991  
average daily student enrollment as reported on the most recent 16992  
report card issued for each community school under sections 16993  
3302.03 and 3314.012 of the Revised Code or, in the case of a 16994

school to which section 3314.017 of the Revised Code applies, on 16995  
the total number of students reported under divisions (B) (2) (a) 16996  
and (b) of section 3314.08 of the Revised Code. 16997

(4) The department shall categorize all internet- or 16998  
computer-based community schools into a single category. 16999

(5) The department shall categorize all STEM schools into 17000  
a single category. 17001

(C) Using the standards adopted under division (A) of this 17002  
section and the data reported under sections 3301.0714 and 17003  
3314.17 of the Revised Code, the department shall compute 17004  
annually for each fiscal year, the following: 17005

(1) The percentage of each district's, community school's, 17006  
or STEM school's total operating budget spent for classroom 17007  
instructional purposes; 17008

(2) The statewide average percentage for all districts, 17009  
community schools, and STEM schools combined spent for classroom 17010  
instructional purposes; 17011

(3) The average percentage for each of the categories of 17012  
districts and schools established under division (B) of this 17013  
section spent for classroom instructional purposes; 17014

(4) The ranking of each district, community school, or 17015  
STEM school within its respective category established under 17016  
division (B) of this section according to the following: 17017

(a) From highest to lowest percentage spent for classroom 17018  
instructional purposes; 17019

(b) From lowest to highest percentage spent for 17020  
noninstructional purposes. 17021

(5) The total operating expenditures per pupil for each district, community school, and STEM school;	17022 17023
(6) The total operating expenditure per equivalent pupils for each district, community school, and STEM school.	17024 17025
(D) In its display of rankings within each category under division (C)(4) of this section, the department shall make the following notations:	17026 17027 17028
(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is:	17029 17030 17031
(a) Among the twenty per cent of all city, exempted village, and local school districts statewide with the lowest total operating expenditure per equivalent pupils;	17032 17033 17034
(b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest performance index scores.	17035 17036 17037
(2) Within each category of joint vocational school districts, the department shall denote each district that is:	17038 17039
(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditure per equivalent pupils;	17040 17041 17042
(b) Among the twenty per cent of all joint vocational school districts statewide with the highest report card scores under section 3302.033 of the Revised Code.	17043 17044 17045
(3) Within each category of community schools that are not internet- or computer-based community schools, the department shall denote each school that is:	17046 17047 17048

(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils; 17049  
17050  
17051

(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies. 17052  
17053  
17054  
17055

(4) Within the category of internet- or computer-based community schools, the department shall denote each school that is: 17056  
17057  
17058

(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils; 17059  
17060  
17061

(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies. 17062  
17063  
17064  
17065

(5) Within the category of STEM schools, the department shall denote each school that is: 17066  
17067

(a) Among the twenty per cent of all STEM schools statewide with the lowest total operating expenditure per equivalent pupils; 17068  
17069  
17070

(b) Among the twenty per cent of all STEM schools statewide with the highest performance index scores. 17071  
17072

For purposes of divisions (D) (3) (b) and (4) (b) of this section, the display shall note that, in accordance with section 3314.017 of the Revised Code, a performance index score is not reported for some community schools that serve primarily 17073  
17074  
17075  
17076

students enrolled in dropout prevention and recovery programs. 17077

(E) The department shall post in a prominent location on 17078  
its web site the information prescribed by divisions (C) and (D) 17079  
of this section. The department also shall include on each 17080  
district's, community school's, and STEM school's annual report 17081  
card issued under section 3302.03 or 3314.017 of the Revised 17082  
Code the respective information computed for the district or 17083  
school under divisions (C) (1) and (4) of this section, the 17084  
statewide information computed under division (C) (2) of this 17085  
section, and the information computed for the district's or 17086  
school's category under division (C) (3) of this section. 17087

(F) As used in this section: 17088

(1) "Internet- or computer-based community school" has the 17089  
same meaning as in section 3314.02 of the Revised Code. 17090

(2) A school district's, community school's, or STEM 17091  
school's performance index score rank is its performance index 17092  
score rank as computed under section 3302.21 of the Revised 17093  
Code. 17094

(3) "Expenditure per equivalent pupils" has the same 17095  
meaning as in section 3302.26 of the Revised Code. 17096

**Sec. 3302.21.** (A) The department of ~~education~~ learning and 17097  
achievement shall develop a system to rank order all city, 17098  
exempted village, and local school districts, community schools 17099  
established under Chapter 3314. of the Revised Code except those 17100  
community schools to which section 3314.017 of the Revised Code 17101  
applies, and STEM schools established under Chapter 3326. of the 17102  
Revised Code according to the following measures: 17103

(1) Performance index score for each school district, 17104  
community school, and STEM school and for each separate building 17105

of a district, community school, or STEM school. For districts, 171106  
schools, or buildings to which the performance index score does 171107  
not apply, the ~~superintendent of public instruction department~~ 171108  
may develop another measure of student academic performance 171109  
based on similar data and performance measures if appropriate 171110  
and use that measure to include those buildings in the ranking 171111  
so that districts, schools, and buildings may be reliably 171112  
compared to each other. 171113

(2) Student performance growth from year to year, using 171114  
the value-added progress dimension, if applicable, and other 171115  
measures of student performance growth designated by the 171116  
~~superintendent of public instruction department~~ for subjects and 171117  
grades not covered by the value-added progress dimension or the 171118  
alternative student academic progress measure if adopted under 171119  
division (C) (1) (e) of section 3302.03 of the Revised Code; 171120

(3) Current operating expenditure per equivalent pupils as 171121  
defined in section 3302.26 of the Revised Code; 171122

(4) Of total current operating expenditures, percentage 171123  
spent for classroom instruction as determined under standards 171124  
adopted by the ~~state board department~~ under section 3302.20 of 171125  
the Revised Code; 171126

(5) Performance of, and opportunities provided to, 171127  
students identified as gifted using value-added progress 171128  
dimensions, if applicable, and other relevant measures as 171129  
designated by the ~~superintendent of public instruction~~ 171130  
~~department~~. 171131

The department shall rank each district, each community 171132  
school except a community school to which section 3314.017 of 171133  
the Revised Code applies, and each STEM school annually in 171134

accordance with the system developed under this section. 17135

(B) In addition to the reports required by sections 17136  
3302.03 and 3302.031 of the Revised Code, not later than the 17137  
first day of September each year, the department shall issue a 17138  
report for each city, exempted village, and local school 17139  
district, each community school except a community school to 17140  
which section 3314.017 of the Revised Code applies, and each 17141  
STEM school indicating the district's or school's rank on each 17142  
measure described in divisions (A) (1) to (4) of this section, 17143  
including each separate building's rank among all public school 17144  
buildings according to performance index score under division 17145  
(A) (1) of this section. 17146

**Sec. 3302.22.** (A) The governor's effective and efficient 17147  
schools recognition program is hereby created. Each year, the 17148  
governor shall recognize, in a manner deemed appropriate by the 17149  
governor, the top ten per cent of all public schools in this 17150  
state, including city, exempted village, and local school 17151  
districts, joint vocational school districts, community schools 17152  
established under Chapter 3314., and STEM schools established 17153  
under Chapter 3326. of the Revised Code. 17154

(B) The top ten per cent of schools shall be determined by 17155  
the department of ~~education~~ learning and achievement according 17156  
to standards established by the department, in consultation with 17157  
the governor's office of 21st century education. The standards 17158  
for recognition for each type of school may vary depending upon 17159  
the unique characteristics of that type of school. The standards 17160  
shall include, but need not be limited to, both of the 17161  
following, provided that sufficient data is available for each 17162  
school: 17163

(1) Student performance, as determined by factors that may 17164

include, but not be limited to, performance indicators under 17165  
section 3302.02 of the Revised Code, report cards issued under 17166  
section 3302.03 of the Revised Code, performance index score 17167  
rankings under section 3302.21 of the Revised Code, and any 17168  
other statewide or national assessment or student performance 17169  
recognition program the department selects; 17170

(2) Fiscal performance, which may include cost-effective 17171  
measures taken by the school. 17172

(C) If applicable, the standards under divisions (B) (1) 17173  
and (2) of this section may be applied at the school building or 17174  
district level, depending upon the quality and availability of 17175  
data. 17176

**Sec. 3302.25.** (A) In accordance with standards prescribed 17177  
by the ~~state board of education~~ department of learning and 17178  
achievement for categorization of school district expenditures 17179  
adopted under division (A) of section 3302.20 of the Revised 17180  
Code, the department ~~of education~~ annually shall determine all 17181  
of the following for the previous fiscal year: 17182

(1) For each school district, the ratio of the district's 17183  
operating expenditures for classroom instructional purposes 17184  
compared to its operating expenditures for nonclassroom 17185  
purposes; 17186

(2) For each school district, the per pupil amount of the 17187  
district's expenditures for classroom instructional purposes; 17188

(3) For each school district, the per pupil amount of the 17189  
district's operating expenditures for nonclassroom purposes; 17190

(4) For each school district, the percentage of the 17191  
district's operating expenditures attributable to school 17192  
district funds; 17193

(5) The statewide average among all school districts for each of the items described in divisions (A) (1) to (4) of this section. 17194  
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(B) The department annually shall submit a report to each school district indicating the district's information for each of the items described in divisions (A) (1) to (4) of this section and the statewide averages described in division (A) (5) of this section. 17197  
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(C) Each school district, upon receipt of the report prescribed by division (B) of this section, shall publish the information contained in that report in a prominent location on the district's web site and publish the report in another fashion so that it is available to all parents of students enrolled in the district and to taxpayers of the district. 17202  
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**Sec. 3302.26.** (A) As used in this section: 17208

(1) "Expenditure per equivalent pupils" is the total operating expenditures of a school district divided by the measure of equivalent pupils. 17209  
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(2) "Measure of equivalent pupils" is the total number of students in a school district adjusted for the relative differences in costs associated with the unique characteristics and needs of each category of pupil. 17212  
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(B) The department of ~~education~~ learning and achievement shall create a performance management section on the department's public web site. The performance management section shall include information on academic and financial performance metrics for each school district to assist schools and districts in providing an effective and efficient delivery of educational services. The section shall include, but not be limited to, all 17216  
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of the following: 17223

(1) A graph that illustrates the relationship between a 17224  
district's academic performance, as measured by the performance 17225  
index score, and its expenditure per equivalent pupils as 17226  
compared to similar districts; 17227

(2) Each district's total operating expenditures per 17228  
pupil; 17229

(3) Statistics of academic and financial performance 17230  
measures for each district to allow for a comparison and 17231  
benchmarking between districts. 17232

(C) The department may contract with an independent 17233  
organization to develop and host the performance management 17234  
section of its web site. 17235

**Sec. 3302.30.** (A) The ~~superintendent of public instruction-~~ 17236  
department of learning and achievement shall establish a pilot 17237  
project in Columbiana county under which one or more school 17238  
districts in that county shall offer a multiple-track high 17239  
school curriculum for students with differing career plans. The 17240  
~~superintendent department~~ shall solicit and select districts to 17241  
participate in the pilot project. Selected districts shall begin 17242  
offering their career track curricula not later than the school 17243  
year that begins at least six months after ~~the effective date of-~~ 17244  
~~this section~~ September 29, 2011. No district shall be required 17245  
to participate in the pilot project. 17246

The curricula provided under the pilot project at each 17247  
participating district shall offer at least three distinct 17248  
career tracks, including at least a college preparatory track 17249  
and a career-technical track. Each track shall comply with the 17250  
curriculum requirements of section 3313.603 of the Revised Code. 17251

The different tracks may be offered at different campuses. Two 17252  
or more participating districts may offer some or all of their 17253  
respective curriculum tracks through a cooperative agreement 17254  
entered into under section 3313.842 of the Revised Code. 17255

The department ~~of education~~ shall provide technical 17256  
assistance to participating districts in developing the 17257  
curriculum tracks to offer to students under the pilot project. 17258

Part or all of selected curriculum materials or services 17259  
may be purchased from other public or private sources. 17260

The ~~state superintendent~~ department shall apply for 17261  
private and other nonstate funds, and may use other available 17262  
state funds, to support the pilot project. If nonstate funds 17263  
cannot be obtained or the ~~superintendent of public instruction~~  
department determines that sufficient funds are not available to 17264  
support the pilot project, implementation of this section may be 17265  
postponed until such time as the ~~superintendent~~ department 17266  
determines that sufficient funds are available. 17267  
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(B) Each participating school district shall report to the 17269  
~~state superintendent~~ department data about the operation and 17270  
results of the pilot project, as required by the ~~superintendent~~  
department. 17271  
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(C) Not later than the thirty-first day of December of the 17273  
third school year in which the pilot project is operating, the 17274  
~~state superintendent~~ department shall submit a report to the 17275  
general assembly, in accordance with section 101.68 of the 17276  
Revised Code, containing the ~~superintendent's~~ department's 17277  
evaluation of the results of the pilot project and legislative 17278  
recommendations whether to continue, expand, or make changes to 17279  
the pilot project. 17280

**Sec. 3302.41.** As used in this section, "blended learning" 17281  
has the same meaning as in section 3301.079 of the Revised Code. 17282

(A) Any local, city, exempted village, or joint vocational 17283  
school district, community school established under Chapter 17284  
3314. of the Revised Code, STEM school established under Chapter 17285  
3326. of the Revised Code, college-preparatory boarding school 17286  
established under Chapter 3328. of the Revised Code, or 17287  
chartered nonpublic school may operate all or part of a school 17288  
using a blended learning model. If a school is operated using a 17289  
blended learning model or is to cease operating using a blended 17290  
learning model, the superintendent of the school or district or 17291  
director of the school shall notify the department of ~~education~~ 17292  
learning and achievement of that fact not later than the first 17293  
day of July of the school year for which the change is 17294  
effective. If any school district school, community school, or 17295  
STEM school is already operated using a blended learning model 17296  
~~on the effective date of this section, September 24, 2012,~~ the 17297  
superintendent of the school or district may notify the 17298  
department within ninety days after ~~the effective date of this~~ 17299  
~~section, September 24, 2012,~~ of that fact and request that the 17300  
school be classified as a blended learning school. 17301

(B) The ~~state board of education~~ department shall revise 17302  
any operating standards for school districts and chartered 17303  
nonpublic schools adopted under section 3301.07 of the Revised 17304  
Code to include standards for the operation of blended learning 17305  
under this section. The blended learning operation standards 17306  
shall provide for all of the following: 17307

(1) Student-to-teacher ratios whereby no school or 17308  
classroom is required to have more than one teacher for every 17309  
one hundred twenty-five students in blended learning classrooms; 17310

(2) The extent to which the school is or is not obligated to provide students with access to digital learning tools; 17311  
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(3) The ability of all students, at any grade level, to earn credits or advance grade levels upon demonstrating mastery of knowledge or skills through competency-based learning models. Credits or grade level advancement shall not be based on a minimum number of days or hours in a classroom. 17313  
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(4) An exemption from minimum school year or school day requirements in sections 3313.48 and 3313.481 of the Revised Code; 17318  
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(5) Adequate provisions for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; buildings, grounds, and health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will ensure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary. 17321  
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(C) An internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, is not a blended learning school authorized under this section. Nor does this section affect any provisions for the operation of and payments to an internet- or computer-based community school prescribed in Chapter 3314. of the Revised Code. 17335  
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**Sec. 3303.02.** (A) The act of congress entitled, "An act to 17341  
provide for the promotion of vocational education; to provide 17342  
for cooperation with the states in the promotion of such 17343  
education in agriculture and the trades and industries; to 17344  
provide for cooperation with the states in the preparation of 17345  
teachers of vocational subjects; and to appropriate money and 17346  
regulate its expenditure," is hereby accepted. The ~~state board-~~ 17347  
~~department of education-learning and achievement~~ has authority 17348  
to accept supplementary acts for vocational education which are 17349  
enacted by congress after September 16, 1957. 17350

(B) The ~~state board of education department~~ shall be the 17351  
sole state agency for administration of programs for which 17352  
federal funds are received pursuant to acts accepted under this 17353  
section. This division does not apply to programs for which 17354  
federal funds are received pursuant to the "Job Training 17355  
Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C. 1501. 17356

(C) The ~~state board department~~ shall secure the written 17357  
approval of the governor prior to submission of any state plan 17358  
or application ~~prepared by the board or the department of-~~ 17359  
~~education~~ to obtain federal funds under any acts accepted under 17360  
this section. 17361

**Sec. 3303.04.** The ~~state board department of education-~~ 17362  
~~learning and achievement~~ may cooperate with the United States 17363  
department of education in the administration of the act of 17364  
congress referred to in section 3303.02 of the Revised Code and 17365  
of any legislation pursuant thereto enacted by the state, and in 17366  
the administration of the funds provided by the federal 17367  
government and by the state under sections 3303.02 to 3303.06 of 17368  
the Revised Code, for the improvement of agricultural, business, 17369  
distributive, trade and industrial and home economics subjects, 17370

and vocational guidance. The ~~board~~ department of learning and 17371  
achievement may appoint such directors, supervisors, and other 17372  
assistants as are necessary to carry out such sections, ~~such~~ 17373  
~~appointments to be made upon nomination by the superintendent of~~ 17374  
~~public instruction.~~ The salaries and traveling expenses of such 17375  
directors, supervisors, and assistants, and such other expenses 17376  
as are necessary, shall be paid upon the approval of the ~~board~~ 17377  
department. The ~~board~~ department may formulate plans for the 17378  
promotion of vocational education in such subjects as an 17379  
essential and integral part of the public school system of 17380  
education; and provide for the preparation of teachers of such 17381  
subjects, and expend federal and state funds appropriated under 17382  
sections 3303.02 to 3303.06 of the Revised Code, for any 17383  
purposes approved by the United States department of education. 17384  
It may make studies and investigations relating to prevocational 17385  
and vocational education in such subjects; promote and aid in 17386  
the establishment by local communities of schools, departments, 17387  
and classes, giving training in such subjects; cooperate with 17388  
local communities in the maintenance of such schools, 17389  
departments, and classes; establish standards for the teachers, 17390  
supervisors, and directors of such subjects; and cooperate in 17391  
the maintenance of schools, departments, or classes supported 17392  
and controlled by the public for the preparation of teachers, 17393  
supervisors, and directors of such subjects. 17394

**Sec. 3303.05.** Any school, department, or class giving 17395  
instruction in agricultural, commercial, industrial, trade, and 17396  
home economics subjects approved by the ~~state board~~ department 17397  
of ~~education~~ learning and achievement and any school or college 17398  
so approved, training teachers of such subjects, which receives 17399  
the benefit of federal moneys is entitled also to receive for 17400  
the salaries of teachers of said subjects an allotment of state 17401

money equal in amount to the amount of federal money which it 17402  
receives for the same year. 17403

**Sec. 3303.06.** The treasurer of state is hereby designated 17404  
as the custodian of all federal funds received for vocational 17405  
education. All money so received or appropriated by the state 17406  
for the purposes contemplated in the act of congress referred to 17407  
in sections 3303.02 to 3303.06 of the Revised Code, or in acts 17408  
supplementary thereto, shall be disbursed upon the order of the 17409  
~~state board~~ department of education learning and achievement. 17410

**Sec. 3303.20.** The ~~superintendent of public instruction~~ 17411  
director of learning and achievement shall appoint a supervisor 17412  
of agricultural education within the department of ~~education~~ 17413  
learning and achievement. The supervisor shall be responsible 17414  
for administering and disseminating to school districts 17415  
information about agricultural education. The supervisor also 17416  
may serve as the chair of the board of trustees of the Ohio FFA 17417  
association, and may assist with the association's programs and 17418  
activities in a manner that enables the association to maintain 17419  
its state charter and to meet applicable requirements of the 17420  
United States department of education and the national FFA 17421  
organization. This assistance may include the provision of 17422  
department personnel, services, and facilities. 17423

The department shall maintain an appropriate number of 17424  
full-time employees focusing on agricultural education. The 17425  
department shall employ at least three program consultants who 17426  
shall be available to provide assistance to school districts on 17427  
a regional basis throughout the state. At least one consultant 17428  
may coordinate local activities of the student organization 17429  
known as the future farmers of America. Department employees may 17430  
not receive compensation from the Ohio FFA association, but the 17431

department may be reimbursed by the association for reasonable 17432  
expenses related to assistance provided under this section. 17433

**Sec. 3305.03.** (A) The ~~Ohio board of regents~~ department of 17434  
learning and achievement shall designate the entities that are 17435  
eligible to provide investment options under alternative 17436  
retirement plans maintained by public institutions of higher 17437  
education. The ~~board~~ department shall accept and review 17438  
applications from entities seeking designation as a vendor. The 17439  
~~board~~ department shall not designate an entity as a vendor 17440  
unless the entity meets the requirements described in division 17441  
(B) of this section. 17442

(B) To be eligible for designation as a vendor, an entity 17443  
must meet both of the following requirements: 17444

(1) The entity must be authorized to conduct business in 17445  
this state with regard to the investment options to be offered 17446  
under an alternative retirement plan maintained by a public 17447  
institution of higher education. 17448

(2) The entity must meet one of the following 17449  
requirements: 17450

(a) Have provided investment options for not less than ten 17451  
years under alternative retirement plans maintained by public 17452  
institutions of higher education in this state; 17453

(b) Offer the same or similar investment options under 17454  
alternative retirement plans, optional retirement plans, or 17455  
similar types of plans with respect to which all of the 17456  
following apply: 17457

(i) The plans are defined contribution plans that are 17458  
qualified plans under Internal Revenue Code 401(a) or 403(b). 17459

- (ii) The plans are maintained by institutions of higher education in at least ten other states. 17460  
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- (iii) The plans are established as primary retirement plans that are alternatives to or a component of the applicable state retirement system. 17462  
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- (C) In determining whether to designate an entity as a vendor, the ~~board of regents~~ department shall identify, consider, and evaluate all of the following: 17465  
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- (1) The experience of the entity in providing in this state or other states investment options under alternative retirement plans, optional retirement plans, or similar types of plans that meet the requirements of division (B) (2) (a) or (b) of this section, as applicable; 17468  
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- (2) The potential effectiveness of the entity in recruiting eligible employees to select that entity for purposes of participating in an alternative retirement plan and in retaining those employees' accounts; 17473  
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- (3) Whether the entity intends to offer a broad range of investment options to the electing employees; 17477  
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- (4) The suitability of the investment options to the needs and interests of the electing employees and their beneficiaries; 17479  
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- (5) The capability of the entity to offer sufficient information to the electing employees and their beneficiaries to make informed decisions with regard to investment options offered by the entity; 17481  
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- (6) The capability of the entity to perform in a manner that is in the best interests of the electing employees and their beneficiaries; 17485  
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(7) The fees and expenses associated with the entity's investment options and the manner in which the entity intends to disclose those fees and expenses; 17488  
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(8) The rights and benefits to be provided under the investment options; 17491  
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(9) The capability of the entity to provide the rights and benefits under the investment options; 17493  
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(10) Comments submitted by a public institution of higher education under section 3305.031 of the Revised Code; 17495  
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(11) Any other matters the ~~board of regents~~ department considers relevant. 17497  
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(D) The ~~board of regents~~ department shall conduct periodic reviews of each entity designated as a vendor and the investment options being offered to ensure that the requirements and purposes of this chapter are being met. The reviews of a vendor shall occur not less frequently than once every three years. 17499  
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If it finds that the vendor is not in compliance with the requirements of this chapter or the vendor is not satisfactorily meeting the purposes of this chapter, the ~~board~~ department shall rescind the vendor's designation. 17504  
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(E) Notwithstanding sections 125.01 to 125.11 of the Revised Code, designation of a vendor or the execution of any agreement under this chapter is not subject to competitive bidding under those sections. 17508  
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**Sec. 3305.031.** (A) As part of the process established under section 3305.03 of the Revised Code for designating an entity as a vendor and conducting periodic reviews of a vendor, the ~~Ohio board of regents~~ department of learning and achievement 17512  
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shall do all of the following: 17516

(1) Provide written notice to each public institution of 17517  
higher education that an entity has applied to be designated as 17518  
a vendor under section 3305.03 of the Revised Code; 17519

(2) Provide written notice to each public institution of 17520  
higher education that a vendor is scheduled for a review; 17521

(3) Establish a comment period of not less than thirty 17522  
days during which a public institution of higher education is 17523  
authorized to comment about an entity's application for 17524  
designation or a vendor's review and to request a meeting with 17525  
the ~~board of regents~~ department concerning the application or 17526  
review; 17527

(4) Not later than fourteen days after the ~~board~~ 17528  
department makes a decision with respect to an application or 17529  
review, including any rescission of a vendor's designation, 17530  
provide written notice to each public institution of higher 17531  
education of the ~~board's~~ department's decision. 17532

(B) If a meeting is requested by a public institution of 17533  
higher education under division (A) (3) of this section, the 17534  
~~board of regents~~ department shall do all of the following: 17535

(1) Notify each public institution of higher education of 17536  
the meeting and its time and place; 17537

(2) Hold the meeting not less than ten but not more than 17538  
thirty days after the end of the comment period; 17539

(3) Continue to accept comments concerning the application 17540  
or review, as applicable, until five business days after the 17541  
meeting is held. 17542

(C) The ~~board of regents~~ department shall adopt rules 17543

under section 3305.032 of the Revised Code specifying the method 17544  
to be used by public institutions of higher education in 17545  
submitting comments to the board concerning an application or 17546  
review. 17547

**Sec. 3305.032.** The ~~Ohio board of regents~~ department of 17548  
learning and achievement shall adopt rules as the ~~board-~~ 17549  
department considers necessary to carry out its duties and 17550  
responsibilities under this chapter. The rules shall be adopted 17551  
in accordance with Chapter 119. of the Revised Code. The rules 17552  
may provide for fees to be charged providers by the ~~board-~~ 17553  
department to cover administrative and marketing expenses of the 17554  
~~board~~ department. 17555

**Sec. 3307.01.** As used in this chapter: 17556

(A) "Employer" means the board of education, school 17557  
district, governing authority of any community school 17558  
established under Chapter 3314. of the Revised Code, a science, 17559  
technology, engineering, and mathematics school established 17560  
under Chapter 3326. of the Revised Code, college, university, 17561  
institution, or other agency within the state by which a teacher 17562  
is employed and paid. 17563

(B) (1) "Teacher" means all of the following: 17564

(a) Any person paid from public funds and employed in the 17565  
public schools of the state under any type of contract described 17566  
in section 3311.77 or 3319.08 of the Revised Code in a position 17567  
for which the person is required to have a license issued 17568  
pursuant to sections 3319.22 to 3319.31 of the Revised Code; 17569

(b) Except as provided in division (B) (2) (b) or (c) of 17570  
this section, any person employed as a teacher or faculty member 17571  
in a community school or a science, technology, engineering, and 17572

mathematics school pursuant to Chapter 3314. or 3326. of the Revised Code; 17573  
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(c) Any person having a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in a public school in this state in an educational position, as determined by the ~~state board of education~~ department of learning and achievement, under programs provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirements for the position can be made under the provisions of such federal acts or regulations; 17575  
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(d) Any other teacher or faculty member employed in any school, college, university, institution, or other agency wholly controlled and managed, and supported in whole or in part, by the state or any political subdivision thereof, including Central state university, Cleveland state university, and the university of Toledo; 17584  
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(e) The educational employees of the ~~department~~ departments of education and learning and achievement, as determined by the ~~state~~ superintendent of public instruction and the director of learning and achievement, respectively. 17590  
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In all cases of doubt, the state teachers retirement board shall determine whether any person is a teacher, and its decision shall be final. 17594  
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(2) "Teacher" does not include any of the following: 17597

(a) Any eligible employee of a public institution of higher education, as defined in section 3305.01 of the Revised Code, who elects to participate in an alternative retirement plan established under Chapter 3305. of the Revised Code; 17598  
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(b) Any person employed by a community school operator, as 17602  
defined in section 3314.02 of the Revised Code, if on or before 17603  
February 1, 2016, the school's operator was withholding and 17604  
paying employee and employer taxes pursuant to 26 U.S.C. 3101(a) 17605  
and 3111(a) for persons employed in the school as teachers, 17606  
unless the person had contributing service in a community school 17607  
in the state within one year prior to the later of February 1, 17608  
2016, or the date on which the operator for the first time 17609  
withholds and pays employee and employer taxes pursuant to 26 17610  
U.S.C. 3101(a) and 3111(a) for that person; 17611

(c) Any person who would otherwise be a teacher under 17612  
division (B) (2) (b) of this section who terminates employment 17613  
with a community school operator and has no contributing service 17614  
in a community school in the state for a period of at least one 17615  
year from the date of termination of employment. 17616

(C) "Member" means any person included in the membership 17617  
of the state teachers retirement system, which shall consist of 17618  
all teachers and contributors as defined in divisions (B) and 17619  
(D) of this section and all disability benefit recipients, as 17620  
defined in section 3307.50 of the Revised Code. However, for 17621  
purposes of this chapter, the following persons shall not be 17622  
considered members: 17623

(1) A student, intern, or resident who is not a member 17624  
while employed part-time by a school, college, or university at 17625  
which the student, intern, or resident is regularly attending 17626  
classes; 17627

(2) A person denied membership pursuant to section 3307.24 17628  
of the Revised Code; 17629

(3) An other system retirant, as defined in section 17630

3307.35 of the Revised Code, or a superannuate; 17631

(4) An individual employed in a program established 17632  
pursuant to the "Job Training Partnership Act," 96 Stat. 1322 17633  
(1982), 29 U.S.C.A. 1501; 17634

(5) The surviving spouse of a member or retirant if the 17635  
surviving spouse's only connection to the retirement system is 17636  
an account in an STRS defined contribution plan. 17637

(D) "Contributor" means any person who has an account in 17638  
the teachers' savings fund or defined contribution fund, except 17639  
that "contributor" does not mean a member or retirant's 17640  
surviving spouse with an account in an STRS defined contribution 17641  
plan. 17642

(E) "Beneficiary" means any person eligible to receive, or 17643  
in receipt of, a retirement allowance or other benefit provided 17644  
by this chapter. 17645

(F) "Year" means the year beginning the first day of July 17646  
and ending with the thirtieth day of June next following, except 17647  
that for the purpose of determining final average salary under 17648  
the plan described in sections 3307.50 to 3307.79 of the Revised 17649  
Code, "year" may mean the contract year. 17650

(G) "Local district pension system" means any school 17651  
teachers pension fund created in any school district of the 17652  
state in accordance with the laws of the state prior to 17653  
September 1, 1920. 17654

(H) "Employer contribution" means the amount paid by an 17655  
employer, as determined by the employer rate, including the 17656  
normal and deficiency rates, contributions, and funds wherever 17657  
used in this chapter. 17658

(I) "Five years of service credit" means employment 17659  
covered under this chapter and employment covered under a former 17660  
retirement plan operated, recognized, or endorsed by a college, 17661  
institute, university, or political subdivision of this state 17662  
prior to coverage under this chapter. 17663

(J) "Actuary" means an actuarial professional contracted 17664  
with or employed by the state teachers retirement board, who 17665  
shall be either of the following: 17666

(1) A member of the American academy of actuaries; 17667

(2) A firm, partnership, or corporation of which at least 17668  
one person is a member of the American academy of actuaries. 17669

(K) "Fiduciary" means a person who does any of the 17670  
following: 17671

(1) Exercises any discretionary authority or control with 17672  
respect to the management of the system, or with respect to the 17673  
management or disposition of its assets; 17674

(2) Renders investment advice for a fee, direct or 17675  
indirect, with respect to money or property of the system; 17676

(3) Has any discretionary authority or responsibility in 17677  
the administration of the system. 17678

(L) (1) (a) Except as provided in this division, 17679  
"compensation" means all salary, wages, and other earnings paid 17680  
to a teacher by reason of the teacher's employment, including 17681  
compensation paid pursuant to a supplemental contract. The 17682  
salary, wages, and other earnings shall be determined prior to 17683  
determination of the amount required to be contributed to the 17684  
teachers' savings fund or defined contribution fund under 17685  
section 3307.26 of the Revised Code and without regard to 17686

whether any of the salary, wages, or other earnings are treated 17687  
as deferred income for federal income tax purposes. 17688

(b) Except as provided in division (L) (1) (c) of this 17689  
section, "compensation" includes amounts paid by an employer as 17690  
a retroactive payment of earnings, damages, or back pay pursuant 17691  
to a court order, court-adopted settlement agreement, or other 17692  
settlement agreement if the retirement system receives both of 17693  
the following: 17694

(i) Teacher and employer contributions under sections 17695  
3307.26 and 3307.28 of the Revised Code, plus interest 17696  
compounded annually at a rate determined by the state teachers 17697  
retirement board, for each year or portion of a year for which 17698  
amounts are paid under the order or agreement; 17699

(ii) Teacher and employer contributions under sections 17700  
3307.26 and 3307.28 of the Revised Code, plus interest 17701  
compounded annually at a rate determined by the board, for each 17702  
year or portion of a year not subject to division (L) (1) (b) (i) 17703  
of this section for which the board determines the teacher was 17704  
improperly paid, regardless of the teacher's ability to recover 17705  
on such amounts improperly paid. 17706

(c) If any portion of an amount paid by an employer as a 17707  
retroactive payment of earnings, damages, or back pay is for an 17708  
amount, benefit, or payment described in division (L) (2) of this 17709  
section, that portion of the amount is not compensation under 17710  
this section. 17711

(2) Compensation does not include any of the following: 17712

(a) Payments for accrued but unused sick leave or personal 17713  
leave, including payments made under a plan established pursuant 17714  
to section 124.39 of the Revised Code or any other plan 17715

established by the employer;	17716
(b) Payments made for accrued but unused vacation leave,	17717
including payments made pursuant to section 124.13 of the	17718
Revised Code or a plan established by the employer;	17719
(c) Payments made for vacation pay covering concurrent	17720
periods for which other salary, compensation, or benefits under	17721
this chapter or Chapter 145. or 3309. of the Revised Code are	17722
paid;	17723
(d) Amounts paid by the employer to provide life	17724
insurance, sickness, accident, endowment, health, medical,	17725
hospital, dental, or surgical coverage, or other insurance for	17726
the teacher or the teacher's family, or amounts paid by the	17727
employer to the teacher in lieu of providing the insurance;	17728
(e) Incidental benefits, including lodging, food, laundry,	17729
parking, or services furnished by the employer, use of the	17730
employer's property or equipment, and reimbursement for job-	17731
related expenses authorized by the employer, including moving	17732
and travel expenses and expenses related to professional	17733
development;	17734
(f) Payments made by the employer in exchange for a	17735
member's waiver of a right to receive any payment, amount, or	17736
benefit described in division (L) (2) of this section;	17737
(g) Payments by the employer for services not actually	17738
rendered;	17739
(h) Any amount paid by the employer as a retroactive	17740
increase in salary, wages, or other earnings, unless the	17741
increase is one of the following:	17742
(i) A retroactive increase paid to a member employed by a	17743

school district board of education in a position that requires a license designated for teaching and not designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;

(ii) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;

(iii) A retroactive increase paid to a member employed by a school district board of education as a superintendent that is also paid as described in division (L) (2) (h) (i) of this section;

(iv) A retroactive increase paid to a member employed by an employer other than a school district board of education in accordance with uniform criteria applicable to all members employed by the employer.

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

(j) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly; 17773  
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(k) Anything of value received by the teacher that is based on or attributable to retirement or an agreement to retire; 17779  
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(3) The retirement board shall determine both of the following: 17782  
17783

(a) Whether particular forms of earnings are included in any of the categories enumerated in this division; 17784  
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(b) Whether any form of earnings not enumerated in this division is to be included in compensation. 17786  
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Decisions of the board made under this division shall be final. 17788  
17789

(M) "Superannuate" means both of the following: 17790

(1) A former teacher receiving from the system a retirement allowance under section 3307.58 or 3307.59 of the Revised Code; 17791  
17792  
17793

(2) A former teacher receiving a benefit from the system under a plan established under section 3307.81 of the Revised Code, except that "superannuate" does not include a former teacher who is receiving a benefit based on disability under a plan established under section 3307.81 of the Revised Code. 17794  
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For purposes of sections 3307.35 and 3307.353 of the Revised Code, "superannuate" also means a former teacher 17799  
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receiving from the system a combined service retirement benefit 17801  
paid in accordance with section 3307.57 of the Revised Code, 17802  
regardless of which retirement system is paying the benefit. 17803

(N) "STRS defined benefit plan" means the plan described 17804  
in sections 3307.50 to 3307.79 of the Revised Code. 17805

(O) "STRS defined contribution plan" means the plans 17806  
established under section 3307.81 of the Revised Code and 17807  
includes the STRS combined plan under that section. 17808

(P) "Faculty" means the teaching staff of a university, 17809  
college, or school, including any academic administrators. 17810

**Sec. 3307.05.** The state teachers retirement board shall 17811  
consist of the following members: 17812

(A) The ~~superintendent of public instruction~~ director of 17813  
learning and achievement or a designee of the ~~superintendent-~~ 17814  
director who has the following qualifications: 17815

(1) The designee is a resident of this state. 17816

(2) Within the three years immediately preceding the 17817  
appointment, the designee has not been employed by the public 17818  
employees retirement system, police and fire pension fund, state 17819  
teachers retirement system, school employees retirement system, 17820  
or state highway patrol retirement system or by any person, 17821  
partnership, or corporation that has provided to one of those 17822  
retirement systems services of a financial or investment nature, 17823  
including the management, analysis, supervision, or investment 17824  
of assets. 17825

(3) The designee has direct experience in the management, 17826  
analysis, supervision, or investment of assets. 17827

(B) One member, known as the treasurer of state's 17828

investment designee, who shall be appointed by the treasurer of 17829  
state for a term of four years and have the following 17830  
qualifications: 17831

~~(a)~~ (1) The member is a resident of this state. 17832

~~(b)~~ (2) Within the three years immediately preceding the 17833  
appointment, the member has not been employed by the public 17834  
employees retirement system, police and fire pension fund, state 17835  
teachers retirement system, school employees retirement system, 17836  
or state highway patrol retirement system or by any person, 17837  
partnership, or corporation that has provided to one of those 17838  
retirement systems services of a financial or investment nature, 17839  
including management, analysis, supervision, or investment of 17840  
assets. 17841

~~(c)~~ (3) The member has direct experience in the management, 17842  
analysis, supervision, or investment of assets. 17843

~~(d)~~ (4) The member is not currently employed by the state 17844  
or a political subdivision of the state. 17845

(C) Two members, known as the investment expert members, 17846  
who shall be appointed for four-year terms. One investment 17847  
expert member shall be appointed by the governor, and one 17848  
investment expert member shall be jointly appointed by the 17849  
speaker of the house of representatives and the president of the 17850  
senate. Each investment expert member shall have the following 17851  
qualifications: 17852

~~(a)~~ (1) Each member shall be a resident of this state. 17853

~~(b)~~ (2) Within the three years immediately preceding the 17854  
appointment, each member shall not have been employed by the 17855  
public employees retirement system, police and fire pension 17856  
fund, state teachers retirement system, school employees 17857

retirement system, or state highway patrol retirement system or 17858  
by any person, partnership, or corporation that has provided to 17859  
one of those retirement systems services of a financial or 17860  
investment nature, including the management, analysis, 17861  
supervision, or investment of assets. 17862

~~(e)~~(3) Each member shall have direct experience in the 17863  
management, analysis, supervision, or investment of assets. 17864

Any investment expert member appointed to fill a vacancy 17865  
occurring prior to the expiration of the term for which the 17866  
member's predecessor was appointed shall hold office until the 17867  
end of such term. The member shall continue in office subsequent 17868  
to the expiration date of the member's term until the member's 17869  
successor takes office, or until a period of sixty days has 17870  
elapsed, whichever occurs first. 17871

(D) Five members, known as contributing members, who shall 17872  
be members of the state teachers retirement system; 17873

(E) Two former members of the system, known as retired 17874  
teacher members, who shall be superannuates who are not 17875  
otherwise employed in positions requiring them to make 17876  
contributions to the system. 17877

**Sec. 3307.31.** (A) Payments by boards of education and 17878  
governing authorities of community schools to the state teachers 17879  
retirement system, as provided in sections 3307.29 and 3307.291 17880  
of the Revised Code, shall be made from the amount allocated 17881  
under section 3314.08 or Chapter 3317. of the Revised Code prior 17882  
to its distribution to the individual school districts or 17883  
community schools. The amount due from each school district or 17884  
community school shall be certified by the secretary of the 17885  
system to the ~~superintendent of public instruction~~ department of 17886

learning and achievement monthly, or at such times as may be 17887  
determined by the state teachers retirement board. 17888

The ~~superintendent~~ department shall deduct, from the 17889  
amount allocated to each district or community school under 17890  
section 3314.08 or Chapter 3317. of the Revised Code, the entire 17891  
amounts due to the system from such district or school upon the 17892  
certification to the ~~superintendent~~ department by the secretary 17893  
thereof. 17894

The ~~superintendent~~ department shall certify to the 17895  
director of budget and management the amounts thus due the 17896  
system for payment. 17897

(B) Payments to the state teachers retirement system by a 17898  
science, technology, engineering, and mathematics school shall 17899  
be deducted from the amount allocated under section 3326.33 of 17900  
the Revised Code and shall be made in the same manner as 17901  
payments by boards of education under this section. 17902

**Sec. 3307.514.** (A) As used in this section: 17903

(1) "Compensation" has the same meaning as in section 17904  
3307.01 of the Revised Code except that in the case of an 17905  
electing employee, "compensation" means the amount that would be 17906  
the electing employee's compensation if the electing employee 17907  
was a member of the state teachers retirement system. 17908

(2) "Compensation ratio" means the ratio for the most 17909  
recent full fiscal year for which the information is available 17910  
of the total compensation of all electing employees to the sum 17911  
of the total compensation of all the retirement system's members 17912  
in the STRS defined benefit plan and the total compensation of 17913  
all electing employees. 17914

(3) "Electing employee" means a participant in an 17915

alternative retirement plan provided pursuant to Chapter 3305. 17916  
of the Revised Code who would otherwise be a member of the 17917  
retirement system. 17918

(4) "Historical liability" means the portion of the 17919  
retirement system's total unfunded actuarial accrued pension 17920  
liability attributed to the difference between the following: 17921

(a) The cumulative contributions received under division 17922  
(D) of section 3305.06 of the Revised Code on behalf of electing 17923  
employees since the establishment of the alternative retirement 17924  
plan; 17925

(b) The cumulative contributions toward the unfunded 17926  
actuarial accrued liability of the retirement system that would 17927  
have been made if the electing employees had been members of the 17928  
retirement system in the STRS defined benefit plan. 17929

(B) The state teachers retirement board shall contract 17930  
with an independent actuary to complete an actuarial study to 17931  
determine the percentage of an electing employee's compensation 17932  
to be contributed by a public institution of higher education 17933  
under division (D) of section 3305.06 of the Revised Code. The 17934  
initial study must be completed and submitted by the board to 17935  
the department of ~~higher education~~ learning and achievement not 17936  
later than December 31, 2016. A subsequent study must be 17937  
completed and submitted not later than the last day of December 17938  
of every fifth year thereafter. 17939

(C) For the initial study required under this section, the 17940  
actuary shall determine the percentage described in division (B) 17941  
of this section as follows: 17942

(1) The actuary shall calculate a percentage necessary to 17943  
amortize the historical liability over an indefinite period. 17944

(2) The actuary shall calculate a percentage necessary to amortize over a thirty-year period the amount resulting from multiplying the compensation ratio by the difference between the following:

(a) The unfunded actuarial accrued pension liability of the STRS defined benefit plan;

(b) The historical liability.

(3) The percentage to be contributed under division (D) of section 3305.06 of the Revised Code shall be one-fourth of the sum of the percentages calculated under divisions (C) (1) and (2) of this section, not to exceed four and one-half per cent.

(4) To make the calculations and determinations required under divisions (C) (1) and (2) of this section, the actuary shall use the most recent annual actuarial valuation under section 3307.51 of the Revised Code that is available at the time the study is conducted.

(D) For any study conducted after the initial study required under this section, the actuary shall determine the percentage described in division (B) of this section as follows:

(1) The actuary shall calculate a percentage necessary to amortize over a thirty-year period the amount resulting from multiplying the compensation ratio by the difference between the following:

(a) The unfunded actuarial accrued pension liability of the STRS defined benefit plan under the annual actuarial valuation under section 3307.51 of the Revised Code that is most recent at the time the study is conducted;

(b) The historical liability determined under division (C)

of this section. 17973

(2) The percentage to be contributed under division (D) of 17974  
section 3305.06 of the Revised Code shall be one-fourth of the 17975  
sum of the percentages calculated under divisions (C) (1) and (D) 17976  
(1) of this section but not less than one-fourth of the 17977  
percentage determined under division (C) (1) of this section, 17978  
except that the percentage shall not exceed four and one-half 17979  
per cent. 17980

**Sec. 3309.011.** "Employee" as defined in division (B) of 17981  
section 3309.01 of the Revised Code, does not include any of the 17982  
following: 17983

(A) Any person having a license issued pursuant to 17984  
sections 3319.22 to 3319.31 of the Revised Code and employed in 17985  
a public school in this state in an educational position, as 17986  
determined by the ~~state board of education~~ department of 17987  
learning and achievement, under programs provided for by federal 17988  
acts or regulations and financed in whole or in part from 17989  
federal funds, but for which no licensure requirements for the 17990  
position can be made under the provisions of such federal acts 17991  
or regulations; 17992

(B) Any person who participates in an alternative 17993  
retirement plan established under Chapter 3305. of the Revised 17994  
Code; 17995

(C) Any person who elects to transfer from the school 17996  
employees retirement system to the public employees retirement 17997  
system under section 3309.312 of the Revised Code; 17998

(D) Any person whose full-time employment by the 17999  
university of Akron as a state university law enforcement 18000  
officer pursuant to section 3345.04 of the Revised Code 18001

commences on or after September 16, 1998; 18002

(E) Any person described in division (B) of section 18003  
3309.013 of the Revised Code; 18004

(F) Any person described in division (D) of section 18005  
145.011 of the Revised Code. 18006

**Sec. 3309.212.** (A) As used in this section: 18007

(1) "Compensation" has the same meaning as in section 18008  
3309.01 of the Revised Code except that in the case of an 18009  
electing employee, "compensation" means the amount that would be 18010  
the electing employee's compensation if the electing employee 18011  
was a member of the retirement system. 18012

(2) "Compensation ratio" means the ratio for the most 18013  
recent full fiscal year for which the information is available 18014  
of the total compensation of all electing employees to the sum 18015  
of the total compensation of all the retirement system's members 18016  
in the system's defined benefit plan and the total compensation 18017  
of all electing employees. 18018

(3) "Electing employee" means a participant in an 18019  
alternative retirement plan provided pursuant to Chapter 3305. 18020  
of the Revised Code who would otherwise be a member of the 18021  
retirement system. 18022

(4) "Historical liability" means the portion of the 18023  
retirement system's total unfunded actuarial accrued pension 18024  
liability attributed to the difference between the following: 18025

(a) The cumulative contributions received under division 18026  
(D) of section 3305.06 of the Revised Code on behalf of electing 18027  
employees since the establishment of the alternative retirement 18028  
plan; 18029

(b) The cumulative contributions toward the unfunded 18030  
actuarial accrued liability of the retirement system that would 18031  
have been made if the electing employees had been members of the 18032  
retirement system in the system's defined benefit plan. 18033

(B) The school employees retirement board shall contract 18034  
with an independent actuary to complete an actuarial study to 18035  
determine the percentage of an electing employee's compensation 18036  
to be contributed by a public institution of higher education 18037  
under division (D) of section 3305.06 of the Revised Code. The 18038  
initial study must be completed and submitted by the board to 18039  
the department of ~~higher education~~ learning and achievement not 18040  
later than December 31, 2016. A subsequent study must be 18041  
completed and submitted not later than the last day of December 18042  
of every fifth year thereafter. 18043

(C) For the initial study required under this section, the 18044  
actuary shall determine the percentage described in division (B) 18045  
of this section as follows: 18046

(1) The actuary shall calculate a percentage necessary to 18047  
amortize the historical liability over an indefinite period. 18048

(2) The actuary shall calculate a percentage necessary to 18049  
amortize over a thirty-year period the amount resulting from 18050  
multiplying the compensation ratio by the difference between the 18051  
following: 18052

(a) The unfunded actuarial accrued pension liability of 18053  
the defined benefit plan; 18054

(b) The historical liability. 18055

(3) The percentage to be contributed under division (D) of 18056  
section 3305.06 of the Revised Code shall be one-fourth of the 18057  
sum of the percentages calculated under divisions (C) (1) and (2) 18058

of this section, not to exceed four and one-half per cent. 18059

(4) To make the calculations and determinations required 18060  
under divisions (C) (1) and (2) of this section, the actuary 18061  
shall use the most recent annual actuarial valuation under 18062  
section 3309.21 of the Revised Code that is available at the 18063  
time the study is conducted. 18064

(D) For any study conducted after the initial study 18065  
required under this section, the actuary shall determine the 18066  
percentage described in division (B) of this section as follows: 18067

(1) The actuary shall calculate a percentage necessary to 18068  
amortize over a thirty-year period the amount resulting from 18069  
multiplying the compensation ratio by the difference between the 18070  
following: 18071

(a) The unfunded actuarial accrued pension liability of 18072  
the retirement system's defined benefit plan under the annual 18073  
actuarial valuation under section 3309.21 of the Revised Code 18074  
that is most recent at the time the study is conducted; 18075

(b) The historical liability determined under division (C) 18076  
of this section. 18077

(2) The percentage to be contributed under division (D) of 18078  
section 3305.06 of the Revised Code shall be one-fourth of the 18079  
sum of the percentages calculated under divisions (C) (1) and (D) 18080  
(1) of this section but not less than one-fourth of the 18081  
percentage determined under division (C) (1) of this section, 18082  
except that the percentage shall not exceed four and one-half 18083  
per cent. 18084

**Sec. 3309.48.** Any employee who left the service of an 18085  
employer after attaining age sixty-five or over and such 18086  
employer had failed or refused to deduct and transmit to the 18087

school employees retirement system the employee contributions as 18088  
required by section 3309.47 of the Revised Code during any year 18089  
for which membership was compulsory as determined by the school 18090  
employees retirement board, shall be granted service credit 18091  
without cost, which shall be considered as total service credit 18092  
for the purposes of meeting the qualifications for service 18093  
retirement provided by the law in effect on and retroactive to 18094  
the first eligible retirement date following the date such 18095  
employment terminated, but shall not be paid until formal 18096  
application for such allowance on a form provided by the 18097  
retirement board is received in the office of the retirement 18098  
system. The total service credit granted under this section 18099  
shall not exceed ten years for any such employee. 18100

The liability incurred by the retirement board because of 18101  
the service credit granted under this section shall be 18102  
determined by the retirement board, the cost of which shall be 18103  
equal to an amount that is determined by applying the combined 18104  
employee and employer rates of contribution against the 18105  
compensation of such employee at the rates of contribution and 18106  
maximum salary provisions in effect during such employment for 18107  
each year for which credit is granted, together with interest at 18108  
the rate to be credited accumulated contributions at retirement, 18109  
compounded annually from the first day of the month payment was 18110  
due the retirement system to and including the month of deposit, 18111  
the total amount of which shall be collected from the employer. 18112  
Such amounts shall be certified by the retirement board to the 18113  
~~superintendent of public instruction~~ department of learning and 18114  
achievement, who shall deduct the amount due the system from any 18115  
funds due the affected school district under Chapter 3317. of 18116  
the Revised Code. The ~~superintendent~~ department shall certify to 18117  
the director of budget and management the amount due the system 18118

for payment. The total amount paid shall be deposited into the 18119  
employers' trust fund, and shall not be considered as 18120  
accumulated contributions of the employee in the event of the 18121  
employee's death or withdrawal of funds. 18122

**Sec. 3309.491.** (A) An actuary employed by the school 18123  
employees retirement board shall annually determine the minimum 18124  
annual compensation amount for each member that will be needed 18125  
to fund the cost of providing future health care benefits under 18126  
section 3309.69 of the Revised Code. The amount determined by 18127  
the actuary under this division shall be approved by the board 18128  
and shall be known as the "minimum compensation amount." 18129

(B) (1) The secretary of the school employees retirement 18130  
board shall annually determine for each employer the "employer 18131  
minimum compensation contribution." 18132

Subject to division (B) (2) of this section, the amount 18133  
determined shall be the lesser of the following: 18134

(a) An amount equal to two per cent of the compensation of 18135  
all members employed by the employer during the prior year; 18136

(b) The total of the amounts determined as follows for 18137  
each member whose compensation for the prior year was less than 18138  
the minimum compensation amount: 18139

(i) Subtract the member's compensation for the prior year 18140  
from the minimum compensation amount; 18141

(ii) Multiply the remainder obtained under division (B) (1) 18142  
(b) (i) of this section by one, or if the member earned less than 18143  
a year's service credit for the prior year, by the same fraction 18144  
as the fraction of a year's service credit credited to the 18145  
member under section 3309.30 of the Revised Code; 18146

(iii) Multiply the product obtained under division (B) (1) 18147  
(b) (ii) of this section by the employer contribution rate in 18148  
effect for the year the service credit was earned. 18149

(2) If the total of the employer minimum contribution 18150  
amounts determined under division (B) (1) of this section exceeds 18151  
one and one-half per cent of the compensation of all members 18152  
employed by employers required to pay the employer minimum 18153  
compensation contribution, the school employees retirement board 18154  
shall reduce the amount determined for each employer so that the 18155  
total amount determined does not exceed one and one-half per 18156  
cent of the compensation of all members employed by employers 18157  
required to pay the employer minimum compensation contribution. 18158  
Any reduction shall be applied to each employer in the same 18159  
proportion as the employer's minimum compensation contribution 18160  
bears to the total employer minimum compensation contribution. 18161

(C) The secretary shall annually certify to each employer 18162  
the employer minimum compensation contribution determined under 18163  
division (B) of this section. In addition to the employer 18164  
contribution required by section 3309.49 of the Revised Code, 18165  
each employer shall pay annually to the employers' trust fund 18166  
the amount certified to the employer under this division. 18167

(D) Annually by the first day of August, the secretary 18168  
shall submit to the ~~superintendent of public instruction~~ 18169  
department of learning and achievement a list of the payments 18170  
made by each employer under this section during the preceding 18171  
fiscal year. 18172

**Sec. 3309.51.** (A) Each employer shall pay into the 18173  
employers' trust fund, monthly or at such times as the school 18174  
employees retirement board requires, an amount certified by the 18175  
school employees retirement board, which shall be as required by 18176

Chapter 3309. of the Revised Code. 18177

Payments by school district boards of education to the 18178  
employers' trust fund of the school employees retirement system 18179  
may be made from the amounts allocated under Chapter 3317. of 18180  
the Revised Code prior to their distribution to the individual 18181  
school districts. The amount due from each school district may 18182  
be certified by the secretary of the system to the 18183  
~~superintendent of public instruction~~ department of learning and 18184  
achievement monthly, or at such times as is determined by the 18185  
school employees retirement board. 18186

Payments by governing authorities of community schools to 18187  
the employers' trust fund of the school employees retirement 18188  
system shall be made from the amounts allocated under section 18189  
3314.08 of the Revised Code prior to their distribution to the 18190  
individual community schools. The amount due from each community 18191  
school shall be certified by the secretary of the system to the 18192  
~~superintendent of public instruction~~ department monthly, or at 18193  
such times as determined by the school employees retirement 18194  
board. 18195

Payments by a science, technology, engineering, and 18196  
mathematics school to the employers' trust fund of the school 18197  
employees retirement system shall be made from the amounts 18198  
allocated under section 3326.33 of the Revised Code prior to 18199  
their distribution to the school. The amount due from a science, 18200  
technology, engineering, and mathematics school shall be 18201  
certified by the secretary of the school employees retirement 18202  
system to the ~~superintendent of public instruction~~ department 18203  
monthly, or at such times as determined by the school employees 18204  
retirement board. 18205

(B) The ~~superintendent~~ department shall deduct from the 18206

amount allocated to each community school under section 3314.08 18207  
of the Revised Code, to each school district under Chapter 3317. 18208  
of the Revised Code, or to each science, technology, 18209  
engineering, and mathematics school under section 3326.33 of the 18210  
Revised Code the entire amounts due to the school employees 18211  
retirement system from such school or school district upon the 18212  
certification to the superintendent by the secretary thereof. 18213

(C) Where an employer fails or has failed or refuses to 18214  
make payments to the employers' trust fund, as provided for 18215  
under Chapter 3309. of the Revised Code, or fails to pay any 18216  
penalty imposed under section 3309.571 of the Revised Code the 18217  
secretary of the school employees retirement system may certify 18218  
to the ~~state superintendent of public instruction~~ department, 18219  
monthly or at such times as is determined by the school 18220  
employees retirement board, the amount due from such employer, 18221  
and the superintendent shall deduct from the amount allocated to 18222  
the employer under section 3314.08 or 3326.33 or Chapter 3317. 18223  
of the Revised Code, as applicable, the entire amounts due to 18224  
the system from the employer upon the certification to the 18225  
superintendent by the secretary of the school employees 18226  
retirement system. 18227

(D) The ~~superintendent~~ department shall certify to the 18228  
director of budget and management the amounts thus due the 18229  
system for payment. 18230

**Sec. 3310.01.** As used in sections 3310.01 to 3310.17 of 18231  
the Revised Code: 18232

(A) "Chartered nonpublic school" means a nonpublic school 18233  
that holds a valid charter issued by the ~~state board~~ department 18234  
of ~~education~~ learning and achievement under section 3301.16 of 18235  
the Revised Code and meets the standards established for such 18236

schools in rules adopted by the ~~state board~~ department. 18237

(B) An "eligible student" is a student who satisfies the 18238  
conditions specified in section 3310.03 or 3310.032 of the 18239  
Revised Code. 18240

(C) "Parent" has the same meaning as in section 3313.98 of 18241  
the Revised Code. 18242

(D) "Resident district" means the school district in which 18243  
a student is entitled to attend school under section 3313.64 or 18244  
3313.65 of the Revised Code. 18245

(E) "School year" has the same meaning as in section 18246  
3313.62 of the Revised Code. 18247

**Sec. 3310.02.** (A) The educational choice scholarship pilot 18248  
program is hereby established. Under the program, the department 18249  
of ~~education-learning and achievement~~ annually shall pay 18250  
scholarships to attend chartered nonpublic schools in accordance 18251  
with section 3310.08 of the Revised Code for up to the following 18252  
number of eligible students: 18253

(1) Thirty thousand in the 2011-2012 school year; 18254

(2) Sixty thousand in the 2012-2013 school year and 18255  
thereafter. 18256

(B) If the number of students who apply for a scholarship 18257  
exceeds the number of scholarships available under division (A) 18258  
of this section for the applicable school year, the department 18259  
shall award scholarships in the following order of priority: 18260

(1) First, to eligible students who received scholarships 18261  
in the prior school year; 18262

(2) Second, to eligible students with family incomes at or 18263

below two hundred per cent of the federal poverty guidelines, as 18264  
defined in section 5101.46 of the Revised Code, who qualify 18265  
under divisions (A) and (E) of section 3310.03 of the Revised 18266  
Code. If the number of students described in division (B) (2) of 18267  
this section who apply for a scholarship exceeds the number of 18268  
available scholarships after awards are made under division (B) 18269  
(1) of this section, the department shall select students 18270  
described in division (B) (2) of this section by lot to receive 18271  
any remaining scholarships. 18272

(3) Third, to other eligible students who qualify under 18273  
divisions (A) and (E) of section 3310.03 of the Revised Code. If 18274  
the number of students described in division (B) (3) of this 18275  
section who apply for a scholarship exceeds the number of 18276  
available scholarships after awards are made under divisions (B) 18277  
(1) and (2) of this section, the department shall select 18278  
students described in division (B) (3) of this section by lot to 18279  
receive any remaining scholarships. 18280

(4) Fourth, to eligible students with family incomes at or 18281  
below two hundred per cent of the federal poverty guidelines who 18282  
qualify under division (D) of section 3310.03 of the Revised 18283  
Code. If the number of students described in division (B) (4) of 18284  
this section who apply for a scholarship exceeds the number of 18285  
available scholarships after awards are made under divisions (B) 18286  
(1) to (3) of this section, the department shall select students 18287  
described in division (B) (4) of this section by lot to receive 18288  
any remaining scholarships. 18289

(5) Fifth, to other eligible students who qualify under 18290  
division (D) of section 3310.03 of the Revised Code. If the 18291  
number of students described in division (B) (5) of this section 18292  
who apply for a scholarship exceeds the number of available 18293

scholarships after awards are made under divisions (B) (1) to (4) 18294  
of this section, the department shall select students described 18295  
in division (B) (5) of this section by lot to receive any 18296  
remaining scholarships. 18297

(6) Sixth, to eligible students with family incomes at or 18298  
below two hundred per cent of the federal poverty guidelines who 18299  
qualify under division (B) of section 3310.03 of the Revised 18300  
Code. If the number of students described in division (B) (6) of 18301  
this section who apply for a scholarship exceeds the number of 18302  
available scholarships after awards are made under divisions (B) 18303  
(1) to (5) of this section, the department shall select students 18304  
described in division (B) (6) of this section by lot to receive 18305  
any remaining scholarships. 18306

(7) Seventh, to other eligible students who qualify under 18307  
division (B) of section 3310.03 of the Revised Code. If the 18308  
number of students described in division (B) (7) of this section 18309  
who apply for a scholarship exceeds the number of available 18310  
scholarships after awards are made under divisions (B) (1) to (6) 18311  
of this section, the department shall select students described 18312  
in division (B) (7) of this section by lot to receive any 18313  
remaining scholarships. 18314

**Sec. 3310.03.** A student is an "eligible student" for 18315  
purposes of the educational choice scholarship pilot program if 18316  
the student's resident district is not a school district in 18317  
which the pilot project scholarship program is operating under 18318  
sections 3313.974 to 3313.979 of the Revised Code and the 18319  
student satisfies one of the conditions in division (A), (B), 18320  
(C), (D), or (E) of this section: 18321

(A) (1) The student is enrolled in a school building 18322  
operated by the student's resident district that, on the report 18323

card issued under section 3302.03 of the Revised Code published 18324  
prior to the first day of July of the school year for which a 18325  
scholarship is sought, did not receive a rating as described in 18326  
division (H) of this section, and to which any or a combination 18327  
of any of the following apply for two of the three most recent 18328  
report cards published prior to the first day of July of the 18329  
school year for which a scholarship is sought: 18330

(a) The building was declared to be in a state of academic 18331  
emergency or academic watch under section 3302.03 of the Revised 18332  
Code as that section existed prior to March 22, 2013. 18333

(b) The building received a grade of "D" or "F" for the 18334  
performance index score under division (A) (1) (b) or (B) (1) (b) of 18335  
section 3302.03 of the Revised Code and for the value-added 18336  
progress dimension under division (A) (1) (e) or (B) (1) (e) of 18337  
section 3302.03 of the Revised Code for the 2012-2013, 2013- 18338  
2014, 2014-2015, or 2015-2016 school year; or if the building 18339  
serves only grades ten through twelve, the building received a 18340  
grade of "D" or "F" for the performance index score under 18341  
division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the 18342  
Revised Code and had a four-year adjusted cohort graduation rate 18343  
of less than seventy-five per cent. 18344

(c) The building received an overall grade of "D" or "F" 18345  
under division (C) (3) of section 3302.03 of the Revised Code or 18346  
a grade of "F" for the value-added progress dimension under 18347  
division (C) (1) (e) of section 3302.03 of the Revised Code for 18348  
the 2016-2017 school year or any school year thereafter. 18349

(2) The student will be enrolling in any of grades 18350  
kindergarten through twelve in this state for the first time in 18351  
the school year for which a scholarship is sought, will be at 18352  
least five years of age by the first day of January of the 18353

school year for which a scholarship is sought, and otherwise 18354  
would be assigned under section 3319.01 of the Revised Code in 18355  
the school year for which a scholarship is sought, to a school 18356  
building described in division (A) (1) of this section. 18357

(3) The student is enrolled in a community school 18358  
established under Chapter 3314. of the Revised Code but 18359  
otherwise would be assigned under section 3319.01 of the Revised 18360  
Code to a building described in division (A) (1) of this section. 18361

(4) The student is enrolled in a school building operated 18362  
by the student's resident district or in a community school 18363  
established under Chapter 3314. of the Revised Code and 18364  
otherwise would be assigned under section 3319.01 of the Revised 18365  
Code to a school building described in division (A) (1) of this 18366  
section in the school year for which the scholarship is sought. 18367

(5) The student will be both enrolling in any of grades 18368  
kindergarten through twelve in this state for the first time and 18369  
at least five years of age by the first day of January of the 18370  
school year for which a scholarship is sought, or is enrolled in 18371  
a community school established under Chapter 3314. of the 18372  
Revised Code, and all of the following apply to the student's 18373  
resident district: 18374

(a) The district has in force an intradistrict open 18375  
enrollment policy under which no student in the student's grade 18376  
level is automatically assigned to a particular school building; 18377

(b) In the most recent rating published prior to the first 18378  
day of July of the school year for which scholarship is sought, 18379  
the district did not receive a rating described in division (H) 18380  
of this section, and in at least two of the three most recent 18381  
report cards published prior to the first day of July of that 18382

school year, any or a combination of the following apply to the 18383  
district: 18384

(i) The district was declared to be in a state of academic 18385  
emergency under section 3302.03 of the Revised Code as it 18386  
existed prior to March 22, 2013. 18387

(ii) The district received a grade of "D" or "F" for the 18388  
performance index score under division (A) (1) (b) or (B) (1) (b) of 18389  
section 3302.03 of the Revised Code and for the value-added 18390  
progress dimension under division (A) (1) (e) or (B) (1) (e) of 18391  
section 3302.03 of the Revised Code for the 2012-2013, 2013- 18392  
2014, 2014-2015, or 2015-2016 school year. 18393

(c) The district received an overall grade of "D" or "F" 18394  
under division (C) (3) of section 3302.03 of the Revised Code or 18395  
a grade of "F" for the value-added progress dimension under 18396  
division (C) (1) (e) of section 3302.03 of the Revised Code for 18397  
the 2016-2017 school year or any school year thereafter. 18398

(6) Beginning in the 2016-2017 school year, the student is 18399  
enrolled in or will be enrolling in a building in the school 18400  
year for which the scholarship is sought that serves any of 18401  
grades nine through twelve and that received a grade of "D" or 18402  
"F" for the four-year adjusted cohort graduation rate under 18403  
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of section 3302.03 18404  
of the Revised Code in two of the three most recent report cards 18405  
published prior to the first day of July of the school year for 18406  
which a scholarship is sought. 18407

(B) (1) The student is enrolled in a school building 18408  
operated by the student's resident district and to which both of 18409  
the following apply: 18410

(a) The building was ranked, for at least two of the three 18411

most recent rankings prior to the first day of July of the 18412  
school year for which a scholarship is sought, in the lowest ten 18413  
per cent of all buildings operated by city, local, and exempted 18414  
village school districts according to performance index score as 18415  
determined by the department of ~~education~~ learning and 18416  
achievement. 18417

(b) The building was not declared to be excellent or 18418  
effective, or the equivalent of such ratings as determined by 18419  
the department, under section 3302.03 of the Revised Code in the 18420  
most recent rating published prior to the first day of July of 18421  
the school year for which a scholarship is sought. 18422

(2) The student will be enrolling in any of grades 18423  
kindergarten through twelve in this state for the first time in 18424  
the school year for which a scholarship is sought, will be at 18425  
least five years of age, as defined in section 3321.01 of the 18426  
Revised Code, by the first day of January of the school year for 18427  
which a scholarship is sought, and otherwise would be assigned 18428  
under section 3319.01 of the Revised Code in the school year for 18429  
which a scholarship is sought, to a school building described in 18430  
division (B) (1) of this section. 18431

(3) The student is enrolled in a community school 18432  
established under Chapter 3314. of the Revised Code but 18433  
otherwise would be assigned under section 3319.01 of the Revised 18434  
Code to a building described in division (B) (1) of this section. 18435

(4) The student is enrolled in a school building operated 18436  
by the student's resident district or in a community school 18437  
established under Chapter 3314. of the Revised Code and 18438  
otherwise would be assigned under section 3319.01 of the Revised 18439  
Code to a school building described in division (B) (1) of this 18440  
section in the school year for which the scholarship is sought. 18441

(C) The student is enrolled in a nonpublic school at the 18442  
time the school is granted a charter by the ~~state board~~ 18443  
department of education-learning and achievement under section 18444  
3301.16 of the Revised Code and the student meets the standards 18445  
of division (B) of section 3310.031 of the Revised Code. 18446

(D) For the 2016-2017 school year and each school year 18447  
thereafter, the student is in any of grades kindergarten through 18448  
three, is enrolled in a school building that is operated by the 18449  
student's resident district or will be enrolling in any of 18450  
grades kindergarten through twelve in this state for the first 18451  
time in the school year for which a scholarship is sought, and 18452  
to which both of the following apply: 18453

(1) The building, in at least two of the three most recent 18454  
ratings of school buildings published prior to the first day of 18455  
July of the school year for which a scholarship is sought, 18456  
received a grade of "D" or "F" for making progress in improving 18457  
literacy in grades kindergarten through three under division (B) 18458  
(1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code; 18459

(2) The building did not receive a grade of "A" for making 18460  
progress in improving literacy in grades kindergarten through 18461  
three under division (B) (1) (g) or (C) (1) (g) of section 3302.03 18462  
of the Revised Code in the most recent rating published prior to 18463  
the first day of July of the school year for which a scholarship 18464  
is sought. 18465

(E) The student's resident district is subject to section 18466  
3302.10 of the Revised Code and the student either: 18467

(1) Is enrolled in a school building operated by the 18468  
resident district or in a community school established under 18469  
Chapter 3314. of the Revised Code; 18470

(2) Will be both enrolling in any of grades kindergarten 18471  
through twelve in this state for the first time and at least 18472  
five years of age by the first day of January of the school year 18473  
for which a scholarship is sought. 18474

(F) A student who receives a scholarship under the 18475  
educational choice scholarship pilot program remains an eligible 18476  
student and may continue to receive scholarships in subsequent 18477  
school years until the student completes grade twelve, so long 18478  
as all of the following apply: 18479

(1) The student's resident district remains the same, or 18480  
the student transfers to a new resident district and otherwise 18481  
would be assigned in the new resident district to a school 18482  
building described in division (A) (1), (B) (1), (D), or (E) of 18483  
this section. 18484

(2) Except as provided in divisions (K) (1) and (L) of 18485  
section 3301.0711 of the Revised Code, the student takes each 18486  
assessment prescribed for the student's grade level under 18487  
section 3301.0710 or 3301.0712 of the Revised Code while 18488  
enrolled in a chartered nonpublic school. 18489

(3) In each school year that the student is enrolled in a 18490  
chartered nonpublic school, the student is absent from school 18491  
for not more than twenty days that the school is open for 18492  
instruction, not including excused absences. 18493

(G) (1) The department shall cease awarding first-time 18494  
scholarships pursuant to divisions (A) (1) to (4) of this section 18495  
with respect to a school building that, in the most recent 18496  
ratings of school buildings published under section 3302.03 of 18497  
the Revised Code prior to the first day of July of the school 18498  
year, ceases to meet the criteria in division (A) (1) of this 18499

section. The department shall cease awarding first-time 18500  
scholarships pursuant to division (A) (5) of this section with 18501  
respect to a school district that, in the most recent ratings of 18502  
school districts published under section 3302.03 of the Revised 18503  
Code prior to the first day of July of the school year, ceases 18504  
to meet the criteria in division (A) (5) of this section. 18505

(2) The department shall cease awarding first-time 18506  
scholarships pursuant to divisions (B) (1) to (4) of this section 18507  
with respect to a school building that, in the most recent 18508  
ratings of school buildings under section 3302.03 of the Revised 18509  
Code prior to the first day of July of the school year, ceases 18510  
to meet the criteria in division (B) (1) of this section. 18511

(3) The department shall cease awarding first-time 18512  
scholarships pursuant to division (D) of this section with 18513  
respect to a school building that, in the most recent ratings of 18514  
school buildings under section 3302.03 of the Revised Code prior 18515  
to the first day of July of the school year, ceases to meet the 18516  
criteria in division (D) of this section. 18517

(4) The department shall cease awarding first-time 18518  
scholarships pursuant to division (E) of this section with 18519  
respect to a school district subject to section 3302.10 of the 18520  
Revised Code when the academic distress commission established 18521  
for the district ceases to exist. 18522

(5) However, students who have received scholarships in 18523  
the prior school year remain eligible students pursuant to 18524  
division (F) of this section. 18525

(H) The ~~state board~~ department of education-learning and 18526  
achievement shall adopt rules defining excused absences for 18527  
purposes of division (F) (3) of this section. 18528

(I) (1) A student who satisfies only the conditions 18529  
prescribed in divisions (A) (1) to (4) of this section shall not 18530  
be eligible for a scholarship if the student's resident building 18531  
meets any of the following in the most recent rating under 18532  
section 3302.03 of the Revised Code published prior to the first 18533  
day of July of the school year for which a scholarship is 18534  
sought: 18535

(a) The building has an overall designation of excellent 18536  
or effective under section 3302.03 of the Revised Code as it 18537  
existed prior to March 22, 2013. 18538

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 18539  
school year, the building has a grade of "A" or "B" for the 18540  
performance index score under division (A) (1) (b) or (B) (1) (b) of 18541  
section 3302.03 of the Revised Code and for the value-added 18542  
progress dimension under division (A) (1) (e) or (B) (1) (e) of 18543  
section 3302.03 of the Revised Code; or if the building serves 18544  
only grades ten through twelve, the building received a grade of 18545  
"A" or "B" for the performance index score under division (A) (1) 18546  
(b) or (B) (1) (b) of section 3302.03 of the Revised Code and had 18547  
a four-year adjusted cohort graduation rate of greater than or 18548  
equal to seventy-five per cent. 18549

(c) For the 2016-2017 school year or any school year 18550  
thereafter, the building has a grade of "A" or "B" under 18551  
division (C) (3) of section 3302.03 of the Revised Code and a 18552  
grade of "A" for the value-added progress dimension under 18553  
division (C) (1) (e) of section 3302.03 of the Revised Code; or if 18554  
the building serves only grades ten through twelve, the building 18555  
received a grade of "A" or "B" for the performance index score 18556  
under division (C) (1) (b) of section 3302.03 of the Revised Code 18557  
and had a four-year adjusted cohort graduation rate of greater 18558

than or equal to seventy-five per cent. 18559

(2) A student who satisfies only the conditions prescribed 18560  
in division (A) (5) of this section shall not be eligible for a 18561  
scholarship if the student's resident district meets any of the 18562  
following in the most recent rating under section 3302.03 of the 18563  
Revised Code published prior to the first day of July of the 18564  
school year for which a scholarship is sought: 18565

(a) The district has an overall designation of excellent 18566  
or effective under section 3302.03 of the Revised Code as it 18567  
existed prior to March 22, 2013. 18568

(b) The district has a grade of "A" or "B" for the 18569  
performance index score under division (A) (1) (b) or (B) (1) (b) of 18570  
section 3302.03 of the Revised Code and for the value-added 18571  
progress dimension under division (A) (1) (e) or (B) (1) (e) of 18572  
section 3302.03 of the Revised Code for the 2012-2013, 2013- 18573  
2014, 2014-2015, and 2015-2016 school years. 18574

(c) The district has an overall grade of "A" or "B" under 18575  
division (C) (3) of section 3302.03 of the Revised Code and a 18576  
grade of "A" for the value-added progress dimension under 18577  
division (C) (1) (e) of section 3302.03 of the Revised Code for 18578  
the 2016-2017 school year or any school year thereafter. 18579

**Sec. 3310.031.** (A) The ~~state board department of education-~~ 18580  
learning and achievement shall adopt rules under section 3310.17 18581  
of the Revised Code establishing procedures for granting 18582  
educational choice scholarships to eligible students attending a 18583  
nonpublic school at the time the ~~state board department~~ grants 18584  
the school a charter under section 3301.16 of the Revised Code. 18585  
The procedures shall include at least the following: 18586

(1) Provisions for extending the application period for 18587

scholarships for the following school year, if necessary due to 18588  
the timing of the award of the nonpublic school's charter, in 18589  
order for students enrolled in the school at the time the 18590  
charter is granted to apply for scholarships for the following 18591  
school year; 18592

(2) Provisions for notifying the resident districts of the 18593  
nonpublic school's students that the nonpublic school has been 18594  
granted a charter and that educational choice scholarships may 18595  
be awarded to the school's students for the following school 18596  
year. 18597

(B) A student who is enrolled in a nonpublic school at the 18598  
time the school's charter is granted is an eligible student if 18599  
any of the following applies: 18600

(1) At the end of the last school year before the student 18601  
enrolled in the nonpublic school, the student was enrolled in a 18602  
school building operated by the student's resident district or 18603  
in a community school established under Chapter 3314. of the 18604  
Revised Code and, for the current or following school year, the 18605  
student otherwise would be assigned under section 3319.01 of the 18606  
Revised Code to a school building described in division (A) (1) 18607  
or (B) (1) of section 3310.03 of the Revised Code. 18608

(2) At the end of the last school year before the student 18609  
enrolled in the nonpublic school, the student was enrolled in a 18610  
school building operated by the student's resident district and, 18611  
for the current or following school year, the student otherwise 18612  
would be assigned under section 3319.01 of the Revised Code to a 18613  
school building described in division (A) (6) of section 3310.03 18614  
of the Revised Code. 18615

(3) The student was not enrolled in any public or other 18616

nonpublic school before the student enrolled in the nonpublic 18617  
school and, for the current or following school year, otherwise 18618  
would be assigned under section 3319.01 of the Revised Code to a 18619  
school building described in division (A) (1) or (6) or (B) (1) of 18620  
section 3310.03 of the Revised Code. 18621

(4) At the end of the last school year before the student 18622  
enrolled in the nonpublic school, the student was enrolled in a 18623  
school building operated by the student's resident district and, 18624  
during that school year, the building met the conditions 18625  
described in division (A) (1) or (6) or (B) (1) of section 3310.03 18626  
of the Revised Code. 18627

(5) At the end of the last school year before the student 18628  
enrolled in the nonpublic school, the student was enrolled in a 18629  
community school established under Chapter 3314. of the Revised 18630  
Code but otherwise would have been assigned under section 18631  
3319.01 of the Revised Code to a school building that, during 18632  
that school year, met the conditions described in division (A) 18633  
(1) or (B) (1) of section 3310.03 of the Revised Code. 18634

**Sec. 3310.032.** (A) A student is an "eligible student" for 18635  
purposes of the expansion of the educational choice scholarship 18636  
pilot program under this section if the student's resident 18637  
district is not a school district in which the pilot project 18638  
scholarship program is operating under sections 3313.974 to 18639  
3313.979 of the Revised Code, the student is not eligible for an 18640  
educational choice scholarship under section 3310.03 of the 18641  
Revised Code, and the student's family income is at or below two 18642  
hundred per cent of the federal poverty guidelines, as defined 18643  
in section 5101.46 of the Revised Code. 18644

(B) In each fiscal year for which the general assembly 18645  
appropriates funds for purposes of this section, the department 18646

of ~~education~~ learning and achievement shall pay scholarships to 18647  
attend chartered nonpublic schools in accordance with section 18648  
3310.08 of the Revised Code. The number of scholarships awarded 18649  
under this section shall not exceed the number that can be 18650  
funded with appropriations made by the general assembly for this 18651  
purpose. 18652

(C) Scholarships under this section shall be awarded as 18653  
follows: 18654

(1) For the 2013-2014 school year, to eligible students 18655  
who are entering kindergarten in that school year for the first 18656  
time; 18657

(2) For each subsequent school year, scholarships shall be 18658  
awarded to eligible students in the next grade level above the 18659  
highest grade level awarded in the preceding school year, in 18660  
addition to the grade levels for which students received 18661  
scholarships in the preceding school year. 18662

(D) If the number of eligible students who apply for a 18663  
scholarship under this section exceeds the scholarships 18664  
available based on the appropriation for this section, the 18665  
department shall award scholarships in the following order of 18666  
priority: 18667

(1) First, to eligible students who received scholarships 18668  
under this section in the prior school year; 18669

(2) Second, to eligible students with family incomes at or 18670  
below one hundred per cent of the federal poverty guidelines. If 18671  
the number of students described in division (D) (2) of this 18672  
section who apply for a scholarship exceeds the number of 18673  
available scholarships after awards are made under division (D) 18674  
(1) of this section, the department shall select students 18675

described in division (D) (2) of this section by lot to receive 18676  
any remaining scholarships. 18677

(3) Third, to other eligible students who qualify under 18678  
this section. If the number of students described in division 18679  
(D) (3) of this section exceeds the number of available 18680  
scholarships after awards are made under divisions (D) (1) and 18681  
(2) of this section, the department shall select students 18682  
described in division (D) (3) of this section by lot to receive 18683  
any remaining scholarships. 18684

(E) Subject to divisions (E) (1) to (3) of this section, a 18685  
student who receives a scholarship under this section remains an 18686  
eligible student and may continue to receive scholarships under 18687  
this section in subsequent school years until the student 18688  
completes grade twelve, so long as the student satisfies the 18689  
conditions specified in divisions (F) (2) and (3) of section 18690  
3310.03 of the Revised Code. 18691

Once a scholarship is awarded under this section, the 18692  
student shall remain eligible for that scholarship for the 18693  
current school year and subsequent school years even if the 18694  
student's family income rises above the amount specified in 18695  
division (A) of this section, provided the student remains 18696  
enrolled in a chartered nonpublic school, however: 18697

(1) If the student's family income is above two hundred 18698  
per cent but at or below three hundred per cent of the federal 18699  
poverty guidelines, the student shall receive a scholarship in 18700  
the amount of seventy-five per cent of the full scholarship 18701  
amount. 18702

(2) If the student's family income is above three hundred 18703  
per cent but at or below four hundred per cent of the federal 18704

poverty guidelines, the student shall receive a scholarship in 18705  
the amount of fifty per cent of the full scholarship amount. 18706

(3) If the student's family income is above four hundred 18707  
per cent of the federal poverty guidelines, the student is no 18708  
longer eligible to receive an educational choice scholarship. 18709

**Sec. 3310.07.** Any parent, or any student who is at least 18710  
eighteen years of age, who is seeking a scholarship under the 18711  
educational choice scholarship pilot program shall notify the 18712  
department of ~~education~~learning and achievement of the 18713  
student's and parent's names and address, the chartered 18714  
nonpublic school in which the student has been accepted for 18715  
enrollment, and the tuition charged by the school. 18716

**Sec. 3310.08.** (A) The amount paid for an eligible student 18717  
under the educational choice scholarship pilot program shall be 18718  
the lesser of the tuition of the chartered nonpublic school in 18719  
which the student is enrolled or the maximum amount prescribed 18720  
in section 3310.09 of the Revised Code. 18721

(B) (1) The department of ~~education~~learning and 18722  
achievement shall pay to the parent of each eligible student for 18723  
whom a scholarship is awarded under the program, or to the 18724  
student if at least eighteen years of age, periodic partial 18725  
payments of the scholarship. 18726

(2) The department shall proportionately reduce or 18727  
terminate the payments for any student who withdraws from a 18728  
chartered nonpublic school prior to the end of the school year. 18729

(C) (1) The department shall deduct from the payments made 18730  
to each school district under Chapter 3317., and if necessary, 18731  
sections 321.24 and 323.156 of the Revised Code, the amount paid 18732  
under division (B) of this section for each eligible student who 18733

qualifies for a scholarship under section 3310.03 of the Revised Code and who is entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in the district. In the case of a student entitled to attend school in a school district under division (B) (2) (a) of section 3313.64 or division (C) of section 3313.65 of the Revised Code, the department shall deduct the payments from the school district in whose formula ADM the student is included, as that term is defined in section 3317.02 of the Revised Code.

(2) If the department reduces or terminates payments to a parent or a student, as prescribed in division (B) (2) of this section, and the student enrolls in the schools of the student's resident district or in a community school, established under Chapter 3314. of the Revised Code, before the end of the school year, the department shall proportionally restore to the resident district the amount deducted for that student under division (C) (1) of this section.

**Sec. 3310.11.** (A) Only for the purpose of administering the educational choice scholarship pilot program, the department of ~~education~~ learning and achievement may request from any of the following entities the data verification code assigned under division (D) (2) of section 3301.0714 of the Revised Code to any student who is seeking a scholarship under the program:

(1) The student's resident district;

(2) If applicable, the community school in which that student is enrolled;

(3) The independent contractor engaged to create and maintain student data verification codes.

(B) Upon a request by the department under division (A) of

this section for the data verification code of a student seeking a scholarship or a request by the student's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the department. If the student has not been assigned a code, because the student will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that student and submit the code to the department or parent by a date specified by the department. If the district does not assign a code to the student by the specified date, the department shall assign a code to that student.

The department annually shall submit to each school district the name and data verification code of each student residing in the district who is entering kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division.

(C) For the purpose of administering the applicable assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code, as required by section 3310.14 of the Revised Code, the department shall provide to each chartered nonpublic school that enrolls a scholarship student the data verification code for that student.

(D) The department and each chartered nonpublic school that receives a data verification code under this section shall not release that code to any person except as provided by law.

Any document relative to this program that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code.

**Sec. 3310.13.** (A) No chartered nonpublic school shall 18793  
charge any student whose family income is at or below two 18794  
hundred per cent of the federal poverty guidelines, as defined 18795  
in section 5101.46 of the Revised Code, a tuition fee that is 18796  
greater than the total amount paid for that student under 18797  
section 3310.08 of the Revised Code. 18798

(B) A chartered nonpublic school may charge any other 18799  
student who is paid a scholarship under that section up to the 18800  
difference between the amount of the scholarship and the regular 18801  
tuition charge of the school. Each chartered nonpublic school 18802  
may permit such an eligible student's family to provide 18803  
volunteer services in lieu of cash payment to pay all or part of 18804  
the amount of the school's tuition not covered by the 18805  
scholarship paid under section 3310.08 of the Revised Code. 18806

(C) Each chartered nonpublic school that charges a 18807  
scholarship student an additional amount as authorized under 18808  
division (B) of this section shall annually report to the 18809  
department of ~~education~~ learning and achievement in the manner 18810  
prescribed by the department the following: 18811

(1) The number of students charged; 18812

(2) The average of the amounts charged to such students. 18813

**Sec. 3310.14.** (A) Except as provided in division (B) of 18814  
this section, each chartered nonpublic school that is not 18815  
subject to division (K)(1) of section 3301.0711 of the Revised 18816  
Code and enrolls students awarded scholarships under sections 18817  
3310.01 to 3310.17 of the Revised Code annually shall administer 18818  
the assessments prescribed by section 3301.0710, 3301.0712, or 18819  
3313.619 of the Revised Code, as applicable, to each scholarship 18820  
student enrolled in the school in accordance with section 18821

3301.0711 of the Revised Code. Each chartered nonpublic school 18822  
that is subject to this section shall report to the department 18823  
of ~~education~~ learning and achievement the results of each 18824  
assessment administered to each scholarship student under this 18825  
section. 18826

Nothing in this section requires a chartered nonpublic 18827  
school to administer any achievement assessment, except for an 18828  
Ohio graduation test prescribed by division (B) (1) of section 18829  
3301.0710 or the college and work ready assessment system 18830  
prescribed by division (B) of section 3301.0712 of the Revised 18831  
Code to any student enrolled in the school who is not a 18832  
scholarship student. 18833

(B) A chartered nonpublic school that meets the conditions 18834  
specified in division (K) (2) of section 3301.0711 of the Revised 18835  
Code shall not be required to administer the elementary 18836  
assessments prescribed by division (A) of section 3301.0710 of 18837  
the Revised Code. 18838

**Sec. 3310.15.** (A) The department of ~~education~~ learning and 18839  
achievement annually shall compile the scores attained by 18840  
scholarship students to whom an assessment is administered under 18841  
section 3310.14 of the Revised Code. The scores shall be 18842  
aggregated as follows: 18843

(1) By state, which shall include all students awarded a 18844  
scholarship under the educational choice scholarship pilot 18845  
program and who were required to take an assessment under 18846  
section 3310.14 of the Revised Code; 18847

(2) By school district, which shall include all 18848  
scholarship students who were required to take an assessment 18849  
under section 3310.14 of the Revised Code and for whom the 18850

district is the student's resident district; 18851

(3) By chartered nonpublic school, which shall include all 18852  
scholarship students enrolled in that school who were required 18853  
to take an assessment under section 3310.14 of the Revised Code. 18854

(B) The department shall disaggregate the student 18855  
performance data described in division (A) of this section 18856  
according to the following categories: 18857

(1) Grade level; 18858

(2) Race and ethnicity; 18859

(3) Gender; 18860

(4) Students who have participated in the scholarship 18861  
program for three or more years; 18862

(5) Students who have participated in the scholarship 18863  
program for more than one year and less than three years; 18864

(6) Students who have participated in the scholarship 18865  
program for one year or less; 18866

(7) Economically disadvantaged students. 18867

(C) The department shall post the student performance data 18868  
required under divisions (A) and (B) of this section on its web 18869  
site and, by the first day of February each year, shall 18870  
distribute that data to the parent of each eligible student. In 18871  
reporting student performance data under this division, the 18872  
department shall not include any data that is statistically 18873  
unreliable or that could result in the identification of 18874  
individual students. For this purpose, the department shall not 18875  
report performance data for any group that contains less than 18876  
ten students. 18877

(D) The department shall provide the parent of each scholarship student with information comparing the student's performance on the assessments administered under section 3310.14 of the Revised Code with the average performance of similar students enrolled in the building operated by the student's resident district that the scholarship student would otherwise attend. In calculating the performance of similar students, the department shall consider age, grade, race and ethnicity, gender, and socioeconomic status.

**Sec. 3310.16.** (A) Except as provided in division (B) of this section, for the 2013-2014 school year and each school year thereafter, the department of ~~education~~ learning and achievement shall conduct two application periods each year for the educational choice scholarship pilot program under sections 3310.03 and 3310.032 of the Revised Code, as follows:

(1) The first application period shall open not sooner than the first day of February prior to the first day of July of the school year for which a scholarship is sought and run not less than seventy-five days.

(2) The second application period shall open not sooner than the first day of July of the school year for which the scholarship is sought and run not less than thirty days.

(B) If the scholarships awarded under section 3310.032 of the Revised Code in the first application period for any school year use the entirety of the amount appropriated by the general assembly for such scholarships for that school year, the department need not conduct a second application period for scholarships under that section. If, after the first application period, there are funds remaining to award scholarships under section 3310.032 of the Revised Code, the department shall

conduct a second application period in accordance with division 18908  
(A) (2) of this section. 18909

(C) Not later than the thirty-first day of May of each 18910  
school year, the department shall determine whether funds remain 18911  
available for income-based scholarships under the educational 18912  
choice scholarship program after the first application period. 18913

**Sec. 3310.17.** (A) The ~~state board~~ department of education- 18914  
learning and achievement shall adopt rules in accordance with 18915  
Chapter 119. of the Revised Code prescribing procedures for the 18916  
administration of the educational choice scholarship pilot 18917  
program. 18918

(B) The ~~state board and the~~ department of ~~education-~~ 18919  
learning and achievement shall not require chartered nonpublic 18920  
schools to comply with any education laws or rules or other 18921  
requirements that are not specified in sections 3310.01 to 18922  
3310.17 of the Revised Code or in rules necessary for the 18923  
administration of the program, adopted under division (A) of 18924  
this section, and that otherwise would not apply to a chartered 18925  
nonpublic school. 18926

**Sec. 3310.41.** (A) As used in this section: 18927

(1) "Alternative public provider" means either of the 18928  
following providers that agrees to enroll a child in the 18929  
provider's special education program to implement the child's 18930  
individualized education program and to which the child's parent 18931  
owes fees for the services provided to the child: 18932

(a) A school district that is not the school district in 18933  
which the child is entitled to attend school; 18934

(b) A public entity other than a school district. 18935

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

(3) "Formula ADM" and "category six special education ADM" have the same meanings as in section 3317.02 of the Revised Code.

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

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

(6) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B) (3) (h) of section 3317.03 of the Revised Code.

(7) "Qualified special education child" is a child for whom all of the following conditions apply:

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

(b) The school district in which the child is entitled to attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child.

(c) The child either: 18965

(i) Was enrolled in the school district in which the child 18966  
is entitled to attend school in any grade from preschool through 18967  
twelve in the school year prior to the year in which a 18968  
scholarship under this section is first sought for the child; or 18969

(ii) Is eligible to enter school in any grade preschool 18970  
through twelve in the school district in which the child is 18971  
entitled to attend school in the school year in which a 18972  
scholarship under this section is first sought for the child. 18973

(8) "Registered private provider" means a nonpublic school 18974  
or other nonpublic entity that has been approved by the 18975  
department of ~~education~~ learning and achievement to participate 18976  
in the program established under this section. 18977

(9) "Special education program" means a school or facility 18978  
that provides special education and related services to children 18979  
with disabilities. 18980

(B) There is hereby established the autism scholarship 18981  
program. Under the program, the department of ~~education~~ learning 18982  
and achievement shall pay a scholarship to the parent of each 18983  
qualified special education child upon application of that 18984  
parent pursuant to procedures and deadlines established by rule 18985  
of the ~~state board~~ department of education, learning and 18986  
achievement. Each scholarship shall be used only to pay tuition 18987  
for the child on whose behalf the scholarship is awarded to 18988  
attend a special education program that implements the child's 18989  
individualized education program and that is operated by an 18990  
alternative public provider or by a registered private provider, 18991  
and to pay for other services agreed to by the provider and the 18992  
parent of a qualified special education child that are not 18993

included in the individualized education program but are 18994  
associated with educating the child. Upon agreement with the 18995  
parent of a qualified special education child, the alternative 18996  
public provider or the registered private provider may modify 18997  
the services provided to the child. Each scholarship shall be in 18998  
an amount not to exceed the lesser of the tuition charged for 18999  
the child by the special education program or twenty-seven 19000  
thousand dollars. The purpose of the scholarship is to permit 19001  
the parent of a qualified special education child the choice to 19002  
send the child to a special education program, instead of the 19003  
one operated by or for the school district in which the child is 19004  
entitled to attend school, to receive the services prescribed in 19005  
the child's individualized education program once the 19006  
individualized education program is finalized and any other 19007  
services agreed to by the provider and the parent of a qualified 19008  
special education child. The services provided under the 19009  
scholarship shall include an educational component or services 19010  
designed to assist the child to benefit from the child's 19011  
education. 19012

A scholarship under this section shall not be awarded to 19013  
the parent of a child while the child's individualized education 19014  
program is being developed by the school district in which the 19015  
child is entitled to attend school, or while any administrative 19016  
or judicial mediation or proceedings with respect to the content 19017  
of the child's individualized education program are pending. A 19018  
scholarship under this section shall not be used for a child to 19019  
attend a public special education program that operates under a 19020  
contract, compact, or other bilateral agreement between the 19021  
school district in which the child is entitled to attend school 19022  
and another school district or other public provider, or for a 19023  
child to attend a community school established under Chapter 19024

3314. of the Revised Code. However, nothing in this section or 19025  
in any rule adopted by the ~~state board~~department shall prohibit 19026  
a parent whose child attends a public special education program 19027  
under a contract, compact, or other bilateral agreement, or a 19028  
parent whose child attends a community school, from applying for 19029  
and accepting a scholarship under this section so that the 19030  
parent may withdraw the child from that program or community 19031  
school and use the scholarship for the child to attend a special 19032  
education program for which the parent is required to pay for 19033  
services for the child. 19034

Except for development of the child's individualized 19035  
education program, the school district in which a qualified 19036  
special education child is entitled to attend school and the 19037  
child's school district of residence, as defined in section 19038  
3323.01 of the Revised Code, if different, are not obligated to 19039  
provide the child with a free appropriate public education under 19040  
Chapter 3323. of the Revised Code for as long as the child 19041  
continues to attend the special education program operated by 19042  
either an alternative public provider or a registered private 19043  
provider for which a scholarship is awarded under the autism 19044  
scholarship program. If at any time, the eligible applicant for 19045  
the child decides no longer to accept scholarship payments and 19046  
enrolls the child in the special education program of the school 19047  
district in which the child is entitled to attend school, that 19048  
district shall provide the child with a free appropriate public 19049  
education under Chapter 3323. of the Revised Code. 19050

A child attending a special education program with a 19051  
scholarship under this section shall continue to be entitled to 19052  
transportation to and from that program in the manner prescribed 19053  
by law. 19054

(C) (1) As prescribed in divisions (A) (2) (h), (B) (3) (g), 19055  
and (B) (10) of section 3317.03 of the Revised Code, a child who 19056  
is not a preschool child with a disability for whom a 19057  
scholarship is awarded under this section shall be counted in 19058  
the formula ADM and the category six special education ADM of 19059  
the district in which the child is entitled to attend school and 19060  
not in the formula ADM and the category six special education 19061  
ADM of any other school district. As prescribed in divisions (B) 19062  
(3) (h) and (B) (10) of section 3317.03 of the Revised Code, a 19063  
child who is a preschool child with a disability for whom a 19064  
scholarship is awarded under this section shall be counted in 19065  
the preschool scholarship ADM and category six special education 19066  
ADM of the school district in which the child is entitled to 19067  
attend school and not in the preschool scholarship ADM or 19068  
category six special education ADM of any other school district. 19069

(2) In each fiscal year, the department shall deduct from 19070  
the amounts paid to each school district under Chapter 3317. of 19071  
the Revised Code, and, if necessary, sections 321.24 and 323.156 19072  
of the Revised Code, the aggregate amount of scholarships 19073  
awarded under this section for qualified special education 19074  
children included in the formula ADM, or preschool scholarship 19075  
ADM, and in the category six special education ADM of that 19076  
school district as provided in division (C) (1) of this section. 19077

The scholarships deducted shall be considered as an 19078  
approved special education and related services expense of the 19079  
school district. 19080

(3) From time to time, the department shall make a payment 19081  
to the parent of each qualified special education child for whom 19082  
a scholarship has been awarded under this section. The 19083  
scholarship amount shall be proportionately reduced in the case 19084

of any such child who is not enrolled in the special education 19085  
program for which a scholarship was awarded under this section 19086  
for the entire school year. The department shall make no 19087  
payments to the parent of a child while any administrative or 19088  
judicial mediation or proceedings with respect to the content of 19089  
the child's individualized education program are pending. 19090

(D) A scholarship shall not be paid to a parent for 19091  
payment of tuition owed to a nonpublic entity unless that entity 19092  
is a registered private provider. The department shall approve 19093  
entities that meet the standards established by rule of the 19094  
~~state board~~ department for the program established under this 19095  
section. 19096

(E) The ~~state board~~ department shall adopt rules under 19097  
Chapter 119. of the Revised Code prescribing procedures 19098  
necessary to implement this section, including, but not limited 19099  
to, procedures and deadlines for parents to apply for 19100  
scholarships, standards for registered private providers, and 19101  
procedures for approval of entities as registered private 19102  
providers. 19103

The rules also shall specify that intervention services 19104  
under the autism scholarship program may be provided by a 19105  
qualified, credentialed provider, including, but not limited to, 19106  
all of the following: 19107

(1) A behavior analyst certified by a nationally 19108  
recognized organization that certifies behavior analysts; 19109

(2) A psychologist licensed to practice in this state 19110  
under Chapter 4732. of the Revised Code; 19111

(3) A school psychologist licensed by the state board 19112  
under section 3319.22 of the Revised Code; 19113

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

(5) Unlicensed persons holding a doctoral degree in psychology or special education from a program approved by the ~~state board~~ department;

(6) Any other qualified individual as determined by the ~~state board~~ department.

(F) The department shall provide reasonable notice to all parents of children receiving a scholarship under the autism scholarship program, alternative public providers, and registered private providers of any amendment to a rule governing, or change in the administration of, the autism scholarship program.

**Sec. 3310.42.** (A) Only for the purpose of administering the autism scholarship program, the department of ~~education~~ learning and achievement may request from any of the following entities the data verification code assigned under division (D) (2) of section 3301.0714 of the Revised Code to any child who is seeking a scholarship under the program:

(1) The school district in which the child is entitled to attend school;

(2) If applicable, the community school in which the child is enrolled;

(3) The independent contractor engaged to create and maintain data verification codes. 19143  
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(B) Upon a request by the department under division (A) of this section for the data verification code of a child seeking a scholarship or a request by the child's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the department. If the child has not been assigned a code, because the child will be entering preschool or kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that child and submit the code to the department or parent by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child. 19145  
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The department annually shall submit to each school district the name and data verification code of each child residing in the district who is entering preschool or kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division. 19157  
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(C) The department shall not release any data verification code that it receives under this section to any person except as provided by law. 19163  
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(D) Any document relative to the autism scholarship program that the department holds in its files that contains both a child's name or other personally identifiable information and the child's data verification code shall not be a public record under section 149.43 of the Revised Code. 19166  
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**Sec. 3310.43.** (A) As used in this section: 19171

(1) "Registered private provider" has the same meaning as  
in section 3310.41 of the Revised Code. 19172  
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(2) "Two years of study" means the equivalent of forty-  
eight semester hours or seventy-two quarter hours. 19174  
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(B) The ~~state board department of education learning and~~  
achievement may issue an instructional assistant permit to an 19176  
individual, upon the request of a registered private provider, 19177  
qualifying that individual to provide services to a child under 19178  
the autism scholarship program under section 3310.41 of the 19179  
Revised Code. The permit shall be valid for one year from the 19180  
date of issue and shall be renewable. 19181  
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For an individual to qualify for a permit under this 19183  
section, the registered private provider shall assure to the 19184  
~~state board department~~ all of the following: 19185

(1) The individual is of good moral character. 19186

(2) The individual possesses the appropriate skills 19187  
necessary to perform the duties of an instructional assistant, 19188  
including the supervision of children and assistance with 19189  
instructional tasks. 19190

(3) The individual demonstrates the potential to benefit 19191  
from and consents to participating in in-service training, as 19192  
required by the registered private provider. 19193

(4) The individual either: 19194

(a) Has an associate degree or higher from an accredited 19195  
institution of higher education; 19196

(b) Has completed at least two years of study at an 19197  
accredited institution of higher education. 19198

(C) An individual issued a permit under this section may provide instructional services in the home of a child so long as the individual is subject to adequate training and supervision. The ~~state board~~ department shall adopt rules, pursuant to Chapter 119. of the Revised Code, regarding how providers will demonstrate this supervision.

(D) An individual issued a permit under this section shall be subject to the requirements of sections 3319.291, 3319.31, 3319.311, and 3319.313 of the Revised Code.

**Sec. 3310.51.** As used in sections 3310.51 to 3310.64 of the Revised Code:

(A) "Alternative public provider" means either of the following providers that agrees to enroll a child in the provider's special education program to implement the child's individualized education program and to which the eligible applicant owes fees for the services provided to the child:

(1) A school district that is not the school district in which the child is entitled to attend school or the child's school district of residence, if different;

(2) A public entity other than a school district.

(B) "Child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code.

(C) "Eligible applicant" means any of the following:

(1) Either of the natural or adoptive parents of a qualified special education child, except as otherwise specified in this division. When the marriage of the natural or adoptive parents of the student has been terminated by a divorce,

dissolution of marriage, or annulment, or when the natural or 19227  
adoptive parents of the student are living separate and apart 19228  
under a legal separation decree, and a court has issued an order 19229  
allocating the parental rights and responsibilities with respect 19230  
to the child, "eligible applicant" means the residential parent 19231  
as designated by the court. If the court issues a shared 19232  
parenting decree, "eligible applicant" means either parent. 19233  
"Eligible applicant" does not mean a parent whose custodial 19234  
rights have been terminated. 19235

(2) The custodian of a qualified special education child, 19236  
when a court has granted temporary, legal, or permanent custody 19237  
of the child to an individual other than either of the natural 19238  
or adoptive parents of the child or to a government agency; 19239

(3) The guardian of a qualified special education child, 19240  
when a court has appointed a guardian for the child; 19241

(4) The grandparent of a qualified special education 19242  
child, when the grandparent is the child's attorney in fact 19243  
under a power of attorney executed under sections 3109.51 to 19244  
3109.62 of the Revised Code or when the grandparent has executed 19245  
a caregiver authorization affidavit under sections 3109.65 to 19246  
3109.73 of the Revised Code; 19247

(5) The surrogate parent appointed for a qualified special 19248  
education child pursuant to division (B) of section 3323.05 and 19249  
section 3323.051 of the Revised Code; 19250

(6) A qualified special education child, if the child does 19251  
not have a custodian or guardian and the child is at least 19252  
eighteen years of age. 19253

(D) "Entitled to attend school" means entitled to attend 19254  
school in a school district under sections 3313.64 and 3313.65 19255

of the Revised Code. 19256

(E) "Formula ADM" and "formula amount" have the same 19257  
meanings as in section 3317.02 of the Revised Code. 19258

(F) "Qualified special education child" is a child for 19259  
whom all of the following conditions apply: 19260

(1) The child is at least five years of age and less than 19261  
twenty-two years of age. 19262

(2) The school district in which the child is entitled to 19263  
attend school, or the child's school district of residence if 19264  
different, has identified the child as a child with a 19265  
disability. 19266

(3) The school district in which the child is entitled to 19267  
attend school, or the child's school district of residence if 19268  
different, has developed an individualized education program 19269  
under Chapter 3323. of the Revised Code for the child. 19270

(4) The child either: 19271

(a) Was enrolled in the schools of the school district in 19272  
which the child is entitled to attend school in any grade from 19273  
kindergarten through twelve in the school year prior to the 19274  
school year in which a scholarship is first sought for the 19275  
child; 19276

(b) Is eligible to enter school in any grade kindergarten 19277  
through twelve in the school district in which the child is 19278  
entitled to attend school in the school year in which a 19279  
scholarship is first sought for the child. 19280

(5) The department of ~~education~~learning and achievement 19281  
has not approved a scholarship for the child under the 19282  
educational choice scholarship pilot program, under sections 19283

3310.01 to 3310.17 of the Revised Code, the autism scholarship program, under section 3310.41 of the Revised Code, or the pilot project scholarship program, under sections 3313.974 to 3313.979 of the Revised Code for the same school year in which a scholarship under the Jon Peterson special needs scholarship program is sought.

(6) The child and the child's parents are in compliance with the state compulsory attendance law under Chapter 3321. of the Revised Code.

(G) "Registered private provider" means a nonpublic school or other nonpublic entity that has been registered by the ~~superintendent~~ department of public instruction-learning and achievement under section 3310.58 of the Revised Code.

(H) "Scholarship" means a scholarship awarded under the Jon Peterson special needs scholarship program pursuant to sections 3310.51 to 3310.64 of the Revised Code.

(I) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code. A community school established under Chapter 3314. of the Revised Code is not a "school district of residence" for purposes of sections 3310.51 to 3310.64 of the Revised Code.

(J) "School year" has the same meaning as in section 3313.62 of the Revised Code.

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

**Sec. 3310.52.** (A) The Jon Peterson special needs scholarship program is hereby established. Under the program, beginning with the 2012-2013 school year, subject to division

(B) of this section, the department of ~~education~~learning and  
achievement annually shall pay a scholarship to an eligible  
applicant for services provided by an alternative public  
provider or a registered private provider for a qualified  
special education child. The scholarship shall be used only to  
pay all or part of the fees for the child to attend the special  
education program operated by the alternative public provider or  
registered private provider to implement the child's  
individualized education program, in lieu of the child's  
attending the special education program operated by the school  
district in which the child is entitled to attend school, and  
other services agreed to by the provider and eligible applicant  
that are not included in the individualized education program  
but are associated with educating the child. Beginning in the  
2014-2015 school year, if the child is in category one as that  
term is defined in division (B)(1) of section 3310.56 of the  
Revised Code, the scholarship shall be used only to pay for  
related services that are included in the child's individualized  
education program. Upon agreement with the eligible applicant,  
the alternative public provider or registered private provider  
may modify the services provided to the child.

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

(C) The department shall pay a scholarship to the parent  
of each qualified special education child, unless the parent  
authorizes a direct payment to the child's provider, upon  
application of that parent in the manner prescribed by the  
department. However, the department shall not adopt specific  
dates for application deadlines for scholarships under the

program. 19344

**Sec. 3310.521.** (A) As a condition of receiving payments 19345  
for a scholarship, each eligible applicant shall attest to 19346  
receipt of the profile prescribed by division (B) of this 19347  
section. Such attestation shall be made and submitted to the 19348  
department of ~~education~~ learning and achievement in the form and 19349  
manner as required by the department. 19350

(B) The alternative public provider or registered private 19351  
provider that enrolls a qualified special education child shall 19352  
submit in writing to the eligible applicant to whom a 19353  
scholarship is awarded on behalf of that child a profile of the 19354  
provider's special education program, in a form as prescribed by 19355  
the department, that shall contain the following: 19356

(1) Methods of instruction that will be utilized by the 19357  
provider to provide services to the qualified special education 19358  
child; 19359

(2) Qualifications of teachers, instructors, and other 19360  
persons who will be engaged by the provider to provide services 19361  
to the qualified special education child. 19362

**Sec. 3310.53.** (A) Except for development of the child's 19363  
individualized education program, as specified in division (B) 19364  
of this section, the school district in which a qualified 19365  
special education child is entitled to attend school and the 19366  
child's school district of residence, if different, are not 19367  
obligated to provide the child with a free appropriate public 19368  
education under Chapter 3323. of the Revised Code for as long as 19369  
the child continues to attend the special education program 19370  
operated by either an alternative public provider or a 19371  
registered private provider for which a scholarship is awarded 19372

under the Jon Peterson special needs scholarship program. If at 19373  
any time, the eligible applicant for the child decides no longer 19374  
to accept scholarship payments and enrolls the child in the 19375  
special education program of the school district in which the 19376  
child is entitled to attend school, that district shall provide 19377  
the child with a free appropriate public education under Chapter 19378  
3323. of the Revised Code. 19379

(B) Each eligible applicant and each qualified special 19380  
education child have a continuing right to the development of an 19381  
individualized education program for the child that complies 19382  
with Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., 19383  
and administrative rules or guidelines adopted by the Ohio 19384  
department of ~~education~~learning and achievement or the United 19385  
States department of education. The school district in which a 19386  
qualified special education child is entitled to attend school, 19387  
or the child's school district of residence if different, shall 19388  
develop each individualized education program for the child in 19389  
accordance with those provisions. 19390

(C) Each school district shall notify an eligible 19391  
applicant of the applicant's and qualified special education 19392  
child's rights under sections 3310.51 to 3310.64 of the Revised 19393  
Code by providing to each eligible applicant the comparison 19394  
document prescribed in section 3323.052 of the Revised Code. An 19395  
eligible applicant's receipt of that document, as acknowledged 19396  
in a format prescribed by the department of ~~education~~learning 19397  
and achievement, shall constitute notice that the eligible 19398  
applicant has been informed of those rights. Upon receipt of 19399  
that document, subsequent acceptance of a scholarship 19400  
constitutes the eligible applicant's informed consent to the 19401  
provisions of sections 3310.51 to 3310.64 of the Revised Code. 19402

**Sec. 3310.55.** The department of ~~education~~learning and achievement shall deduct from a school district's state education aid, as defined in section 3317.02 of the Revised Code, and if necessary, from its payment under sections 321.24 and 323.156 of the Revised Code, the aggregate amount of scholarships paid under section 3310.57 of the Revised Code for qualified special education children included in the formula ADM and the category one through six special education ADM of that school district.

**Sec. 3310.57.** The department of ~~education~~learning and achievement shall make periodic payments to an eligible applicant for services for each qualified special education child for whom a scholarship has been awarded. The total of all payments made to an applicant in each school year shall not exceed the amount calculated for the child under section 3310.56 of the Revised Code.

The department shall proportionately reduce the scholarship amount in the case of a child who is not enrolled in the special education program of an alternative public provider or a registered private provider for the entire school year.

In accordance with division (A) of section 3310.62 of the Revised Code, the department shall make no payments to an applicant for a first-time scholarship for a qualified special education child while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending.

**Sec. 3310.58.** No nonpublic school or entity shall receive payments from an eligible applicant for services for a qualified special education child under the Jon Peterson special needs scholarship program until the school or entity registers with

the ~~superintendent~~department of public instruction learning and 19433  
achievement. The ~~superintendent~~department shall register and 19434  
designate as a registered private provider any nonpublic school 19435  
or entity that meets the following requirements: 19436

(A) The school or entity complies with the 19437  
antidiscrimination provisions of 42 U.S.C. 2000d, regardless of 19438  
whether the school or entity receives federal financial 19439  
assistance. 19440

(B) If the school or entity is not chartered by the ~~state~~boarddepartment 19441  
under section 3301.16 of the Revised Code, the 19442  
school or entity agrees to comply with sections 3319.39, 19443  
3319.391, and 3319.392 of the Revised Code as if it were a 19444  
school district. 19445

(C) The teaching and nonteaching professionals employed by 19446  
the school or entity, or employed by any subcontractors of the 19447  
school or entity, hold credentials determined by the ~~state board~~department 19448  
department to be appropriate for the qualified special education 19449  
children enrolled in the special education program it operates. 19450

(D) The school's or entity's educational program shall be 19451  
approved by the department of ~~education~~learning and 19452  
achievement. 19453

(E) The school or entity meets applicable health and 19454  
safety standards established by law. 19455

(F) The school or entity agrees to retain on file 19456  
documentation as required by the department of ~~education~~learning and 19457  
achievement. 19458

(G) The school or entity agrees to provide a record of the 19459  
implementation of the individualized education program for each 19460  
qualified special education child enrolled in the school's or 19461

entity's special education program, including evaluation of the 19462  
child's progress, to the school district in which the child is 19463  
entitled to attend school, in the form and manner prescribed by 19464  
the department. 19465

(H) The school or entity agrees that, if it declines to 19466  
enroll a particular qualified special education child, it will 19467  
notify in writing the eligible applicant of its reasons for 19468  
declining to enroll the child. 19469

**Sec. 3310.59.** The ~~superintendent~~ department of ~~public~~ 19470  
~~instruction~~ learning and achievement shall revoke the 19471  
registration of any school or entity if, after a hearing, the 19472  
~~superintendent~~ department determines that the school or entity 19473  
is in violation of any provision of section 3310.522 or 3310.58 19474  
of the Revised Code. 19475

**Sec. 3310.62.** (A) A scholarship under the Jon Peterson 19476  
special needs scholarship program shall not be awarded for the 19477  
first time to an eligible applicant on behalf of a qualified 19478  
special education child while the child's individualized 19479  
education program is being developed by the school district in 19480  
which the child is entitled to attend school, or by the child's 19481  
school district of residence if different, or while any 19482  
administrative or judicial mediation or proceedings with respect 19483  
to the content of that individualized education program are 19484  
pending. 19485

(B) Development of individualized education programs 19486  
subsequent to the one developed for the child the first time a 19487  
scholarship was awarded on behalf of the child and the 19488  
prosecuting, by the eligible applicant on behalf of the child, 19489  
of administrative or judicial mediation or proceedings with 19490  
respect to any of those subsequent individualized education 19491

programs do not affect the applicant's and the child's continued 19492  
eligibility for scholarship payments. 19493

(C) In the case of any child for whom a scholarship has 19494  
been awarded, if the school district in which the child is 19495  
entitled to attend school has agreed to provide some services 19496  
for the child under an agreement entered into with the eligible 19497  
applicant or with the alternative public provider or registered 19498  
private provider implementing the child's individualized 19499  
education program, or if the district is required by law to 19500  
provide some services for the child, including transportation 19501  
services under sections 3310.60 and 3327.01 of the Revised Code, 19502  
the district shall not discontinue the services it is providing 19503  
pending completion of any administrative proceedings regarding 19504  
those services. The prosecuting, by the eligible applicant on 19505  
behalf of the child, of administrative proceedings regarding the 19506  
services provided by the district does not affect the 19507  
applicant's and the child's continued eligibility for 19508  
scholarship payments. 19509

(D) The department of ~~education~~learning and achievement 19510  
shall continue to make payments to the eligible applicant under 19511  
section 3310.57 of the Revised Code while either of the 19512  
following are pending: 19513

(1) Administrative or judicial mediation or proceedings 19514  
with respect to a subsequent individualized education program 19515  
for the child referred to in division (B) of this section; 19516

(2) Administrative proceedings regarding services provided 19517  
by the district under division (C) of this section. 19518

**Sec. 3310.63.** (A) Only for the purpose of administering 19519  
the Jon Peterson special needs scholarship program, the 19520

department of ~~education~~ learning and achievement may request 19521  
from any of the following entities the data verification code 19522  
assigned under division (D) (2) of section 3301.0714 of the 19523  
Revised Code to any qualified special education child for whom a 19524  
scholarship is sought under the program: 19525

(1) The school district in which the child is entitled to 19526  
attend school; 19527

(2) If applicable, the community school in which the child 19528  
is enrolled; 19529

(3) The independent contractor engaged to create and 19530  
maintain data verification codes. 19531

(B) Upon a request by the department under division (A) of 19532  
this section for the data verification code of a qualified 19533  
special education child or a request by the eligible applicant 19534  
for the child for that code, the school district or community 19535  
school shall submit that code to the department or applicant in 19536  
the manner specified by the department. If the child has not 19537  
been assigned a code, because the child will be entering 19538  
kindergarten during the school year for which the scholarship is 19539  
sought, the district shall assign a code to that child and 19540  
submit the code to the department or applicant by a date 19541  
specified by the department. If the district does not assign a 19542  
code to the child by the specified date, the department shall 19543  
assign a code to the child. 19544

The department annually shall submit to each school 19545  
district the name and data verification code of each child 19546  
residing in the district who is entering kindergarten, who has 19547  
been awarded a scholarship under the program, and for whom the 19548  
department has assigned a code under this division. 19549

(C) The department shall not release any data verification code that it receives under this section to any person except as provided by law. 19550  
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(D) Any document relative to the Jon Peterson special needs scholarship program that the department holds in its files that contains both a qualified special education child's name or other personally identifiable information and the child's data verification code shall not be a public record under section 149.43 of the Revised Code. 19553  
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**Sec. 3310.64.** The ~~state board~~ department of education-learning and achievement shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures necessary to implement sections 3310.51 to 3310.63 of the Revised Code including, but not limited to, procedures for parents to apply for scholarships, standards for registered private providers, and procedures for registration of private providers. 19559  
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**Sec. 3311.02.** The territory within the corporate limits of each city, excluding the territory detached therefrom for school purposes and including the territory attached thereto for school purposes, constitutes a city school district. When a city is reduced to a village, the city school district shall thereupon become a local school district, except that when a city is reduced to a village but its city school district includes within its boundaries all or part of two or more municipal corporations, the aggregate population of which totals five thousand or more as determined by the preceding federal census, it may, by a majority vote of the school board, remain a city school district. An exempted village school district which includes within its boundaries all or part of two or more 19567  
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municipal corporations, the aggregate population of which totals 19580  
five thousand or more as determined by the preceding federal 19581  
census, may, with the approval of the ~~state board of education~~ 19582  
department of learning and achievement, become a city school 19583  
district. 19584

**Sec. 3311.053.** (A) The boards of education of up to five 19585  
adjoining educational service centers may, by identical 19586  
resolutions adopted by a majority of the members of each 19587  
governing board within any sixty-day period, combine such 19588  
educational service centers into one educational service center. 19589  
The resolutions shall state the name of the new center, which 19590  
may be styled as a "joint educational service center." The 19591  
resolutions shall also indicate whether the governing board of 19592  
the new educational service center is to be formed in accordance 19593  
with division (B) of this section, in accordance with division 19594  
(A) of section 3311.054 of the Revised Code, or in accordance 19595  
with section 3311.057 of the Revised Code. 19596

A copy of each resolution shall be filed with the ~~state~~ 19597  
~~board of education~~ department of learning and achievement. The 19598  
new educational service center shall be created and the 19599  
governing boards of the participating educational service 19600  
centers shall be dissolved and a new governing board established 19601  
thirty days after the date on which the last resolution was 19602  
filed with the ~~state board~~ department. 19603

(B) The initial members of a new governing board 19604  
established in accordance with this division shall be appointed 19605  
as follows: 19606

(1) If two educational service centers combine, each 19607  
center's governing board, prior to its dissolution, shall 19608  
appoint two members to the new governing board and the four 19609

members so selected shall select a fifth member within ten days 19610  
of the date on which the last of the four members is appointed. 19611

(2) If three educational service centers combine, each 19612  
center's governing board, prior to its dissolution, shall 19613  
appoint one member to the new governing board and the three 19614  
members so selected shall select the remaining two members of 19615  
the governing board within ten days of the date on which the 19616  
last of the three members is appointed. 19617

(3) If four educational service centers combine, each 19618  
center's governing board, prior to its dissolution, shall 19619  
appoint one member to the new governing board and the four 19620  
members so selected shall select the remaining member of the 19621  
governing board within ten days of the date on which the last of 19622  
the four members is appointed. 19623

(4) If five educational service centers combine, each 19624  
center's governing board, prior to its dissolution, shall 19625  
appoint one member to the new governing board. 19626

If the members appointed to a new governing board by the 19627  
governing boards of the combining educational service centers 19628  
are unable to agree on the selection of the remaining members of 19629  
the new governing board within ten days, the probate judge of 19630  
the county in which the greatest number of pupils under the 19631  
supervision of the new educational service center reside shall 19632  
appoint the remaining members. 19633

Electors of the new educational service center shall elect 19634  
a new governing board at the next general election occurring in 19635  
an odd-numbered year and more than ninety days after the date of 19636  
the appointment of the last member to the initial governing 19637  
board. Members shall serve for the duration of the term to which 19638

they are elected or until their successors are elected and 19639  
qualified. At such election, two members shall be elected to 19640  
terms of two years and three members shall be elected to terms 19641  
of four years. Thereafter, their successors shall be elected in 19642  
the same manner and for the same terms as members of governing 19643  
boards of all educational service centers. Each candidate for 19644  
election as a member of the educational service center governing 19645  
board shall file a nominating petition in accordance with 19646  
section 3513.255 of the Revised Code. 19647

(C) The funds of each former educational service center 19648  
shall be paid over in full to the governing board of the new 19649  
educational service center, and the legal title to all property 19650  
of the former governing boards shall become vested in the new 19651  
governing board. 19652

The governing board of an educational service center 19653  
created under this section shall honor all contracts made by the 19654  
former governing boards. 19655

**Sec. 3311.054.** (A) The initial members of any new 19656  
governing board of an educational service center established in 19657  
accordance with this section shall be all of the members of the 19658  
governing boards of the former educational service centers whose 19659  
territory comprises the new educational service center. The 19660  
initial members of any such governing board shall serve until 19661  
the first Monday of January immediately following the first 19662  
election of governing board members conducted under division (C) 19663  
of this section. 19664

Notwithstanding section 3313.11 of the Revised Code, that 19665  
section shall not apply to the filling of any vacancy among the 19666  
initial members of any governing board established in accordance 19667  
with this section. Any such vacancy shall be filled for the 19668

remainder of the term by a majority vote of all the remaining 19669  
members of the governing board. 19670

(B) Prior to the next first day of April in an odd- 19671  
numbered year that occurs at least ninety days after the date on 19672  
which any new governing board of an educational service center 19673  
is initially established in accordance with this section, the 19674  
governing board or, at the governing board's option, an 19675  
executive committee of the governing board appointed by the 19676  
governing board shall do both of the following: 19677

(1) Designate the number of elected members comprising all 19678  
subsequent governing boards of the educational service center, 19679  
which number shall be an odd number not to exceed nine. 19680

(2) Divide the educational service center into a number of 19681  
subdistricts equal to the number of governing board members 19682  
designated under division (B)(1) of this section and number the 19683  
subdistricts. Each subdistrict shall be as nearly equal in 19684  
population as possible and shall be composed of adjacent and 19685  
compact territory. To the extent possible, each subdistrict 19686  
shall be composed only of territory located in one county. In 19687  
addition, the subdistricts shall be bounded as far as possible 19688  
by corporation lines, streets, alleys, avenues, public grounds, 19689  
canals, watercourses, ward boundaries, voting precinct 19690  
boundaries, or school district boundaries. 19691

If the new governing board fails to divide the territory 19692  
of the educational service center in accordance with this 19693  
division, the ~~superintendent of public instruction~~ department of 19694  
learning and achievement shall establish the subdistricts within 19695  
thirty days. 19696

(C) At the next regular municipal election following the 19697

deadline for creation of the subdistricts of an educational 19698  
service center under division (B) of this section, an entire new 19699  
governing board shall be elected. All members of such governing 19700  
board shall be elected from those subdistricts. 19701

(D) Within ninety days after the official announcement of 19702  
the results of each successive federal decennial census, each 19703  
governing board of an educational service center established in 19704  
accordance with this section shall redistrict the educational 19705  
service center's territory into a number of subdistricts equal 19706  
to the number of board members designated under division (B) (1) 19707  
of this section and number the subdistricts. Each such 19708  
redistricting shall be done in accordance with the standards for 19709  
subdistricts in division (B) (2) of this section. At the next 19710  
regular municipal election following the announcement of the 19711  
results of each such successive census, all elected governing 19712  
board members shall again be elected from the subdistricts most 19713  
recently created under this division. 19714

If a governing board fails to redistrict the territory of 19715  
its educational service center in accordance with this division, 19716  
the ~~superintendent of public instruction department~~ shall 19717  
redistrict the service center within thirty days. 19718

(E) All members elected pursuant to this section shall 19719  
take office on the first Monday of January immediately following 19720  
the election. Whenever all elected governing board members are 19721  
elected at one election under division (C) or (D) of this 19722  
section, the terms of each of the members elected from even- 19723  
numbered subdistricts shall be for two years and the terms of 19724  
each of the members elected from odd-numbered subdistricts shall 19725  
be for four years. Thereafter, successors shall be elected for 19726  
four-year terms in the same manner as is provided by law for the 19727

election of members of school boards except that any successor 19728  
elected at a regular municipal election immediately preceding 19729  
any election at which an entire new governing board is elected 19730  
shall be elected for a two-year term. 19731

**Sec. 3311.056.** After at least one election of board 19732  
members has occurred under division (B) of section 3313.053, 19733  
division (C) of section 3311.054, or section 3311.057 of the 19734  
Revised Code, the elected governing board members of an 19735  
educational service center created under division (A) of section 19736  
3311.053 of the Revised Code may by resolution adopt a plan for 19737  
adding appointed members to that governing board. A plan may 19738  
provide for adding to the board a number of appointed members 19739  
that is up to one less than the number of elected members on the 19740  
board except that the total number of elected and appointed 19741  
board members shall be an odd number. A plan shall provide for 19742  
the terms of the appointed board members. The appointed board 19743  
members in each plan shall be appointed by a majority vote of 19744  
the full number of elected members on the board and vacancies 19745  
shall be filled as provided in the plan. Each plan shall specify 19746  
the qualifications for the appointed board members of an 19747  
educational service center. Appointed members may be 19748  
representative of the client school districts of the service 19749  
center. As used in this section, "client school district" has 19750  
the same meaning as in section 3317.11 of the Revised Code. 19751

A governing board adopting a plan under this section shall 19752  
submit the plan to the ~~state board of education~~ department of 19753  
learning and achievement for approval. The ~~state board~~ 19754  
department may approve or disapprove a plan or make 19755  
recommendations for modifications in a plan. A plan shall take 19756  
effect thirty days after approval by the ~~state board~~ department 19757  
and, when effective, appointments to the board shall be made in 19758

accordance with the plan. 19759

The elected members of the governing board of an 19760  
educational service center with a plan in effect under this 19761  
section may adopt, by unanimous vote of all the elected members, 19762  
a resolution to revise or rescind the plan in effect under this 19763  
section. All revisions shall comply with the requirements in 19764  
this section for appointed board members. A resolution revising 19765  
or rescinding a plan shall specify the dates and manner in which 19766  
the revision or rescission is to take place. The revision or 19767  
rescission of a plan shall be submitted to the ~~state board of~~ 19768  
~~education~~ department of learning and achievement for approval. 19769  
The ~~state board~~ department may approve or disapprove a revision 19770  
or rescission of a plan or make recommendations for 19771  
modifications. Upon approval of a revision or rescission by the 19772  
~~state board~~ department, the revised plan or rescission of the 19773  
plan shall go into effect as provided in the revision or 19774  
rescission. 19775

**Sec. 3311.0510.** (A) If all of the client school districts 19776  
of an educational service center have terminated their 19777  
agreements with the service center under division (D) of section 19778  
3313.843 of the Revised Code, upon the latest effective date of 19779  
the terminations, the governing board of that service center 19780  
shall be abolished and such service center shall be dissolved by 19781  
order of the ~~superintendent of public instruction~~ department of 19782  
learning and achievement. The ~~superintendent's~~ department's 19783  
order shall provide for the equitable division and disposition 19784  
of the assets, property, debts, and obligations of the service 19785  
center among the school districts that were client school 19786  
districts of the service center for the service center's last 19787  
fiscal year of operation. The ~~superintendent's~~ department's 19788  
order shall provide that the tax duplicate of each of those 19789

school districts shall be bound for and assume the district's 19790  
equitable share of the outstanding indebtedness of the service 19791  
center. The ~~superintendent's department's~~ order is final and is 19792  
not appealable. 19793

Immediately upon the abolishment of the service center 19794  
governing board pursuant to this section, the ~~superintendent of~~ 19795  
~~public instruction department~~ shall appoint a qualified 19796  
individual to administer the dissolution of the service center 19797  
and to implement the terms of the ~~superintendent's department's~~ 19798  
dissolution order. 19799

Prior to distributing assets to any school district under 19800  
this section, but after paying in full other debts and 19801  
obligations of the service center under this section, the 19802  
~~superintendent of public instruction department~~ may assess 19803  
against the remaining assets of the service center the amount of 19804  
the costs incurred by the department of ~~education learning and~~ 19805  
~~achievement~~ in performing the ~~superintendent's department's~~ 19806  
duties under this division, including the fees, if any, owed to 19807  
the individual appointed to administer the ~~superintendent's~~ 19808  
~~department's~~ dissolution order. Any excess cost incurred by the 19809  
department under this division shall be divided equitably among 19810  
the school districts that were client school districts of the 19811  
service center for the service center's last fiscal year of 19812  
operation. Each district's share of that excess cost shall be 19813  
bound against the tax duplicate of that district. 19814

(B) A final audit of the former service center shall be 19815  
performed in accordance with procedures established by the 19816  
auditor of state. 19817

(C) The public records of an educational service center 19818  
that is dissolved under this section shall be transferred in 19819

accordance with this division. Public records maintained by the 19820  
service center in connection with services provided by the 19821  
service center to local school districts of which the territory 19822  
of the service center is or previously was made up shall be 19823  
transferred to each of the respective local school districts. 19824  
Public records maintained by the service center in connection 19825  
with services provided to client school districts shall be 19826  
transferred to each of the respective client school districts. 19827  
All other public records maintained by the service center at the 19828  
time the service center ceases operations shall be transferred 19829  
to the Ohio history connection for analysis and disposition by 19830  
the Ohio history connection in its capacity as archives 19831  
administrator for the state and its political subdivisions 19832  
pursuant to division (C) of section 149.30 and section 149.31 of 19833  
the Revised Code. 19834

(D) As used in this section, "client school district" 19835  
means a city, exempted village, or local school district that 19836  
has entered into an agreement under section 3313.843 or 3313.845 19837  
of the Revised Code to receive any services from an educational 19838  
service center. 19839

**Sec. 3311.08.** The board of education of any local school 19840  
district which contains within its territorial boundaries: 19841

(A) All the territory lying within the corporate limits of 19842  
a village having a population of three thousand or more 19843  
according to the last federal census; 19844

(B) All the territory lying within the corporate limits of 19845  
a village having a population of two thousand or more according 19846  
to the last federal census and a population outside the 19847  
corporate limits of said village, as determined by a census 19848  
taken by such board, sufficient to make the total population of 19849

such district three thousand or more, may, by a majority vote of 19850  
the full membership of such board, declare that such district be 19851  
exempt from the supervision of the governing board of the 19852  
educational service center. 19853

When the board of education of a local school district 19854  
notifies the governing board of the educational service center 19855  
on or before the first day of May in any year, that it has 19856  
adopted, by a majority vote of its full membership, a 19857  
declaration that such local school district shall be exempt from 19858  
the supervision of the educational service center governing 19859  
board, such local school district shall be exempt from the 19860  
supervision of the educational service center governing board 19861  
for the school year commencing the first day of July following 19862  
the date of such notification. 19863

The local school district so exempted from the supervision 19864  
of the educational service center governing board shall be known 19865  
as an "exempted village school district" until its status as an 19866  
exempted village school district has been changed. 19867

A census taken by the board of a local school district, of 19868  
territory outside the corporate limits of a village, shall be 19869  
taken by persons appointed by such board. Each person so 19870  
appointed shall take an oath or affirmation to take such a 19871  
census accurately and shall make the return under oath to the 19872  
treasurer of the board. The treasurer shall send certified 19873  
copies of such census to the county auditor ~~and to~~, the 19874  
superintendent of public instruction, and the department of 19875  
learning and achievement. Such census shall be approved by the 19876  
superintendent before the school district is deemed to have 19877  
sufficient population to meet the requirements of an exempted 19878  
village school district. 19879

**Sec. 3311.16.** Any local, exempted village, or city board 19880  
of education, any educational service center governing board, or 19881  
any combination of boards of such districts and centers, 19882  
referred to in sections 3311.16, 3311.17, and 3311.18 of the 19883  
Revised Code as the initiating unit, may make or contract for 19884  
the making of a study pertaining to the need to establish within 19885  
one county, or within an area comprised of two or more adjoining 19886  
counties, a joint vocational school district, and for the 19887  
preparation of a plan for the establishment and operation of a 19888  
joint vocational school district covering the territory of two 19889  
or more school districts within such county or counties. Any 19890  
local, exempted village, or city school district in the county 19891  
or counties may participate with the initiating unit in the cost 19892  
of such study and plan. Such plan shall be submitted to the 19893  
~~state board of education~~ department of learning and achievement 19894  
by the initiating unit. 19895

**Sec. 3311.17.** On approval of the plan by the ~~state board~~ 19896  
~~of education~~ department of learning and achievement, the 19897  
initiating unit shall file a copy of such plan with the board of 19898  
education of each district whose territory is proposed to be 19899  
included in the proposed joint vocational school district. 19900  
Within thirty days after receiving such copy, such board of 19901  
education shall determine whether its district shall become a 19902  
part of the proposed joint vocational school district. If one or 19903  
more boards of education decide not to become a part of such 19904  
proposed district, a revised plan shall be prepared by the 19905  
initiating unit, and if such revised plan is approved by the 19906  
~~state board of education~~ department of learning and achievement, 19907  
such initiating unit shall file the revised plan with the board 19908  
of education of each district whose territory is proposed to be 19909  
included in the proposed joint vocational school district. 19910

Within thirty days thereafter, each such district shall 19911  
determine whether its district shall become a part of the 19912  
proposed joint vocational school district. 19913

**Sec. 3311.19.** (A) The management and control of a joint 19914  
vocational school district shall be vested in the joint 19915  
vocational school district board of education which, beginning 19916  
on September 29, 2013, shall be appointed under division (C) of 19917  
this section. 19918

All members of a joint vocational school district board 19919  
serving unexpired terms on September 29, 2013, may continue in 19920  
office until the expiration of their terms. If a member leaves 19921  
office for any reason prior to the expiration of that member's 19922  
term, the vacancy shall be filled only in the manner provided in 19923  
division (C) of this section. 19924

(B) Except as provided in section 3311.191 of the Revised 19925  
Code, members of the joint vocational school district board 19926  
appointed on or after September 29, 2013, shall serve for three- 19927  
year terms of office. 19928

(C) The manner of appointment and the total number of 19929  
members appointed to the joint vocational school district board 19930  
shall be in accordance with the most recent plan for the joint 19931  
vocational school district on file with the department of 19932  
education learning and achievement. 19933

(1) Appointments under this section shall be made as the 19934  
terms of members of each joint vocational school district board 19935  
who are serving unexpired terms on September 29, 2013, expire or 19936  
as those offices are otherwise vacated prior to the expiration 19937  
date. 19938

(2) Members of the joint vocational board shall be 19939

appointed by the member school district boards of education. 19940  
Members of a joint vocational school district board may either 19941  
be a current elected board member of a school district board 19942  
that is a member of the joint vocational school district or an 19943  
individual who has experience or knowledge regarding the labor 19944  
needs of the state and region with an understanding of the 19945  
skills, training, and education needed for current and future 19946  
employment opportunities in the state. The appointing board may 19947  
give preference to individuals who have served as members on a 19948  
joint vocational school business advisory committee. 19949

(D) The vocational schools in the joint vocational school 19950  
district shall be available to all youth of school age within 19951  
the joint vocational school district subject to the rules 19952  
adopted by the joint vocational school district board of 19953  
education in regard to the standards requisite to admission. A 19954  
joint vocational school district board of education shall have 19955  
the same powers, duties, and authority for the management and 19956  
operation of such joint vocational school district as is granted 19957  
by law, except by this chapter and Chapters 124., 3317., 3323., 19958  
and 3331. of the Revised Code, to a board of education of a city 19959  
school district, and shall be subject to all the provisions of 19960  
law that apply to a city school district, except such provisions 19961  
in this chapter and Chapters 124., 3317., 3323., and 3331. of 19962  
the Revised Code. 19963

(E) The superintendent of schools of a joint vocational 19964  
school district shall exercise the duties and authority vested 19965  
by law in a superintendent of schools pertaining to the 19966  
operation of a school district and the employment and 19967  
supervision of its personnel. The joint vocational school 19968  
district board of education shall appoint a treasurer of the 19969  
joint vocational school district who shall be the fiscal officer 19970

for such district and who shall have all the powers, duties, and authority vested by law in a treasurer of a board of education. 19971  
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(F) Each member of a joint vocational school district board of education may be paid such compensation as the board provides by resolution, but it shall not exceed one hundred twenty-five dollars per member for each meeting attended plus mileage, at the rate per mile provided by resolution of the board, to and from meetings of the board. 19973  
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The board may provide by resolution for the deduction of amounts payable for benefits under section 3313.202 of the Revised Code. 19979  
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Each member of a joint vocational school district board may be paid such compensation as the board provides by resolution for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars per day for attendance at a training program three hours or fewer in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length. However, no board member shall be compensated for the same training program under this section and section 3313.12 of the Revised Code. 19982  
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**Sec. 3311.191.** (A) (1) Subject to division (A) (2) of this section, if a joint vocational school district has an even number of member districts each appointing a member to the joint vocational school district board of education and the joint vocational school district's plan on file with the department of ~~education~~ learning and achievement provides for one additional board member to be appointed on a rotating basis by one of the appointing boards, the term of that additional member shall be for one year. The additional member shall otherwise meet the 19992  
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requirements for joint vocational school board members 20001  
prescribed by section 3311.19 of the Revised Code. 20002

(2) If an additional member of a joint vocational school 20003  
district board appointed on a rotating basis, as described in 20004  
division (A) (1) of this section, was appointed on or after 20005  
September 29, 2013, but prior to September 29, 2015, that member 20006  
may continue in office until the expiration of the member's 20007  
current term of office. If such member vacates that office for 20008  
any reason prior to the expiration of that member's term, a new 20009  
additional member shall be appointed according to the rotational 20010  
basis prescribed by the district's plan, and that member shall 20011  
serve for the remainder of the vacating member's term. 20012  
Thereafter, the term of office of the additional member shall be 20013  
as prescribed by division (A) (1) of this section. 20014

(B) A joint vocational school district board of education 20015  
may submit an application to the ~~superintendent of public~~ 20016  
~~instruction department~~ for approval to revise its membership 20017  
plan to stagger the members' terms of office. Each board may do 20018  
so only one time. The application shall include the revisions 20019  
proposed to be made to members' terms, the manner by which the 20020  
terms shall be staggered, and any other information the ~~state-~~ 20021  
~~superintendent department~~ requires. 20022

**Sec. 3311.213.** (A) With the approval of the board of 20023  
education of a joint vocational school district that is in 20024  
existence, any school district in the county or counties 20025  
comprising the joint vocational school district or any school 20026  
district in a county adjacent to a county comprising part of a 20027  
joint vocational school district may become a part of the joint 20028  
vocational school district. On the adoption of a resolution of 20029  
approval by the board of education of the joint vocational 20030

school district, it shall advertise a copy of such resolution in 20031  
a newspaper of general circulation in the school district 20032  
proposing to become a part of such joint vocational school 20033  
district once each week for two weeks, or as provided in section 20034  
7.16 of the Revised Code, immediately following the date of the 20035  
adoption of such resolution. Such resolution shall not become 20036  
effective until the later of the sixty-first day after its 20037  
adoption or until the board of elections certifies the results 20038  
of an election in favor of joining of the school district to the 20039  
joint vocational school district if such an election is held 20040  
under division (B) of this section. 20041

(B) During the sixty-day period following the date of the 20042  
adoption of a resolution to join a school district to a joint 20043  
vocational school district under division (A) of this section, 20044  
the electors of the school district that proposes joining the 20045  
joint vocational school district may petition for a referendum 20046  
vote on the resolution. The question whether to approve or 20047  
disapprove the resolution shall be submitted to the electors of 20048  
such school district if a number of qualified electors equal to 20049  
twenty per cent of the number of electors in the school district 20050  
who voted for the office of governor at the most recent general 20051  
election for that office sign a petition asking that the 20052  
question of whether the resolution shall be disapproved be 20053  
submitted to the electors. The petition shall be filed with the 20054  
board of elections of the county in which the school district is 20055  
located. If the school district is located in more than one 20056  
county, the petition shall be filed with the board of elections 20057  
of the county in which the majority of the territory of the 20058  
school district is located. The board shall certify the validity 20059  
and sufficiency of the signatures on the petition. 20060

The board of elections shall immediately notify the board 20061

of education of the joint vocational school district and the 20062  
board of education of the school district that proposes joining 20063  
the joint vocational school district that the petition has been 20064  
filed. 20065

The effect of the resolution shall be stayed until the 20066  
board of elections certifies the validity and sufficiency of the 20067  
signatures on the petition. If the board of elections determines 20068  
that the petition does not contain a sufficient number of valid 20069  
signatures and sixty days have passed since the adoption of the 20070  
resolution, the resolution shall become effective. 20071

If the board of elections certifies that the petition 20072  
contains a sufficient number of valid signatures, the board 20073  
shall submit the question to the qualified electors of the 20074  
school district on the day of the next general or primary 20075  
election held at least ninety days after but no later than six 20076  
months after the board of elections certifies the validity and 20077  
sufficiency of signatures on the petition. If there is no 20078  
general or primary election held at least ninety days after but 20079  
no later than six months after the board of elections certifies 20080  
the validity and sufficiency of signatures on the petition, the 20081  
board shall submit the question to the electors at a special 20082  
election to be held on the next day specified for special 20083  
elections in division (D) of section 3501.01 of the Revised Code 20084  
that occurs at least ninety days after the board certifies the 20085  
validity and sufficiency of signatures on the petition. The 20086  
election shall be conducted and canvassed and the results shall 20087  
be certified in the same manner as in regular elections for the 20088  
election of members of a board of education. 20089

If a majority of the electors voting on the question 20090  
disapprove the resolution, the resolution shall not become 20091

effective. 20092

(C) If the resolution becomes effective, the board of 20093  
education of the joint vocational school district shall notify 20094  
the county auditor of the county in which the school district 20095  
becoming a part of the joint vocational school district is 20096  
located, who shall thereupon have any outstanding levy for 20097  
building purposes, bond retirement, or current expenses in force 20098  
in the joint vocational school district spread over the 20099  
territory of the school district becoming a part of the joint 20100  
vocational school district. On the addition of a city or 20101  
exempted village school district or an educational service 20102  
center to the joint vocational school district, pursuant to this 20103  
section, the board of education of such joint vocational school 20104  
district shall submit to the ~~state board of education~~ department 20105  
of learning and achievement a proposal to enlarge the membership 20106  
of such board by the addition of one or more persons at least 20107  
one of whom shall be a member of the board of education or 20108  
governing board of such additional school district or 20109  
educational service center, and the term of each such additional 20110  
member. On the addition of a local school district to the joint 20111  
vocational school district, pursuant to this section, the board 20112  
of education of such joint vocational school district may submit 20113  
to the ~~state board of education~~ department of learning and 20114  
achievement a proposal to enlarge the membership of such board 20115  
by the addition of one or more persons who are members of the 20116  
educational service center governing board of such additional 20117  
local school district. On approval by the ~~state board of~~ 20118  
~~education~~ department of learning and achievement additional 20119  
members shall be added to such joint vocational school district 20120  
board of education. 20121

**Sec. 3311.214.** (A) With the approval of the ~~state board of~~ 20122

~~education department of learning and achievement~~, the boards of 20123  
education of any two or more joint vocational school districts 20124  
may, by the adoption of identical resolutions by a majority of 20125  
the members of each such board, propose that one new joint 20126  
vocational school district be created by adding together all of 20127  
the territory of each of the districts and dissolving such 20128  
districts. A copy of each resolution shall be filed with the 20129  
~~state board of education department of learning and achievement~~ 20130  
for its approval or disapproval. The resolutions shall include a 20131  
provision that the board of education of the new district shall 20132  
be composed of the members from the same boards of education 20133  
that composed the membership of the board of each of the 20134  
districts to be dissolved, except that, if an even number of 20135  
districts are to be dissolved, one additional member shall be 20136  
added, who may be from any school district included in the 20137  
territory of any of the districts to be dissolved as designated 20138  
in the resolutions. The members of the new board shall have the 20139  
same terms of office as they had under the respective plans of 20140  
the districts adopting the resolutions, except that, if the new 20141  
board has an additional member, the additional member shall have 20142  
a term as specified in the resolutions. 20143

If the ~~state board department~~ approves the resolutions, 20144  
the board of education of each district to be dissolved shall 20145  
advertise a copy of the resolution in a newspaper of general 20146  
circulation in its district once each week for two weeks, or as 20147  
provided in section 7.16 of the Revised Code, immediately 20148  
following the date the resolutions are approved by the ~~state~~ 20149  
~~board department~~. The resolutions shall become effective on the 20150  
first day of July next succeeding the sixtieth day following 20151  
approval by the ~~state board department~~ unless prior to the 20152  
expiration of such sixty-day period, qualified electors residing 20153

in one of the districts to be dissolved equal in number to a majority of the qualified electors of that district voting at the last general election file with the ~~state board~~ department a petition of remonstrance against creation of the proposed new district.

(B) When a resolution becomes effective under division (A) of this section, each district in which a resolution was adopted and the board of each such district are dissolved. The territory of each dissolved district becomes a part of the new joint vocational school district. The net indebtedness of each dissolved district shall be assumed in full by the new district and the funds and property of each dissolved district shall become in full the funds and property of the new district. All existing contracts of each dissolved board shall be honored by the board of the new district until their expiration dates. The board of the new district shall notify the county auditor of each county in which each dissolved district was located that a resolution has become effective and a new district has been created and shall certify to each auditor any changes that might be required in the tax rate as a result of the creation of the new district.

(C) As used in this section, "net indebtedness" means the difference between the par value of the outstanding and unpaid bonds and notes of the school district and the amount held in the sinking fund and other indebtedness retirement funds for their redemption.

**Sec. 3311.217.** Upon approval by a majority of the full membership of the board of education of a joint vocational school district, or upon the receipt of resolutions formally adopted by a majority of the boards of education of the school

districts participating in the joint vocational school district, 20184  
the board of education of the joint vocational school district 20185  
shall adopt and send to the ~~state board of education~~ department 20186  
of learning and achievement a resolution requesting the 20187  
dissolution of the joint vocational school district. Such 20188  
resolution shall state the reasons for the proposed dissolution 20189  
of the joint vocational school district, shall set forth a plan 20190  
for the equitable adjustment, division, and disposition of the 20191  
assets, property, debts, and obligations of the joint vocational 20192  
school district, and shall provide that the tax duplicate of 20193  
each participating school district shall be bound for and assume 20194  
its share of the outstanding indebtedness of the joint 20195  
vocational school district. Upon approval of the resolution by 20196  
the ~~state board of education~~ department of learning and 20197  
achievement, the joint vocational school district shall be 20198  
dissolved in accordance with the provisions of the resolution. 20199

**Sec. 3311.218.** The board of education of a joint 20200  
vocational school district may enter into a written agreement 20201  
with the board of trustees of any technical college district, 20202  
the boundaries of which are coterminous with such joint 20203  
vocational ~~school~~ school district, which agreement may provide 20204  
for the sharing of use of any physical facility or equipment 20205  
owned or used by either district. Such agreement may further 20206  
provide that the joint vocational school district may contribute 20207  
a portion of its funds for current operating expenses, 20208  
regardless of whether such funds are derived from a tax levy or 20209  
otherwise, to the technical college district to be expended by 20210  
the technical college district for any lawful purpose. The 20211  
agreement shall require the approval by resolution of both 20212  
boards and shall be executed by the president and treasurer of 20213  
both boards. A copy of such agreement shall be filed with the 20214

board of regents and a copy shall be filed with the ~~state board~~ 20215  
~~of education~~ department of learning and achievement. 20216

**Sec. 3311.22.** A governing board of an educational service 20217  
center may propose, by resolution adopted by majority vote of 20218  
its full membership, or qualified electors of the area affected 20219  
equal in number to at least fifty-five per cent of the qualified 20220  
electors voting at the last general election residing within 20221  
that portion of a school district, or districts proposed to be 20222  
transferred may propose, by petition, the transfer of a part or 20223  
all of one or more local school districts to another local 20224  
school district or districts within the territory of the 20225  
educational service center. Such transfers may be made only to 20226  
local school districts adjoining the school district that is 20227  
proposed to be transferred, unless the board of education of the 20228  
district proposed to be transferred has entered into an 20229  
agreement pursuant to section 3313.42 of the Revised Code, in 20230  
which case such transfers may be made to any local school 20231  
district within the territory of the educational service center. 20232

When a governing board of an educational service center 20233  
adopts a resolution proposing a transfer of school territory it 20234  
shall forthwith file a copy of such resolution, together with an 20235  
accurate map of the territory described in the resolution, with 20236  
the board of education of each school district whose boundaries 20237  
would be altered by such proposal. A governing board of an 20238  
educational service center proposing a transfer of territory 20239  
under the provisions of this section shall at its next regular 20240  
meeting that occurs not earlier than thirty days after the 20241  
adoption by the governing board of a resolution proposing such 20242  
transfer, adopt a resolution making the transfer effective at 20243  
any time prior to the next succeeding first day of July, unless, 20244  
prior to the expiration of such thirty-day period, qualified 20245

electors residing in the area proposed to be transferred, equal 20246  
in number to a majority of the qualified electors voting at the 20247  
last general election, file a petition of referendum against 20248  
such transfer. 20249

Any petition of transfer or petition of referendum filed 20250  
under the provisions of this section shall be filed at the 20251  
office of the educational service center superintendent. The 20252  
person presenting the petition shall be given a receipt 20253  
containing thereon the time of day, the date, and the purpose of 20254  
the petition. 20255

The educational service center superintendent shall cause 20256  
the board of elections to check the sufficiency of signatures on 20257  
any petition of transfer or petition of referendum filed under 20258  
this section and, if found to be sufficient, the superintendent 20259  
shall present the petition to the educational service center 20260  
governing board at a meeting of the board which shall occur not 20261  
later than thirty days following the filing of the petition. 20262

Upon presentation to the educational service center 20263  
governing board of a proposal to transfer territory as requested 20264  
by petition of fifty-five per cent of the qualified electors 20265  
voting at the last general election or a petition of referendum 20266  
against a proposal of the county board to transfer territory, 20267  
the governing board shall promptly certify the proposal to the 20268  
board of elections for the purpose of having the proposal placed 20269  
on the ballot at the next general or primary election which 20270  
occurs not less than ninety days after the date of such 20271  
certification, or at a special election, the date of which shall 20272  
be specified in the certification, which date shall not be less 20273  
than ninety days after the date of such certification. 20274  
Signatures on a petition of transfer or petition of referendum 20275

may be withdrawn up to and including the above mentioned meeting 20276  
of the educational service center governing board only by order 20277  
of the board upon testimony of the petitioner concerned under 20278  
oath before the board that the petitioner's signature was 20279  
obtained by fraud, duress, or misrepresentation. 20280

If a petition is filed with the educational service center 20281  
governing board which proposes the transfer of a part or all of 20282  
the territory included in a resolution of transfer previously 20283  
adopted by the educational service center governing board, no 20284  
action shall be taken on such petition if within the thirty-day 20285  
period after the adoption of the resolution of transfer a 20286  
referendum petition is filed. After the election, if the 20287  
proposed transfer fails to receive a majority vote, action on 20288  
such petition shall then be processed under this section as 20289  
though originally filed under the provisions hereof. If no 20290  
referendum petition is filed within the thirty-day period after 20291  
the adoption of the resolution of transfer, no action shall be 20292  
taken on such petition. 20293

If a petition is filed with the educational service center 20294  
governing board which proposes the transfer of a part or all of 20295  
the territory included in a petition previously filed by 20296  
electors no action shall be taken on such new petition. 20297

Upon certification of a proposal to the board or boards of 20298  
elections pursuant to this section, the board or boards of 20299  
elections shall make the necessary arrangements for the 20300  
submission of such question to the electors of the county or 20301  
counties qualified to vote thereon, and the election shall be 20302  
conducted and canvassed and the results shall be certified in 20303  
the same manner as in regular elections for the election of 20304  
members of a board of education. 20305

The persons qualified to vote upon a proposal are the electors residing in the district or districts containing territory that is proposed to be transferred. If the proposed transfer be approved by at least a majority of the electors voting on the proposal, the educational service center governing board shall make such transfer at any time prior to the next succeeding first day of July. If the proposed transfer is not approved by at least a majority of the electors voting on the proposal, the question of transferring any property included in the territory covered by the proposal shall not be submitted to electors at any election prior to the first general election the date of which is at least two years after the date of the original election, or the first primary election held in an even-numbered year the date of which is at least two years after the date of the original election. A transfer shall be subject to the approval of the receiving board or boards of education, unless the proposal was initiated by the educational service center governing board, in which case, if the transfer is opposed by the board of education offered the territory, the local board may, within thirty days, following the receipt of the notice of transfer, appeal to the state board of education which shall then either approve or disapprove the transfer.

Following an election upon a proposed transfer initiated by a petition the board of education that is offered territory shall, within thirty days following receipt of the proposal, either accept or reject the transfer.

When an entire school district is proposed to be transferred to two or more school districts and the offer is rejected by any one of the receiving boards of education, none of the territory included in the proposal shall be transferred.

Upon the acceptance of territory by the receiving board or boards of education the educational service center governing board offering the territory shall file with the county auditor and with the state board of education and the department of learning and achievement an accurate map showing the boundaries of the territory transferred.

Upon the making of such transfer, the net indebtedness of the former district from which territory was transferred shall be apportioned between the acquiring school district and that portion of the former school district remaining after the transfer in the ratio which the assessed valuation of the territory transferred to the acquiring school district bears to the assessed valuation of the original school district as of the effective date of the transfer. As used in this section "net indebtedness" means the difference between the par value of the outstanding and unpaid bonds and notes of the school district and the amount held in the sinking fund and other indebtedness retirement funds for their redemption.

Upon the making of any transfer under this section, the funds of the district from which territory was transferred shall be divided equitably by the educational service center governing board between the acquiring district and any part of the original district remaining after the transfer.

If an entire district is transferred the board of education of such district is thereby abolished or if a member of the board of education lives in that part of a school district transferred the member becomes a nonresident of the school district from which the territory was transferred and such member ceases to be a member of the board of education of such district.

The legal title of all property of the board of education 20366  
in the territory transferred shall become vested in the board of 20367  
education of the school district to which such territory is 20368  
transferred. 20369

Subsequent to June 30, 1959, if an entire district is 20370  
transferred, foundation program moneys accruing to a district 20371  
accepting school territory under the provisions of this section 20372  
or former section 3311.22 of the Revised Code, shall not be 20373  
less, in any year during the next succeeding three years 20374  
following the transfer, than the sum of the amounts received by 20375  
the districts separately in the year in which the transfer was 20376  
consummated. 20377

**Sec. 3311.231.** A governing board of an educational service 20378  
center may propose, by resolution adopted by majority vote of 20379  
its full membership, or qualified electors of the area affected 20380  
equal in number to not less than fifty-five per cent of the 20381  
qualified electors voting at the last general election residing 20382  
within that portion of a school district proposed to be 20383  
transferred may propose, by petition, the transfer of a part or 20384  
all of one or more local school districts within the territory 20385  
of the center to an adjoining educational service center or to 20386  
an adjoining city or exempted village school district. 20387

A governing board of an educational service center 20388  
adopting a resolution proposing a transfer of school territory 20389  
under this section shall file a copy of such resolution together 20390  
with an accurate map of the territory described in the 20391  
resolution, with the board of education of each school district 20392  
whose boundaries would be altered by such proposal. Where a 20393  
transfer of territory is proposed by a governing board of an 20394  
educational service center under this section, the governing 20395

board shall, at its next regular meeting that occurs not earlier 20396  
than the thirtieth day after the adoption by the governing board 20397  
of the resolution proposing such transfer, adopt a resolution 20398  
making the transfer as originally proposed, effective at any 20399  
time prior to the next succeeding first day of July, unless, 20400  
prior to the expiration of such thirty-day period, qualified 20401  
electors residing in the area proposed to be transferred, equal 20402  
in number to a majority of the qualified electors voting at the 20403  
last general election, file a petition of referendum against 20404  
such transfer. 20405

Any petition of transfer or petition of referendum under 20406  
the provisions of this section shall be filed at the office of 20407  
the educational service center superintendent. The person 20408  
presenting the petition shall be given a receipt containing 20409  
thereon the time of day, the date, and the purpose of the 20410  
petition. 20411

The educational service center superintendent shall cause 20412  
the board of elections to check the sufficiency of signatures on 20413  
any such petition, and, if found to be sufficient, the 20414  
superintendent shall present the petition to the educational 20415  
service center governing board at a meeting of said governing 20416  
board which shall occur not later than thirty days following the 20417  
filing of said petition. 20418

The educational service center governing board shall 20419  
promptly certify the proposal to the board of elections of such 20420  
counties in which school districts whose boundaries would be 20421  
altered by such proposal are located for the purpose of having 20422  
the proposal placed on the ballot at the next general or primary 20423  
election which occurs not less than ninety days after the date 20424  
of such certification or at a special election, the date of 20425

which shall be specified in the certification, which date shall 20426  
not be less than ninety days after the date of such 20427  
certification. 20428

Signatures on a petition of transfer or petition of 20429  
referendum may be withdrawn up to and including the above 20430  
mentioned meeting of the educational service center governing 20431  
board only by order of the governing board upon testimony of the 20432  
petitioner concerned under oath before the board that the 20433  
petitioner's signature was obtained by fraud, duress, or 20434  
misrepresentation. 20435

If a petition is filed with the educational service center 20436  
governing board which proposes the transfer of a part or all of 20437  
the territory included either in a petition previously filed by 20438  
electors or in a resolution of transfer previously adopted by 20439  
the educational service center governing board, no action shall 20440  
be taken on such new petition as long as the previously 20441  
initiated proposal is pending before the governing board or is 20442  
subject to an election. 20443

Upon certification of a proposal to the board or boards of 20444  
elections pursuant to this section, the board or boards of 20445  
elections shall make the necessary arrangements for the 20446  
submission of such question to the electors of the county or 20447  
counties qualified to vote thereon, and the election shall be 20448  
conducted and canvassed and the results shall be certified in 20449  
the same manner as in regular elections for the election of 20450  
members of a board of education. 20451

The persons qualified to vote upon a proposal are the 20452  
electors residing in the district or districts containing 20453  
territory that is proposed to be transferred. If the proposed 20454  
transfer is approved by at least a majority of the electors 20455

voting on the proposal, the educational service center governing board shall make such transfer at any time prior to the next succeeding first day of July, subject to the approval of the receiving board of education in case of a transfer to a city or exempted village school district, and subject to the approval of the educational service center governing board of the receiving center, in case of a transfer to an educational service center. If the proposed transfer is not approved by at least a majority of the electors voting on the proposal, the question of transferring any property included in the territory covered by the proposal shall not be submitted to electors at any election prior to the first general election the date of which is at least two years after the date of the original election, or the first primary election held in an even-numbered year the date of which is at least two years after the date of the original election.

Where a territory is transferred under this section to a city or exempted village school district, the board of education of such district shall, and where territory is transferred to an educational service center the governing board of such educational service center shall, within thirty days following receipt of the proposal, either accept or reject the transfer.

Where a governing board of an educational service center adopts a resolution accepting territory transferred to the educational service center under the provisions of sections 3311.231 and 3311.24 of the Revised Code, the governing board shall, at the time of the adoption of the resolution accepting the territory, designate the school district to which the accepted territory shall be annexed.

When an entire school district is proposed to be

transferred to two or more adjoining school districts and the 20486  
offer is rejected by any one of the receiving boards of 20487  
education, none of the territory included in the proposal shall 20488  
be transferred. 20489

Upon the acceptance of territory by the receiving board or 20490  
boards of education the educational service center governing 20491  
board offering the territory shall file with the county auditor 20492  
of each county affected by the transfer and with the state board 20493  
of education and the department of learning and achievement an 20494  
accurate map showing the boundaries of the territory 20495  
transferred. 20496

Upon the making of such transfer, the net indebtedness of 20497  
the former district from which territory was transferred shall 20498  
be apportioned between the acquiring school district and the 20499  
portion of the former school district remaining after the 20500  
transfer in the ratio which the assessed valuation of the 20501  
territory transferred to the acquiring school district bears to 20502  
the assessed valuation of the original school district as of the 20503  
effective date of the transfer. As used in this section "net 20504  
indebtedness" means the difference between the par value of the 20505  
outstanding and unpaid bonds and notes of the school district 20506  
and the amount held in the sinking fund and other indebtedness 20507  
retirement funds for their redemption. 20508

Upon the making of any transfer under this section, the 20509  
funds of the district from which territory was transferred shall 20510  
be divided equitably by the educational service center governing 20511  
board, between the acquiring district and any part of the 20512  
original district remaining after the transfer. 20513

If an entire district is transferred the board of 20514  
education of such district is thereby abolished or if a member 20515

of the board of education lives in that part of a school 20516  
district transferred the member becomes a nonresident of the 20517  
school district from which the territory was transferred and 20518  
such member ceases to be a member of the board of education of 20519  
such district. 20520

The legal title of all property of the board of education 20521  
in the territory transferred shall become vested in the board of 20522  
education of the school district to which such territory is 20523  
transferred. 20524

If an entire district is transferred, foundation program 20525  
moneys accruing to a district receiving school territory under 20526  
the provisions of this section shall not be less, in any year 20527  
during the next succeeding three years following the transfer, 20528  
than the sum of the amounts received by the districts separately 20529  
in the year in which the transfer was consummated. 20530

**Sec. 3311.241.** (A) In the case of a voluntary transfer of 20531  
the territory of a school district in accordance with section 20532  
3311.38 or division (A) (1) (a) of section 3311.24 of the Revised 20533  
Code, and where the transfer is initiated under either of those 20534  
sections not later than December 31, 2015, and results in the 20535  
complete consolidation and dissolution of the transferring 20536  
district, the net indebtedness owed to the solvency assistance 20537  
fund created under section 3316.20 of the Revised Code by the 20538  
transferring district shall be canceled, provided that all of 20539  
the following conditions are satisfied: 20540

(1) The amount owed by the transferring district to the 20541  
solvency assistance fund is greater than or equal to thirty- 20542  
three per cent of the transferring school district's operating 20543  
budget for the current fiscal year, but does not exceed ten 20544  
million dollars. 20545

(2) The transferring district has remained in a state of fiscal emergency pursuant to section 3316.03 of the Revised Code during the previous two fiscal years.

(3) The acquiring district is in the same county or in a county contiguous to the county in which the transferring district is located.

(4) The acquiring district has voluntarily accepted the transfer.

(5) The acquiring district has submitted to the ~~state board of education~~ department of learning and achievement a five-year written projection of solvency which takes into account the fiscal effects of acquiring the transferring district.

(B) If the conditions in division (A) of this section are satisfied, the acquiring district shall acquire the transferring district's territory free and clear of any amount owed by the transferring district to the solvency assistance fund. However, the acquiring district shall assume the obligations of all other liens, encumbrances, and debts of the transferring district.

(C) Upon the making of a transfer pursuant to this section, the board of education of the transferring district is thereby abolished, and the district is thereby dissolved.

(D) The director of budget and management may transfer any available moneys from the general revenue fund, appropriated for operating payments to schools, into the solvency assistance fund to replace the amount owed by a transferring school district forgone under division (A) of this section.

**Sec. 3311.29.** (A) Except as provided under division (B), (C), or (D) of this section, no school district shall be created

and no school district shall exist which does not maintain 20575  
within such district public schools consisting of grades 20576  
kindergarten through twelve and any such existing school 20577  
district not maintaining such schools shall be dissolved and its 20578  
territory joined with another school district or districts by 20579  
order of the ~~state board of education~~ department of learning and 20580  
achievement if no agreement is made among the surrounding 20581  
districts voluntarily, which order shall provide an equitable 20582  
division of the funds, property, and indebtedness of the 20583  
dissolved school district among the districts receiving its 20584  
territory. The ~~state board of education~~ department of learning 20585  
and achievement may authorize exceptions to school districts 20586  
where topography, sparsity of population, and other factors make 20587  
compliance impracticable. 20588

The ~~superintendent of public instruction~~ department of 20589  
learning and achievement is without authority to distribute 20590  
funds under Chapter 3317. of the Revised Code to any school 20591  
district that does not maintain schools with grades kindergarten 20592  
through twelve and to which no exception has been granted by the 20593  
~~state board of education~~ department of learning and achievement. 20594

(B) Division (A) of this section does not apply to any 20595  
joint vocational school district or any cooperative education 20596  
school district established pursuant to divisions (A) to (C) of 20597  
section 3311.52 of the Revised Code. 20598

(C) (1) (a) Except as provided in division (C) (3) of this 20599  
section, division (A) of this section does not apply to any 20600  
cooperative education school district established pursuant to 20601  
section 3311.521 of the Revised Code nor to the city, exempted 20602  
village, or local school districts that have territory within 20603  
such a cooperative education district. 20604

(b) The cooperative district and each city, exempted village, or local district with territory within the cooperative district shall maintain the grades that the resolution adopted or amended pursuant to section 3311.521 of the Revised Code specifies. 20605  
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(2) Any cooperative education school district described under division (C)(1) of this section that fails to maintain the grades it is specified to operate shall be dissolved by order of the ~~state board of education~~ department of learning and achievement unless prior to such an order the cooperative district is dissolved pursuant to section 3311.54 of the Revised Code. Any such order shall provide for the equitable adjustment, division, and disposition of the assets, property, debts, and obligations of the district among each city, local, and exempted village school district whose territory is in the cooperative district and shall provide that the tax duplicate of each city, local, and exempted village school district whose territory is in the cooperative district shall be bound for and assume its share of the outstanding indebtedness of the cooperative district. 20610  
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(3) If any city, exempted village, or local school district described under division (C)(1) of this section fails to maintain the grades it is specified to operate the cooperative district within which it has territory shall be dissolved in accordance with division (C)(2) of this section and upon that dissolution any city, exempted village, or local district failing to maintain grades kindergarten through twelve shall be subject to the provisions for dissolution in division (A) of this section. 20625  
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(D) Division (A) of this section does not apply to any 20634

school district that is or has ever been subject to section 20635  
3302.10 of the Revised Code, as it exists on and after ~~the~~ 20636  
~~effective date of this amendment~~ October 15, 2015, and has had a 20637  
majority of its schools reconstituted or closed under that 20638  
section. 20639

**Sec. 3311.60.** This section applies to any school district 20640  
that has an average daily membership, as reported under division 20641  
(A) of section 3317.03 of the Revised Code, greater than sixty 20642  
thousand and of which the majority of the district's territory 20643  
is located in a city with a population greater than seven 20644  
hundred thousand according to the most recent federal decennial 20645  
census. 20646

(A) Subject to approval by the electors under section 20647  
3311.61 of the Revised Code, the board of education of a school 20648  
district to which this section applies shall create the position 20649  
of independent auditor to be responsible for all internal 20650  
auditing functions of the district. The independent auditor 20651  
shall be selected by the selection committee prescribed by 20652  
division (B) of this section. Upon selection of the independent 20653  
auditor, the district board shall execute a written contract of 20654  
employment with the independent auditor. The district board 20655  
shall appropriate funds to support the operations and functions 20656  
of the independent auditor and shall grant the independent 20657  
auditor access to all district personnel, equipment, and records 20658  
necessary to perform the duties prescribed by divisions (C) and 20659  
(D) of this section. The term of office for the independent 20660  
auditor shall be for five years and may be renewed for 20661  
additional terms by the selection committee. 20662

(B) (1) The independent auditor selection committee shall 20663  
consist of the mayor, council president, and auditor of the city 20664

in which a majority of the territory of the district is located; 20665  
the president of the school district board of education; and the 20666  
probate court judge of the county in which a majority of the 20667  
territory of the district is located. Members of the selection 20668  
committee shall serve without compensation. 20669

(2) The selection committee shall do the following: 20670

(a) Establish qualifications for the position of 20671  
independent auditor; 20672

(b) Select, by majority vote, an individual to serve as 20673  
the independent auditor; 20674

(c) Recommend to the district board of education the 20675  
compensation for the position of independent auditor and the 20676  
necessary additional funds to finance operations and functions 20677  
of the independent auditor; 20678

(d) Reappoint the independent auditor for an additional 20679  
term, by a majority vote of the selection committee members; 20680

(e) Appoint a successor, if the current independent 20681  
auditor is not reappointed, by a majority vote of the committee 20682  
members; 20683

(f) In the event of a vacancy in the office of independent 20684  
auditor, appoint a successor to the balance of the unexpired 20685  
term, by a majority vote of the selection committee members; 20686

(g) Remove the independent auditor from office, by a two- 20687  
thirds vote of the selection committee members. 20688

(C) The independent auditor shall do the following: 20689

(1) Recommend to the district board of education the 20690  
employment of personnel necessary to carry out the activities of 20691

the independent auditor; 20692

(2) Prescribe duties and qualifications for staff of the 20693  
independent auditor; 20694

(3) Serve as the district's public records officer and 20695  
oversee the maintenance and availability of the school 20696  
district's public documents; 20697

(4) Prior to certification by the school district 20698  
superintendent, review reports and data that must be submitted 20699  
to the department of ~~education and the state board of education~~ 20700  
learning and achievement; 20701

(5) Receive any complaints of alleged wrongful or illegal 20702  
acts regarding the district's operations, finances, and data 20703  
reported under the education management information system 20704  
prescribed under section 3301.0714 of the Revised Code and 20705  
supervise the internal investigation of those complaints. At the 20706  
independent auditor's discretion, the independent auditor may 20707  
initiate investigations. 20708

(6) Report the results of investigations of such wrongful 20709  
or illegal acts, whether criminal in nature or otherwise, to the 20710  
appropriate authorities or agencies, including the school 20711  
district board of education, the city attorney of the city in 20712  
which a majority of the territory of the district is located, 20713  
the prosecuting attorney of the county in which a majority of 20714  
the territory of the district is located, the auditor of state, 20715  
the department of ~~education~~ learning and achievement, and the 20716  
Ohio ethics commission; 20717

(7) Propose to the selection committee a budget to support 20718  
the independent auditor's operations and functions; 20719

(8) Audit funds a partnering community school receives 20720

from the district's partnering community schools fund 20721  
established under section 5705.21 of the Revised Code; 20722

(9) Submit, not later than the first day of September of 20723  
each year, a report on the activities of the independent auditor 20724  
to the selection committee, the board of education of the school 20725  
district, and the general assembly in accordance with section 20726  
101.68 of the Revised Code. The report required under division 20727  
(C) ~~(8)~~ (9) of this section is a public record under section 20728  
149.43 of the Revised Code. 20729

If sufficient funds are available, the independent auditor 20730  
may obtain the services of certified public accountants, 20731  
qualified management consultants, or other professional experts 20732  
necessary to perform the duties prescribed under divisions (C) 20733  
and (D) of this section. 20734

(D) In cooperation with the school district board of 20735  
education and in coordination with the auditor of state, the 20736  
independent auditor may conduct or initiate financial and 20737  
performance audits and analyses of the school district to ensure 20738  
the following: 20739

(1) School district activities and programs comply with 20740  
all applicable laws and district policies, procedures, and 20741  
appropriations; 20742

(2) Student performance and enrollment data are accurately 20743  
and clearly reported; 20744

(3) Ballot requests to levy a tax are based on accurate 20745  
analysis and the needs of the district; 20746

(4) Individual contracts of the district are consistent 20747  
with the policies, procedures, budgets, and financial plans 20748  
adopted by the district board; 20749

(5) Incentive-based distributions and plans are consistent with the objectives adopted by the district board;	20750 20751
(6) District operations are executed in a cost-effective and efficient manner consistent with the objectives of and appropriations made by the district board;	20752 20753 20754
(7) Accuracy of district financial statements and reports;	20755
(8) Recommendations for improvement that have been adopted by the district board are implemented;	20756 20757
(9) Operating units or departments have necessary and appropriate operating and administrative policies, procedures, internal controls, and data quality protocols;	20758 20759 20760
(10) Proper evaluation of district programs and activities, including a full accounting of all funds.	20761 20762
<b>Sec. 3311.71.</b> (A) As used in this section and in sections 3311.72 to 3311.87 of the Revised Code:	20763 20764
(1) "Municipal school district" means a school district that is or has ever been under a federal court order requiring supervision and operational, fiscal, and personnel management of the district by the state superintendent of public instruction <u>or the department of learning and achievement.</u>	20765 20766 20767 20768 20769
(2) "Mayor" means the mayor of the municipal corporation containing the greatest portion of a municipal school district's territory.	20770 20771 20772
(B) Whenever any municipal school district is released by a federal court from an order requiring supervision and operational, fiscal, and personnel management of the district by the state superintendent <u>or department,</u> the management and control of that district shall be assumed, effective	20773 20774 20775 20776 20777

immediately, by a new nine-member board of education. Members of 20778  
the new board shall be appointed by the mayor, who shall also 20779  
designate one member as the chairperson of the board. In 20780  
addition to the rights, authority, and duties conferred upon the 20781  
chairperson by sections 3311.71 to 3311.87 of the Revised Code, 20782  
the chairperson shall have all the rights, authority, and duties 20783  
conferred upon the president of a board of education by the 20784  
Revised Code that are not inconsistent with sections 3311.71 to 20785  
3311.87 of the Revised Code. 20786

(C) No school board member shall be appointed by the mayor 20787  
pursuant to division (B) of this section until the mayor has 20788  
received a slate of at least eighteen candidates nominated by a 20789  
municipal school district nominating panel, at least three of 20790  
whom reside in the municipal school district but not in the 20791  
municipal corporation containing the greatest portion of the 20792  
district's territory. The municipal school district nominating 20793  
panel shall be initially convened and chaired by the ~~state~~ 20794  
~~superintendent of public instruction~~ director of learning and 20795  
achievement, who shall serve as a nonvoting member for the first 20796  
two years of the panel's existence, and shall consist of eleven 20797  
persons selected as follows: 20798

(1) Three parents or guardians of children attending the 20799  
schools of the municipal school district appointed by the 20800  
district parent-teacher association, or similar organization 20801  
selected by the ~~state superintendent~~ department; 20802

(2) Three persons appointed by the mayor; 20803

(3) One person appointed by the president of the 20804  
legislative body of the municipal corporation containing the 20805  
greatest portion of the municipal school district's territory; 20806

(4) One teacher appointed by the collective bargaining representative of the school district's teachers; 20807  
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(5) One principal appointed through a vote of the school district's principals, which vote shall be conducted by the ~~state superintendent~~ department; 20809  
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(6) One representative of the business community appointed by an organized collective business entity selected by the mayor; 20812  
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(7) One president of a public or private institution of higher education located within the municipal school district appointed by the ~~state superintendent of public instruction~~ department. 20815  
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The municipal school district nominating panel shall select one of its members as its chairperson commencing two years after the date of the first meeting of the panel, at which time the ~~state superintendent of public instruction~~ director of learning and achievement shall no longer convene or chair the panel. Thereafter, the panel shall meet as necessary to make nominations at the call of the chairperson. All members of the panel shall serve at the pleasure of the appointing authority. Vacancies on the panel shall be filled in the same manner as the initial appointments. 20819  
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(D) No individual shall be appointed by the mayor pursuant to division (B) or (F) of this section unless the individual has been nominated by the nominating panel, resides in the school district, and holds no elected public office. At any given time, four of the nine members appointed by the mayor to serve on the board pursuant to either division (B) or (F) of this section shall have displayed, prior to appointment, significant 20829  
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expertise in either the education field, finance, or business 20836  
management. At all times at least one member of the board shall 20837  
be an individual who resides in the municipal school district 20838  
but not in the municipal corporation containing the greatest 20839  
portion of the district's territory. 20840

(E) The terms of office of all members appointed by the 20841  
mayor pursuant to division (B) of this section shall expire on 20842  
the next thirtieth day of June following the referendum election 20843  
required by section 3311.73 of the Revised Code. The mayor may, 20844  
with the advice and consent of the nominating panel, remove any 20845  
member appointed pursuant to that division or division (F) of 20846  
this section for cause. 20847

(F) If the voters of the district approve the continuation 20848  
of an appointed board at the referendum election required by 20849  
section 3311.73 of the Revised Code, the mayor shall appoint the 20850  
members of a new board from a slate prepared by the nominating 20851  
panel in the same manner as the initial board was appointed 20852  
pursuant to divisions (B), (C), and (D) of this section. Five of 20853  
the members of the new board shall be appointed to four-year 20854  
terms and the other four shall be appointed to two-year terms, 20855  
each term beginning on the first day of July. Thereafter, the 20856  
mayor shall appoint members to four-year terms in the same 20857  
manner as described in divisions (B), (C), and (D) of this 20858  
section. The minimum number of individuals who shall be on the 20859  
slate prepared by the nominating panel for this purpose shall be 20860  
at least twice the number of members to be appointed, including 20861  
at least two who reside in the municipal school district but not 20862  
in the municipal corporation containing the greatest portion of 20863  
the district's territory. 20864

(G) In addition to the nine members appointed by the 20865

mayor, the boards appointed pursuant to divisions (B) and (F) of 20866  
this section shall include the following nonvoting ex officio 20867  
members: 20868

(1) If the main campus of a state university specified in 20869  
section 3345.011 of the Revised Code is located within the 20870  
municipal school district, the president of the university or 20871  
the president's designee; 20872

(2) If any community college has its main branch located 20873  
within the district, the president of the community college that 20874  
has the largest main branch within the district, or the 20875  
president's designee. 20876

**Sec. 3311.74.** (A) The board of education of a municipal 20877  
school district, in consultation with the department of 20878  
~~education~~ learning and achievement, shall set goals for the 20879  
district's educational, financial, and management progress and 20880  
establish accountability standards with which to measure the 20881  
district's progress. 20882

(B)(1) The chief executive officer of a municipal school 20883  
district shall develop, implement, and regularly update a plan 20884  
to measure student academic performance at each school within 20885  
the district. The plan developed by the chief executive officer 20886  
shall include a component that requires the parents or guardians 20887  
of students who attend the district's schools to attend, prior 20888  
to the fifteenth day of December each year, at least one parent- 20889  
teacher conference or similar event held by the school the 20890  
student attends to provide an opportunity for the parents and 20891  
guardians to meet the student's teachers, discuss expectations 20892  
for the student, discuss the student's performance, and foster 20893  
communication between home and school. 20894

(2) Where measurements demonstrate that students in particular schools are not achieving, or are not improving their achievement levels at an acceptable rate, the plan shall contain provisions requiring the chief executive officer, with the concurrence of the board, to take corrective action within those schools, including, but not limited to, reallocation of academic and financial resources, reassignment of staff, redesign of academic programs, adjusting the length of the school year or school day, and deploying additional assistance to students.

(3) Prior to taking corrective action pursuant to the plan, the chief executive officer shall first identify which schools are in need of corrective action, what corrective action is warranted at each school, and when the corrective action should be implemented. Collectively, these items shall be known as the "corrective plan." The corrective plan is not intended to be used as a cost savings measure; rather, it is intended to improve student performance at targeted schools.

Immediately after developing the corrective plan, the chief executive officer and the presiding officer of each labor organization whose members will be affected by the corrective plan shall each appoint up to four individuals to form one or more corrective action teams. The corrective action teams, within the timelines set by the chief executive officer for implementation of the corrective plan, shall collaborate with the chief executive officer and, where there are overlapping or mutual concerns, with other corrective action teams to make recommendations to the chief executive officer on implementation of the corrective plan.

If the chief executive officer disagrees with all or part of the recommendations of a corrective action team, or if a

corrective action team fails to make timely recommendations on 20925  
the implementation of all or part of the corrective plan, the 20926  
chief executive officer may implement the corrective plan in the 20927  
manner in which the chief executive officer determines to be in 20928  
the best interest of the students, consistent with the timelines 20929  
originally established. 20930

The chief executive officer and any corrective action team 20931  
are not bound by the applicable provisions of collective 20932  
bargaining agreements in developing recommendations for and 20933  
implementing the corrective plan. 20934

(4) Notwithstanding anything to the contrary in Chapter 20935  
4117. of the Revised Code, the content and implementation of the 20936  
corrective plan prevail over any conflicting provision of a 20937  
collective bargaining agreement entered into on or after ~~the~~ 20938  
~~effective date of this amendment~~ October 1, 2012. 20939

(C) Annually the chief executive officer shall issue a 20940  
report to residents of the district that includes results of 20941  
achievement measurements made under division (B)(1) of this 20942  
section and delineates the nature of any reforms and corrective 20943  
actions being taken in response to any failure to achieve at an 20944  
acceptable level or rate. The report shall also contain 20945  
descriptions of efforts undertaken to improve the overall 20946  
quality or efficiency of operation of the district, shall list 20947  
the source of all district revenues, and shall contain a 20948  
description of all district expenditures during the preceding 20949  
fiscal year. 20950

(D) The chief executive officer shall implement a public 20951  
awareness campaign to keep the parents and guardians of the 20952  
district's students informed of the changes being implemented 20953  
within the district. The campaign may include such methods as 20954

community forums, letters, and brochures. It shall include 20955  
annual distribution to all parents and guardians of an 20956  
information card specifying the names and business addresses and 20957  
telephone numbers of the ombudspersons appointed under section 20958  
3311.72 of the Revised Code and other employees of the district 20959  
board of education who may serve as information resources for 20960  
parents and guardians. 20961

**Sec. 3311.741.** (A) This section applies only to a 20962  
municipal school district in existence on July 1, 2012. 20963

(B) Not later than December 1, 2012, the board of 20964  
education of each municipal school district to which this 20965  
section applies shall submit to the ~~superintendent of public~~ 20966  
~~instruction department of learning and achievement~~ an array of 20967  
measures to be used in evaluating the performance of the 20968  
district. The measures shall assess at least overall student 20969  
achievement, student progress over time, the achievement and 20970  
progress over time of each of the applicable categories of 20971  
students described in division (F) of section 3302.03 of the 20972  
Revised Code, and college and career readiness. The ~~state~~ 20973  
~~superintendent department~~ shall approve or disapprove the 20974  
measures by January 15, 2013. If the measures are disapproved, 20975  
the ~~state superintendent department~~ shall recommend 20976  
modifications that will make the measures acceptable. 20977

(C) Beginning with the 2012-2013 school year, the board 20978  
annually shall establish goals for improvement on each of the 20979  
measures approved under division (B) of this section. The school 20980  
district's performance data for the 2011-2012 school year shall 20981  
be used as a baseline for determining improvement. 20982

(D) Not later than October 1, 2013, and by the first day 20983  
of October each year thereafter, the board shall issue a report 20984

describing the school district's performance for the previous 20985  
school year on each of the measures approved under division (B) 20986  
of this section and whether the district has met each of the 20987  
improvement goals established for that year under division (C) 20988  
of this section. The board shall provide the report to the 20989  
governor, ~~the superintendent of public instruction department,~~ 20990  
and, in accordance with section 101.68 of the Revised Code, the 20991  
general assembly. 20992

(E) Not later than November 15, 2017, the ~~superintendent-~~ 20993  
~~of public instruction department~~ shall evaluate the school 20994  
district's performance based on the measures approved under 20995  
division (B) of this section and shall issue a report to the 20996  
governor and general assembly. 20997

**Sec. 3311.76.** (A) Notwithstanding Chapters 3302. and 3317. 20998  
of the Revised Code, upon written request of the district chief 20999  
executive officer, the ~~state superintendent of public-~~ 21000  
~~instruction department of learning and achievement~~ may exempt a 21001  
municipal school district from any rules adopted under Title 21002  
XXXIII of the Revised Code except for any rule adopted under 21003  
Chapter 3307. or 3309., sections 3319.07 to 3319.21, or Chapter 21004  
3323. of the Revised Code, and may authorize a municipal school 21005  
district to apply funds allocated to the district under Chapter 21006  
3317. of the Revised Code, except those specifically allocated 21007  
to purposes other than current expenses, to the payment of debt 21008  
charges on the district's public obligations. The request must 21009  
specify the provisions from which the district is seeking 21010  
exemption or the application of funds requested and the reasons 21011  
for the request. The ~~state superintendent department~~ shall 21012  
approve the request if the ~~superintendent department~~ finds the 21013  
requested exemption or application of funds is in the best 21014  
interest of the district's students. The ~~superintendent-~~ 21015

department shall approve or disapprove the request within thirty 21016  
days and shall notify the district board and the district chief 21017  
executive officer of approval or reasons for disapproving the 21018  
request. 21019

(B) The board of education of a municipal school district 21020  
may apply for an exemption from specific statutory provisions or 21021  
rules under section 3302.07 of the Revised Code. 21022

(C) In addition to the rights, authority, and duties 21023  
conferred upon a municipal school district and its board of 21024  
education in sections 3311.71 to 3311.87 of the Revised Code, a 21025  
municipal school district and its board shall have all of the 21026  
rights, authority, and duties conferred upon a city school 21027  
district and its board by law that are not inconsistent with 21028  
sections 3311.71 to 3311.87 of the Revised Code. 21029

**Sec. 3311.77.** Notwithstanding any provision of the Revised 21030  
Code to the contrary, and except as otherwise specified in 21031  
division (G) (1) of this section, a municipal school district 21032  
shall be subject to this section instead of section 3319.08 of 21033  
the Revised Code. Section 3319.0811 of the Revised Code shall 21034  
not apply to the district. 21035

(A) The board of education of each municipal school 21036  
district shall enter into written contracts for the employment 21037  
and re-employment of all teachers. Contracts for the employment 21038  
of teachers shall be of three types, limited contracts, extended 21039  
limited contracts, and continuing contracts. If the board 21040  
authorizes compensation in addition to the salary paid under 21041  
section 3311.78 of the Revised Code for the performance of 21042  
duties by a teacher that are in addition to the teacher's 21043  
regular teaching duties, the board shall enter into a 21044  
supplemental written contract with each teacher who is to 21045

perform additional duties. Such supplemental written contracts 21046  
shall be limited contracts. Such written contracts and 21047  
supplemental written contracts shall set forth the teacher's 21048  
duties and shall specify the salaries and compensation to be 21049  
paid for regular teaching duties and additional teaching duties, 21050  
respectively. 21051

If the board adopts a motion or resolution to employ a 21052  
teacher under a limited contract or extended limited contract, 21053  
or under a continuing contract pursuant to division (E) of this 21054  
section, and the teacher accepts such employment, the failure of 21055  
such parties to execute a written contract shall not void such 21056  
employment contract. 21057

(B) Teachers shall be paid for all time lost when the 21058  
schools in which they are employed are closed due to an epidemic 21059  
or other public calamity, and for time lost due to illness or 21060  
otherwise for not less than five days annually as authorized by 21061  
regulations which the board shall adopt. 21062

(C) The term of a limited contract for a teacher shall not 21063  
exceed the following: 21064

(1) Five years, in the case of a contract entered into 21065  
prior to ~~the effective date of this section~~ October 1, 2012; 21066

(2) A term as authorized in division (D) of this section, 21067  
in the case of a contract entered into on or after ~~the effective~~ 21068  
~~date of this section~~ October 1, 2012. 21069

(D) The term of an initial limited contract for a teacher 21070  
described in division (C) (2) of this section shall not exceed 21071  
two years. Any subsequent limited contract entered into with 21072  
that teacher shall not exceed five years. 21073

(E) A continuing contract is a contract that remains in 21074

effect until the teacher resigns, elects to retire, or is 21075  
retired pursuant to former section 3307.37 of the Revised Code, 21076  
or until it is terminated or suspended and shall be granted only 21077  
to teachers who have provided notice of their eligibility by the 21078  
fifteenth day of September of the year the teacher becomes 21079  
eligible for a continuing contract and who have met one of the 21080  
following criteria: 21081

(1) The teacher holds a professional, permanent, or life 21082  
teacher's certificate; 21083

(2) The teacher meets the following conditions: 21084

(a) The teacher was initially issued a teacher's 21085  
certificate or educator license prior to January 1, 2011. 21086

(b) The teacher holds a professional educator license 21087  
issued under section 3319.22 or 3319.222 or former section 21088  
3319.22 of the Revised Code or a senior professional educator 21089  
license or lead professional educator license issued under 21090  
section 3319.22 of the Revised Code. 21091

(c) The teacher has completed the applicable one of the 21092  
following: 21093

(i) If the teacher did not hold a master's degree at the 21094  
time of initially receiving a teacher's certificate under former 21095  
law or an educator license, thirty semester hours of coursework 21096  
in the area of licensure or in an area related to the teaching 21097  
field since the initial issuance of such certificate or license, 21098  
as specified in rules which the ~~state board of education~~ 21099  
department of learning and achievement shall adopt; 21100

(ii) If the teacher held a master's degree at the time of 21101  
initially receiving a teacher's certificate under former law or 21102  
an educator license, six semester hours of graduate coursework 21103

in the area of licensure or in an area related to the teaching field since the initial issuance of such certificate or license, as specified in rules which the ~~state board~~ department shall adopt.

(3) The teacher meets the following conditions:

(a) The teacher never held a teacher's certificate and was initially issued an educator license on or after January 1, 2011.

(b) The teacher holds a professional educator license, senior professional educator license, or lead professional educator license issued under section 3319.22 of the Revised Code.

(c) The teacher has held an educator license for at least seven years.

(d) The teacher has completed the applicable one of the following:

(i) If the teacher did not hold a master's degree at the time of initially receiving an educator license, thirty semester hours of coursework in the area of licensure or in an area related to the teaching field since the initial issuance of that license, as specified in rules which the ~~state board~~ department shall adopt;

(ii) If the teacher held a master's degree at the time of initially receiving an educator license, six semester hours of graduate coursework in the area of licensure or in an area related to the teaching field since the initial issuance of that license, as specified in rules which the ~~state board~~ department shall adopt.

(F) Nothing in division (E) of this section shall be 21132  
construed to void or otherwise affect a continuing contract 21133  
entered into prior to ~~the effective date of this section~~ October 21134  
1, 2012. 21135

(G) Notwithstanding any provision to the contrary in 21136  
Chapter 4117. of the Revised Code: 21137

(1) The requirements of division (D) (3) of section 3319.08 21138  
of the Revised Code prevail over any conflicting provisions of a 21139  
collective bargaining agreement entered into between October 16, 21140  
2009, and ~~the effective date of this section~~ October 1, 2012. 21141

(2) The requirements of this section prevail over any 21142  
conflicting provisions of a collective bargaining agreement 21143  
entered into on or after ~~the effective date of this section~~ 21144  
October 1, 2012. 21145

(H) Wherever the term "educator license" is used in this 21146  
section without reference to a specific type of educator 21147  
license, the term does not include an educator license for 21148  
substitute teaching issued under section 3319.226 of the Revised 21149  
Code. 21150

**Sec. 3311.86.** (A) As used in this section: 21151

(1) "Alliance" means a municipal school district 21152  
transformation alliance established as a nonprofit corporation. 21153

(2) "Alliance municipal school district" means a municipal 21154  
school district for which an alliance has been created under 21155  
this section. 21156

(3) "Partnering community school" means a community school 21157  
established under Chapter 3314. of the Revised Code that is 21158  
located within the territory of a municipal school district and 21159

that either is sponsored by the district or is a party to an 21160  
agreement with the district whereby the district and the 21161  
community school endorse each other's programs. 21162

(4) "Transformation alliance education plan" means a plan 21163  
prepared by the mayor, and confirmed by the alliance, to 21164  
transform public education in the alliance municipal school 21165  
district to a system of municipal school district schools and 21166  
partnering community schools that will be held to the highest 21167  
standards of school performance and student achievement. 21168

(B) If one or more partnering community schools are 21169  
located in a municipal school district, the mayor may initiate 21170  
proceedings to establish a municipal school district 21171  
transformation alliance as a nonprofit corporation under Chapter 21172  
1702. of the Revised Code. The mayor shall have sole authority 21173  
to appoint the directors of any alliance created under this 21174  
section. The directors of the alliance shall include 21175  
representatives of all of the following: 21176

(1) The municipal school district; 21177

(2) Partnering community schools; 21178

(3) Members of the community at large, including parents 21179  
and educators; 21180

(4) The business community, including business leaders and 21181  
foundation leaders. 21182

No one group listed in divisions (B) (1) to (4) of this 21183  
section shall comprise a majority of the directors. The mayor 21184  
shall be an ex officio director, and serve as the chairperson of 21185  
the board of directors, of any alliance created under this 21186  
section. If the proceedings are initiated, the mayor shall 21187  
identify the directors in the articles of incorporation filed 21188

under section 1702.04 of the Revised Code. 21189

(C) (1) A majority of the members of the board of directors 21190  
of the alliance shall constitute a quorum of the board. Any 21191  
formal action taken by the board of directors shall take place 21192  
at a meeting of the board and shall require the concurrence of a 21193  
majority of the members of the board. Meetings of the board of 21194  
directors shall be public meetings open to the public at all 21195  
times, except that the board and its committees and 21196  
subcommittees may hold an executive session, as if it were a 21197  
public body with public employees, for any of the purposes for 21198  
which an executive session of a public body is permitted under 21199  
division (G) of section 121.22 of the Revised Code, 21200  
notwithstanding that the alliance is not a public body as 21201  
defined in that section, and its employees are not public 21202  
employees as provided in division (F) of this section. The board 21203  
of directors shall establish reasonable methods whereby any 21204  
person may determine the time and place of all of the board's 21205  
public meetings and by which any person, upon request, may 21206  
obtain reasonable advance notification of the board's public 21207  
meetings. Provisions for that advance notification may include, 21208  
but are not limited to, mailing notices to all subscribers on a 21209  
mailing list or mailing notices in self-addressed, stamped 21210  
envelopes provided by the person. 21211

(2) All records of the alliance shall be organized and 21212  
maintained by the alliance and also filed with the department of 21213  
~~education~~ learning and achievement. The alliance and the 21214  
department shall make those records available to the public as 21215  
though those records were public records for purposes of Chapter 21216  
149. of the Revised Code. The department shall promptly notify 21217  
the alliance upon the department's receipt of any requests for 21218  
records relating to the alliance pursuant to section 149.43 of 21219

the Revised Code. 21220

(3) The board of directors of the alliance shall establish 21221  
a conflicts of interest policy and shall adopt that policy, and 21222  
any amendments to the policy, at a meeting of the board held in 21223  
accordance with this section. 21224

(D) (1) If an alliance is created under this section, the 21225  
alliance shall do all of the following: 21226

(a) Report annually on the performance of all municipal 21227  
school district schools and all community schools established 21228  
under Chapter 3314. of the Revised Code and located in the 21229  
district, using the criteria adopted under division (B) of 21230  
section 3311.87 of the Revised Code; 21231

(b) Confirm and monitor implementation of the 21232  
transformation alliance education plan; 21233

(c) Suggest national education models for and provide 21234  
input in the development of new municipal school district 21235  
schools and partnering community schools. 21236

(2) If an alliance is created under this section, the 21237  
department of ~~education~~ learning and achievement may request 21238  
alliance comment, or the alliance independently may offer 21239  
comment to the department, on the granting, renewal, or 21240  
extension of an agreement with a sponsor of community schools 21241  
under section 3314.015 of the Revised Code when the sponsor has 21242  
existing agreements with a community school located in an 21243  
alliance municipal school district. If the alliance makes 21244  
comments, those comments shall be considered by the department 21245  
prior to making its decision whether to grant, renew, or extend 21246  
the agreement. 21247

For purposes of division (D) (2) of this section, comments 21248

by the alliance shall be based on the criteria established under 21249  
division (A) of section 3311.87 of the Revised Code. 21250

(E) Divisions (E) (1) to (3) of this section apply to each 21251  
community school sponsor that is subject to approval by the 21252  
department under section 3314.015 of the Revised Code whose 21253  
approval under that section is granted, renewed, or extended on 21254  
or after October 1, 2012. Divisions (E) (1) to (3) of this 21255  
section do not apply to a sponsor that has been approved by the 21256  
department prior to that date, until the sponsor's approval is 21257  
renewed, granted anew, or extended on or after that date. 21258

(1) Before a sponsor to which this section applies may 21259  
sponsor new community schools in an alliance municipal school 21260  
district, the sponsor shall request recommendation from the 21261  
alliance to sponsor community schools in the district. 21262

(2) The alliance shall review the sponsor's request and 21263  
shall make a recommendation to the department based on the 21264  
standards for sponsors developed under division (A) (2) of 21265  
section 3311.87 of the Revised Code. 21266

(3) The department shall use the standards developed under 21267  
division (A) (2) of section 3311.87 of the Revised Code, in 21268  
addition to any other requirements of the Revised Code, to 21269  
review a sponsor's request and make a final determination, on 21270  
recommendation of the alliance, of whether the sponsor may 21271  
sponsor new community schools in the alliance municipal school 21272  
district. 21273

No sponsor shall be required to receive authorization to 21274  
sponsor new community schools under division (E) (3) of this 21275  
section more than one time. 21276

(F) Directors, officers, and employees of an alliance are 21277

not public employees or public officials, are not subject to 21278  
Chapters 124., 145., and 4117. of the Revised Code, and are not 21279  
"public officials" or "public servants" as defined in section 21280  
2921.01 of the Revised Code. Membership on the board of 21281  
directors of an alliance does not constitute the holding of an 21282  
incompatible public office or employment in violation of any 21283  
statutory or common law prohibition against the simultaneous 21284  
holding of more than one public office or employment. Members of 21285  
the board of directors of an alliance are not disqualified from 21286  
holding any public office by reason of that membership, and do 21287  
not forfeit by reason of that membership the public office or 21288  
employment held when appointed to the board, notwithstanding any 21289  
contrary disqualification or forfeiture requirement under the 21290  
Revised Code or the common law of this state. 21291

**Sec. 3311.87.** The department of ~~education~~ learning and 21292  
achievement, in conjunction with the municipal school district 21293  
transformation alliance established under section 3311.86 of the 21294  
Revised Code, if such an alliance is established under that 21295  
section, and a statewide nonprofit organization whose membership 21296  
is comprised solely of entities that sponsor community schools 21297  
and whose members sponsor the majority of start-up community 21298  
schools in the state, shall do all of the following: 21299

(A) Not later than December 31, 2012, establish both of 21300  
the following: 21301

(1) Objective criteria to be used by a sponsor to 21302  
determine if it will sponsor new community schools located 21303  
within the municipal school district. Beginning with any 21304  
community school that opens after July 1, 2013, each sponsor 21305  
shall use the criteria established under this division to 21306  
determine whether to sponsor a community school in the municipal 21307

district. 21308

(2) Criteria for assessing the ability of a sponsor to 21309  
successfully sponsor a community school in a municipal school 21310  
district. 21311

The criteria adopted under divisions (A) (1) and (2) of 21312  
this section shall be based on standards issued by the national 21313  
association of charter school authorizers or any other 21314  
nationally organized community or charter school organization. 21315

(B) Not later than April 30, 2013, establish a 21316  
comprehensive framework to assess the efficacy of district 21317  
schools and community schools located in the municipal school 21318  
district. Where possible, the framework shall be based on 21319  
nationally accepted quality standards and principles for schools 21320  
and shall be specific to a school's model, mission, and student 21321  
populations. 21322

**Sec. 3312.01.** (A) The educational regional service system 21323  
is hereby established. The system shall support state and 21324  
regional education initiatives and efforts to improve school 21325  
effectiveness and student achievement. Services, including 21326  
special education and related services, shall be provided under 21327  
the system to school districts, community schools established 21328  
under Chapter 3314. of the Revised Code, and chartered nonpublic 21329  
schools. 21330

It is the intent of the general assembly that the 21331  
educational regional service system reduce the unnecessary 21332  
duplication of programs and services and provide for a more 21333  
streamlined and efficient delivery of educational services 21334  
without reducing the availability of the services needed by 21335  
school districts and schools. 21336

(B) The educational regional service system shall consist 21337  
of the following: 21338

(1) The advisory councils and subcommittees established 21339  
under sections 3312.03 and 3312.05 of the Revised Code; 21340

(2) A fiscal agent for each of the regions as configured 21341  
under section 3312.02 of the Revised Code; 21342

(3) Educational service centers, information technology 21343  
centers established under section 3301.075 of the Revised Code, 21344  
and other regional education service providers. 21345

(C) Educational service centers shall provide the services 21346  
that they are specifically required to provide by the Revised 21347  
Code and may enter into agreements pursuant to section 3313.843, 21348  
3313.844, or 3313.845 of the Revised Code for the provision of 21349  
other services, which may include any of the following: 21350

(1) Assistance in improving student performance; 21351

(2) Services to enable a school district or school to 21352  
operate more efficiently or economically; 21353

(3) Professional development for teachers or 21354  
administrators; 21355

(4) Assistance in the recruitment and retention of 21356  
teachers and administrators; 21357

(5) Any other educational, administrative, or operational 21358  
services. 21359

In addition to implementing state and regional education 21360  
initiatives and school improvement efforts under the educational 21361  
regional service system, educational service centers shall 21362  
implement state or federally funded initiatives assigned to the 21363

service centers by the general assembly or the department of 21364  
~~education~~ learning and achievement. 21365

Any educational service center selected to be a fiscal 21366  
agent for its region pursuant to section 3312.07 of the Revised 21367  
Code shall continue to operate as an educational service center 21368  
for the part of the region that comprises its territory. 21369

(D) Information technology centers may enter into 21370  
agreements for the provision of services pursuant to section 21371  
3312.10 of the Revised Code. 21372

(E) No school district, community school, or chartered 21373  
nonpublic school shall be required to purchase services from an 21374  
educational service center or information technology center in 21375  
the region in which the district or school is located, except 21376  
that a local school district shall receive any services required 21377  
by the Revised Code to be provided by an educational service 21378  
center to the local school districts in its territory from the 21379  
educational service center in whose territory the district is 21380  
located. 21381

**Sec. 3312.02.** (A) There shall be the following sixteen 21382  
regions in the educational regional service system: 21383

(1) Region one shall consist of the territory contained in 21384  
Defiance, Fulton, Hancock, Henry, Lucas, Ottawa, Paulding, 21385  
Putnam, Sandusky, Seneca, Van Wert, Williams, and Wood counties. 21386

(2) Region two shall consist of the territory contained in 21387  
Erie, Huron, and Lorain counties. 21388

(3) Region three shall consist of the territory contained 21389  
in Cuyahoga county. 21390

(4) Region four shall consist of the territory contained 21391

in Geauga and Lake counties.	21392
(5) Region five shall consist of the territory contained	21393
in Ashtabula, Mahoning, and Trumbull counties.	21394
(6) Region six shall consist of the territory contained in	21395
Allen, Auglaize, Champaign, Hardin, Logan, Mercer, and Shelby	21396
counties.	21397
(7) Region seven shall consist of the territory contained	21398
in Ashland, Crawford, Knox, Marion, Morrow, Richland, and	21399
Wyandot counties.	21400
(8) Region eight shall consist of the territory contained	21401
in Medina, Portage, and Summit counties.	21402
(9) Region nine shall consist of the territory contained	21403
in Columbiana, Stark, and Wayne counties.	21404
(10) Region ten shall consist of the territory contained	21405
in Clark, Darke, Greene, Miami, Montgomery, and Preble counties.	21406
(11) Region eleven shall consist of the territory	21407
contained in Delaware, Fairfield, Franklin, Licking, Madison,	21408
Pickaway, and Union counties.	21409
(12) Region twelve shall consist of the territory	21410
contained in Belmont, Carroll, Coshocton, Guernsey, Harrison,	21411
Holmes, Jefferson, Muskingum, Noble, and Tuscarawas counties.	21412
(13) Region thirteen shall consist of the territory	21413
contained in Butler, Clermont, Hamilton, and Warren counties.	21414
(14) Region fourteen shall consist of the territory	21415
contained in Adams, Brown, Clinton, Fayette, and Highland	21416
counties.	21417
(15) Region fifteen shall consist of the territory	21418

contained in Lawrence, Pike, Ross, and Scioto counties. 21419

(16) Region sixteen shall consist of the territory 21420  
contained in Athens, Gallia, Hocking, Jackson, Meigs, Monroe, 21421  
Morgan, Perry, Vinton, and Washington counties. 21422

(B) Not later than July 1, 2007, the ~~state board of~~ 21423  
~~education department of learning and achievement~~ shall adopt 21424  
rules establishing a process whereby a school district may elect 21425  
to transfer to a region other than the region to which the 21426  
district is assigned by this section. The ~~state board department~~ 21427  
shall consult with school districts and regional service 21428  
providers in developing the process. No school district shall be 21429  
permitted to transfer to a different region under this division 21430  
after June 30, 2009. 21431

**Sec. 3312.04.** The advisory council of each region of the 21432  
educational regional service system shall do all of the 21433  
following: 21434

(A) Identify regional needs and priorities for educational 21435  
services to inform the department of ~~education learning and~~ 21436  
~~achievement~~ in the development of the performance contracts 21437  
entered into by the fiscal agent of the region under section 21438  
3312.08 of the Revised Code; 21439

(B) Develop policies to coordinate the delivery of 21440  
services to school districts, community schools, and chartered 21441  
nonpublic schools in a manner that responds to regional needs 21442  
and priorities. Such policies shall not supersede any 21443  
requirement of a performance contract entered into by the fiscal 21444  
agent of the region under section 3312.08 of the Revised Code. 21445

(C) Make recommendations to the fiscal agent for the 21446  
region regarding the expenditure of funds available to the 21447

region for implementation of state and regional education 21448  
initiatives and school improvement efforts; 21449

(D) Monitor implementation of state and regional education 21450  
initiatives and school improvement efforts by educational 21451  
service centers, information technology centers, and other 21452  
regional service providers to ensure that the terms of the 21453  
performance contracts entered into by the fiscal agent for the 21454  
region under section 3312.08 of the Revised Code are being met; 21455

(E) Establish an accountability system to evaluate the 21456  
advisory council on its performance of the duties described in 21457  
divisions (A) to (D) of this section. 21458

**Sec. 3312.07.** (A) ~~Not later than January 31, 2007, the~~ The 21459  
department of ~~education~~ learning and achievement shall select a 21460  
school district or educational service center in each region of 21461  
the educational regional service system to be the fiscal agent 21462  
for the region. For this purpose, the department shall issue a 21463  
request for proposals from districts and service centers 21464  
interested in being a fiscal agent. The department shall select 21465  
each fiscal agent based upon the following criteria: 21466

(1) Capability to serve as a fiscal agent as demonstrated 21467  
by a satisfactory audit record and prior experience serving as a 21468  
fiscal agent; 21469

(2) Adequate capacity in terms of facilities, personnel, 21470  
and other relevant resources; 21471

(3) Evidence that the school district's or educational 21472  
service center's role as a fiscal agent would result in minimal 21473  
disruption to its responsibilities as a district or service 21474  
center; 21475

(4) Demonstrated intent to limit the aggregate fees for 21476

administering a performance contract entered into under section 21477  
3312.08 of the Revised Code to not more than seven per cent of 21478  
the value of the contract. 21479

(B) If no school district or educational service center in 21480  
a region responds to the request for proposals issued by the 21481  
department, the department shall select a district or service 21482  
center in the region that meets the criteria in division (A) of 21483  
this section to be the fiscal agent for the region. 21484

**Sec. 3312.08.** Each fiscal agent selected by the department 21485  
of ~~education~~learning and achievement pursuant to section 21486  
3312.07 of the Revised Code shall do all of the following: 21487

(A) Enter into performance contracts with the department 21488  
in accordance with section 3312.09 of the Revised Code for the 21489  
implementation of state and regional education initiatives and 21490  
school improvement efforts; 21491

(B) Receive federal and state funds, including federal 21492  
funds for the provision of special education and related 21493  
services, as specified in the performance contracts, and 21494  
disburse those funds as specified in the performance contracts 21495  
to educational service centers, information technology centers, 21496  
and other regional service providers. However, any funds owed to 21497  
an educational service center in accordance with an agreement 21498  
entered into under section 3313.843, 3313.844, or 3313.845 of 21499  
the Revised Code shall be paid directly to the service center by 21500  
the department and any operating funds appropriated for an 21501  
information technology center shall be paid directly to the 21502  
information technology center by the department pursuant to 21503  
section 3301.075 of the Revised Code. 21504

(C) Implement any expenditure of funds recommended by the 21505

advisory council for the region pursuant to section 3312.04 of 21506  
the Revised Code or required by the terms of any performance 21507  
contract, unless there are insufficient funds available to the 21508  
region to pay for the expenditure or the expenditure violates a 21509  
provision of the Revised Code, a rule of the ~~state board of~~ 21510  
~~education~~ department of learning and achievement regarding such 21511  
expenditure, or the terms of a performance contract; 21512

(D) Exercise fiscal oversight of the implementation of 21513  
state and regional education initiatives and school improvement 21514  
efforts. 21515

**Sec. 3312.09.** (A) Each performance contract entered into 21516  
by the department of ~~education~~ learning and achievement and the 21517  
fiscal agent of a region for implementation of a state or 21518  
regional education initiative or school improvement effort shall 21519  
include the following: 21520

(1) An explanation of how the regional needs and 21521  
priorities for educational services have been identified by the 21522  
advisory council of the region, the advisory council's 21523  
subcommittees, and the department; 21524

(2) A definition of the services to be provided to school 21525  
districts, community schools, and chartered nonpublic schools in 21526  
the region, including any services provided pursuant to division 21527  
(A) of section 3302.04 of the Revised Code; 21528

(3) Expected outcomes from the provision of the services 21529  
defined in the contract; 21530

(4) The method the department will use to evaluate whether 21531  
the expected outcomes have been achieved; 21532

(5) A requirement that the fiscal agent develop and 21533  
implement a corrective action plan if the results of the 21534

evaluation are unsatisfactory; 21535

(6) Data reporting requirements; 21536

(7) The aggregate fees to be charged by the fiscal agent 21537  
and any entity with which it subcontracts to cover personnel and 21538  
program costs associated with administering the contract, which 21539  
fees shall be subject to controlling board approval if in excess 21540  
of four per cent of the value of the contract. 21541

(B) Upon completion of each evaluation described in a 21542  
performance contract, the department shall post the results of 21543  
that evaluation on its web site. 21544

**Sec. 3312.13.** The department of ~~education~~ learning and 21545  
achievement shall consider the following when entering into 21546  
performance contracts with the fiscal agent of each region of 21547  
the educational regional service system and when allocating 21548  
funds for the implementation of statewide education initiatives 21549  
by regional service providers; 21550

(A) The unique needs and circumstances of the region; 21551

(B) The regional needs and priorities for educational 21552  
services identified by the advisory council for the region; 21553

(C) Any services that will be provided to school districts 21554  
and schools within the region pursuant to division (A) of 21555  
section 3302.04 of the Revised Code. 21556

**Sec. 3313.03.** Within three months after the official 21557  
announcement of the result of each successive federal census, 21558  
the board of education of each city school district which, 21559  
according to such census, has a population of fifty thousand or 21560  
more but less than one hundred fifty thousand persons and which 21561  
elected to have subdistricts shall redistrict such districts 21562

into subdistricts. Such subdistricts shall be bounded as far as practicable by corporation lines, streets, alleys, avenues, public grounds, canals, watercourses, ward boundaries, voting precinct boundaries, or present school district boundaries, shall be as nearly equal in population as possible, and be composed of adjacent and as compact territory as practicable. If the board of any such district fails to district or redistrict such city school district, then the ~~superintendent of public instruction~~ department of learning and achievement shall forthwith district or redistrict such city school district, subject to sections 3313.01 to 3313.13, inclusive, of the Revised Code.

**Sec. 3313.30.** (A) If the auditor of state or a public accountant, under section 117.41 of the Revised Code, declares a school district to be unauditabile, the auditor of state shall provide written notification of that declaration to the district and the department of ~~education~~ learning and achievement. The auditor of state also shall post the notification on the auditor of state's web site.

(B) If the district's current treasurer held that position during the period for which the district is unauditabile, upon receipt of the notification under division (A) of this section, the district board of education shall suspend the treasurer until the auditor of state or a public accountant has completed an audit of the district. Suspension of the treasurer may be with or without pay, as determined by the district board based on the circumstances that prompted the auditor of state's declaration. The district board shall appoint a person to assume the duties of the treasurer during the period of the suspension. If the appointee is not licensed as a treasurer under section 3301.074 of the Revised Code, the appointee shall be approved by

the superintendent of public instruction before assuming the 21594  
duties of the treasurer. The state board of education may take 21595  
action under section 3319.31 of the Revised Code to suspend, 21596  
revoke, or limit the license of a treasurer who has been 21597  
suspended under this division. 21598

(C) Not later than forty-five days after receiving the 21599  
notification under division (A) of this section, the district 21600  
board shall provide a written response to the auditor of state. 21601  
The response shall include the following: 21602

(1) An overview of the process the district board will use 21603  
to review and understand the circumstances that led to the 21604  
district becoming unauditable; 21605

(2) A plan for providing the auditor of state with the 21606  
documentation necessary to complete an audit of the district and 21607  
for ensuring that all financial documents are available in the 21608  
future; 21609

(3) The actions the district board will take to ensure 21610  
that the plan described in division (C) (2) of this section is 21611  
implemented. 21612

(D) If the school district fails to make reasonable 21613  
efforts and continuing progress to bring its accounts, records, 21614  
files, or reports into an auditable condition within ninety days 21615  
after being declared unauditable, the auditor of state, in 21616  
addition to requesting legal action under sections 117.41 and 21617  
117.42 of the Revised Code, shall notify the district and the 21618  
department of the district's failure. If the auditor of state or 21619  
a public accountant subsequently is able to complete a financial 21620  
audit of the district, the auditor of state shall notify the 21621  
district and the department that the audit has been completed. 21622

(E) Notwithstanding any provision to the contrary in Chapter 3317. of the Revised Code or in any other provision of law, upon notification by the auditor of state under division (D) of this section that the district has failed to make reasonable efforts and continuing progress to bring its accounts, records, files, or reports into an auditable condition, the department shall immediately cease all payments to the district under Chapter 3317. of the Revised Code and any other provision of law. Upon subsequent notification from the auditor of state under that division that the auditor of state or a public accountant was able to complete a financial audit of the district, the department shall release all funds withheld from the district under this section.

**Sec. 3313.413.** (A) As used in this section, "high-performing community school" means either of the following:

(1) A community school established under Chapter 3314. of the Revised Code that meets the following conditions:

(a) Except as provided in division (A) (1) (b) or (c) of this section, the school both:

(i) Has received a grade of "A," "B," or "C" for the performance index score under division (C) (1) (b) of section 3302.03 of the Revised Code or has increased its performance index score under division (C) (1) (b) of section 3302.03 of the Revised Code in each of the previous three years of operation; and

(ii) Has received a grade of "A" or "B" for the value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code on its most recent report card rating issued under that section.

(b) If the school serves only grades kindergarten through 21652  
three, the school received a grade of "A" or "B" for making 21653  
progress in improving literacy in grades kindergarten through 21654  
three under division (C) (1) (g) of section 3302.03 of the Revised 21655  
Code on its most recent report card issued under that section. 21656

(c) If the school primarily serves students enrolled in a 21657  
dropout prevention and recovery program as described in division 21658  
(A) (4) (a) of section 3314.35 of the Revised Code, the school 21659  
received a rating of "exceeds standards" on its most recent 21660  
report card issued under section 3314.017 of the Revised Code. 21661

(2) A newly established community school that is 21662  
implementing a community school model that has a track record of 21663  
high-quality academic performance, as determined by the 21664  
department of ~~education~~ learning and achievement. 21665

(B) When a school district board of education decides to 21666  
dispose of real property it owns in its corporate capacity under 21667  
section 3313.41 of the Revised Code, the board shall first offer 21668  
that property to the governing authorities of all start-up 21669  
community schools, the boards of trustees of any college- 21670  
preparatory boarding schools, and the governing bodies of any 21671  
STEM schools that are located within the territory of the 21672  
district. Not later than sixty days after the district board 21673  
makes the offer, interested governing authorities, boards of 21674  
trustees, and governing bodies shall notify the district 21675  
treasurer in writing of the intention to purchase the property. 21676

The district board shall give priority to the governing 21677  
authorities of high-performing community schools that are 21678  
located within the territory of the district. 21679

(1) If more than one governing authority of a high- 21680

performing community school notifies the district treasurer of 21681  
its intention to purchase the property pursuant to division (B) 21682  
of this section, the board shall conduct a public auction in the 21683  
manner required for auctions of district property under division 21684  
(A) of section 3313.41 of the Revised Code. Only the governing 21685  
authorities of high-performing community schools that notified 21686  
the district treasurer pursuant to division (B) of this section 21687  
are eligible to bid at the auction. 21688

(2) If no governing authority of a high-performing 21689  
community school notifies the district treasurer of its 21690  
intention to purchase the property pursuant to division (B) of 21691  
this section, the board shall then proceed with the offers from 21692  
all other start-up community schools, college-preparatory 21693  
boarding schools, and STEM schools made pursuant to that 21694  
division. If more than one such entity notifies the district 21695  
treasurer of its intention to purchase the property pursuant to 21696  
division (B) of this section, the board shall conduct a public 21697  
auction in the manner required for auctions of district property 21698  
under division (A) of section 3313.41 of the Revised Code. Only 21699  
the entities that notified the district treasurer pursuant to 21700  
division (B) of this section are eligible to bid at the auction. 21701

(3) If no governing authority, board of trustees, or 21702  
governing body notifies the district treasurer of its intention 21703  
to purchase the property pursuant to division (B) of this 21704  
section, the district may then offer the property for sale in 21705  
the manner prescribed under divisions (A) to (F) of section 21706  
3313.41 of the Revised Code. 21707

(C) Notwithstanding anything to the contrary in sections 21708  
3313.41 and 3313.411 of the Revised Code, the purchase price of 21709  
any real property sold to any of the entities in accordance with 21710

division (B) of this section shall not be more than the 21711  
appraised fair market value of that property as determined in an 21712  
appraisal of the property that is not more than one year old. 21713

(D) Not later than the first day of October of each year, 21714  
the department of ~~education~~learning and achievement shall post 21715  
in a prominent location on its web site a list of schools that 21716  
qualify as high-performing community schools for purposes of 21717  
this section and section 3313.411 of the Revised Code. 21718

**Sec. 3313.472.** (A) The board of education of each city, 21719  
exempted village, local, and joint vocational school district 21720  
shall adopt a policy on parental involvement in the schools of 21721  
the district. The policy shall be designed to build consistent 21722  
and effective communication between the parents and foster 21723  
caregivers of students enrolled in the district and the teachers 21724  
and administrators assigned to the schools their children or 21725  
foster children attend. The policy shall provide the opportunity 21726  
for parents and foster caregivers to be actively involved in 21727  
their children's or foster children's education and to be 21728  
informed of the following: 21729

(1) The importance of the involvement of parents and 21730  
foster caregivers in directly affecting the success of their 21731  
children's or foster children's educational efforts; 21732

(2) How and when to assist their children or foster 21733  
children in and support their children's or foster children's 21734  
classroom learning activities; 21735

(3) Techniques, strategies, and skills to use at home to 21736  
improve their children's or foster children's academic success 21737  
and to support their children's or foster children's academic 21738  
efforts at school and their children's or foster children's 21739

development as future responsible adult members of society. 21740

(B) The ~~state board of education~~ department of learning 21741  
and achievement shall adopt recommendations for the development 21742  
of parental involvement policies under this section. Prior to 21743  
adopting the recommendations, the ~~state board~~ department shall 21744  
consult with the national center for parents at the university 21745  
of Toledo. 21746

**Sec. 3313.48.** (A) The board of education of each city, 21747  
exempted village, local, and joint vocational school district 21748  
shall provide for the free education of the youth of school age 21749  
within the district under its jurisdiction, at such places as 21750  
will be most convenient for the attendance of the largest number 21751  
thereof. Each school so provided and each chartered nonpublic 21752  
school shall be open for instruction with pupils in attendance, 21753  
including scheduled classes, supervised activities, and approved 21754  
education options but excluding lunch and breakfast periods and 21755  
extracurricular activities, for not less than four hundred 21756  
fifty-five hours in the case of pupils in kindergarten unless 21757  
such pupils are provided all-day kindergarten, as defined in 21758  
section 3321.05 of the Revised Code, in which case the pupils 21759  
shall be in attendance for nine hundred ten hours; nine hundred 21760  
ten hours in the case of pupils in grades one through six; and 21761  
one thousand one hours in the case of pupils in grades seven 21762  
through twelve in each school year, which may include all of the 21763  
following: 21764

(1) Up to the equivalent of two school days per year 21765  
during which pupils would otherwise be in attendance but are not 21766  
required to attend for the purpose of individualized parent- 21767  
teacher conferences and reporting periods; 21768

(2) Up to the equivalent of two school days per year 21769

during which pupils would otherwise be in attendance but are not 21770  
required to attend for professional meetings of teachers; 21771

(3) Morning and afternoon recess periods of not more than 21772  
fifteen minutes duration per period for pupils in grades 21773  
kindergarten through six. 21774

(B) Not later than thirty days prior to adopting a school 21775  
calendar, the board of education of each city, exempted village, 21776  
and local school district shall hold a public hearing on the 21777  
school calendar, addressing topics that include, but are not 21778  
limited to, the total number of hours in a school year, length 21779  
of school day, and beginning and end dates of instruction. 21780

(C) No school operated by a city, exempted village, local, 21781  
or joint vocational school district shall reduce the number of 21782  
hours in each school year that the school is scheduled to be 21783  
open for instruction from the number of hours per year the 21784  
school was open for instruction during the previous school year 21785  
unless the reduction is approved by a resolution adopted by the 21786  
district board of education. Any reduction so approved shall not 21787  
result in fewer hours of instruction per school year than the 21788  
applicable number of hours required under division (A) of this 21789  
section. 21790

(D) Prior to making any change in the hours or days in 21791  
which a high school under its jurisdiction is open for 21792  
instruction, the board of education of each city, exempted 21793  
village, and local school district shall consider the 21794  
compatibility of the proposed change with the scheduling needs 21795  
of any joint vocational school district in which any of the high 21796  
school's students are also enrolled. The board shall consider 21797  
the impact of the proposed change on student access to the 21798  
instructional programs offered by the joint vocational school 21799

district, incentives for students to participate in career- 21800  
technical education, transportation, and the timing of 21801  
graduation. The board shall provide the joint vocational school 21802  
district board with advance notice of the proposed change and 21803  
the two boards shall enter into a written agreement prescribing 21804  
reasonable accommodations to meet the scheduling needs of the 21805  
joint vocational school district prior to implementation of the 21806  
change. 21807

(E) Prior to making any change in the hours or days in 21808  
which a school under its jurisdiction is open for instruction, 21809  
the board of education of each city, exempted village, and local 21810  
school district shall consider the compatibility of the proposed 21811  
change with the scheduling needs of any community school 21812  
established under Chapter 3314. of the Revised Code to which the 21813  
district is required to transport students under sections 21814  
3314.09 and 3327.01 of the Revised Code. The board shall 21815  
consider the impact of the proposed change on student access to 21816  
the instructional programs offered by the community school, 21817  
transportation, and the timing of graduation. The board shall 21818  
provide the sponsor, governing authority, and operator of the 21819  
community school with advance notice of the proposed change, and 21820  
the board and the governing authority, or operator if such 21821  
authority is delegated to the operator, shall enter into a 21822  
written agreement prescribing reasonable accommodations to meet 21823  
the scheduling needs of the community school prior to 21824  
implementation of the change. 21825

(F) Prior to making any change in the hours or days in 21826  
which the schools under its jurisdiction are open for 21827  
instruction, the board of education of each city, exempted 21828  
village, and local school district shall consult with the 21829  
chartered nonpublic schools to which the district is required to 21830

transport students under section 3327.01 of the Revised Code and 21831  
shall consider the effect of the proposed change on the schedule 21832  
for transportation of those students to their nonpublic schools. 21833  
The governing authority of a chartered nonpublic school shall 21834  
consult with each school district board of education that 21835  
transports students to the chartered nonpublic school under 21836  
section 3327.01 of the Revised Code prior to making any change 21837  
in the hours or days in which the nonpublic school is open for 21838  
instruction. 21839

(G) The ~~state board of education~~ department of learning 21840  
and achievement shall not adopt or enforce any rule or standard 21841  
that imposes on chartered nonpublic schools the procedural 21842  
requirements imposed on school districts by divisions (B), (C), 21843  
(D), and (E) of this section. 21844

**Sec. 3313.483.** (A) A board of education, upon the adoption 21845  
of a resolution stating that it may be financially unable to 21846  
open on the day or to remain open for instruction on all days 21847  
set forth in its adopted school calendar and pay all obligated 21848  
expenses, or the ~~superintendent of public instruction~~ department 21849  
of learning and achievement upon the issuance of written 21850  
notification under division (B) of section 3313.489 of the 21851  
Revised Code, shall request the auditor of state to determine 21852  
whether such situation exists. The auditor shall deliver a copy 21853  
of each request from a board of education to the ~~superintendent~~ 21854  
~~of public instruction~~ department. In the case of a school 21855  
district not under a fiscal emergency pursuant to Chapter 3316. 21856  
of the Revised Code the auditor shall not issue a finding under 21857  
this section until written notification is received from the 21858  
~~superintendent~~ department pursuant to section 3313.487 of the 21859  
Revised Code. 21860

(B) If the auditor of state finds that the board of education has attempted to avail itself to the fullest extent authorized by law of all lawful revenue sources available to it except those authorized by section 5705.21 of the Revised Code, the auditor shall certify that finding to the ~~superintendent of public instruction and the state board of education~~ department and shall certify the operating deficit the district will have at the end of the fiscal year if it commences or continues operating its instructional program in accordance with its adopted school calendar and pays all obligated expenses.

(C) No board of education may delay the opening of its schools or close its schools for financial reasons. Upon the request of the ~~superintendent of public instruction~~ department, the attorney general shall seek injunctive relief and any other relief required to enforce this prohibition in the court of common pleas of Franklin county. The court of common pleas of Franklin county has exclusive original jurisdiction over all such actions.

(D) Upon the receipt of any certification of an operating deficit from the auditor of state, a board of education shall make application to a commercial bank, underwriter, or other prospective lender or purchaser of its obligations for a loan in an amount sufficient to enable the district to open or remain open for instruction on all days set forth in its adopted school calendar but not to exceed the amount of the deficit certified.

(E) (1) Any board of education that has applied for and been denied a loan from a commercial bank, underwriter, or other prospective lender or purchaser of its obligations pursuant to division (D) of this section shall submit to the ~~superintendent of public instruction~~ department a plan for implementing

reductions in the school district's budget; apply for a loan 21891  
from a commercial bank, underwriter, or other prospective lender 21892  
or purchaser of its obligations in an amount not to exceed its 21893  
certified deficit; and provide the ~~superintendent~~ department 21894  
such information as the ~~superintendent~~ department requires 21895  
concerning its application for such a loan. The board of 21896  
education of a school district declared to be under a fiscal 21897  
watch pursuant to division (A) of section 3316.03 of the Revised 21898  
Code may, upon approval of the ~~superintendent~~ department, 21899  
utilize the financial plan required by section 3316.04 of the 21900  
Revised Code, or applicable parts thereof, as the plan required 21901  
under this division. The board of education of a school district 21902  
declared to be under a fiscal emergency pursuant to division (B) 21903  
of section 3316.03 of the Revised Code may utilize the financial 21904  
recovery plan for the district, or applicable parts thereof, as 21905  
the plan required under this division. Except for the plan of a 21906  
school district under a fiscal emergency, the ~~superintendent~~ 21907  
department shall evaluate, make recommendations concerning, and 21908  
approve or disapprove each plan. When a plan is submitted, the 21909  
~~superintendent~~ department shall immediately notify the members 21910  
of the general assembly whose legislative districts include any 21911  
or all of the territory of the school district submitting the 21912  
plan. 21913

(2) The ~~superintendent~~ department shall submit to the 21914  
controlling board a copy of each plan the ~~superintendent~~ 21915  
department approves, or each plan submitted by a district under 21916  
a fiscal emergency pursuant to division (B) of section 3316.03 21917  
of the Revised Code, and the general terms of each proposed 21918  
loan, and shall make recommendations regarding the plan and 21919  
whether a proposed loan to the board of education should be 21920  
approved for payment as provided in division (E) (3) of this 21921

section. The controlling board shall approve or disapprove the 21922  
plan and the proposed loan presented to it by the ~~superintendent-~~ 21923  
department. In the case of a district not under a fiscal 21924  
emergency pursuant to division (B) of section 3316.03 of the 21925  
Revised Code, the controlling board may require a board of 21926  
education to implement the ~~superintendent's~~ department's 21927  
recommendations for expenditure reductions or impose other 21928  
requirements. Loan repayments shall be in accordance with a 21929  
schedule approved by the ~~superintendent~~ department, except that 21930  
the principal amount of the loan shall be payable in monthly, 21931  
semiannual, or annual installments of principal and interest 21932  
that are substantially equal principal and interest 21933  
installments. Except as otherwise provided in division (E) (2) of 21934  
this section, repayment shall be made no later than the 21935  
fifteenth day of June of the second fiscal year following the 21936  
approval of the loan. A school district with a certified deficit 21937  
in excess of either twenty-five million dollars or fifteen per 21938  
cent of the general fund expenditures of the district during the 21939  
fiscal year shall repay the loan no later than the fifteenth day 21940  
of June of the tenth fiscal year following the approval of the 21941  
loan. In deciding whether to approve or disapprove a proposed 21942  
loan, the controlling board shall consider the deficit certified 21943  
by the auditor of state pursuant to this section. A board of 21944  
education that has an outstanding loan approved pursuant to this 21945  
section with a repayment date of more than two fiscal years 21946  
after the date of approval of such loan may not apply for 21947  
another loan with such a repayment date until the outstanding 21948  
loan has been repaid. 21949

(3) If a board of education has submitted and received 21950  
controlling board approval of a plan and proposed loan in 21951  
accordance with this section, the ~~superintendent of public-~~ 21952

~~instruction department~~ shall report to the controlling board the 21953  
actual amounts loaned to the board of education. Such board of 21954  
education shall request the ~~superintendent department~~ to pay any 21955  
funds the board of education would otherwise receive pursuant to 21956  
Chapter 3306. of the Revised Code first directly to the holders 21957  
of the board of education's notes, or an agent thereof, such 21958  
amounts as are specified under the terms of the loan. Such 21959  
payments shall be made only from and to the extent of money 21960  
appropriated by the general assembly for purposes of such 21961  
sections. No note or other obligation of the board of education 21962  
under the loan constitutes an obligation nor a debt or a pledge 21963  
of the faith, credit, or taxing power of the state, and the 21964  
holder or owner of such note or obligation has no right to have 21965  
taxes levied by the general assembly for the payment of such 21966  
note or obligation, and such note or obligation shall contain a 21967  
statement to that effect. 21968

(4) Pursuant to the terms of such a loan, a board of 21969  
education may issue its notes in anticipation of the collection 21970  
of its voted levies for current expenses or its receipt of such 21971  
state funds or both. Such notes shall be issued in accordance 21972  
with division (E) of section 133.10 of the Revised Code and 21973  
constitute Chapter 133. securities to the extent such division 21974  
and the otherwise applicable provisions of Chapter 133. of the 21975  
Revised Code are not inconsistent with this section, provided 21976  
that in any event sections 133.24 and 5705.21 and divisions (A), 21977  
(B), (C), and (E) (2) of section 133.10 of the Revised Code do 21978  
not apply to such notes. 21979

(5) Notwithstanding section 133.36 or 3313.17, any other 21980  
section of the Revised Code, or any other provision of law, a 21981  
board of education that has received a loan under this section 21982  
may not declare bankruptcy, so long as any portion of such loan 21983

remains unpaid. 21984

(F) Under this section and section 3313.4810, "board of 21985  
education" or "district board" includes the financial planning 21986  
and supervision commission of a school district under a fiscal 21987  
emergency pursuant to Chapter 3316. of the Revised Code where 21988  
such commission chooses to exercise the powers and duties 21989  
otherwise required of the district board of education under this 21990  
section and section 3313.4810 of the Revised Code. 21991

**Sec. 3313.484.** No loan shall be approved under sections 21992  
3313.483 to 3313.4810 of the Revised Code after March 1, 1998. 21993

By the last day of June each year, the department of 21994  
~~education~~ learning and achievement shall calculate and pay a 21995  
subsidy to every school district that during the current fiscal 21996  
year paid and was obligated to pay interest on a loan under 21997  
sections 3313.483 to 3313.4810 of the Revised Code in excess of 21998  
two per cent simple interest. The amount of the subsidy shall 21999  
equal the difference between the amount of interest the district 22000  
paid and was obligated to pay during the year and the interest 22001  
that the district would have been obligated to pay if the 22002  
interest rate on the loan had been two per cent per year. 22003

**Sec. 3313.487.** (A) Upon receipt of a copy of a request for 22004  
a determination under section 3313.483 of the Revised Code or 22005  
upon the issuance of written notification under division (B) of 22006  
section 3313.489 of the Revised Code, the ~~superintendent of~~ 22007  
~~public instruction~~ department of learning and achievement shall 22008  
analyze the district's financial condition and ascertain what 22009  
elements of the district's educational program exceed or fail to 22010  
meet the minimum standards of the ~~state board of education~~ 22011  
department and requirements set forth in the Revised Code, and 22012  
what, if any, additional revenues or revenue sources may be 22013

available to the district that are not included in its official 22014  
certificate or amended certificate of estimated resources. The 22015  
~~superintendent department~~ shall make a written report of ~~the~~ 22016  
~~superintendent's~~ its findings to the school district's board of 22017  
education, and the auditor of state, ~~and the state board of~~ 22018  
~~education~~. The report shall include any recommendations, 22019  
including reductions in programs which exceed minimum standards 22020  
of the ~~state board of education~~ department of learning and 22021  
achievement or requirements set forth in the Revised Code, that, 22022  
if followed, would enable the district to reduce its expenses 22023  
while operating an educational program that is responsive to the 22024  
educational needs of the school district in accordance with its 22025  
adopted school calendar. The ~~superintendent department~~ may 22026  
determine that a responsive educational program requires the 22027  
inclusion of elements exceeding the minimum standards of the 22028  
~~state board of education~~ department of learning and achievement 22029  
or requirements of the Revised Code. If, upon completion of the 22030  
analysis and findings as provided in this division, the 22031  
~~superintendent department~~ determines that the district will be 22032  
financially unable to operate its educational program in 22033  
accordance with its adopted school calendar and pay all 22034  
obligated expenses, the ~~superintendent department~~ shall notify 22035  
the auditor of state in writing. Upon receipt of such 22036  
notification, the auditor of state shall issue findings pursuant 22037  
to section 3313.483 of the Revised Code. 22038

(B) Upon the ~~receipt publication of the superintendent of~~ 22039  
~~public instruction's~~ department's report under division (A) of 22040  
this section or a certification from the auditor of state under 22041  
section 3313.483 of the Revised Code, the ~~state board of~~ 22042  
~~education~~ department may, at any time during the next ninety 22043  
days, issue an order making the school district subject to 22044

section 3313.488 of the Revised Code if it finds the school 22045  
district is not able to operate an educational program from 22046  
existing revenue sources during the current and the ensuing 22047  
school year. Such order shall take immediate effect, and such 22048  
section shall apply to the school district. ~~Prior to the~~ 22049  
~~issuance of any order under this division, the state board of~~ 22050  
~~education may request from the superintendent of public~~ 22051  
~~instruction a recommendation regarding the matter of the~~ 22052  
~~issuance of an order making a school district subject to section~~ 22053  
~~3313.488 of the Revised Code.~~ A board of education may appeal 22054  
the order on questions of fact to the court of common pleas of 22055  
Franklin county. 22056

(C) Notwithstanding division (B) of this section, the 22057  
~~state board of education~~ department shall issue an order making 22058  
a school district subject to section 3313.488 of the Revised 22059  
Code if the district fails to enter into a loan agreement with a 22060  
commercial lending institution within forty-five days of the 22061  
deficit certification pursuant to section 3313.483 of the 22062  
Revised Code. If the ~~state board~~ department issues an order 22063  
under this division, the ~~superintendent of public instruction~~ 22064  
department shall apply for a loan from a commercial lending 22065  
institution pursuant to section 3313.483 of the Revised Code on 22066  
behalf of the district. The ~~superintendent~~ department shall have 22067  
full authority to act on behalf of the board of education of a 22068  
school district with respect to the making of loan agreements, 22069  
and any loan agreement made by the ~~superintendent~~ department 22070  
shall be fully binding on the school district. 22071

(D) This section does not apply to a school district 22072  
declared to be under a fiscal emergency pursuant to division (B) 22073  
of section 3316.03 of the Revised Code. 22074

**Sec. 3313.488.** (A) Within fifteen days after the date the 22075  
~~state board of education department of learning and achievement~~ 22076  
issues an order under section 3313.487 of the Revised Code 22077  
making a school district subject to this section, the district's 22078  
board of education shall prepare a fiscal statement of expenses 22079  
and expenditures for the remainder of the current fiscal year. 22080  
The fiscal statement shall be submitted to the ~~superintendent of~~ 22081  
~~public instruction department~~ and shall set forth all revenues 22082  
to be received by the district during the remainder of the 22083  
fiscal year and their sources, the expenses to be incurred by 22084  
the district during the remainder of the fiscal year, the 22085  
outstanding and unpaid expenses at the time the fiscal statement 22086  
is prepared and the date or dates by which such expenses must be 22087  
paid, and such other information as the ~~superintendent~~ 22088  
~~department~~ requires to enable the ~~superintendent department~~ to 22089  
ensure that during the remainder of the fiscal year, the 22090  
district will not incur any expenses that will further impair 22091  
its ability to operate an instructional program that meets or 22092  
exceeds the minimum standards of the ~~state board of education~~ 22093  
~~department of learning and achievement~~ and requirements of the 22094  
Revised Code during the current and ensuing fiscal years with 22095  
the revenue available to it from existing revenue sources. The 22096  
fiscal statement shall be presented in such detail and form as 22097  
the ~~superintendent department~~ prescribes. Beginning the tenth 22098  
day after the fiscal statement is submitted and for the 22099  
remainder of the fiscal year, the board shall not make any 22100  
expenditure of money, make any employment, purchase, or rental 22101  
contract, give any order involving the expenditure of money, or 22102  
increase any wage or salary schedule unless the ~~superintendent~~ 22103  
~~of public instruction department~~ has approved the fiscal 22104  
statement in writing and the expenditure, contract, order, or 22105  
schedule has been approved in writing by the ~~superintendent~~ 22106

department as being in conformity with the fiscal statement. 22107

Any contract or expenditure made, order given, or schedule 22108  
adopted or put into effect without the written approval of the 22109  
~~superintendent of public instruction department~~ is void, and no 22110  
warrant shall be issued in payment of any amount due thereon. 22111

(B) A board of education subject to division (A) of this 22112  
section shall prepare a fiscal statement of expenses and 22113  
expenditures for the ensuing fiscal year. The fiscal statement 22114  
shall be submitted to the ~~superintendent of public instruction~~ 22115  
department and shall set forth all revenues to be received by 22116  
the district during such year and their source, the expenses to 22117  
be incurred by the district during such year, the outstanding 22118  
and unpaid expenses on the first day of such fiscal year, the 22119  
date or dates by which such expenses must be paid, and such 22120  
other information as the ~~superintendent department~~ requires to 22121  
enable the ~~superintendent department~~ to ensure that during such 22122  
year, the district will not incur any expenses that will further 22123  
impair its ability to operate an instructional program that 22124  
meets or exceeds the minimum standards of the ~~state board of~~ 22125  
~~education department~~ and requirements of the Revised Code during 22126  
such year with the revenue available to it from existing revenue 22127  
sources. The fiscal statement shall be presented at the time and 22128  
in such detail and form as the ~~superintendent department~~ 22129  
prescribes. During the fiscal year following the year in which a 22130  
board of education first becomes subject to division (A) of this 22131  
section it shall not make any expenditure of money, make any 22132  
employment, purchase, or rental contract, give any order 22133  
involving the expenditure of money, or increase any wage or 22134  
salary schedule unless the ~~superintendent of public instruction~~ 22135  
department has approved the fiscal statement submitted under 22136  
this division in writing and has approved the expenditure, 22137

contract, order, or schedule in writing as being in conformity 22138  
with the fiscal statement. 22139

Any contract or expenditure made, order given, or schedule 22140  
adopted or put into effect without the written approval of the 22141  
~~superintendent of public instruction department~~ is void, and no 22142  
warrant shall be issued in payment of any amount due thereon. 22143

(C) The ~~state board of education department~~ shall examine 22144  
any fiscal statement presented to and approved by ~~the~~ 22145  
~~superintendent of public instruction~~ it under division (B) of 22146  
this section and shall determine whether the data set forth in 22147  
the fiscal statement are factual and based upon assumptions that 22148  
in its judgment are reasonable expectations consistent with 22149  
acceptable governmental budget and accounting practices. If the 22150  
~~state board department~~ so determines and finds that the revenues 22151  
and expenditures in the fiscal statement are in balance for the 22152  
fiscal year and the fiscal statement will enable the district to 22153  
operate during such year without interrupting its school 22154  
calendar, it shall certify its determination and finding to the 22155  
district at least thirty days prior to the beginning of the 22156  
fiscal year, and the district shall thereupon cease to be 22157  
subject to this section. If the ~~state board department~~ does not 22158  
make such a determination and finding, the board of education 22159  
and school district are subject to this division and division 22160  
(B) of this section in the ensuing fiscal year and each fiscal 22161  
year thereafter until the ~~state board department~~ makes a 22162  
determination, finding, and certification under this division. 22163

(D) Any officer, employee, or other person who knowingly 22164  
expends or authorizes the expenditure of any public funds or 22165  
knowingly authorizes or executes any contract, order, or 22166  
schedule contrary to division (A) or (B) of this section or who 22167

knowingly expends or authorizes the expenditure of any public 22168  
funds on any such void contract, order, or schedule is jointly 22169  
and severally liable in person and upon any official bond that 22170  
the officer, employee, or other person has given to such school 22171  
district to the extent of any payments on the void claim, not to 22172  
exceed twenty thousand dollars. The attorney general at the 22173  
written request of the ~~superintendent of public instruction~~ 22174  
department shall enforce this liability by civil action brought 22175  
in any court of appropriate jurisdiction in the name of and on 22176  
behalf of the school district. 22177

(E) During each month that a board of education is subject 22178  
to division (A), (B), or (C) of this section, the ~~superintendent~~ 22179  
~~of public instruction department~~ shall submit a report to the 22180  
speaker of the house of representatives and the president of the 22181  
senate on the financial condition of the school district. The 22182  
report shall contain the date by which the ~~superintendent~~ 22183  
department anticipates the district will cease to be subject to 22184  
such divisions, the district's plans for becoming exempt from 22185  
such section, and such other information the ~~superintendent~~ 22186  
department determines appropriate or the speaker of the house of 22187  
representatives or president of the senate requests. 22188

In addition to the other reports required under this 22189  
division, on the thirty-first day of each school district fiscal 22190  
year following a fiscal year in which a school district first 22191  
becomes subject to this section, the ~~superintendent~~ department 22192  
shall submit a written report to the speaker of the house of 22193  
representatives and the president of the senate. The report 22194  
shall include recommendations to the general assembly for 22195  
strengthening the financial condition of school districts based 22196  
upon the ~~experiences~~ experience of the ~~superintendent and the~~ 22197  
~~state board~~ department in exercising ~~their~~ its powers under this 22198

section and sections 3313.483 and 3313.487 of the Revised Code. 22199

(F) This section does not apply to a school district 22200  
declared to be under a fiscal emergency pursuant to division (B) 22201  
of section 3316.03 of the Revised Code. 22202

**Sec. 3313.489.** (A) The ~~superintendent of public~~ 22203  
~~instruction department of learning and achievement~~ shall examine 22204  
each five-year projection of revenues and expenditures submitted 22205  
under section 5705.391 of the Revised Code and shall determine 22206  
whether the information contained therein, together with any 22207  
other relevant information, indicates that the district may be 22208  
financially unable to operate its instructional program on all 22209  
days set forth in its adopted school calendars and pay all 22210  
obligated expenses during the current fiscal year. If a board of 22211  
education has not adopted a school calendar for the school year 22212  
beginning on the first day of July of the current fiscal year at 22213  
the time an examination is required under this division, the 22214  
~~superintendent department~~ shall examine the five-year projection 22215  
and determine whether the district may be financially unable to 22216  
pay all obligated expenses and operate its instructional program 22217  
for the number of days on which instruction was held in the 22218  
preceding fiscal year. 22219

(B) If the ~~superintendent of public instruction department~~ 22220  
determines pursuant to division (A) of this section that a 22221  
school district may be financially unable to operate its 22222  
instructional program on all days required by such division and 22223  
pay all obligated expenses during the current fiscal year, the 22224  
~~superintendent department~~ shall provide written notification of 22225  
such determination to the president of the district's board of 22226  
education and the auditor of state. 22227

(C) This section does not apply to a school district 22228

declared to be under a fiscal emergency pursuant to division (B) 22229  
of section 3316.03 of the Revised Code. 22230

**Sec. 3313.4810.** Any school district receiving a loan under 22231  
section 3313.483 of the Revised Code in excess of seven per cent 22232  
of the general fund expenditures of the district during the 22233  
fiscal year in which the loan is received and that has received 22234  
a loan under that section within the last five years is subject 22235  
to section 3313.488 of the Revised Code for the duration of the 22236  
fiscal year in which the district receives the loan and during 22237  
the ensuing two fiscal years. The controlling board may not 22238  
relieve a school district to which this section applies from any 22239  
requirements imposed under section 3313.483 of the Revised Code 22240  
to implement recommendations of the ~~superintendent of public~~ 22241  
~~instruction department of learning and achievement~~ for 22242  
expenditure reduction and may not modify any other requirements 22243  
imposed under such section upon such a district as a condition 22244  
for receiving the loan unless expressly authorized to do so by 22245  
law. The ~~superintendent of public instruction department~~ shall, 22246  
among any recommendations ~~the superintendent~~ it makes for 22247  
expenditure reduction under section 3313.483 of the Revised Code 22248  
affecting the number of employees of a school district to which 22249  
this section applies, provide wherever possible for the 22250  
retention of teachers who are actually involved in the daily 22251  
teaching of students in the classroom. 22252

**Sec. 3313.531.** (A) As used in this section, "adult high 22253  
school continuation programs" means an organized instructional 22254  
program for persons sixteen years of age and older, except as 22255  
provided in division (C) of this section, who are not otherwise 22256  
enrolled in a high school for which the ~~state board of education~~ 22257  
~~department of learning and achievement~~ sets standards pursuant 22258  
to section 3301.07 of the Revised Code. Such programs are 22259

limited to courses for which credit may be granted toward the 22260  
issuance of a high school diploma. 22261

(B) The board of education of any school district may 22262  
establish and operate an adult high school continuation program. 22263  
Two or more boards of education may jointly establish and 22264  
operate such a program. The resolution establishing an adult 22265  
high school continuation program may specify the contribution 22266  
and expenditure of funds, the use of buildings, equipment, and 22267  
other school facilities, and such other matters as the board 22268  
wishes to include. In the case of a jointly operated program, 22269  
the resolutions establishing such program shall also designate 22270  
one of the participating boards to be responsible for receiving 22271  
and disbursing funds, and administering the program for the 22272  
benefit of all participating boards of education. 22273

(C) A board of education that operates an adult high 22274  
school continuation program alone or jointly with another board 22275  
may, by resolution, authorize the district's superintendent to 22276  
assign to such program in accordance with this section, any 22277  
student who has not received a high school diploma, who is at 22278  
least eighteen years old, and who is being readmitted to school 22279  
following expulsion or commitment to the department of youth 22280  
services. Before making any such assignment, the superintendent 22281  
or ~~his~~ the superintendent's designee shall meet with the student 22282  
to determine whether ~~he~~ the student should be so assigned, and 22283  
shall prepare a report on ~~his~~ the superintendent's or designee's 22284  
findings and determination. If based on ~~his~~ the meeting or ~~his~~ 22285  
the designee's report the superintendent finds that the pupil 22286  
should be placed in a program under this section, the 22287  
superintendent shall make the assignment. Once assigned to the 22288  
program, the student shall remain in it until ~~he~~ the student is 22289  
reassigned by the superintendent or leaves school. At least once 22290

in each academic term, the superintendent or ~~his~~ the 22291  
superintendent's designee shall review the progress of each 22292  
student assigned to the program under this division and the 22293  
superintendent shall, based on the review, make a determination 22294  
of whether the student should remain in the program or be 22295  
reassigned. Tuition shall not be charged for the attendance of 22296  
any student assigned to a program pursuant to this division who 22297  
is entitled under section 3313.64 of the Revised Code to attend 22298  
the schools of the district without payment of tuition. 22299

(D) The ~~state board of education~~ department of learning 22300  
and achievement shall adopt rules and standards governing the 22301  
operations of adult high school continuation programs. Any 22302  
school district or combination of districts operating such a 22303  
program in accordance with the rules and standards of the ~~state~~ 22304  
~~board of education~~ department may receive from the ~~state board~~ 22305  
~~of education~~, ~~with the approval of the superintendent of public~~ 22306  
~~instruction~~, it reimbursement in an amount not to exceed ten 22307  
dollars per instructional hour. 22308

**Sec. 3313.532.** (A) Any person twenty-two or more years of 22309  
age and enrolled in an adult high school continuation program 22310  
established pursuant to section 3313.531 of the Revised Code may 22311  
request the board of education operating the program to conduct 22312  
an evaluation in accordance with division (C) of this section. 22313

(B) Any applicant to a board of education for a diploma of 22314  
adult education under division (B) of section 3313.611 of the 22315  
Revised Code may request the board to conduct an evaluation in 22316  
accordance with division (C) of this section. 22317

(C) Upon the request of any person pursuant to division 22318  
(A) or (B) of this section, the board of education to which the 22319  
request is made shall evaluate the person to determine whether 22320

the person is disabled, in accordance with rules adopted by the 22321  
~~state board of education~~ department of learning and achievement. 22322  
If the evaluation indicates that the person is disabled, the 22323  
board shall determine whether to excuse the person from taking 22324  
any of the assessments required by section 3313.618 of the 22325  
Revised Code as a requirement for receiving a diploma under 22326  
section 3313.611 of the Revised Code. The board may require the 22327  
person to take an alternate assessment in place of any test from 22328  
which the person is so excused. 22329

**Sec. 3313.533.** (A) The board of education of a city, 22330  
exempted village, or local school district may adopt a 22331  
resolution to establish and maintain an alternative school in 22332  
accordance with this section. The resolution shall specify, but 22333  
not necessarily be limited to, all of the following: 22334

(1) The purpose of the school, which purpose shall be to 22335  
serve students who are on suspension, who are having truancy 22336  
problems, who are experiencing academic failure, who have a 22337  
history of class disruption, who are exhibiting other academic 22338  
or behavioral problems specified in the resolution, or who have 22339  
been discharged or released from the custody of the department 22340  
of youth services under section 5139.51 of the Revised Code; 22341

(2) The grades served by the school, which may include any 22342  
of grades kindergarten through twelve; 22343

(3) A requirement that the school be operated in 22344  
accordance with this section. The board of education adopting 22345  
the resolution under division (A) of this section shall be the 22346  
governing board of the alternative school. The board shall 22347  
develop and implement a plan for the school in accordance with 22348  
the resolution establishing the school and in accordance with 22349  
this section. Each plan shall include, but not necessarily be 22350

limited to, all of the following:	22351
(a) Specification of the reasons for which students will	22352
be accepted for assignment to the school and any criteria for	22353
admission that are to be used by the board to approve or	22354
disapprove the assignment of students to the school;	22355
(b) Specification of the criteria and procedures that will	22356
be used for returning students who have been assigned to the	22357
school back to the regular education program of the district;	22358
(c) An evaluation plan for assessing the effectiveness of	22359
the school and its educational program and reporting the results	22360
of the evaluation to the public.	22361
(B) Notwithstanding any provision of Title XXXIII of the	22362
Revised Code to the contrary, the alternative school plan may	22363
include any of the following:	22364
(1) A requirement that on each school day students must	22365
attend school or participate in other programs specified in the	22366
plan or by the chief administrative officer of the school for a	22367
period equal to the minimum school day set by the board of	22368
education under section 3313.48 of the Revised Code plus any	22369
additional time required in the plan or by the chief	22370
administrative officer;	22371
(2) Restrictions on student participation in	22372
extracurricular or interscholastic activities;	22373
(3) A requirement that students wear uniforms prescribed	22374
by the district board of education.	22375
(C) In accordance with the alternative school plan, the	22376
district board of education may employ teachers and nonteaching	22377
employees necessary to carry out its duties and fulfill its	22378

responsibilities or may contract with a nonprofit or for profit 22379  
entity to operate the alternative school, including the 22380  
provision of personnel, supplies, equipment, or facilities. 22381

(D) An alternative school may be established in all or 22382  
part of a school building. 22383

(E) If a district board of education elects under this 22384  
section, or is required by section 3313.534 of the Revised Code, 22385  
to establish an alternative school, the district board may join 22386  
with the board of education of one or more other districts to 22387  
form a joint alternative school by forming a cooperative 22388  
education school district under section 3311.52 or 3311.521 of 22389  
the Revised Code, or a joint educational program under section 22390  
3313.842 of the Revised Code. The authority to employ personnel 22391  
or to contract with a nonprofit or for profit entity under 22392  
division (C) of this section applies to any alternative school 22393  
program established under this division. 22394

(F) Any individual employed as a teacher at an alternative 22395  
school operated by a nonprofit or for profit entity under this 22396  
section shall be licensed and shall be subject to background 22397  
checks, as described in section 3319.39 of the Revised Code, in 22398  
the same manner as an individual employed by a school district. 22399

(G) Division (G) of this section applies only to any 22400  
alternative school that is operated by a nonprofit or for profit 22401  
entity under contract with the school district. 22402

(1) In addition to the specifications authorized under 22403  
division (B) of this section, any plan adopted under that 22404  
division for an alternative school to which division (G) of this 22405  
section also applies shall include the following: 22406

(a) A description of the educational program provided at 22407

the alternative school, which shall include: 22408

(i) Provisions for the school to be configured in clusters 22409  
or small learning communities; 22410

(ii) Provisions for the incorporation of education 22411  
technology into the curriculum; 22412

(iii) Provisions for accelerated learning programs in 22413  
reading and mathematics. 22414

(b) A method to determine the reading and mathematics 22415  
level of each student assigned to the alternative school and a 22416  
method to continuously monitor each student's progress in those 22417  
areas. The methods employed under this division shall be aligned 22418  
with the curriculum adopted by the school district board of 22419  
education under section 3313.60 of the Revised Code. 22420

(c) A plan for social services to be provided at the 22421  
alternative school, such as, but not limited to, counseling 22422  
services, psychological support services, and enrichment 22423  
programs; 22424

(d) A plan for a student's transition from the alternative 22425  
school back to a school operated by the school district; 22426

(e) A requirement that the alternative school maintain 22427  
financial records in a manner that is compatible with the form 22428  
prescribed for school districts by the auditor of state to 22429  
enable the district to comply with any rules adopted by the 22430  
auditor of state. 22431

(2) Notwithstanding division (A) (2) of this section, any 22432  
alternative school to which division (G) of this section applies 22433  
shall include only grades six through twelve. 22434

(3) Notwithstanding anything in division (A) (3) (a) of this 22435

section to the contrary, the characteristics of students who may 22436  
be assigned to an alternative school to which division (G) of 22437  
this section applies shall include only disruptive and low- 22438  
performing students. 22439

(H) When any district board of education determines to 22440  
contract with a nonprofit or for profit entity to operate an 22441  
alternative school under this section, the board shall use the 22442  
procedure set forth in this division. 22443

(1) The board shall publish notice of a request for 22444  
proposals in a newspaper of general circulation in the district 22445  
once each week for a period of two consecutive weeks, or as 22446  
provided in section 7.16 of the Revised Code, prior to the date 22447  
specified by the board for receiving proposals. Notices of 22448  
requests for proposals shall contain a general description of 22449  
the subject of the proposed contract and the location where the 22450  
request for proposals may be obtained. The request for proposals 22451  
shall include all of the following information: 22452

(a) Instructions and information to respondents concerning 22453  
the submission of proposals, including the name and address of 22454  
the office where proposals are to be submitted; 22455

(b) Instructions regarding communications, including at 22456  
least the names, titles, and telephone numbers of persons to 22457  
whom questions concerning a proposal may be directed; 22458

(c) A description of the performance criteria that will be 22459  
used to evaluate whether a respondent to which a contract is 22460  
awarded is meeting the district's educational standards or the 22461  
method by which such performance criteria will be determined; 22462

(d) Factors and criteria to be considered in evaluating 22463  
proposals, the relative importance of each factor or criterion, 22464

and a description of the evaluation procedures to be followed; 22465

(e) Any terms or conditions of the proposed contract, 22466  
including any requirement for a bond and the amount of such 22467  
bond; 22468

(f) Documents that may be incorporated by reference into 22469  
the request for proposals, provided that the request for 22470  
proposals specifies where such documents may be obtained and 22471  
that such documents are readily available to all interested 22472  
parties. 22473

(2) After the date specified for receiving proposals, the 22474  
board shall evaluate the submitted proposals and may hold 22475  
discussions with any respondent to ensure a complete 22476  
understanding of the proposal and the qualifications of such 22477  
respondent to execute the proposed contract. Such qualifications 22478  
shall include, but are not limited to, all of the following: 22479

(a) Demonstrated competence in performance of the required 22480  
services as indicated by effective implementation of educational 22481  
programs in reading and mathematics and at least three years of 22482  
experience successfully serving a student population similar to 22483  
the student population assigned to the alternative school; 22484

(b) Demonstrated performance in the areas of cost 22485  
containment, the provision of educational services of a high 22486  
quality, and any other areas determined by the board; 22487

(c) Whether the respondent has the resources to undertake 22488  
the operation of the alternative school and to provide qualified 22489  
personnel to staff the school; 22490

(d) Financial responsibility. 22491

(3) The board shall select for further review at least 22492

three proposals from respondents the board considers qualified 22493  
to operate the alternative school in the best interests of the 22494  
students and the district. If fewer than three proposals are 22495  
submitted, the board shall select each proposal submitted. The 22496  
board may cancel a request for proposals or reject all proposals 22497  
at any time prior to the execution of a contract. 22498

The board may hold discussions with any of the three 22499  
selected respondents to clarify or revise the provisions of a 22500  
proposal or the proposed contract to ensure complete 22501  
understanding between the board and the respondent of the terms 22502  
under which a contract will be entered. Respondents shall be 22503  
accorded fair and equal treatment with respect to any 22504  
opportunity for discussion regarding clarifications or 22505  
revisions. The board may terminate or discontinue any further 22506  
discussion with a respondent upon written notice. 22507

(4) Upon further review of the three proposals selected by 22508  
the board, the board shall award a contract to the respondent 22509  
the board considers to have the most merit, taking into 22510  
consideration the scope, complexity, and nature of the services 22511  
to be performed by the respondent under the contract. 22512

(5) Except as provided in division (H) (6) of this section, 22513  
the request for proposals, submitted proposals, and related 22514  
documents shall become public records under section 149.43 of 22515  
the Revised Code after the award of the contract. 22516

(6) Any respondent may request in writing that the board 22517  
not disclose confidential or proprietary information or trade 22518  
secrets contained in the proposal submitted by the respondent to 22519  
the board. Any such request shall be accompanied by an offer of 22520  
indemnification from the respondent to the board. The board 22521  
shall determine whether to agree to the request and shall inform 22522

the respondent in writing of its decision. If the board agrees 22523  
to nondisclosure of specified information in a proposal, such 22524  
information shall not become a public record under section 22525  
149.43 of the Revised Code. If the respondent withdraws its 22526  
proposal at any time prior to the execution of a contract, the 22527  
proposal shall not be a public record under section 149.43 of 22528  
the Revised Code. 22529

(I) Upon a recommendation from the department and in 22530  
accordance with section 3301.16 of the Revised Code, the ~~state~~ 22531  
~~board of education~~ department of learning and achievement may 22532  
revoke the charter of any alternative school operated by a 22533  
school district that violates this section. 22534

**Sec. 3313.534.** The board of education of each city, 22535  
exempted village, and local school district shall adopt a policy 22536  
of zero tolerance for violent, disruptive, or inappropriate 22537  
behavior and establish strategies to address such behavior that 22538  
range from prevention to intervention. 22539

Each of the big eight school districts, as defined in 22540  
section 3314.02 of the Revised Code, shall establish under 22541  
section 3313.533 of the Revised Code at least one alternative 22542  
school to meet the educational needs of students with severe 22543  
discipline problems, including, but not limited to, excessive 22544  
disruption in the classroom and multiple suspensions or 22545  
expulsions. Any other school district that attains after that 22546  
date a significantly substandard graduation rate, as defined by 22547  
the department of ~~education~~ learning and achievement, shall also 22548  
establish such an alternative school under that section. 22549

**Sec. 3313.5310.** (A) (1) This section applies to both of the 22550  
following: 22551

(a) Any school operated by a school district board of education;	22552 22553
(b) Any chartered or nonchartered nonpublic school that is subject to the rules of an interscholastic conference or an organization that regulates interscholastic conferences or events.	22554 22555 22556 22557
(2) As used in this section, "athletic activity" means all of the following:	22558 22559
(a) Interscholastic athletics;	22560
(b) An athletic contest or competition that is sponsored by or associated with a school that is subject to this section, including cheerleading, club-sponsored sports activities, and sports activities sponsored by school-affiliated organizations;	22561 22562 22563 22564
(c) Noncompetitive cheerleading that is sponsored by school-affiliated organizations;	22565 22566
(d) Practices, interschool practices, and scrimmages for all of the activities described in divisions (A) (2) (a), (b), and (c) of this section.	22567 22568 22569
(B) Prior to the start of each athletic season, a school that is subject to this section may hold an informational meeting for students, parents, guardians, other persons having care or charge of a student, physicians, pediatric cardiologists, athletic trainers, and any other persons regarding the symptoms and warning signs of sudden cardiac arrest for all ages of students.	22570 22571 22572 22573 22574 22575 22576
(C) No student shall participate in an athletic activity until the student has submitted to a designated school official a form signed by the student and the parent, guardian, or other	22577 22578 22579

person having care or charge of the student stating that the 22580  
student and the parent, guardian, or other person having care or 22581  
charge of the student have received and reviewed a copy of the 22582  
information developed by the departments of health and ~~education~~ 22583  
learning and achievement and posted on their respective internet 22584  
web sites as required by section 3707.59 of the Revised Code. A 22585  
completed form shall be submitted each school year, as defined 22586  
in section 3313.62 of the Revised Code, in which the student 22587  
participates in an athletic activity. 22588

(D) No individual shall coach an athletic activity unless 22589  
the individual has completed, on an annual basis, the sudden 22590  
cardiac arrest training course approved by the department of 22591  
health under division (C) of section 3707.59 of the Revised 22592  
Code. 22593

(E) (1) A student shall not be allowed to participate in an 22594  
athletic activity if either of the following is the case: 22595

(a) The student's biological parent, biological sibling, 22596  
or biological child has previously experienced sudden cardiac 22597  
arrest, and the student has not been evaluated and cleared for 22598  
participation in an athletic activity by a physician authorized 22599  
under Chapter 4731. of the Revised Code to practice medicine and 22600  
surgery or osteopathic medicine and surgery. 22601

(b) The student is known to have exhibited syncope or 22602  
fainting at any time prior to or following an athletic activity 22603  
and has not been evaluated and cleared for return under division 22604  
(E) (3) of this section after exhibiting syncope or fainting. 22605

(2) A student shall be removed by the student's coach from 22606  
participation in an athletic activity if the student exhibits 22607  
syncope or fainting. 22608

(3) If a student is not allowed to participate in or is removed from participation in an athletic activity under division (E) (1) or (2) of this section, the student shall not be allowed to return to participation until the student is evaluated and cleared for return in writing by any of the following:

(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, including a physician who specializes in cardiology;

(b) A certified nurse practitioner, clinical nurse specialist, or certified nurse-midwife who holds a certificate of authority issued under Chapter 4723. of the Revised Code;

(c) A physician assistant licensed under Chapter 4730. of the Revised Code;

(d) An athletic trainer licensed under Chapter 4755. of the Revised Code.

The licensed health care providers specified in divisions (E) (3) (a) to (d) of this section may consult with any other licensed or certified health care providers in order to determine whether a student is ready to return to participation.

(F) A school that is subject to this section shall establish penalties for a coach who violates the provisions of division (E) of this section.

(G) Nothing in this section shall be construed to abridge or limit any rights provided under a collective bargaining agreement entered into under Chapter 4117. of the Revised Code prior to March 14, 2017.

(H) (1) A school district, member of a school district board of education, or school district employee or volunteer, including a coach, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton misconduct.

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

(2) A chartered or nonchartered nonpublic school or any officer, director, employee, or volunteer of the school, including a coach, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton misconduct.

**Sec. 3313.5312.** (A) A student who is receiving home instruction in accordance with division (A) (2) of section 3321.04 of the Revised Code shall be afforded, by the superintendent of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code, the opportunity to participate in any extracurricular activity offered at the district school to which the student otherwise would be assigned during that school year. If more than one school operated by the school district serves the student's grade level, as determined by the district

superintendent based on the student's age and academic 22667  
performance, the student shall be afforded the opportunity to 22668  
participate in extracurricular activities at the school to which 22669  
the student would be assigned by the superintendent under 22670  
section 3319.01 of the Revised Code. If a student who is 22671  
afforded the opportunity to participate in extracurricular 22672  
activities under division (A) of this section wishes to 22673  
participate in an activity that is offered by the district, the 22674  
student shall not participate in that activity at another school 22675  
or school district to which the student is not entitled to 22676  
attend. 22677

(B) The superintendent of any school district may afford 22678  
any student who receives home instruction under division (A) (2) 22679  
of section 3321.04 of the Revised Code, and who is not entitled 22680  
to attend school in the district under section 3313.64 or 22681  
3313.65 of the Revised Code, the opportunity to participate in 22682  
any extracurricular activity offered by a school of the 22683  
district, if the district to which the student is entitled to 22684  
attend does not offer that extracurricular activity. 22685

(C) In order to participate in an extracurricular activity 22686  
under this section, the student shall be of the appropriate age 22687  
and grade level, as determined by the superintendent of the 22688  
district, for the school that offers the extracurricular 22689  
activity, shall fulfill the same nonacademic and financial 22690  
requirements as any other participant, and shall fulfill either 22691  
of the following academic requirements: 22692

(1) If the student received home instruction in the 22693  
preceding grading period, the student shall meet any academic 22694  
requirements established by the ~~state board of education~~ 22695  
department of learning and achievement for the continuation of 22696

home instruction. 22697

(2) If the student did not receive home instruction in the 22698  
preceding grading period, the student's academic performance 22699  
during the preceding grading period shall have met any academic 22700  
standards for eligibility to participate in the program 22701  
established by the school district. 22702

(D) Eligibility for a student who leaves a school district 22703  
mid-year for home instruction shall be determined based on an 22704  
interim academic assessment issued by the district in which the 22705  
student was enrolled based on the student's work while enrolled 22706  
in that district. 22707

(E) Any student who commences home instruction after the 22708  
beginning of a school year and who is, at the time home 22709  
instruction commences, ineligible to participate in an 22710  
extracurricular activity due to failure to meet academic 22711  
standards or any other requirements of the district shall not 22712  
participate in the extracurricular activity under this section 22713  
until the student meets the academic requirements established by 22714  
the ~~state board of education~~ department of learning and 22715  
achievement for continuation of home instruction as verified by 22716  
the superintendent of the district. No student under this 22717  
section shall be eligible to participate in the same semester in 22718  
which the student was determined ineligible. 22719

(F) No school district shall impose additional rules on a 22720  
student to participate under this section that do not apply to 22721  
other students participating in the same extracurricular 22722  
activity. No district shall impose fees for a student to 22723  
participate under this section that exceed any fees charged to 22724  
other students participating in the same extracurricular 22725  
activity. 22726

(G) No school district, interscholastic conference, or organization that regulates interscholastic conferences or events shall require a student who is eligible to participate in interscholastic extracurricular activities under this section to meet eligibility requirements that conflict with this section.

**Sec. 3313.56.** The board of education of any city, exempted village, or local school district may establish and maintain part-time schools or classes for the further education of children who are employed on age and schooling certificates. Such schools and classes shall be conducted not fewer than four hours per week while in session, and for not fewer than one hundred forty-four hours per calendar year between the hours of seven in the morning and six in the afternoon, excluding Saturday afternoon and Sunday. Such schools and classes shall be conducted under such standards as the ~~state board of education~~ department of learning and achievement prescribes. Boards of education may provide for the expense of such schools and classes the same as for the expense of ordinary elementary schools.

**Sec. 3313.57.** Boards of education of city, exempted village, or local school districts may provide or approve, subject to the approval of parents, activities for children during the summer vacation period which will promote their health, their civic and vocational competence, and their industry, recreation, character, or thrift. The superintendents of such school districts shall cause records to be kept of such activities assigned and completed. With the approval of the ~~state board of education~~ department of learning and achievement the successful completion of such vacation activities may be required for promotions and diplomas of graduation, but the completion by any child of such vacation activities shall not be

prerequisite to the issuance of an age and schooling certificate 22758  
for such child. Boards of education shall provide the service 22759  
necessary to direct such activities and may pay any necessary 22760  
expenses incident thereto, the same as the expense of an 22761  
ordinary elementary school. 22762

**Sec. 3313.60.** Notwithstanding division (D) of section 22763  
3311.52 of the Revised Code, divisions (A) to (E) of this 22764  
section do not apply to any cooperative education school 22765  
district established pursuant to divisions (A) to (C) of section 22766  
3311.52 of the Revised Code. 22767

(A) The board of education of each city, exempted village, 22768  
and local school district and the board of each cooperative 22769  
education school district established, pursuant to section 22770  
3311.521 of the Revised Code, shall prescribe a curriculum for 22771  
all schools under its control. Except as provided in division 22772  
(E) of this section, in any such curriculum there shall be 22773  
included the study of the following subjects: 22774

(1) The language arts, including reading, writing, 22775  
spelling, oral and written English, and literature; 22776

(2) Geography, the history of the United States and of 22777  
Ohio, and national, state, and local government in the United 22778  
States, including a balanced presentation of the relevant 22779  
contributions to society of men and women of African, Mexican, 22780  
Puerto Rican, and American Indian descent as well as other 22781  
ethnic and racial groups in Ohio and the United States; 22782

(3) Mathematics; 22783

(4) Natural science, including instruction in the 22784  
conservation of natural resources; 22785

(5) Health education, which shall include instruction in: 22786

- (a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, and the use and effects of food additives; 22787  
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- (b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco; 22790  
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- (c) Venereal disease education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in venereal disease education; 22792  
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- (d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention; 22795  
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- (e) In grades seven through twelve, age-appropriate instruction in dating violence prevention education, which shall include instruction in recognizing dating violence warning signs and characteristics of healthy relationships. 22800  
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- In order to assist school districts in developing a dating violence prevention education curriculum, the department of ~~education~~ learning and achievement shall provide on its web site links to free curricula addressing dating violence prevention. 22804  
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- If the parent or legal guardian of a student less than eighteen years of age submits to the principal of the student's school a written request to examine the dating violence prevention instruction materials used at that school, the principal, within a reasonable period of time after the request is made, shall allow the parent or guardian to examine those materials at that school. 22808  
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- (f) Prescription opioid abuse prevention, with an emphasis 22815

on the prescription drug epidemic and the connection between 22816  
prescription opioid abuse and addiction to other drugs, such as 22817  
heroin; 22818

(g) The process of making an anatomical gift under Chapter 22819  
2108. of the Revised Code, with an emphasis on the life-saving 22820  
and life-enhancing effects of organ and tissue donation. 22821

(6) Physical education; 22822

(7) The fine arts, including music; 22823

(8) First aid, including a training program in 22824  
cardiopulmonary resuscitation, which shall comply with section 22825  
3313.6021 of the Revised Code when offered in any of grades nine 22826  
through twelve, safety, and fire prevention. However, upon 22827  
written request of the student's parent or guardian, a student 22828  
shall be excused from taking instruction in cardiopulmonary 22829  
resuscitation. 22830

(B) Except as provided in division (E) of this section, 22831  
every school or school district shall include in the 22832  
requirements for promotion from the eighth grade to the ninth 22833  
grade one year's course of study of American history. A board 22834  
may waive this requirement for academically accelerated students 22835  
who, in accordance with procedures adopted by the board, are 22836  
able to demonstrate mastery of essential concepts and skills of 22837  
the eighth grade American history course of study. 22838

(C) As specified in divisions (B) (6) and (C) (6) of section 22839  
3313.603 of the Revised Code, except as provided in division (E) 22840  
of this section, every high school shall include in the 22841  
requirements for graduation from any curriculum one-half unit 22842  
each of American history and government. 22843

(D) Except as provided in division (E) of this section, 22844

basic instruction or demonstrated mastery in geography, United 22845  
States history, the government of the United States, the 22846  
government of the state of Ohio, local government in Ohio, the 22847  
Declaration of Independence, the United States Constitution, and 22848  
the Constitution of the state of Ohio shall be required before 22849  
pupils may participate in courses involving the study of social 22850  
problems, economics, foreign affairs, United Nations, world 22851  
government, socialism, and communism. 22852

(E) For each cooperative education school district 22853  
established pursuant to section 3311.521 of the Revised Code and 22854  
each city, exempted village, and local school district that has 22855  
territory within such a cooperative district, the curriculum 22856  
adopted pursuant to divisions (A) to (D) of this section shall 22857  
only include the study of the subjects that apply to the grades 22858  
operated by each such school district. The curriculums for such 22859  
schools, when combined, shall provide to each student of these 22860  
districts all of the subjects required under divisions (A) to 22861  
(D) of this section. 22862

(F) The board of education of any cooperative education 22863  
school district established pursuant to divisions (A) to (C) of 22864  
section 3311.52 of the Revised Code shall prescribe a curriculum 22865  
for the subject areas and grade levels offered in any school 22866  
under its control. 22867

(G) Upon the request of any parent or legal guardian of a 22868  
student, the board of education of any school district shall 22869  
permit the parent or guardian to promptly examine, with respect 22870  
to the parent's or guardian's own child: 22871

(1) Any survey or questionnaire, prior to its 22872  
administration to the child; 22873

(2) Any textbook, workbook, software, video, or other instructional materials being used by the district in connection with the instruction of the child; 22874  
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(3) Any completed and graded test taken or survey or questionnaire filled out by the child; 22877  
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(4) Copies of the statewide academic standards and each model curriculum developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each district school building. 22879  
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**Sec. 3313.603.** (A) As used in this section: 22883

(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction. 22884  
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(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction. 22888  
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(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows: 22892  
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(1) English language arts, four units; 22897

(2) Health, one-half unit; 22898

(3) Mathematics, three units; 22899

(4) Physical education, one-half unit; 22900

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:	22901 22902 22903
(a) Biological sciences, one unit;	22904
(b) Physical sciences, one unit.	22905
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	22906 22907 22908
(a) American history, one-half unit;	22909
(b) American government, one-half unit.	22910
(7) Social studies, two units.	22911
Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (B) (7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations.	22912 22913 22914 22915 22916
(8) Elective units, seven units until September 15, 2003, and six units thereafter.	22917 22918
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.	22919 22920 22921
(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as	22922 22923 22924 22925 22926 22927

follows:	22928
(1) English language arts, four units;	22929
(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;	22930 22931 22932
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II, or one unit of advanced computer science as described in the standards adopted pursuant to division (A) (4) of section 3301.079 of the Revised Code. However, students who enter ninth grade for the first time on or after July 1, 2015, and who are pursuing a career- technical instructional track shall not be required to take algebra II or advanced computer science, and instead may complete a career-based pathway mathematics course approved by the department of <del>education</del> <u>learning and achievement</u> as an alternative.	22933 22934 22935 22936 22937 22938 22939 22940 22941 22942 22943
For students who choose to take advanced computer science in lieu of algebra II under division (C) (3) of this section, the school shall communicate to those students that some institutions of higher education may require algebra II for the purpose of college admission. Also, the parent, guardian, or legal custodian of each student who chooses to take advanced computer science in lieu of algebra II shall sign and submit to the school a document containing a statement acknowledging that not taking algebra II may have an adverse effect on college admission decisions.	22944 22945 22946 22947 22948 22949 22950 22951 22952 22953
(4) Physical education, one-half unit;	22954
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific	22955 22956

questions and gathering and analyzing information, which shall	22957
include the following, or their equivalent:	22958
(a) Physical sciences, one unit;	22959
(b) Life sciences, one unit;	22960
(c) Advanced study in one or more of the following	22961
sciences, one unit:	22962
(i) Chemistry, physics, or other physical science;	22963
(ii) Advanced biology or other life science;	22964
(iii) Astronomy, physical geology, or other earth or space	22965
science;	22966
(iv) Computer science.	22967
No student shall substitute a computer science course for	22968
a life sciences or biology course under division (C) (5) of this	22969
section.	22970
(6) History and government, one unit, which shall comply	22971
with division (M) of this section and shall include both of the	22972
following:	22973
(a) American history, one-half unit;	22974
(b) American government, one-half unit.	22975
(7) Social studies, two units.	22976
Each school shall integrate the study of economics and	22977
financial literacy, as expressed in the social studies academic	22978
content standards adopted by the <del>state board of education</del>	22979
<u>department of learning and achievement</u> under division (A) (1) of	22980
section 3301.079 of the Revised Code and the academic content	22981
standards for financial literacy and entrepreneurship adopted	22982

under division (A) (2) of that section, into one or more existing 22983  
social studies credits required under division (C) (7) of this 22984  
section, or into the content of another class, so that every 22985  
high school student receives instruction in those concepts. In 22986  
developing the curriculum required by this paragraph, schools 22987  
shall use available public-private partnerships and resources 22988  
and materials that exist in business, industry, and through the 22989  
centers for economics education at institutions of higher 22990  
education in the state. 22991

Beginning with students who enter ninth grade for the 22992  
first time on or after July 1, 2017, the two units of 22993  
instruction prescribed by division (C) (7) of this section shall 22994  
include at least one-half unit of instruction in the study of 22995  
world history and civilizations. 22996

(8) Five units consisting of one or any combination of 22997  
foreign language, fine arts, business, career-technical 22998  
education, family and consumer sciences, technology which may 22999  
include computer science, agricultural education, a junior 23000  
reserve officer training corps (JROTC) program approved by the 23001  
congress of the United States under title 10 of the United 23002  
States Code, or English language arts, mathematics, science, or 23003  
social studies courses not otherwise required under division (C) 23004  
of this section. 23005

Ohioans must be prepared to apply increased knowledge and 23006  
skills in the workplace and to adapt their knowledge and skills 23007  
quickly to meet the rapidly changing conditions of the twenty- 23008  
first century. National studies indicate that all high school 23009  
graduates need the same academic foundation, regardless of the 23010  
opportunities they pursue after graduation. The goal of Ohio's 23011  
system of elementary and secondary education is to prepare all 23012

students for and seamlessly connect all students to success in 23013  
life beyond high school graduation, regardless of whether the 23014  
next step is entering the workforce, beginning an 23015  
apprenticeship, engaging in post-secondary training, serving in 23016  
the military, or pursuing a college degree. 23017

The requirements for graduation prescribed in division (C) 23018  
of this section are the standard expectation for all students 23019  
entering ninth grade for the first time at a public or chartered 23020  
nonpublic high school on or after July 1, 2010. A student may 23021  
satisfy this expectation through a variety of methods, 23022  
including, but not limited to, integrated, applied, career- 23023  
technical, and traditional coursework. 23024

Whereas teacher quality is essential for student success 23025  
when completing the requirements for graduation, the general 23026  
assembly shall appropriate funds for strategic initiatives 23027  
designed to strengthen schools' capacities to hire and retain 23028  
highly qualified teachers in the subject areas required by the 23029  
curriculum. Such initiatives are expected to require an 23030  
investment of \$120,000,000 over five years. 23031

Stronger coordination between high schools and 23032  
institutions of higher education is necessary to prepare 23033  
students for more challenging academic endeavors and to lessen 23034  
the need for academic remediation in college, thereby reducing 23035  
the costs of higher education for Ohio's students, families, and 23036  
the state. The ~~state board and the chancellor of higher~~ 23037  
~~education department~~ shall develop policies to ensure that only 23038  
in rare instances will students who complete the requirements 23039  
for graduation prescribed in division (C) of this section 23040  
require academic remediation after high school. 23041

School districts, community schools, and chartered 23042

nonpublic schools shall integrate technology into learning 23043  
experiences across the curriculum in order to maximize 23044  
efficiency, enhance learning, and prepare students for success 23045  
in the technology-driven twenty-first century. Districts and 23046  
schools shall use distance and web-based course delivery as a 23047  
method of providing or augmenting all instruction required under 23048  
this division, including laboratory experience in science. 23049  
Districts and schools shall utilize technology access and 23050  
electronic learning opportunities provided by the broadcast 23051  
educational media commission, ~~chancellor,~~ the Ohio learning 23052  
network, education technology centers, public television 23053  
stations, and other public and private providers. 23054

(D) Except as provided in division (E) of this section, a 23055  
student who enters ninth grade on or after July 1, 2010, and 23056  
before July 1, 2016, may qualify for graduation from a public or 23057  
chartered nonpublic high school even though the student has not 23058  
completed the requirements for graduation prescribed in division 23059  
(C) of this section if all of the following conditions are 23060  
satisfied: 23061

(1) During the student's third year of attending high 23062  
school, as determined by the school, the student and the 23063  
student's parent, guardian, or custodian sign and file with the 23064  
school a written statement asserting the parent's, guardian's, 23065  
or custodian's consent to the student's graduating without 23066  
completing the requirements for graduation prescribed in 23067  
division (C) of this section and acknowledging that one 23068  
consequence of not completing those requirements is 23069  
ineligibility to enroll in most state universities in Ohio 23070  
without further coursework. 23071

(2) The student and parent, guardian, or custodian fulfill 23072

any procedural requirements the school stipulates to ensure the 23073  
student's and parent's, guardian's, or custodian's informed 23074  
consent and to facilitate orderly filing of statements under 23075  
division (D) (1) of this section. Annually, each district or 23076  
school shall notify the department of the number of students who 23077  
choose to qualify for graduation under division (D) of this 23078  
section and the number of students who complete the student's 23079  
success plan and graduate from high school. 23080

(3) The student and the student's parent, guardian, or 23081  
custodian and a representative of the student's high school 23082  
jointly develop a student success plan for the student in the 23083  
manner described in division (C) (1) of section 3313.6020 of the 23084  
Revised Code that specifies the student matriculating to a two- 23085  
year degree program, acquiring a business and industry- 23086  
recognized credential, or entering an apprenticeship. 23087

(4) The student's high school provides counseling and 23088  
support for the student related to the plan developed under 23089  
division (D) (3) of this section during the remainder of the 23090  
student's high school experience. 23091

(5) (a) Except as provided in division (D) (5) (b) of this 23092  
section, the student successfully completes, at a minimum, the 23093  
curriculum prescribed in division (B) of this section. 23094

(b) Beginning with students who enter ninth grade for the 23095  
first time on or after July 1, 2014, a student shall be required 23096  
to complete successfully, at the minimum, the curriculum 23097  
prescribed in division (B) of this section, except as follows: 23098

(i) Mathematics, four units, one unit which shall be one 23099  
of the following: 23100

(I) Probability and statistics; 23101

(II) Computer science;	23102
(III) Applied mathematics or quantitative reasoning;	23103
(IV) Any other course approved by the department using standards established by the superintendent not later than October 1, 2014.	23104 23105 23106
(ii) Elective units, five units;	23107
(iii) Science, three units as prescribed by division (B) of this section which shall include inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information.	23108 23109 23110 23111
<del>The department, in collaboration with the chancellor,</del>	23112
shall analyze student performance data to determine if there are mitigating factors that warrant extending the exception permitted by division (D) of this section to high school classes beyond those entering ninth grade before July 1, 2016. The department shall submit its findings and any recommendations not later than December 1, 2015, to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, <u>and</u> the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation, <del>the state board of education, and the superintendent of public instruction.</del>	23113 23114 23115 23116 23117 23118 23119 23120 23121 23122 23123 23124
(E) Each school district and chartered nonpublic school retains the authority to require an even more challenging minimum curriculum for high school graduation than specified in division (B) or (C) of this section. A school district board of education, through the adoption of a resolution, or the governing authority of a chartered nonpublic school may	23125 23126 23127 23128 23129 23130

stipulate any of the following:	23131
(1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate;	23132 23133
(2) An exception to the district's or school's minimum high school curriculum that is comparable to the exception provided in division (D) of this section but with additional requirements, which may include a requirement that the student successfully complete more than the minimum curriculum prescribed in division (B) of this section;	23134 23135 23136 23137 23138 23139
(3) That no exception comparable to that provided in division (D) of this section is available.	23140 23141
(F) A student enrolled in a dropout prevention and recovery program, which program has received a waiver from the department, may qualify for graduation from high school by successfully completing a competency-based instructional program administered by the dropout prevention and recovery program in lieu of completing the requirements for graduation prescribed in division (C) of this section. The department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions:	23142 23143 23144 23145 23146 23147 23148 23149 23150 23151
(1) The program serves only students not younger than sixteen years of age and not older than twenty-one years of age.	23152 23153
(2) The program enrolls students who, at the time of their initial enrollment, either, or both, are at least one grade level behind their cohort age groups or experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional programs.	23154 23155 23156 23157 23158
(3) The program requires students to attain at least the	23159

applicable score designated for each of the assessments 23160  
prescribed under division (B) (1) of section 3301.0710 of the 23161  
Revised Code or, to the extent prescribed by rule of the ~~state~~ 23162  
~~board~~ department under division (D) (5) of section 3301.0712 of 23163  
the Revised Code, division (B) (2) of that section. 23164

(4) The program develops a student success plan for the 23165  
student in the manner described in division (C) (1) of section 23166  
3313.6020 of the Revised Code that specifies the student's 23167  
matriculating to a two-year degree program, acquiring a business 23168  
and industry-recognized credential, or entering an 23169  
apprenticeship. 23170

(5) The program provides counseling and support for the 23171  
student related to the plan developed under division (F) (4) of 23172  
this section during the remainder of the student's high school 23173  
experience. 23174

(6) The program requires the student and the student's 23175  
parent, guardian, or custodian to sign and file, in accordance 23176  
with procedural requirements stipulated by the program, a 23177  
written statement asserting the parent's, guardian's, or 23178  
custodian's consent to the student's graduating without 23179  
completing the requirements for graduation prescribed in 23180  
division (C) of this section and acknowledging that one 23181  
consequence of not completing those requirements is 23182  
ineligibility to enroll in most state universities in Ohio 23183  
without further coursework. 23184

(7) Prior to receiving the waiver, the program has 23185  
submitted to the department an instructional plan that 23186  
demonstrates how the academic content standards adopted by the 23187  
~~state board~~ department under section 3301.079 of the Revised 23188  
Code will be taught and assessed. 23189

(8) Prior to receiving the waiver, the program has 23190  
submitted to the department a policy on career advising that 23191  
satisfies the requirements of section 3313.6020 of the Revised 23192  
Code, with an emphasis on how every student will receive career 23193  
advising. 23194

(9) Prior to receiving the waiver, the program has 23195  
submitted to the department a written agreement outlining the 23196  
future cooperation between the program and any combination of 23197  
local job training, postsecondary education, nonprofit, and 23198  
health and social service organizations to provide services for 23199  
students in the program and their families. 23200

Divisions (F) (8) and (9) of this section apply only to 23201  
waivers granted on or after July 1, 2015. 23202

If the department does not act either to grant the waiver 23203  
or to reject the program application for the waiver within sixty 23204  
days as required under this section, the waiver shall be 23205  
considered to be granted. 23206

(G) Every high school may permit students below the ninth 23207  
grade to take advanced work. If a high school so permits, it 23208  
shall award high school credit for successful completion of the 23209  
advanced work and shall count such advanced work toward the 23210  
graduation requirements of division (B) or (C) of this section 23211  
if the advanced work was both: 23212

(1) Taught by a person who possesses a license or 23213  
certificate issued under section 3301.071, 3319.22, or 3319.222 23214  
of the Revised Code that is valid for teaching high school; 23215

(2) Designated by the board of education of the city, 23216  
local, or exempted village school district, the board of the 23217  
cooperative education school district, or the governing 23218

authority of the chartered nonpublic school as meeting the high school curriculum requirements. 23219  
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Each high school shall record on the student's high school transcript all high school credit awarded under division (G) of this section. In addition, if the student completed a seventh- or eighth-grade fine arts course described in division (K) of this section and the course qualified for high school credit under that division, the high school shall record that course on the student's high school transcript. 23221  
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(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses. 23228  
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(I) A school district or chartered nonpublic school may integrate academic content in a subject area for which the ~~state-board-department~~ department has adopted standards under section 3301.079 of the Revised Code into a course in a different subject area, including a career-technical education course, in accordance with guidance for integrated coursework developed by the department. Upon successful completion of an integrated course, a student may receive credit for both subject areas that were integrated into the course. Units earned for subject area content delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section. 23233  
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For purposes of meeting graduation requirements, if an end-of-course examination has been prescribed under section 3301.0712 of the Revised Code for the subject area delivered through integrated instruction, the school district or school 23245  
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may administer the related subject area examinations upon the 23249  
student's completion of the integrated course. 23250

Nothing in division (I) of this section shall be construed 23251  
to excuse any school district, chartered nonpublic school, or 23252  
student from any requirement in the Revised Code related to 23253  
curriculum, assessments, or the awarding of a high school 23254  
diploma. 23255

(J) (1) The ~~state board, in consultation with the~~ 23256  
~~chancellor, department~~ shall adopt a statewide plan implementing 23257  
methods for students to earn units of high school credit based 23258  
on a demonstration of subject area competency, instead of or in 23259  
combination with completing hours of classroom instruction. The 23260  
~~state board department~~ shall adopt the plan not later than March 23261  
31, 2009, and commence phasing in the plan during the 2009-2010 23262  
school year. The plan shall include a standard method for 23263  
recording demonstrated proficiency on high school transcripts. 23264  
Each school district and community school shall comply with the 23265  
~~state board's department's~~ plan adopted under this division and 23266  
award units of high school credit in accordance with the plan. 23267  
The ~~state board department~~ may adopt existing methods for 23268  
earning high school credit based on a demonstration of subject 23269  
area competency as necessary prior to the 2009-2010 school year. 23270

(2) Not later than December 31, 2015, the ~~state board~~ 23271  
~~department~~ shall update the statewide plan adopted pursuant to 23272  
division (J) (1) of this section to also include methods for 23273  
students enrolled in seventh and eighth grade to meet curriculum 23274  
requirements based on a demonstration of subject area 23275  
competency, instead of or in combination with completing hours 23276  
of classroom instruction. Beginning with the 2017-2018 school 23277  
year, each school district and community school also shall 23278

comply with the updated plan adopted pursuant to this division 23279  
and permit students enrolled in seventh and eighth grade to meet 23280  
curriculum requirements based on subject area competency in 23281  
accordance with the plan. 23282

(3) Not later than December 31, 2017, the department shall 23283  
develop a framework for school districts and community schools 23284  
to use in granting units of high school credit to students who 23285  
demonstrate subject area competency through work-based learning 23286  
experiences, internships, or cooperative education. Beginning 23287  
with the 2018-2019 school year, each district and community 23288  
school shall comply with the framework. Each district and 23289  
community school also shall review any policy it has adopted 23290  
regarding the demonstration of subject area competency to 23291  
identify ways to incorporate work-based learning experiences, 23292  
internships, and cooperative education into the policy in order 23293  
to increase student engagement and opportunities to earn units 23294  
of high school credit. 23295

(K) This division does not apply to students who qualify 23296  
for graduation from high school under division (D) or (F) of 23297  
this section, or to students pursuing a career-technical 23298  
instructional track as determined by the school district board 23299  
of education or the chartered nonpublic school's governing 23300  
authority. Nevertheless, the general assembly encourages such 23301  
students to consider enrolling in a fine arts course as an 23302  
elective. 23303

Beginning with students who enter ninth grade for the 23304  
first time on or after July 1, 2010, each student enrolled in a 23305  
public or chartered nonpublic high school shall complete two 23306  
semesters or the equivalent of fine arts to graduate from high 23307  
school. The coursework may be completed in any of grades seven 23308

to twelve. Each student who completes a fine arts course in 23309  
grade seven or eight may elect to count that course toward the 23310  
five units of electives required for graduation under division 23311  
(C) (8) of this section, if the course satisfied the requirements 23312  
of division (G) of this section. In that case, the high school 23313  
shall award the student high school credit for the course and 23314  
count the course toward the five units required under division 23315  
(C) (8) of this section. If the course in grade seven or eight 23316  
did not satisfy the requirements of division (G) of this 23317  
section, the high school shall not award the student high school 23318  
credit for the course but shall count the course toward the two 23319  
semesters or the equivalent of fine arts required by this 23320  
division. 23321

(L) Notwithstanding anything to the contrary in this 23322  
section, the board of education of each school district and the 23323  
governing authority of each chartered nonpublic school may adopt 23324  
a policy to excuse from the high school physical education 23325  
requirement each student who, during high school, has 23326  
participated in interscholastic athletics, marching band, or 23327  
cheerleading for at least two full seasons or in the junior 23328  
reserve officer training corps for at least two full school 23329  
years. If the board or authority adopts such a policy, the board 23330  
or authority shall not require the student to complete any 23331  
physical education course as a condition to graduate. However, 23332  
the student shall be required to complete one-half unit, 23333  
consisting of at least sixty hours of instruction, in another 23334  
course of study. In the case of a student who has participated 23335  
in the junior reserve officer training corps for at least two 23336  
full school years, credit received for that participation may be 23337  
used to satisfy the requirement to complete one-half unit in 23338  
another course of study. 23339

(M) It is important that high school students learn and understand United States history and the governments of both the United States and the state of Ohio. Therefore, beginning with students who enter ninth grade for the first time on or after July 1, 2012, the study of American history and American government required by divisions (B)(6) and (C)(6) of this section shall include the study of all of the following documents:

(1) The Declaration of Independence;

(2) The Northwest Ordinance;

(3) The Constitution of the United States with emphasis on the Bill of Rights;

(4) The Ohio Constitution.

The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its original context.

The study of American history and government required by divisions (B)(6) and (C)(6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.

(N) A student may apply one unit of instruction in computer science to satisfy one unit of mathematics or one unit of science under division (C) of this section as the student chooses, regardless of the field of certification of the teacher who teaches the course, so long as that teacher meets the licensure requirements prescribed by section 3319.236 of the Revised Code and, prior to teaching the course, completes a

professional development program determined to be appropriate by 23369  
the district board. 23370

If a student applies more than one computer science course 23371  
to satisfy curriculum requirements under that division, the 23372  
courses shall be sequential and progressively more difficult or 23373  
cover different subject areas within computer science. 23374

**Sec. 3313.605.** (A) As used in this section: 23375

(1) "Civic responsibility" means the patriotic and ethical 23376  
duties of all citizens to take an active role in society and to 23377  
consider the interests and concerns of other individuals in the 23378  
community. 23379

(2) "Volunteerism" means nonprofit activity in the United 23380  
States, the benefits and limitations of nonprofit activities, 23381  
and the presence and function of nonprofit civic and charitable 23382  
organizations in the United States. 23383

(3) "Community service" means a service performed through 23384  
educational institutions, government agencies, nonprofit 23385  
organizations, social service agencies, and philanthropies and 23386  
generally designed to provide direct experience with people or 23387  
project planning, with the goal of improving the quality of life 23388  
for the community. Such activities may include but are not 23389  
limited to tutoring, literacy training, neighborhood 23390  
improvement, encouraging interracial and multicultural 23391  
understanding, promoting ideals of patriotism, increasing 23392  
environmental safety, assisting the elderly or disabled, and 23393  
providing mental health care, housing, drug abuse prevention 23394  
programs, and other philanthropic programs, particularly for 23395  
disadvantaged or low-income persons. 23396

(B) The board of education of each city, local, exempted 23397

village, and joint vocational school district, the governing authority of each community school established under Chapter 3314. of the Revised Code, and the governing body of each STEM school established under Chapter 3326. of the Revised Code may include community service education in its educational program. A governing board of an educational service center, upon the request of a local school district board of education, may provide a community service education program for the local district pursuant to this section. If a board, governing authority, or governing body includes community service education in its education program, the board, governing authority, or governing body shall do both of the following:

(1) Establish a community service advisory committee. The committee shall provide recommendations to the board, governing authority, or governing body regarding a community service plan for students and shall oversee and assist in the implementation of the plan adopted by the board, governing authority, or governing body under division (B) (2) of this section. Each board, governing authority, or governing body shall determine the membership and organization of its advisory committee and may designate an existing committee established for another purpose to serve as the community service advisory committee; however, each such committee shall include two or more students and shall include or consult with at least one person employed in the field of volunteer management who devotes at least fifty per cent of employment hours to coordinating volunteerism among community organizations. The committee members may include representatives of parents, teachers, administrators, other educational institutions, business, government, nonprofit organizations, veterans organizations, social service agencies, religious organizations, and philanthropies.

(2) Develop and implement a community service plan. To 23429  
assist in establishing its plan, the board, governing authority, 23430  
or governing body shall consult with and may contract with one 23431  
or more local or regional organizations with experience in 23432  
volunteer program development and management. Each community 23433  
service plan adopted under this division shall be based upon the 23434  
recommendations of the advisory committee and shall provide for 23435  
all of the following: 23436

(a) Education of students in the value of community 23437  
service and its contributions to the history of this state and 23438  
this nation; 23439

(b) Identification of opportunities for students to 23440  
provide community service; 23441

(c) Encouragement of students to provide community 23442  
service; 23443

(d) Integration of community service opportunities into 23444  
the curriculum; 23445

(e) A community service instructional program for 23446  
teachers, including strategies for the teaching of community 23447  
service education, for the discovery of community service 23448  
opportunities, and for the motivation of students to become 23449  
involved in community service. 23450

Plans shall be reviewed periodically by the advisory 23451  
committee and, if necessary, revised by the board, governing 23452  
authority, or governing body at least once every five years. 23453

Plans shall provide for students to perform services under 23454  
the plan that will not supplant the hiring of, result in the 23455  
displacement of, or impair any existing employment contract of 23456  
any particular employee of any private or governmental entity 23457

for which the services are performed. The plan shall provide for 23458  
any entity utilizing a student to perform community service 23459  
under the plan to verify to the board that the student does not 23460  
supplant the hiring of, displace, or impair the employment 23461  
contract of any particular employee of the entity. 23462

Upon adoption, a board, governing authority, or governing 23463  
body shall submit a copy of its plan to the department of 23464  
~~education learning and achievement~~. Each city and exempted 23465  
village board of education and each governing board of a service 23466  
center shall include a copy of its plan in any course of study 23467  
adopted under section 3313.60 of the Revised Code that is 23468  
required to be submitted for approval to the ~~state board~~ 23469  
~~department~~ for review. A joint vocational school district board 23470  
of education shall submit a copy of its plan to the ~~state board~~ 23471  
~~department~~ for review when required to do so by the ~~state board~~ 23472  
~~department~~. A local board shall forward its plan to the 23473  
educational service center governing board for inclusion in the 23474  
governing board's course of study. The department periodically 23475  
shall review all plans and publish those plans that could serve 23476  
as models for other school districts, educational service 23477  
centers, community schools, or STEM schools. 23478

(C) Under this section, a board, governing authority, or 23479  
governing body may only grant high school credit for a community 23480  
service education course if approximately half of the course is 23481  
devoted to classroom study of such matters as civic 23482  
responsibility, the history of volunteerism, and community 23483  
service training and approximately half of the course is devoted 23484  
to community service. 23485

Each board, governing authority, or governing body shall 23486  
determine which specific activities will serve to fulfill the 23487

required hours of community service. 23488

(D) The ~~superintendent of public instruction~~ department 23489  
shall develop guidelines for the development and implementation 23490  
of a rubric to evaluate and rate community service education 23491  
projects for use by districts, governing authorities, and 23492  
governing boards that adopt a community service education plan. 23493

(E) The ~~state superintendent~~ department shall adopt rules 23494  
for granting a student special certification, special 23495  
recognition on a diploma, or special notification in the 23496  
student's record upon the student's successful completion of an 23497  
approved community service project. 23498

The district board, governing authority, or governing body 23499  
shall use a rubric developed in accordance with division (D) of 23500  
this section to determine whether a community service project 23501  
warrants recognition on a student's diploma under this division. 23502

**Sec. 3313.608.** (A) (1) Beginning with students who enter 23503  
third grade in the school year that starts July 1, 2009, and 23504  
until June 30, 2013, unless the student is excused under 23505  
division (C) of section 3301.0711 of the Revised Code from 23506  
taking the assessment described in this section, for any student 23507  
who does not attain at least the equivalent level of achievement 23508  
designated under division (A) (3) of section 3301.0710 of the 23509  
Revised Code on the assessment prescribed under that section to 23510  
measure skill in English language arts expected at the end of 23511  
third grade, each school district, in accordance with the policy 23512  
adopted under section 3313.609 of the Revised Code, shall do one 23513  
of the following: 23514

(a) Promote the student to fourth grade if the student's 23515  
principal and reading teacher agree that other evaluations of 23516

the student's skill in reading demonstrate that the student is 23517  
academically prepared to be promoted to fourth grade; 23518

(b) Promote the student to fourth grade but provide the 23519  
student with intensive intervention services in fourth grade; 23520

(c) Retain the student in third grade. 23521

(2) Beginning with students who enter third grade in the 23522  
2013-2014 school year, unless the student is excused under 23523  
division (C) of section 3301.0711 of the Revised Code from 23524  
taking the assessment described in this section, no school 23525  
district shall promote to fourth grade any student who does not 23526  
attain at least the equivalent level of achievement designated 23527  
under division (A) (3) of section 3301.0710 of the Revised Code 23528  
on the assessment prescribed under that section to measure skill 23529  
in English language arts expected at the end of third grade, 23530  
unless one of the following applies: 23531

(a) The student is a limited English proficient student 23532  
who has been enrolled in United States schools for less than 23533  
three full school years and has had less than three years of 23534  
instruction in an English as a second language program. 23535

(b) The student is a child with a disability entitled to 23536  
special education and related services under Chapter 3323. of 23537  
the Revised Code and the student's individualized education 23538  
program exempts the student from retention under this division. 23539

(c) The student demonstrates an acceptable level of 23540  
performance on an alternative standardized reading assessment as 23541  
determined by the department of ~~education~~ learning and 23542  
achievement. 23543

(d) All of the following apply: 23544

(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code. 23545  
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(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code. 23548  
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(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading. 23551  
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(iv) The student previously was retained in any of grades kindergarten to three. 23556  
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(e) (i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three. 23558  
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(ii) A student who is promoted under division (A) (2) (e) (i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers. 23562  
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(B) (1) Beginning in the 2012-2013 school year, to assist students in meeting the third grade guarantee established by this section, each school district board of education shall adopt policies and procedures with which it annually shall assess the reading skills of each student, except those students 23569  
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with significant cognitive disabilities or other disabilities as 23574  
authorized by the department on a case-by-case basis, enrolled 23575  
in kindergarten to third grade and shall identify students who 23576  
are reading below their grade level. The reading skills 23577  
assessment shall be completed by the thirtieth day of September 23578  
for students in grades one to three, and by the first day of 23579  
November for students in kindergarten. Each district shall use 23580  
the diagnostic assessment to measure reading ability for the 23581  
appropriate grade level adopted under section 3301.079 of the 23582  
Revised Code, or a comparable tool approved by the department of 23583  
education learning and achievement, to identify such students. 23584  
The policies and procedures shall require the students' 23585  
classroom teachers to be involved in the assessment and the 23586  
identification of students reading below grade level. The 23587  
assessment may be administered electronically using live, two- 23588  
way video and audio connections whereby the teacher 23589  
administering the assessment may be in a separate location from 23590  
the student. 23591

(2) For each student identified by the diagnostic 23592  
assessment prescribed under this section as having reading 23593  
skills below grade level, the district shall do both of the 23594  
following: 23595

(a) Provide to the student's parent or guardian, in 23596  
writing, all of the following: 23597

(i) Notification that the student has been identified as 23598  
having a substantial deficiency in reading; 23599

(ii) A description of the current services that are 23600  
provided to the student; 23601

(iii) A description of the proposed supplemental 23602

instructional services and supports that will be provided to the 23603  
student that are designed to remediate the identified areas of 23604  
reading deficiency; 23605

(iv) Notification that if the student attains a score in 23606  
the range designated under division (A) (3) of section 3301.0710 23607  
of the Revised Code on the assessment prescribed under that 23608  
section to measure skill in English language arts expected at 23609  
the end of third grade, the student shall be retained unless the 23610  
student is exempt under division (A) of this section. The 23611  
notification shall specify that the assessment under section 23612  
3301.0710 of the Revised Code is not the sole determinant of 23613  
promotion and that additional evaluations and assessments are 23614  
available to the student to assist parents and the district in 23615  
knowing when a student is reading at or above grade level and 23616  
ready for promotion. 23617

(b) Provide intensive reading instruction services and 23618  
regular diagnostic assessments to the student immediately 23619  
following identification of a reading deficiency until the 23620  
development of the reading improvement and monitoring plan 23621  
required by division (C) of this section. These intervention 23622  
services shall include research-based reading strategies that 23623  
have been shown to be successful in improving reading among low- 23624  
performing readers and instruction targeted at the student's 23625  
identified reading deficiencies. 23626

(3) For each student retained under division (A) of this 23627  
section, the district shall do all of the following: 23628

(a) Provide intense remediation services until the student 23629  
is able to read at grade level. The remediation services shall 23630  
include intensive interventions in reading that address the 23631  
areas of deficiencies identified under this section including, 23632

but not limited to, not less than ninety minutes of reading	23633
instruction per day, and may include any of the following:	23634
(i) Small group instruction;	23635
(ii) Reduced teacher-student ratios;	23636
(iii) More frequent progress monitoring;	23637
(iv) Tutoring or mentoring;	23638
(v) Transition classes containing third and fourth grade	23639
students;	23640
(vi) Extended school day, week, or year;	23641
(vii) Summer reading camps.	23642
(b) Establish a policy for the mid-year promotion of a	23643
student retained under division (A) of this section who	23644
demonstrates that the student is reading at or above grade	23645
level;	23646
(c) Provide each student with a teacher who satisfies one	23647
or more of the criteria set forth in division (H) of this	23648
section.	23649
The district shall offer the option for students to	23650
receive applicable services from one or more providers other	23651
than the district. Providers shall be screened and approved by	23652
the district or the department of <del>education</del> <u>learning and</u>	23653
<u>achievement</u> . If the student participates in the remediation	23654
services and demonstrates reading proficiency in accordance with	23655
standards adopted by the department prior to the start of fourth	23656
grade, the district shall promote the student to that grade.	23657
(4) For each student retained under division (A) of this	23658
section who has demonstrated proficiency in a specific academic	23659

ability field, each district shall provide instruction 23660  
commensurate with student achievement levels in that specific 23661  
academic ability field. 23662

As used in this division, "specific academic ability 23663  
field" has the same meaning as in section 3324.01 of the Revised 23664  
Code. 23665

(C) For each student required to be provided intervention 23666  
services under this section, the district shall develop a 23667  
reading improvement and monitoring plan within sixty days after 23668  
receiving the student's results on the diagnostic assessment or 23669  
comparable tool administered under division (B)(1) of this 23670  
section. The district shall involve the student's parent or 23671  
guardian and classroom teacher in developing the plan. The plan 23672  
shall include all of the following: 23673

(1) Identification of the student's specific reading 23674  
deficiencies; 23675

(2) A description of the additional instructional services 23676  
and support that will be provided to the student to remediate 23677  
the identified reading deficiencies; 23678

(3) Opportunities for the student's parent or guardian to 23679  
be involved in the instructional services and support described 23680  
in division (C)(2) of this section; 23681

(4) A process for monitoring the extent to which the 23682  
student receives the instructional services and support 23683  
described in division (C)(2) of this section; 23684

(5) A reading curriculum during regular school hours that 23685  
does all of the following: 23686

(a) Assists students to read at grade level; 23687

(b) Provides scientifically based and reliable assessment;	23688
(c) Provides initial and ongoing analysis of each student's reading progress.	23689 23690
(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.	23691 23692 23693 23694 23695 23696
Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	23697 23698 23699 23700
The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department.	23701 23702 23703 23704
(D) Each school district shall report annually to the department on its implementation and compliance with this section using guidelines prescribed by the <del>superintendent of public instruction</del> <u>department</u> . The <del>superintendent of public instruction</del> <u>department</u> annually shall report to the governor and general assembly the number and percentage of students in grades kindergarten through four reading below grade level based on the diagnostic assessments administered under division (B) of this section and the achievement assessments administered under divisions (A) (1) (a) and (b) of section 3301.0710 of the Revised Code in English language arts, aggregated by school district and building; the types of intervention services provided to	23705 23706 23707 23708 23709 23710 23711 23712 23713 23714 23715 23716

students; and, if available, an evaluation of the efficacy of 23717  
the intervention services provided. 23718

(E) Any summer remediation services funded in whole or in 23719  
part by the state and offered by school districts to students 23720  
under this section shall meet the following conditions: 23721

(1) The remediation methods are based on reliable 23722  
educational research. 23723

(2) The school districts conduct assessment before and 23724  
after students participate in the program to facilitate 23725  
monitoring results of the remediation services. 23726

(3) The parents of participating students are involved in 23727  
programming decisions. 23728

(F) Any intervention or remediation services required by 23729  
this section shall include intensive, explicit, and systematic 23730  
instruction. 23731

(G) This section does not create a new cause of action or 23732  
a substantive legal right for any person. 23733

(H) (1) Except as provided under divisions (H) (2), (3), and 23734  
(4) of this section, each student described in division (B) (3) 23735  
or (C) of this section who enters third grade for the first time 23736  
on or after July 1, 2013, shall be assigned a teacher who has at 23737  
least one year of teaching experience and who satisfies one or 23738  
more of the following criteria: 23739

(a) The teacher holds a reading endorsement on the 23740  
teacher's license and has attained a passing score on the 23741  
corresponding assessment for that endorsement, as applicable. 23742

(b) The teacher has completed a master's degree program 23743  
with a major in reading. 23744

(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the ~~state board~~ department under division (B) (2) of section 3319.112 of the Revised Code.

(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years.

(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the ~~state board~~ department.

(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017.

(2) Notwithstanding division (H) (1) of this section, a student described in division (B) (3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H) (1) (a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H) (1) of this section.

(3) Notwithstanding division (H) (1) of this section, a student described in division (B) (3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on

principles of scientifically research-based reading instruction 23774  
that has been approved by the department. Beginning on July 1, 23775  
2014, the alternative credentials and training described in 23776  
division (H) (3) of this section shall be aligned with the 23777  
reading competencies adopted by the ~~state board of education~~ 23778  
department of learning and achievement under section 3301.077 of 23779  
the Revised Code. 23780

(4) Notwithstanding division (H) (1) of this section, a 23781  
student described in division (B) (3) or (C) of this section who 23782  
enters third grade for the first time on or after July 1, 2013, 23783  
may receive reading intervention or remediation services under 23784  
this section from an individual employed as a speech-language 23785  
pathologist who holds a license issued by the state speech and 23786  
hearing professionals board under Chapter 4753. of the Revised 23787  
Code and a professional pupil services license as a school 23788  
speech-language pathologist issued by the state board of 23789  
education. 23790

(5) A teacher, other than a student's teacher of record, 23791  
may provide any services required under this section, so long as 23792  
that other teacher meets the requirements of division (H) of 23793  
this section and the teacher of record and the school principal 23794  
agree to the assignment. Any such assignment shall be documented 23795  
in the student's reading improvement and monitoring plan. 23796

As used in this division, "teacher of record" means the 23797  
classroom teacher to whom a student is assigned. 23798

(I) Notwithstanding division (H) of this section, a 23799  
teacher may teach reading to any student who is an English 23800  
language learner, and has been in the United States for three 23801  
years or less, or to a student who has an individualized 23802  
education program developed under Chapter 3323. of the Revised 23803

Code if that teacher holds an alternative credential approved by 23804  
the department or has successfully completed training that is 23805  
based on principles of scientifically research-based reading 23806  
instruction that has been approved by the department. Beginning 23807  
on July 1, 2014, the alternative credentials and training 23808  
described in this division shall be aligned with the reading 23809  
competencies adopted by the ~~state board of education~~ department 23810  
of learning and achievement under section 3301.077 of the 23811  
Revised Code. 23812

(J) If, on or after June 4, 2013, a school district or 23813  
community school cannot furnish the number of teachers needed 23814  
who satisfy one or more of the criteria set forth in division 23815  
(H) of this section for the 2013-2014 school year, the school 23816  
district or community school shall develop and submit a staffing 23817  
plan by June 30, 2013. The staffing plan shall include criteria 23818  
that will be used to assign a student described in division (B) 23819  
(3) or (C) of this section to a teacher, credentials or training 23820  
held by teachers currently teaching at the school, and how the 23821  
school district or community school will meet the requirements 23822  
of this section. The school district or community school shall 23823  
post the staffing plan on its web site for the applicable school 23824  
year. 23825

Not later than March 1, 2014, and on the first day of 23826  
March in each year thereafter, a school district or community 23827  
school that has submitted a plan under this division shall 23828  
submit to the department a detailed report of the progress the 23829  
district or school has made in meeting the requirements under 23830  
this section. 23831

A school district or community school may request an 23832  
extension of a staffing plan beyond the 2013-2014 school year. 23833

Extension requests must be submitted to the department not later than the thirtieth day of April prior to the start of the applicable school year. The department may grant extensions valid through the 2015-2016 school year.

Until June 30, 2015, the department annually shall review all staffing plans and report to the ~~state board~~ department not later than the thirtieth day of June of each year the progress of school districts and community schools in meeting the requirements of this section.

(K) The department of ~~education~~ learning and achievement shall designate one or more staff members to provide guidance and assistance to school districts and community schools in implementing the third grade guarantee established by this section, including any standards or requirements adopted to implement the guarantee and to provide information and support for reading instruction and achievement.

**Sec. 3313.6011.** (A) As used in this section, "sexual activity" has the same meaning as in section 2907.01 of the Revised Code.

(B) Instruction in venereal disease education pursuant to division (A) (5) (c) of section 3313.60 of the Revised Code shall emphasize that abstinence from sexual activity is the only protection that is one hundred per cent effective against unwanted pregnancy, sexually transmitted disease, and the sexual transmission of a virus that causes acquired immunodeficiency syndrome.

(C) In adopting minimum standards under section 3301.07 of the Revised Code, the ~~state board of education~~ department of learning and achievement shall require course material and

instruction in venereal disease education courses taught	23863
pursuant to division (A) (5) (c) of section 3313.60 of the Revised	23864
Code to do all of the following:	23865
(1) Stress that students should abstain from sexual	23866
activity until after marriage;	23867
(2) Teach the potential physical, psychological,	23868
emotional, and social side effects of participating in sexual	23869
activity outside of marriage;	23870
(3) Teach that conceiving children out of wedlock is	23871
likely to have harmful consequences for the child, the child's	23872
parents, and society;	23873
(4) Stress that sexually transmitted diseases are serious	23874
possible hazards of sexual activity;	23875
(5) Advise students of the laws pertaining to financial	23876
responsibility of parents to children born in and out of	23877
wedlock;	23878
(6) Advise students of the circumstances under which it is	23879
criminal to have sexual contact with a person under the age of	23880
sixteen pursuant to section 2907.04 of the Revised Code;	23881
(7) Emphasize adoption as an option for unintended	23882
pregnancies.	23883
(D) Any model education program for health education the	23884
<del>state board of education department of learning and achievement</del>	23885
adopts shall conform to the requirements of this section.	23886
(E) On and after March 18, 1999, and notwithstanding	23887
section 3302.07 of the Revised Code, the <del>superintendent of</del>	23888
<del>public instruction department of learning and achievement</del> shall	23889
not approve, pursuant to section 3302.07 of the Revised Code,	23890

any waiver of any requirement of this section or of any rule 23891  
adopted by the ~~state board of education~~ department pursuant to 23892  
this section. 23893

**Sec. 3313.6013.** (A) As used in this section, "advanced 23894  
standing program" means a program that enables a student to earn 23895  
credit toward a degree from an institution of higher education 23896  
while enrolled in high school or that enables a student to 23897  
complete coursework while enrolled in high school that may earn 23898  
credit toward a degree from an institution of higher education 23899  
upon the student's attainment of a specified score on an 23900  
examination covering the coursework. Advanced standing programs 23901  
may include any of the following: 23902

(1) The college credit plus program established under 23903  
Chapter 3365. of the Revised Code; 23904

(2) Advanced placement courses; 23905

(3) International baccalaureate diploma courses; 23906

(4) Early college high school programs. 23907

(B) Each city, local, exempted village, and joint 23908  
vocational school district and each chartered nonpublic high 23909  
school shall provide students enrolled in grades nine through 23910  
twelve with the opportunity to participate in an advanced 23911  
standing program. For this purpose, each school district and 23912  
chartered nonpublic high school shall offer at least one 23913  
advanced standing program in accordance with division (B) (1) or 23914  
(2) of this section, as applicable. 23915

(1) A city, local, or exempted village school district 23916  
meets the requirements of this division through its mandatory 23917  
participation in the college credit plus program established 23918  
under Chapter 3365. of the Revised Code. However, a city, local, 23919

or exempted village school district may offer any other advanced standing program, in addition to the college credit plus program, and each joint vocational school district shall offer at least one other advanced standing program, to students in good standing, as defined by the partnership for continued learning under section 3301.42 of the Revised Code as it existed prior to October 16, 2009, or as subsequently defined by the department of ~~education~~ learning and achievement.

(2) A chartered nonpublic high school that elects to participate in the college credit plus program established under Chapter 3365. of the Revised Code meets the requirements of this division. Each chartered nonpublic high school that elects not to participate in the college credit plus program instead shall offer at least one other advanced standing program to students in good standing, as defined by the partnership for continued learning under section 3301.42 of the Revised Code as it existed prior to October 16, 2009, or as subsequently defined by the department of ~~education~~ learning and achievement.

(C) Each school district and each chartered nonpublic high school shall provide information about the advanced standing programs offered by the district or school to all students enrolled in grades six through eleven. The district or school shall include information about all of the following:

(1) The process colleges and universities use in awarding credit for advanced placement and international baccalaureate courses and examinations, including minimum scores required by state institutions of higher education, as defined in section 3345.011 of the Revised Code, for a student to receive college credit;

(2) The availability of tuition and fee waivers for

advanced placement and international baccalaureate courses and examinations; 23950  
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(3) The availability of online advanced placement or international baccalaureate courses, including those that may be available at no cost; 23952  
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(4) The benefits of earning postsecondary credit through advanced placement or international baccalaureate courses; 23955  
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(5) The availability of advanced placement or international baccalaureate courses offered throughout the district. 23957  
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The district or school may include additional information as determined appropriate by the district or school. 23960  
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(D) Except as provided for in Chapter 3365. of the Revised Code, no city, local, exempted village, and joint vocational school district shall charge an enrolled student an additional fee or tuition for participation in any advanced standing program offered by the district. Students may be required to pay the costs associated with taking an advanced placement or international baccalaureate examination. 23962  
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(E) Any agreement between a school district or school and an associated college governing the operation of an early college high school program shall be exempt from the requirements of the college credit plus program, provided the program meets the definition set forth in division (F) (2) of this section and is approved by the ~~superintendent of public instruction and the chancellor of higher education~~ department. 23969  
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The college credit plus program also shall not govern any advanced placement course or international baccalaureate diploma course as described under this section. 23976  
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(F) As used in this section:	23979
(1) "Associated college" means a public or private college, as defined in section 3365.01 of the Revised Code, which has entered into an agreement with a school district or school to establish an early college high school program, as described in division (F)(2) of this section, and awards transcribed credit, as defined in section 3365.01 of the Revised Code, to students through that program.	23980 23981 23982 23983 23984 23985 23986
(2) "Early college high school program" means a partnership between at least one school district or school and at least one institution of higher education that allows participants to simultaneously complete requirements toward earning a regular high school diploma and have the opportunity to earn not less than twenty-four credits that are transferable to the institutions of higher education in the partnership as part of an organized course of study toward a post-secondary degree or credential at no cost to the participant or participant's family. The program also shall prioritize the following students:	23987 23988 23989 23990 23991 23992 23993 23994 23995 23996 23997
(a) Students who are underrepresented in regard to completing post-secondary education;	23998 23999
(b) Students who are economically disadvantaged, as defined by the department of <del>education</del> <u>learning and achievement</u> ;	24000 24001
(c) Students whose parents did not earn a college degree.	24002
<b>Sec. 3313.6015.</b> The board of education of each city, exempted village, and local school district shall adopt a resolution describing how the district will address college and career readiness and financial literacy in its curriculum for grade seven or eight and for any other grades in which the board	24003 24004 24005 24006 24007

determines that those subjects should be addressed. The board 24008  
shall submit a copy of the resolution to the department of 24009  
~~education~~ learning and achievement. 24010

**Sec. 3313.6016.** (A) Beginning in the 2011-2012 school 24011  
year, the department of ~~education~~ learning and achievement shall 24012  
administer a pilot program requiring daily physical activity for 24013  
students. Any school district; community school established 24014  
under Chapter 3314. of the Revised Code; science, technology, 24015  
engineering, and mathematics school established under Chapter 24016  
3326. of the Revised Code; or chartered nonpublic school 24017  
annually may elect to participate in the pilot program by 24018  
notifying the department of its interest by a date established 24019  
by the department. If a school district elects to participate in 24020  
the pilot program, the district shall select one or more school 24021  
buildings to participate in the program. To the maximum extent 24022  
possible, the department shall seek to include in the pilot 24023  
program districts and schools that are located in urban, 24024  
suburban, and rural areas distributed geographically throughout 24025  
the state. The department shall administer the pilot program in 24026  
accordance with this section. 24027

(B) Except as provided in division (C) of this section, 24028  
each district or school participating in the pilot program shall 24029  
require all students in the school building selected under 24030  
division (A) of this section to engage in at least thirty 24031  
minutes of moderate to rigorous physical activity each school 24032  
day or at least one hundred fifty minutes of moderate to 24033  
rigorous physical activity each week, exclusive of recess. 24034  
Physical activity engaged in during the following may count 24035  
toward the daily requirement: 24036

(1) A physical education course; 24037

(2) A program or activity occurring before or after the regular school day, as defined in section 3313.814 of the Revised Code, that is sponsored or approved by the school of attendance, provided school officials are able to monitor students' participation to ensure compliance with the requirement. 24038  
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(C) None of the following shall be subject to the requirement of division (B) of this section: 24044  
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(1) Any student enrolled in the college credit plus program established under Chapter 3365. of the Revised Code; 24046  
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(2) Any student enrolled in a career-technical education program operated by the district or school; 24048  
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(3) Any student enrolled in a dropout prevention and recovery program operated by the district or school. 24050  
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(D) For any period in which a student is participating in interscholastic athletics, marching band, cheerleading, or a junior reserve officer training corps program, the district or school may excuse the student from the requirement of division (B) of this section. 24052  
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(E) The district or school may excuse any kindergarten student who is not enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code, from the requirement of division (B) of this section. 24057  
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(F) Each district or school annually shall report to the department, in the manner prescribed by the department, how the district or school implemented the thirty minutes of daily physical activity and the financial costs of implementation. The department shall issue an annual report of the data collected under this division. 24061  
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**Sec. 3313.6019.** (A) Not later than December 31, 2013, the department of ~~education~~ learning and achievement shall issue a report with recommendations for quality agricultural education programs. These recommendations shall be developed using both of the following:

(1) The standards for exemplary agricultural education that are described in the national quality program standards for secondary (grades 9-12) agricultural education developed by the national council for agricultural education or a successor document developed by the national council for agricultural education or its successor;

(2) The quality program standards for Ohio's agricultural and environmental systems career field programs or a successor document developed by the department, the Ohio association of agricultural educators, the Ohio state university, and wilmington college of Ohio.

The report shall include the appropriate use of extended programming in agricultural education programs and the recommended number of hours outside the normal school day that licensed educators may be permitted to provide extended programming instruction. Following the initial issuance of the report, the department may periodically review and update the report as it considers necessary.

(B) All agricultural education instructors shall utilize a three-part model of agricultural education instruction of classroom instruction, FFA activities, and extended programming projects.

(C) Professional development associated with agricultural education shall be considered an acceptable use of extended

student programming funds. 24096

(D) All agricultural education instructors shall submit a 24097  
monthly time log to the principal of the school at which the 24098  
extended programming is offered, or the principal's designee, 24099  
for review. 24100

**Sec. 3313.6020.** (A) (1) Beginning in the 2015-2016 school 24101  
year, the board of education of each city, local, exempted 24102  
village, and joint vocational school district shall adopt a 24103  
policy on career advising that complies with this section. 24104  
Thereafter, the policy shall be updated at least once every two 24105  
years. 24106

(2) The board shall make the policy publicly available to 24107  
students, parents, guardians, or custodians, local post- 24108  
secondary institutions, and residents of the district. The 24109  
district shall post the policy in a prominent location on its 24110  
web site, if it has one. 24111

(B) The policy on career advising shall specify how the 24112  
district will do all of the following: 24113

(1) Provide students with grade-level examples that link 24114  
their schoolwork to one or more career fields. A district may 24115  
use career connections developed under division (B) (2) of 24116  
section 3301.079 of the Revised Code for this purpose. 24117

(2) Create a plan to provide career advising to students 24118  
in grades six through twelve; 24119

(3) Beginning in the 2015-2016 school year, provide 24120  
additional interventions and career advising for students who 24121  
are identified as at risk of dropping out of school in 24122  
accordance with division (C) of this section; 24123

(4) Train its employees on how to advise students on	24124
career pathways, including training on advising students using	24125
online tools;	24126
(5) Develop multiple, clear academic pathways through high	24127
school that students may choose in order to earn a high school	24128
diploma;	24129
(6) Identify and publicize courses that can award students	24130
both traditional academic and career-technical credit;	24131
(7) Document the career advising provided to each student	24132
for review by the student, the student's parent, guardian, or	24133
custodian, and future schools that the student may attend. A	24134
district shall not otherwise release this information without	24135
the written consent of the student's parent, guardian, or	24136
custodian, if the student is less than eighteen years old, or	24137
the written consent of the student, if the student is at least	24138
eighteen years old.	24139
(8) Prepare students for their transition from high school	24140
to their post-secondary destinations, including any special	24141
interventions that are necessary for students in need of	24142
remediation in mathematics or English language arts.	24143
(C) (1) Beginning in the 2015-2016 school year, each	24144
district shall identify students who are at risk of dropping out	24145
of school using a method that is both research-based and	24146
locally-based and that is developed with input from the	24147
district's classroom teachers and guidance counselors. If a	24148
student is identified as at risk of dropping out of school, the	24149
district shall develop a student success plan that addresses the	24150
student's academic pathway to a successful graduation and the	24151
role of career-technical education, competency-based education,	24152

and experiential learning, as appropriate, in that pathway. 24153

(2) Prior to developing a student success plan for a 24154  
student, the district shall invite the student's parent, 24155  
guardian, or custodian to assist in developing the plan. If the 24156  
student's parent, guardian, or custodian does not participate in 24157  
the development of the plan, the district shall provide to the 24158  
parent, guardian, or custodian a copy of the student's success 24159  
plan and a statement of the importance of a high school diploma 24160  
and the academic pathways available to the student in order to 24161  
successfully graduate. 24162

(3) Following the development of a student success plan 24163  
for a student, the district shall provide career advising to the 24164  
student that is aligned with the plan and, beginning in the 24165  
2015-2016 school year, the district's plan to provide career 24166  
advising created under division (B) (2) of this section. 24167

(D) (1) Not later than December 1, 2014, the department of 24168  
~~education~~ learning and achievement shall develop and post on its 24169  
web site model policies on career advising and model student 24170  
success plans. 24171

(2) Not later than July 1, 2015, the department shall 24172  
create an online clearinghouse of research related to proven 24173  
practices for policies on career advising and student success 24174  
plans that districts may access when fulfilling the requirements 24175  
of this section. 24176

**Sec. 3313.61.** (A) A diploma shall be granted by the board 24177  
of education of any city, exempted village, or local school 24178  
district that operates a high school to any person to whom all 24179  
of the following apply: 24180

(1) The person has successfully completed the curriculum 24181

in any high school or the individualized education program 24182  
developed for the person by any high school pursuant to section 24183  
3323.08 of the Revised Code, or has qualified under division (D) 24184  
or (F) of section 3313.603 of the Revised Code, provided that no 24185  
school district shall require a student to remain in school for 24186  
any specific number of semesters or other terms if the student 24187  
completes the required curriculum early; 24188

(2) Subject to section 3313.614 of the Revised Code, the 24189  
person has met the assessment requirements of division (A) (2) (a) 24190  
or (b) of this section, as applicable. 24191

(a) If the person entered the ninth grade prior to July 1, 24192  
2014, the person either: 24193

(i) Has attained at least the applicable scores designated 24194  
under division (B) (1) of section 3301.0710 of the Revised Code 24195  
on all the assessments required by that division unless the 24196  
person was excused from taking any such assessment pursuant to 24197  
section 3313.532 of the Revised Code or unless division (H) or 24198  
(L) of this section applies to the person; 24199

(ii) Has satisfied the alternative conditions prescribed 24200  
in section 3313.615 of the Revised Code. 24201

(b) If the person entered the ninth grade on or after July 24202  
1, 2014, the person has met the requirement prescribed by 24203  
section 3313.618 of the Revised Code, except to the extent that 24204  
the person is excused from an assessment prescribed by that 24205  
section pursuant to section 3313.532 of the Revised Code or 24206  
division (H) or (L) of this section. 24207

(3) The person is not eligible to receive an honors 24208  
diploma granted pursuant to division (B) of this section. 24209

Except as provided in divisions (C), (E), (J), and (L) of 24210

this section, no diploma shall be granted under this division to 24211  
anyone except as provided under this division. 24212

(B) In lieu of a diploma granted under division (A) of 24213  
this section, an honors diploma shall be granted, in accordance 24214  
with rules of the ~~state board~~ department of learning and 24215  
achievement, by any such district board to anyone who 24216  
accomplishes all of the following: 24217

(1) Successfully completes the curriculum in any high 24218  
school or the individualized education program developed for the 24219  
person by any high school pursuant to section 3323.08 of the 24220  
Revised Code; 24221

(2) Subject to section 3313.614 of the Revised Code, has 24222  
met the assessment requirements of division (B) (2) (a) or (b) of 24223  
this section, as applicable. 24224

(a) If the person entered the ninth grade prior to July 1, 24225  
2014, the person either: 24226

(i) Has attained at least the applicable scores designated 24227  
under division (B) (1) of section 3301.0710 of the Revised Code 24228  
on all the assessments required by that division; 24229

(ii) Has satisfied the alternative conditions prescribed 24230  
in section 3313.615 of the Revised Code. 24231

(b) If the person entered the ninth grade on or after July 24232  
1, 2014, the person has met the requirement prescribed under 24233  
section 3313.618 of the Revised Code. 24234

(3) Has met additional criteria established by the ~~state-~~ 24235  
~~board~~ department for the granting of such a diploma. 24236

An honors diploma shall not be granted to a student who is 24237  
subject to the requirements prescribed in division (C) of 24238

section 3313.603 of the Revised Code but elects the option of 24239  
division (D) or (F) of that section. Except as provided in 24240  
divisions (C), (E), and (J) of this section, no honors diploma 24241  
shall be granted to anyone failing to comply with this division 24242  
and no more than one honors diploma shall be granted to any 24243  
student under this division. 24244

The ~~state board~~ department shall adopt rules prescribing 24245  
the granting of honors diplomas under this division. These rules 24246  
may prescribe the granting of honors diplomas that recognize a 24247  
student's achievement as a whole or that recognize a student's 24248  
achievement in one or more specific subjects or both. The rules 24249  
may prescribe the granting of an honors diploma recognizing 24250  
technical expertise for a career-technical student. In any case, 24251  
the rules shall designate two or more criteria for the granting 24252  
of each type of honors diploma the ~~board~~ department establishes 24253  
under this division and the number of such criteria that must be 24254  
met for the granting of that type of diploma. The number of such 24255  
criteria for any type of honors diploma shall be at least one 24256  
less than the total number of criteria designated for that type 24257  
and no one or more particular criteria shall be required of all 24258  
persons who are to be granted that type of diploma. 24259

(C) Any district board administering any of the 24260  
assessments required by section 3301.0710 of the Revised Code to 24261  
any person requesting to take such assessment pursuant to 24262  
division (B) (8) (b) of section 3301.0711 of the Revised Code 24263  
shall award a diploma to such person if the person attains at 24264  
least the applicable scores designated under division (B) (1) of 24265  
section 3301.0710 of the Revised Code on all the assessments 24266  
administered and if the person has previously attained the 24267  
applicable scores on all the other assessments required by 24268  
division (B) (1) of that section or has been exempted or excused 24269

from attaining the applicable score on any such assessment 24270  
pursuant to division (H) or (L) of this section or from taking 24271  
any such assessment pursuant to section 3313.532 of the Revised 24272  
Code. 24273

(D) Each diploma awarded under this section shall be 24274  
signed by the president and treasurer of the issuing board, the 24275  
superintendent of schools, and the principal of the high school. 24276  
Each diploma shall bear the date of its issue, be in such form 24277  
as the district board prescribes, and be paid for out of the 24278  
district's general fund. 24279

(E) A person who is a resident of Ohio and is eligible 24280  
under ~~state board of education department of learning and~~ 24281  
achievement minimum standards to receive a high school diploma 24282  
based in whole or in part on credits earned while an inmate of a 24283  
correctional institution operated by the state or any political 24284  
subdivision thereof, shall be granted such diploma by the 24285  
correctional institution operating the programs in which such 24286  
credits were earned, and by the board of education of the school 24287  
district in which the inmate resided immediately prior to the 24288  
inmate's placement in the institution. The diploma granted by 24289  
the correctional institution shall be signed by the director of 24290  
the institution, and by the person serving as principal of the 24291  
institution's high school and shall bear the date of issue. 24292

(F) Persons who are not residents of Ohio but who are 24293  
inmates of correctional institutions operated by the state or 24294  
any political subdivision thereof, and who are eligible under 24295  
~~state board of education department of learning and achievement~~ 24296  
minimum standards to receive a high school diploma based in 24297  
whole or in part on credits earned while an inmate of the 24298  
correctional institution, shall be granted a diploma by the 24299

correctional institution offering the program in which the 24300  
credits were earned. The diploma granted by the correctional 24301  
institution shall be signed by the director of the institution 24302  
and by the person serving as principal of the institution's high 24303  
school and shall bear the date of issue. 24304

(G) The ~~state board of education~~ department of learning 24305  
and achievement shall provide by rule for the administration of 24306  
the assessments required by sections 3301.0710 and 3301.0712 of 24307  
the Revised Code to inmates of correctional institutions. 24308

(H) Any person to whom all of the following apply shall be 24309  
exempted from attaining the applicable score on the assessment 24310  
in social studies designated under division (B) (1) of section 24311  
3301.0710 of the Revised Code, any American history end-of- 24312  
course examination and any American government end-of-course 24313  
examination required under division (B) of section 3301.0712 of 24314  
the Revised Code if such an exemption is prescribed by rule of 24315  
the ~~state board~~ department under division (D) (3) of section 24316  
3301.0712 of the Revised Code, or the test in citizenship 24317  
designated under former division (B) of section 3301.0710 of the 24318  
Revised Code as it existed prior to September 11, 2001: 24319

(1) The person is not a citizen of the United States; 24320

(2) The person is not a permanent resident of the United 24321  
States; 24322

(3) The person indicates no intention to reside in the 24323  
United States after the completion of high school. 24324

(I) Notwithstanding division (D) of section 3311.19 and 24325  
division (D) of section 3311.52 of the Revised Code, this 24326  
section and section 3313.611 of the Revised Code do not apply to 24327  
the board of education of any joint vocational school district 24328

or any cooperative education school district established 24329  
pursuant to divisions (A) to (C) of section 3311.52 of the 24330  
Revised Code. 24331

(J) Upon receipt of a notice under division (D) of section 24332  
3325.08 or division (D) of section 3328.25 of the Revised Code 24333  
that a student has received a diploma under either section, the 24334  
board of education receiving the notice may grant a high school 24335  
diploma under this section to the student, except that such 24336  
board shall grant the student a diploma if the student meets the 24337  
graduation requirements that the student would otherwise have 24338  
had to meet to receive a diploma from the district. The diploma 24339  
granted under this section shall be of the same type the notice 24340  
indicates the student received under section 3325.08 or 3328.25 24341  
of the Revised Code. 24342

(K) As used in this division, "limited English proficient 24343  
student" has the same meaning as in division (C) (3) of section 24344  
3301.0711 of the Revised Code. 24345

Notwithstanding division (C) (3) of section 3301.0711 of 24346  
the Revised Code, no limited English proficient student who has 24347  
not either attained the applicable scores designated under 24348  
division (B) (1) of section 3301.0710 of the Revised Code on all 24349  
the assessments required by that division, or met the 24350  
requirement prescribed by section 3313.618 of the Revised Code, 24351  
shall be awarded a diploma under this section. 24352

(L) Any student described by division (A) (1) of this 24353  
section may be awarded a diploma without meeting the requirement 24354  
prescribed by section 3313.618 of the Revised Code provided an 24355  
individualized education program specifically exempts the 24356  
student from meeting such requirement. This division does not 24357  
negate the requirement for a student to take the assessments 24358

prescribed by section 3301.0710 or under division (B) of section 24359  
3301.0712 of the Revised Code, or alternate assessments required 24360  
by division (C) (1) of section 3301.0711 of the Revised Code, for 24361  
the purpose of assessing student progress as required by federal 24362  
law. 24363

**Sec. 3313.611.** (A) The ~~state board of education~~ department 24364  
of learning and achievement shall adopt, by rule, standards for 24365  
awarding high school credit equivalent to credit for completion 24366  
of high school academic and vocational education courses to 24367  
applicants for diplomas under this section. The standards may 24368  
permit high school credit to be granted to an applicant for any 24369  
of the following: 24370

(1) Work experiences or experiences as a volunteer; 24371

(2) Completion of academic, vocational, or self- 24372  
improvement courses offered to persons over the age of twenty- 24373  
one by a chartered public or nonpublic school; 24374

(3) Completion of academic, vocational, or self- 24375  
improvement courses offered by an organization, individual, or 24376  
educational institution other than a chartered public or 24377  
nonpublic school; 24378

(4) Other life experiences considered by the board to 24379  
provide knowledge and learning experiences comparable to that 24380  
gained in a classroom setting. 24381

(B) The board of education of any city, exempted village, 24382  
or local school district that operates a high school shall grant 24383  
a diploma of adult education to any applicant if all of the 24384  
following apply: 24385

(1) The applicant is a resident of the district; 24386

(2) The applicant is over the age of twenty-one and has not been issued a diploma as provided in section 3313.61 of the Revised Code;

(3) Subject to section 3313.614 of the Revised Code, the applicant has met the assessment requirements of division (B) (3) (a) or (b) of this section, as applicable.

(a) Prior to July 1, 2014, the applicant either:

(i) Has attained the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all of the assessments required by that division or was excused or exempted from any such assessment pursuant to section 3313.532 or was exempted from attaining the applicable score on any such assessment pursuant to division (H) or (L) of section 3313.61 of the Revised Code;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) On or after July 1, 2014, has met the requirement prescribed by section 3313.618 of the Revised Code, except and only to the extent that the applicant is excused from some portion of that section pursuant to section 3313.532 of the Revised Code or division (H) or (L) of section 3313.61 of the Revised Code.

(4) The district board determines, in accordance with the standards adopted under division (A) of this section, that the applicant has attained sufficient high school credits, including equivalent credits awarded under such standards, to qualify as having successfully completed the curriculum required by the district for graduation.

(C) If a district board determines that an applicant is

not eligible for a diploma under division (B) of this section, 24416  
it shall inform the applicant of the reason the applicant is 24417  
ineligible and shall provide a list of any courses required for 24418  
the diploma for which the applicant has not received credit. An 24419  
applicant may reapply for a diploma under this section at any 24420  
time. 24421

(D) If a district board awards an adult education diploma 24422  
under this section, the president and treasurer of the board and 24423  
the superintendent of schools shall sign it. Each diploma shall 24424  
bear the date of its issuance, be in such form as the district 24425  
board prescribes, and be paid for from the district's general 24426  
fund, except that the ~~state board~~ department may by rule 24427  
prescribe standard language to be included on each diploma. 24428

(E) As used in this division, "limited English proficient 24429  
student" has the same meaning as in division (C) (3) of section 24430  
3301.0711 of the Revised Code. 24431

Notwithstanding division (C) (3) of section 3301.0711 of 24432  
the Revised Code, no limited English proficient student who has 24433  
not either attained the applicable scores designated under 24434  
division (B) (1) of section 3301.0710 of the Revised Code on all 24435  
the assessments required by that division, or has not met the 24436  
requirement prescribed by section 3313.618 of the Revised Code, 24437  
shall be awarded a diploma under this section. 24438

**Sec. 3313.612.** (A) No nonpublic school chartered by the 24439  
~~state board of education~~ department of learning and achievement 24440  
shall grant a high school diploma to any person unless, subject 24441  
to section 3313.614 of the Revised Code, the person has met the 24442  
assessment requirements of division (A) (1) or (2) of this 24443  
section, as applicable. 24444

(1) If the person entered the ninth grade prior to July 1, 2014, the person has attained at least the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(2) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code.

(B) This section does not apply to any of the following:

(1) Any person with regard to any assessment from which the person was excused pursuant to division (C) (1) (c) of section 3301.0711 of the Revised Code;

(2) Any person who attends a nonpublic school accredited through the independent schools association of the central states, except for a student attending the school under a state scholarship program as defined in section 3301.0711 of the Revised Code.

(3) Any person with regard to the social studies assessment under division (B) (1) of section 3301.0710 of the Revised Code, any American history end-of-course examination and any American government end-of-course examination required under division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the ~~state board of education~~ department of learning and achievement under division (D) (3) of section 3301.0712 of the Revised Code, or the citizenship test under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, if all of the following apply:

(a) The person is not a citizen of the United States;	24474
(b) The person is not a permanent resident of the United States;	24475 24476
(c) The person indicates no intention to reside in the United States after completion of high school.	24477 24478
(C) As used in this division, "limited English proficient student" has the same meaning as in division (C) (3) of section 3301.0711 of the Revised Code.	24479 24480 24481
Notwithstanding division (C) (3) of section 3301.0711 of the Revised Code, no limited English proficient student who has not either attained the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code, shall be awarded a diploma under this section.	24482 24483 24484 24485 24486 24487 24488
(D) The <del>state board</del> <u>department</u> shall not impose additional requirements or assessments for the granting of a high school diploma under this section that are not prescribed by this section.	24489 24490 24491 24492
(E) The department of <del>education</del> <u>learning and achievement</u> shall furnish the assessment administered by a nonpublic school pursuant to division (B) (1) of section 3301.0712 of the Revised Code.	24493 24494 24495 24496
<b>Sec. 3313.614.</b> (A) As used in this section, a person "fulfills the curriculum requirement for a diploma" at the time one of the following conditions is satisfied:	24497 24498 24499
(1) The person successfully completes the high school curriculum of a school district, a community school, a chartered	24500 24501

nonpublic school, or a correctional institution. 24502

(2) The person successfully completes the individualized 24503  
education program developed for the person under section 3323.08 24504  
of the Revised Code. 24505

(3) A board of education issues its determination under 24506  
section 3313.611 of the Revised Code that the person qualifies 24507  
as having successfully completed the curriculum required by the 24508  
district. 24509

(B) This division specifies the assessment requirements 24510  
that must be fulfilled as a condition toward granting high 24511  
school diplomas under sections 3313.61, 3313.611, 3313.612, and 24512  
3325.08 of the Revised Code. 24513

(1) A person who fulfills the curriculum requirement for a 24514  
diploma before September 15, 2000, is not required to pass any 24515  
proficiency test or achievement test in science as a condition 24516  
to receiving a diploma. 24517

(2) A person who began ninth grade for the first time 24518  
prior to July 1, 2003, is not required to pass the Ohio 24519  
graduation test prescribed under division (B)(1) of section 24520  
3301.0710 or any assessment prescribed under division (B)(2) of 24521  
that section in any subject as a condition to receiving a 24522  
diploma once the person has passed the ninth grade proficiency 24523  
test in the same subject, so long as the person passed the ninth 24524  
grade proficiency test prior to September 15, 2008. However, any 24525  
such person who passes the Ohio graduation test in any subject 24526  
prior to passing the ninth grade proficiency test in the same 24527  
subject shall be deemed to have passed the ninth grade 24528  
proficiency test in that subject as a condition to receiving a 24529  
diploma. For this purpose, the ninth grade proficiency test in 24530

citizenship substitutes for the Ohio graduation test in social 24531  
studies. If a person began ninth grade prior to July 1, 2003, 24532  
but does not pass a ninth grade proficiency test or the Ohio 24533  
graduation test in a particular subject before September 15, 24534  
2008, and passage of a test in that subject is a condition for 24535  
the person to receive a diploma, the person must pass the Ohio 24536  
graduation test instead of the ninth grade proficiency test in 24537  
that subject to receive a diploma. 24538

(3) (a) Except as provided in division (B) (3) (b) of this 24539  
section, a person who begins ninth grade for the first time on 24540  
or after July 1, 2003, in a school district, community school, 24541  
or chartered nonpublic school is not eligible to receive a 24542  
diploma based on passage of ninth grade proficiency tests. Each 24543  
such person who begins ninth grade prior to July 1, 2014, must 24544  
pass Ohio graduation tests to meet the assessment requirements 24545  
applicable to that person as a condition to receiving a diploma 24546  
or satisfy one of the conditions prescribed in division (B) (3) 24547  
(b) of this section. 24548

(b) A person who began ninth grade for the first time 24549  
prior to July 1, 2014, shall be eligible to receive a diploma if 24550  
the person meets the requirement prescribed by section 3313.618 24551  
or 3313.619 of the Revised Code. 24552

(c) A person who began ninth grade for the first time 24553  
prior to July 1, 2014, and who has not attained at least the 24554  
applicable scores designated under division (B) (1) of section 24555  
3301.0710 of the Revised Code on all the assessments required by 24556  
that division shall be eligible to receive a diploma if the 24557  
person meets the requirement prescribed by rule of the ~~state~~ 24558  
~~board of education~~ department of learning and achievement as 24559  
prescribed under division (B) (3) (d) of this section. 24560

(d) Not later than December 31, 2015, the ~~state board of~~ 24561  
~~education department of learning and achievement~~ shall adopt 24562  
rules prescribing the manner in which a person who began ninth 24563  
grade for the first time prior to July 1, 2014, may be eligible 24564  
for a high school diploma by combining the requirement 24565  
prescribed by section 3313.618 or 3313.619 of the Revised Code 24566  
and the requirement to attain at least the applicable scores 24567  
designated under division (B) (1) of section 3301.0710 of the 24568  
Revised Code on the assessments required by that division. The 24569  
rules shall ensure that the combined requirements require a 24570  
demonstration of mastery that is equivalent or greater to the 24571  
expectations of the assessments prescribed by division (B) (1) of 24572  
section 3301.0710 of the Revised Code. The rules shall include 24573  
the following: 24574

(i) The date by which a person who began ninth grade for 24575  
the first time prior to July 1, 2014, may be eligible for a high 24576  
school diploma under division (B) (3) (c) of this section; 24577

(ii) Methods of replacing individual assessments 24578  
prescribed by division (B) (1) of section 3301.0710 of the 24579  
Revised Code; 24580

(iii) Methods of integrating the pathways prescribed by 24581  
division (A) of section 3313.618 or section 3313.619 of the 24582  
Revised Code. 24583

(4) Except as provided in division (B) (3) (b) of this 24584  
section, a person who begins ninth grade on or after July 1, 24585  
2014, is not eligible to receive a diploma based on passage of 24586  
the Ohio graduation tests. Each such person must meet the 24587  
requirement prescribed by section 3313.618 or 3313.619 of the 24588  
Revised Code. 24589

(C) This division specifies the curriculum requirement 24590  
that shall be completed as a condition toward granting high 24591  
school diplomas under sections 3313.61, 3313.611, 3313.612, and 24592  
3325.08 of the Revised Code. 24593

(1) A person who is under twenty-two years of age when the 24594  
person fulfills the curriculum requirement for a diploma shall 24595  
complete the curriculum required by the school district or 24596  
school issuing the diploma for the first year that the person 24597  
originally enrolled in high school, except for a person who 24598  
qualifies for graduation from high school under either division 24599  
(D) or (F) of section 3313.603 of the Revised Code. 24600

(2) Once a person fulfills the curriculum requirement for 24601  
a diploma, the person is never required, as a condition of 24602  
receiving a diploma, to meet any different curriculum 24603  
requirements that take effect pending the person's passage of 24604  
proficiency tests or achievement tests or assessments, including 24605  
changes mandated by section 3313.603 of the Revised Code, the 24606  
~~state board~~ department, a school district board of education, or 24607  
a governing authority of a community school or chartered 24608  
nonpublic school. 24609

**Sec. 3313.615.** This section shall apply to diplomas 24610  
awarded after September 15, 2006, to students who are required 24611  
to take the five Ohio graduation tests prescribed by division 24612  
(B) (1) of section 3301.0710 of the Revised Code. This section 24613  
does not apply to any student who enters ninth grade for the 24614  
first time on or after July 1, 2014. 24615

(A) As an alternative to the requirement that a person 24616  
attain the scores designated under division (B) (1) of section 24617  
3301.0710 of the Revised Code on all the assessments required 24618  
under that division in order to be eligible for a high school 24619

diploma or an honors diploma under sections 3313.61, 3313.612, 24620  
or 3325.08 of the Revised Code or for a diploma of adult 24621  
education under section 3313.611 of the Revised Code, a person 24622  
who has attained at least the applicable scores designated under 24623  
division (B) (1) of section 3301.0710 of the Revised Code on all 24624  
but one of the assessments required by that division and from 24625  
which the person was not excused or exempted, pursuant to 24626  
division (L) of section 3313.61, division (B) (1) of section 24627  
3313.612, or section 3313.532 of the Revised Code, may be 24628  
awarded a diploma or honors diploma if the person has satisfied 24629  
all of the following conditions: 24630

(1) On the one assessment required under division (B) (1) 24631  
of section 3301.0710 of the Revised Code for which the person 24632  
failed to attain the designated score, the person missed that 24633  
score by ten points or less; 24634

(2) Has a ninety-seven per cent school attendance rate in 24635  
each of the last four school years, excluding any excused 24636  
absences; 24637

(3) Has not been expelled from school under section 24638  
3313.66 of the Revised Code in any of the last four school 24639  
years; 24640

(4) Has a grade point average of at least 2.5 out of 4.0, 24641  
or its equivalent as designated in rules adopted by the ~~state~~ 24642  
~~board of education~~ department of learning and achievement, in 24643  
the subject area of the assessment required under division (B) 24644  
(1) of section 3301.0710 of the Revised Code for which the 24645  
person failed to attain the designated score; 24646

(5) Has completed the high school curriculum requirements 24647  
prescribed in section 3313.603 of the Revised Code or has 24648

qualified under division (D) or (F) of that section; 24649

(6) Has taken advantage of any intervention programs 24650  
provided by the school district or school in the subject area 24651  
described in division (A)(4) of this section and has a ninety- 24652  
seven per cent attendance rate, excluding any excused absences, 24653  
in any of those programs that are provided at times beyond the 24654  
normal school day, school week, or school year or has received 24655  
comparable intervention services from a source other than the 24656  
school district or school; 24657

(7) Holds a letter recommending graduation from each of 24658  
the person's high school teachers in the subject area described 24659  
in division (A)(4) of this section and from the person's high 24660  
school principal. 24661

(B) The ~~state board of education~~ department of learning 24662  
and achievement shall establish rules designating grade point 24663  
averages equivalent to the average specified in division (A)(4) 24664  
of this section for use by school districts and schools with 24665  
different grading systems. 24666

(C) Any student who is exempt from attaining the 24667  
applicable score designated under division (B)(1) of section 24668  
3301.0710 of the Revised Code on the Ohio graduation test in 24669  
social studies pursuant to division (H) of section 3313.61 or 24670  
division (B)(3) of section 3313.612 of the Revised Code shall 24671  
not qualify for a high school diploma under this section, 24672  
unless, notwithstanding the exemption, the student attains the 24673  
applicable score on that assessment. If the student attains the 24674  
applicable score on that assessment, the student may qualify for 24675  
a diploma under this section in the same manner as any other 24676  
student who is required to take the five Ohio graduation tests 24677  
prescribed by division (B)(1) of section 3301.0710 of the 24678

Revised Code. 24679

**Sec. 3313.618.** (A) In addition to the applicable 24680  
curriculum requirements, each student entering ninth grade for 24681  
the first time on or after July 1, 2014, shall satisfy at least 24682  
one of the following conditions in order to qualify for a high 24683  
school diploma: 24684

(1) Be remediation-free, in accordance with standards 24685  
adopted under division (F) of section 3345.061 of the Revised 24686  
Code, on each of the nationally standardized assessments in 24687  
English, mathematics, and reading; 24688

(2) Attain a score specified under division (B) (5) (c) of 24689  
section 3301.0712 of the Revised Code on the end-of-course 24690  
examinations prescribed under division (B) of section 3301.0712 24691  
of the Revised Code. 24692

(3) Attain a score that demonstrates workforce readiness 24693  
and employability on a nationally recognized job skills 24694  
assessment selected by the ~~state board of education department~~ 24695  
of learning and achievement under division (G) of section 24696  
3301.0712 of the Revised Code and obtain either an industry- 24697  
recognized credential, as described under division (B) (2) (d) of 24698  
section 3302.03 of the Revised Code, or a license issued by a 24699  
state agency or board for practice in a vocation that requires 24700  
an examination for issuance of that license. 24701

The industry-recognized credentials and licenses shall be 24702  
as approved under section 3313.6113 of the Revised Code. 24703

A student may choose to qualify for a high school diploma 24704  
by satisfying any of the separate requirements prescribed by 24705  
divisions (A) (1) to (3) of this section. If the student's school 24706  
district or school does not administer the examination 24707

prescribed by one of those divisions that the student chooses to 24708  
take to satisfy the requirements of this section, the school 24709  
district or school may require that student to arrange for the 24710  
applicable scores to be sent directly to the district or school 24711  
by the company or organization that administers the examination. 24712

(B) The ~~state board of education~~ department of learning 24713  
and achievement shall not create or require any additional 24714  
assessment for the granting of any type of high school diploma 24715  
other than as prescribed by this section. Except as provided in 24716  
sections 3313.6111 and 3313.6112 of the Revised Code, the ~~state~~ 24717  
~~board or the superintendent of public instruction~~ department 24718  
shall not create any endorsement or designation that may be 24719  
affiliated with a high school diploma. 24720

**Sec. 3313.619.** (A) In lieu of the requirement prescribed 24721  
by section 3313.618 of the Revised Code, a chartered nonpublic 24722  
school may grant a high school diploma to a student who attains 24723  
at least the designated score on an assessment approved by the 24724  
department of ~~education~~ learning and achievement under division 24725  
(B) of this section and selected by the school's governing 24726  
authority. 24727

(B) For purposes of division (A) of this section, the 24728  
department shall approve assessments that meet the conditions 24729  
specified under division (C) of this section and shall designate 24730  
passing scores for each of those assessments. 24731

(C) Each assessment approved under division (B) of this 24732  
section shall be nationally norm-referenced, have internal 24733  
consistency reliability coefficients of at least "0.8," be 24734  
standardized, have specific evidence of content, concurrent, or 24735  
criterion validity, have evidence of norming studies in the 24736  
previous ten years, have a measure of student achievement in 24737

core academic areas, and have high validity evidenced by the 24738  
alignment of the assessment with nationally recognized content. 24739

(D) Nothing in this section shall prohibit a chartered 24740  
nonpublic school from granting a high school diploma to a 24741  
student if the student satisfies the requirement prescribed by 24742  
section 3313.618 of the Revised Code. 24743

**Sec. 3313.6111.** (A) The ~~state board of education~~ 24744  
department of learning and achievement shall establish the state 24745  
seal of biliteracy, which may be attached or affixed to the high 24746  
school transcript of a student enrolled in a public or chartered 24747  
nonpublic school. The state seal of biliteracy shall demonstrate 24748  
the attainment of a high level of proficiency by a graduate of a 24749  
public or chartered nonpublic high school in one or more 24750  
languages in addition to English, sufficient for meaningful use 24751  
in college and a career. The purpose of the state seal of 24752  
biliteracy shall be to: 24753

(1) Encourage students to study languages; 24754

(2) Certify the attainment of biliteracy; 24755

(3) Provide employers with a method of identifying 24756  
individuals with language and biliteracy skills; 24757

(4) Provide institutions of higher education with an 24758  
additional method to recognize applicants for admission; 24759

(5) Prepare students with twenty-first century skills; 24760

(6) Recognize the value of foreign language and native 24761  
language instruction in public schools; and 24762

(7) Strengthen inter-group relationships, affirm the value 24763  
of diversity, and honor the multiple cultures and languages of a 24764  
community. 24765

(B) (1) A school district, community school established 24766  
under Chapter 3314. of the Revised Code, STEM school established 24767  
under Chapter 3326. of the Revised Code, college-preparatory 24768  
boarding school established under Chapter 3328. of the Revised 24769  
Code, or chartered nonpublic school may attach or affix the 24770  
state seal of biliteracy to the transcript of a student enrolled 24771  
in the school who meets the requirements prescribed under 24772  
division (C) (1) of this section. A district or school shall not 24773  
be required to attach or affix the state seal of biliteracy on 24774  
the transcript of a student enrolled in the school. 24775

(2) Each school district, community school, STEM school, 24776  
college-preparatory boarding school, and chartered nonpublic 24777  
school shall maintain appropriate records to identify students 24778  
who have completed the requirements for earning a state seal of 24779  
biliteracy as prescribed under division (C) (1) of this section, 24780  
and if the district or school has a policy of attaching or 24781  
affixing the state seal of biliteracy to student transcripts, 24782  
the district or school shall make the appropriate designation on 24783  
the transcript of a student who completes the requirements. 24784

(C) ~~The state board of education~~ department of learning 24785  
and achievement shall do the following: 24786

(1) Establish the requirements and criteria for earning a 24787  
state seal of biliteracy, including assessments of foreign 24788  
language and English proficiency. 24789

(2) ~~Direct the department of education to prepare~~ Prepare 24790  
and deliver to participating school districts, community 24791  
schools, STEM schools, college-preparatory boarding schools, and 24792  
chartered nonpublic schools an appropriate mechanism for 24793  
assigning a state seal of biliteracy on a student's transcript 24794  
indicating that the student has been assigned the seal; 24795

(3) ~~Direct the department to provide~~ Provide any other 24796  
information ~~the state board~~ it considers necessary for school 24797  
districts, community schools, STEM schools, college-preparatory 24798  
boarding schools, and chartered nonpublic schools to participate 24799  
in the assigning of a state seal of biliteracy; 24800

(4) Adopt rules in accordance with Chapter 119. of the 24801  
Revised Code to implement the provisions of this section. 24802

(D) A student shall not be charged a fee to be assigned a 24803  
state seal of biliteracy on their transcript. A student may be 24804  
required to pay a fee to demonstrate proficiency in a language, 24805  
including the cost of a standardized test to determine 24806  
proficiency in a language. 24807

(E) As used in this section, "foreign language" refers to 24808  
any language other than English, including modern languages, 24809  
Latin, American sign language, native American languages, and 24810  
native languages. 24811

**Sec. 3313.6112.** (A) ~~The superintendent of public~~ 24812  
~~instruction, in consultation with the chancellor of higher~~ 24813  
~~education and the governor's office of workforce transformation,~~ 24814  
director of learning and achievement shall establish the 24815  
OhioMeansJobs-readiness seal, which may be attached or affixed 24816  
to the high school diploma and transcript of a student enrolled 24817  
in a public or chartered nonpublic school. 24818

(B) A school district, community school established under 24819  
Chapter 3314. of the Revised Code, STEM school established under 24820  
Chapter 3326. of the Revised Code, college-preparatory boarding 24821  
school established under Chapter 3328. of the Revised Code, or 24822  
chartered nonpublic school shall attach or affix the 24823  
OhioMeansJobs-readiness seal to the diploma and transcript of a 24824

student enrolled in the school who meets the requirements 24825  
prescribed under division (C)(1) of this section. 24826

(C) The ~~state superintendent, in consultation with the~~ 24827  
~~chancellor and the governor's office of workforce~~ 24828  
~~transformation, director~~ shall do the following: 24829

(1) Establish the requirements and criteria for earning an 24830  
OhioMeansJobs-readiness seal, including demonstration of work- 24831  
readiness and work ethic competencies such as teamwork, problem- 24832  
solving, reliability, punctuality, and computer technology 24833  
competency; 24834

(2) Develop a standardized form for students to complete 24835  
and have validated prior to graduation by at least three 24836  
individuals, each of whom must be an employer, teacher, business 24837  
mentor, community leader, faith-based leader, school leader, or 24838  
coach of the student; 24839

(3) Prepare and deliver to all school districts, community 24840  
schools, STEM schools, college-preparatory boarding schools, and 24841  
chartered nonpublic schools an appropriate mechanism for 24842  
assigning an OhioMeansJobs-readiness seal on a student's diploma 24843  
and transcript indicating that the student has been assigned the 24844  
seal; 24845

(4) Provide any other information the ~~state superintendent~~ 24846  
director considers necessary for school districts, community 24847  
schools, STEM schools, college-preparatory boarding schools, and 24848  
chartered nonpublic schools to assign an OhioMeansJobs-readiness 24849  
seal. 24850

(D) A student shall not be charged a fee to be assigned an 24851  
OhioMeansJobs-readiness seal on the student's diploma and 24852  
transcript. 24853

**Sec. 3313.6113.** (A) The ~~superintendent of public~~ 24854  
~~instruction, director of learning and achievement in~~ 24855  
collaboration with the ~~governor's office of workforce~~ 24856  
~~transformation and~~ representatives of business organizations, 24857  
shall establish a committee to develop a list of industry- 24858  
recognized credentials and licenses that may be used to qualify 24859  
for a high school diploma under division (A) (3) of section 24860  
3313.618 of the Revised Code and shall be used for state report 24861  
card purposes under section 3302.03 of the Revised Code. The 24862  
~~state superintendent-director~~ shall appoint the members of the 24863  
committee not later than January 1, 2018. 24864

(B) The committee shall do the following: 24865

(1) Establish criteria for acceptable industry-recognized 24866  
credentials and licenses aligned with the in-demand jobs list 24867  
published by the department of job and family services; 24868

(2) Review the list of industry-recognized credentials and 24869  
licenses that was in existence on January 1, 2018, and update 24870  
the list as it considers necessary; 24871

(3) Review and update the list of industry-recognized 24872  
credentials and licenses at least biennially. 24873

**Sec. 3313.64.** (A) As used in this section and in section 24874  
3313.65 of the Revised Code: 24875

(1) (a) Except as provided in division (A) (1) (b) of this 24876  
section, "parent" means either parent, unless the parents are 24877  
separated or divorced or their marriage has been dissolved or 24878  
annulled, in which case "parent" means the parent who is the 24879  
residential parent and legal custodian of the child. When a 24880  
child is in the legal custody of a government agency or a person 24881  
other than the child's natural or adoptive parent, "parent" 24882

means the parent with residual parental rights, privileges, and responsibilities. When a child is in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and be the legal custodian of the child and all residual parental rights, privileges, and responsibilities.

(b) When a child is the subject of a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code, "parent" means the grandparent designated as attorney in fact under the power of attorney. When a child is the subject of a caretaker authorization affidavit executed under sections 3109.64 to 3109.73 of the Revised Code, "parent" means the grandparent that executed the affidavit.

(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.

(4) Except as used in division (C) (2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.

(b) The home is operated by a person who is licensed, 24912  
certified, or approved by the state to operate the home for such 24913  
purpose. 24914

(c) The home accepted the child through a placement by a 24915  
person licensed, certified, or approved to place a child in such 24916  
a home by the state. 24917

(d) The home is a children's home created under section 24918  
5153.21 or 5153.36 of the Revised Code. 24919

(5) "Agency" means all of the following: 24920

(a) A public children services agency; 24921

(b) An organization that holds a certificate issued by the 24922  
Ohio department of job and family services in accordance with 24923  
the requirements of section 5103.03 of the Revised Code and 24924  
assumes temporary or permanent custody of children through 24925  
commitment, agreement, or surrender, and places children in 24926  
family homes for the purpose of adoption; 24927

(c) Comparable agencies of other states or countries that 24928  
have complied with applicable requirements of section 2151.39 of 24929  
the Revised Code or as applicable, sections 5103.20 to 5103.22 24930  
or 5103.23 to 5103.237 of the Revised Code. 24931

(6) A child is placed for adoption if either of the 24932  
following occurs: 24933

(a) An agency to which the child has been permanently 24934  
committed or surrendered enters into an agreement with a person 24935  
pursuant to section 5103.16 of the Revised Code for the care and 24936  
adoption of the child. 24937

(b) The child's natural parent places the child pursuant 24938  
to section 5103.16 of the Revised Code with a person who will 24939

care for and adopt the child.	24940
(7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code.	24941 24942
(8) "Child," unless otherwise indicated, includes preschool children with disabilities.	24943 24944
(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.	24945 24946 24947 24948
(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division.	24949 24950 24951 24952 24953
(1) A child shall be admitted to the schools of the school district in which the child's parent resides.	24954 24955
(2) Except as provided in division (B) of section 2151.362 and section 3317.30 of the Revised Code, a child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:	24956 24957 24958 24959 24960
(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent.	24961 24962 24963
(b) The child resides in a home.	24964
(c) The child requires special education.	24965
(3) A child who is not entitled under division (B) (2) of	24966

this section to be admitted to the schools of the district where 24967  
the child resides and who is residing with a resident of this 24968  
state with whom the child has been placed for adoption shall be 24969  
admitted to the schools of the district where the child resides 24970  
unless either of the following applies: 24971

(a) The placement for adoption has been terminated. 24972

(b) Another school district is required to admit the child 24973  
under division (B) (1) of this section. 24974

Division (B) of this section does not prohibit the board 24975  
of education of a school district from placing a child with a 24976  
disability who resides in the district in a special education 24977  
program outside of the district or its schools in compliance 24978  
with Chapter 3323. of the Revised Code. 24979

(C) A district shall not charge tuition for children 24980  
admitted under division (B) (1) or (3) of this section. If the 24981  
district admits a child under division (B) (2) of this section, 24982  
tuition shall be paid to the district that admits the child as 24983  
provided in divisions (C) (1) to (3) of this section, unless 24984  
division (C) (4) of this section applies to the child: 24985

(1) If the child receives special education in accordance 24986  
with Chapter 3323. of the Revised Code, the school district of 24987  
residence, as defined in section 3323.01 of the Revised Code, 24988  
shall pay tuition for the child in accordance with section 24989  
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 24990  
regardless of who has custody of the child or whether the child 24991  
resides in a home. 24992

(2) For a child that does not receive special education in 24993  
accordance with Chapter 3323. of the Revised Code, except as 24994  
otherwise provided in division (C) (2) (d) of this section, if the 24995

child is in the permanent or legal custody of a government 24996  
agency or person other than the child's parent, tuition shall be 24997  
paid by: 24998

(a) The district in which the child's parent resided at 24999  
the time the court removed the child from home or at the time 25000  
the court vested legal or permanent custody of the child in the 25001  
person or government agency, whichever occurred first; 25002

(b) If the parent's residence at the time the court 25003  
removed the child from home or placed the child in the legal or 25004  
permanent custody of the person or government agency is unknown, 25005  
tuition shall be paid by the district in which the child resided 25006  
at the time the child was removed from home or placed in legal 25007  
or permanent custody, whichever occurred first; 25008

(c) If a school district cannot be established under 25009  
division (C) (2) (a) or (b) of this section, tuition shall be paid 25010  
by the district determined as required by section 2151.362 of 25011  
the Revised Code by the court at the time it vests custody of 25012  
the child in the person or government agency; 25013

(d) If at the time the court removed the child from home 25014  
or vested legal or permanent custody of the child in the person 25015  
or government agency, whichever occurred first, one parent was 25016  
in a residential or correctional facility or a juvenile 25017  
residential placement and the other parent, if living and not in 25018  
such a facility or placement, was not known to reside in this 25019  
state, tuition shall be paid by the district determined under 25020  
division (D) of section 3313.65 of the Revised Code as the 25021  
district required to pay any tuition while the parent was in 25022  
such facility or placement; 25023

(e) If the department of ~~education~~ learning and 25024

achievement has determined, pursuant to division (A) (2) of 25025  
section 2151.362 of the Revised Code, that a school district 25026  
other than the one named in the court's initial order, or in a 25027  
prior determination of the department, is responsible to bear 25028  
the cost of educating the child, the district so determined 25029  
shall be responsible for that cost. 25030

(3) If the child is not in the permanent or legal custody 25031  
of a government agency or person other than the child's parent 25032  
and the child resides in a home, tuition shall be paid by one of 25033  
the following: 25034

(a) The school district in which the child's parent 25035  
resides; 25036

(b) If the child's parent is not a resident of this state, 25037  
the home in which the child resides. 25038

(4) Division (C) (4) of this section applies to any child 25039  
who is admitted to a school district under division (B) (2) of 25040  
this section, resides in a home that is not a foster home, a 25041  
home maintained by the department of youth services, a detention 25042  
facility established under section 2152.41 of the Revised Code, 25043  
or a juvenile facility established under section 2151.65 of the 25044  
Revised Code, and receives educational services at the home or 25045  
facility in which the child resides pursuant to a contract 25046  
between the home or facility and the school district providing 25047  
those services. 25048

If a child to whom division (C) (4) of this section applies 25049  
is a special education student, a district may choose whether to 25050  
receive a tuition payment for that child under division (C) (4) 25051  
of this section or to receive a payment for that child under 25052  
section 3323.14 of the Revised Code. If a district chooses to 25053

receive a payment for that child under section 3323.14 of the Revised Code, it shall not receive a tuition payment for that child under division (C)(4) of this section.

If a child to whom division (C)(4) of this section applies is not a special education student, a district shall receive a tuition payment for that child under division (C)(4) of this section.

In the case of a child to which division (C)(4) of this section applies, the total educational cost to be paid for the child shall be determined by a formula approved by the department of ~~education~~ learning and achievement, which formula shall be designed to calculate a per diem cost for the educational services provided to the child for each day the child is served and shall reflect the total actual cost incurred in providing those services. The department shall certify the total educational cost to be paid for the child to both the school district providing the educational services and, if different, the school district that is responsible to pay tuition for the child. The department shall deduct the certified amount from the state basic aid funds payable under Chapter 3317. of the Revised Code to the district responsible to pay tuition and shall pay that amount to the district providing the educational services to the child.

(D) Tuition required to be paid under divisions (C)(2) and (3)(a) of this section shall be computed in accordance with section 3317.08 of the Revised Code. Tuition required to be paid under division (C)(3)(b) of this section shall be computed in accordance with section 3317.081 of the Revised Code. If a home fails to pay the tuition required by division (C)(3)(b) of this section, the board of education providing the education may

recover in a civil action the tuition and the expenses incurred 25084  
in prosecuting the action, including court costs and reasonable 25085  
attorney's fees. If the prosecuting attorney or city director of 25086  
law represents the board in such action, costs and reasonable 25087  
attorney's fees awarded by the court, based upon the prosecuting 25088  
attorney's, director's, or one of their designee's time spent 25089  
preparing and presenting the case, shall be deposited in the 25090  
county or city general fund. 25091

(E) A board of education may enroll a child free of any 25092  
tuition obligation for a period not to exceed sixty days, on the 25093  
sworn statement of an adult resident of the district that the 25094  
resident has initiated legal proceedings for custody of the 25095  
child. 25096

(F) In the case of any individual entitled to attend 25097  
school under this division, no tuition shall be charged by the 25098  
school district of attendance and no other school district shall 25099  
be required to pay tuition for the individual's attendance. 25100  
Notwithstanding division (B), (C), or (E) of this section: 25101

(1) All persons at least eighteen but under twenty-two 25102  
years of age who live apart from their parents, support 25103  
themselves by their own labor, and have not successfully 25104  
completed the high school curriculum or the individualized 25105  
education program developed for the person by the high school 25106  
pursuant to section 3323.08 of the Revised Code, are entitled to 25107  
attend school in the district in which they reside. 25108

(2) Any child under eighteen years of age who is married 25109  
is entitled to attend school in the child's district of 25110  
residence. 25111

(3) A child is entitled to attend school in the district 25112

in which either of the child's parents is employed if the child 25113  
has a medical condition that may require emergency medical 25114  
attention. The parent of a child entitled to attend school under 25115  
division (F) (3) of this section shall submit to the board of 25116  
education of the district in which the parent is employed a 25117  
statement from the child's physician certifying that the child's 25118  
medical condition may require emergency medical attention. The 25119  
statement shall be supported by such other evidence as the board 25120  
may require. 25121

(4) Any child residing with a person other than the 25122  
child's parent is entitled, for a period not to exceed twelve 25123  
months, to attend school in the district in which that person 25124  
resides if the child's parent files an affidavit with the 25125  
superintendent of the district in which the person with whom the 25126  
child is living resides stating all of the following: 25127

(a) That the parent is serving outside of the state in the 25128  
armed services of the United States; 25129

(b) That the parent intends to reside in the district upon 25130  
returning to this state; 25131

(c) The name and address of the person with whom the child 25132  
is living while the parent is outside the state. 25133

(5) Any child under the age of twenty-two years who, after 25134  
the death of a parent, resides in a school district other than 25135  
the district in which the child attended school at the time of 25136  
the parent's death is entitled to continue to attend school in 25137  
the district in which the child attended school at the time of 25138  
the parent's death for the remainder of the school year, subject 25139  
to approval of that district board. 25140

(6) A child under the age of twenty-two years who resides 25141

with a parent who is having a new house built in a school 25142  
district outside the district where the parent is residing is 25143  
entitled to attend school for a period of time in the district 25144  
where the new house is being built. In order to be entitled to 25145  
such attendance, the parent shall provide the district 25146  
superintendent with the following: 25147

(a) A sworn statement explaining the situation, revealing 25148  
the location of the house being built, and stating the parent's 25149  
intention to reside there upon its completion; 25150

(b) A statement from the builder confirming that a new 25151  
house is being built for the parent and that the house is at the 25152  
location indicated in the parent's statement. 25153

(7) A child under the age of twenty-two years residing 25154  
with a parent who has a contract to purchase a house in a school 25155  
district outside the district where the parent is residing and 25156  
who is waiting upon the date of closing of the mortgage loan for 25157  
the purchase of such house is entitled to attend school for a 25158  
period of time in the district where the house is being 25159  
purchased. In order to be entitled to such attendance, the 25160  
parent shall provide the district superintendent with the 25161  
following: 25162

(a) A sworn statement explaining the situation, revealing 25163  
the location of the house being purchased, and stating the 25164  
parent's intent to reside there; 25165

(b) A statement from a real estate broker or bank officer 25166  
confirming that the parent has a contract to purchase the house, 25167  
that the parent is waiting upon the date of closing of the 25168  
mortgage loan, and that the house is at the location indicated 25169  
in the parent's statement. 25170

The district superintendent shall establish a period of 25171  
time not to exceed ninety days during which the child entitled 25172  
to attend school under division (F) (6) or (7) of this section 25173  
may attend without tuition obligation. A student attending a 25174  
school under division (F) (6) or (7) of this section shall be 25175  
eligible to participate in interscholastic athletics under the 25176  
auspices of that school, provided the board of education of the 25177  
school district where the student's parent resides, by a formal 25178  
action, releases the student to participate in interscholastic 25179  
athletics at the school where the student is attending, and 25180  
provided the student receives any authorization required by a 25181  
public agency or private organization of which the school 25182  
district is a member exercising authority over interscholastic 25183  
sports. 25184

(8) A child whose parent is a full-time employee of a 25185  
city, local, or exempted village school district, or of an 25186  
educational service center, may be admitted to the schools of 25187  
the district where the child's parent is employed, or in the 25188  
case of a child whose parent is employed by an educational 25189  
service center, in the district that serves the location where 25190  
the parent's job is primarily located, provided the district 25191  
board of education establishes such an admission policy by 25192  
resolution adopted by a majority of its members. Any such policy 25193  
shall take effect on the first day of the school year and the 25194  
effective date of any amendment or repeal may not be prior to 25195  
the first day of the subsequent school year. The policy shall be 25196  
uniformly applied to all such children and shall provide for the 25197  
admission of any such child upon request of the parent. No child 25198  
may be admitted under this policy after the first day of classes 25199  
of any school year. 25200

(9) A child who is with the child's parent under the care 25201

of a shelter for victims of domestic violence, as defined in 25202  
section 3113.33 of the Revised Code, is entitled to attend 25203  
school free in the district in which the child is with the 25204  
child's parent, and no other school district shall be required 25205  
to pay tuition for the child's attendance in that school 25206  
district. 25207

The enrollment of a child in a school district under this 25208  
division shall not be denied due to a delay in the school 25209  
district's receipt of any records required under section 25210  
3313.672 of the Revised Code or any other records required for 25211  
enrollment. Any days of attendance and any credits earned by a 25212  
child while enrolled in a school district under this division 25213  
shall be transferred to and accepted by any school district in 25214  
which the child subsequently enrolls. The ~~state board of~~ 25215  
~~education department of learning and achievement~~ shall adopt 25216  
rules to ensure compliance with this division. 25217

(10) Any child under the age of twenty-two years whose 25218  
parent has moved out of the school district after the 25219  
commencement of classes in the child's senior year of high 25220  
school is entitled, subject to the approval of that district 25221  
board, to attend school in the district in which the child 25222  
attended school at the time of the parental move for the 25223  
remainder of the school year and for one additional semester or 25224  
equivalent term. A district board may also adopt a policy 25225  
specifying extenuating circumstances under which a student may 25226  
continue to attend school under division (F)(10) of this section 25227  
for an additional period of time in order to successfully 25228  
complete the high school curriculum for the individualized 25229  
education program developed for the student by the high school 25230  
pursuant to section 3323.08 of the Revised Code. 25231

(11) As used in this division, "grandparent" means a parent of a parent of a child. A child under the age of twenty-two years who is in the custody of the child's parent, resides with a grandparent, and does not require special education is entitled to attend the schools of the district in which the child's grandparent resides, provided that, prior to such attendance in any school year, the board of education of the school district in which the child's grandparent resides and the board of education of the school district in which the child's parent resides enter into a written agreement specifying that good cause exists for such attendance, describing the nature of this good cause, and consenting to such attendance.

In lieu of a consent form signed by a parent, a board of education may request the grandparent of a child attending school in the district in which the grandparent resides pursuant to division (F) (11) of this section to complete any consent form required by the district, including any authorization required by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised Code. Upon request, the grandparent shall complete any consent form required by the district. A school district shall not incur any liability solely because of its receipt of a consent form from a grandparent in lieu of a parent.

Division (F) (11) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a school district, a member of a board of education, or an employee of a school district. This section does not affect, and shall not be construed as affecting, any immunities from defenses to tort liability created or recognized by Chapter 2744. of the Revised Code for a school district, member, or employee.

(12) A child under the age of twenty-two years is entitled 25262  
to attend school in a school district other than the district in 25263  
which the child is entitled to attend school under division (B), 25264  
(C), or (E) of this section provided that, prior to such 25265  
attendance in any school year, both of the following occur: 25266

(a) The superintendent of the district in which the child 25267  
is entitled to attend school under division (B), (C), or (E) of 25268  
this section contacts the superintendent of another district for 25269  
purposes of this division; 25270

(b) The superintendents of both districts enter into a 25271  
written agreement that consents to the attendance and specifies 25272  
that the purpose of such attendance is to protect the student's 25273  
physical or mental well-being or to deal with other extenuating 25274  
circumstances deemed appropriate by the superintendents. 25275

While an agreement is in effect under this division for a 25276  
student who is not receiving special education under Chapter 25277  
3323. of the Revised Code and notwithstanding Chapter 3327. of 25278  
the Revised Code, the board of education of neither school 25279  
district involved in the agreement is required to provide 25280  
transportation for the student to and from the school where the 25281  
student attends. 25282

A student attending a school of a district pursuant to 25283  
this division shall be allowed to participate in all student 25284  
activities, including interscholastic athletics, at the school 25285  
where the student is attending on the same basis as any student 25286  
who has always attended the schools of that district while of 25287  
compulsory school age. 25288

(13) All school districts shall comply with the "McKinney- 25289  
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 25290

the education of homeless children. Each city, local, and 25291  
exempted village school district shall comply with the 25292  
requirements of that act governing the provision of a free, 25293  
appropriate public education, including public preschool, to 25294  
each homeless child. 25295

When a child loses permanent housing and becomes a 25296  
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 25297  
child who is such a homeless person changes temporary living 25298  
arrangements, the child's parent or guardian shall have the 25299  
option of enrolling the child in either of the following: 25300

(a) The child's school of origin, as defined in 42 25301  
U.S.C.A. 11432(g) (3) (C); 25302

(b) The school that is operated by the school district in 25303  
which the shelter where the child currently resides is located 25304  
and that serves the geographic area in which the shelter is 25305  
located. 25306

(14) A child under the age of twenty-two years who resides 25307  
with a person other than the child's parent is entitled to 25308  
attend school in the school district in which that person 25309  
resides if both of the following apply: 25310

(a) That person has been appointed, through a military 25311  
power of attorney executed under section 574(a) of the "National 25312  
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 25313  
(1993), 10 U.S.C. 1044b, or through a comparable document 25314  
necessary to complete a family care plan, as the parent's agent 25315  
for the care, custody, and control of the child while the parent 25316  
is on active duty as a member of the national guard or a reserve 25317  
unit of the armed forces of the United States or because the 25318  
parent is a member of the armed forces of the United States and 25319

is on a duty assignment away from the parent's residence. 25320

(b) The military power of attorney or comparable document 25321  
includes at least the authority to enroll the child in school. 25322

The entitlement to attend school in the district in which 25323  
the parent's agent under the military power of attorney or 25324  
comparable document resides applies until the end of the school 25325  
year in which the military power of attorney or comparable 25326  
document expires. 25327

(G) A board of education, after approving admission, may 25328  
waive tuition for students who will temporarily reside in the 25329  
district and who are either of the following: 25330

(1) Residents or domiciliaries of a foreign nation who 25331  
request admission as foreign exchange students; 25332

(2) Residents or domiciliaries of the United States but 25333  
not of Ohio who request admission as participants in an exchange 25334  
program operated by a student exchange organization. 25335

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 25336  
3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 25337  
attend school or participate in a special education program in a 25338  
school district other than in the district where the child is 25339  
entitled to attend school under division (B) of this section. 25340

(I) (1) Notwithstanding anything to the contrary in this 25341  
section or section 3313.65 of the Revised Code, a child under 25342  
twenty-two years of age may attend school in the school district 25343  
in which the child, at the end of the first full week of October 25344  
of the school year, was entitled to attend school as otherwise 25345  
provided under this section or section 3313.65 of the Revised 25346  
Code, if at that time the child was enrolled in the schools of 25347  
the district but since that time the child or the child's parent 25348

has relocated to a new address located outside of that school district and within the same county as the child's or parent's address immediately prior to the relocation. The child may continue to attend school in the district, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year. Division (I)(1) of this section applies only if both of the following conditions are satisfied:

(a) The board of education of the school district in which the child was entitled to attend school at the end of the first full week in October and of the district to which the child or child's parent has relocated each has adopted a policy to enroll children described in division (I)(1) of this section.

(b) The child's parent provides written notification of the relocation outside of the school district to the superintendent of each of the two school districts.

(2) At the beginning of the school year following the school year in which the child or the child's parent relocated outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

(4) A pupil who may attend school in the district under 25378  
division (I)(1) of this section shall be entitled to 25379  
transportation services pursuant to an agreement between the 25380  
district and the district in which the child or child's parent 25381  
has relocated unless the districts have not entered into such 25382  
agreement, in which case the child shall be entitled to 25383  
transportation services in the same manner as a pupil attending 25384  
school in the district under interdistrict open enrollment as 25385  
described in division (H) of section 3313.981 of the Revised 25386  
Code, regardless of whether the district has adopted an open 25387  
enrollment policy as described in division (B)(1)(b) or (c) of 25388  
section 3313.98 of the Revised Code. 25389

(J) This division does not apply to a child receiving 25390  
special education. 25391

A school district required to pay tuition pursuant to 25392  
division (C)(2) or (3) of this section or section 3313.65 of the 25393  
Revised Code shall have an amount deducted under division (C) of 25394  
section 3317.023 of the Revised Code equal to its own tuition 25395  
rate for the same period of attendance. A school district 25396  
entitled to receive tuition pursuant to division (C)(2) or (3) 25397  
of this section or section 3313.65 of the Revised Code shall 25398  
have an amount credited under division (C) of section 3317.023 25399  
of the Revised Code equal to its own tuition rate for the same 25400  
period of attendance. If the tuition rate credited to the 25401  
district of attendance exceeds the rate deducted from the 25402  
district required to pay tuition, the department of ~~education~~ 25403  
learning and achievement shall pay the district of attendance 25404  
the difference from amounts deducted from all districts' 25405  
payments under division (C) of section 3317.023 of the Revised 25406  
Code but not credited to other school districts under such 25407  
division and from appropriations made for such purpose. The 25408

treasurer of each school district shall, by the fifteenth day of 25409  
January and July, furnish the ~~superintendent of public~~ 25410  
~~instruction department~~ a report of the names of each child who 25411  
attended the district's schools under divisions (C) (2) and (3) 25412  
of this section or section 3313.65 of the Revised Code during 25413  
the preceding six calendar months, the duration of the 25414  
attendance of those children, the school district responsible 25415  
for tuition on behalf of the child, and any other information 25416  
that the superintendent requires. 25417

Upon receipt of the report the ~~superintendent~~ department, 25418  
pursuant to division (C) of section 3317.023 of the Revised 25419  
Code, shall deduct each district's tuition obligations under 25420  
divisions (C) (2) and (3) of this section or section 3313.65 of 25421  
the Revised Code and pay to the district of attendance that 25422  
amount plus any amount required to be paid by the state. 25423

(K) In the event of a disagreement, the superintendent of 25424  
public instruction shall determine the school district in which 25425  
the parent resides. 25426

(L) Nothing in this section requires or authorizes, or 25427  
shall be construed to require or authorize, the admission to a 25428  
public school in this state of a pupil who has been permanently 25429  
excluded from public school attendance by the superintendent of 25430  
public instruction pursuant to sections 3301.121 and 3313.662 of 25431  
the Revised Code. 25432

(M) In accordance with division (B) (1) of this section, a 25433  
child whose parent is a member of the national guard or a 25434  
reserve unit of the armed forces of the United States and is 25435  
called to active duty, or a child whose parent is a member of 25436  
the armed forces of the United States and is ordered to a 25437  
temporary duty assignment outside of the district, may continue 25438

to attend school in the district in which the child's parent 25439  
lived before being called to active duty or ordered to a 25440  
temporary duty assignment outside of the district, as long as 25441  
the child's parent continues to be a resident of that district, 25442  
and regardless of where the child lives as a result of the 25443  
parent's active duty status or temporary duty assignment. 25444  
However, the district is not responsible for providing 25445  
transportation for the child if the child lives outside of the 25446  
district as a result of the parent's active duty status or 25447  
temporary duty assignment. 25448

**Sec. 3313.643.** Every student and teacher of a school, 25449  
college, or other educational institution shall wear industrial 25450  
quality eye protective devices at all times while participating 25451  
in or observing any of the following courses: 25452

(A) Vocational, technical, industrial arts, fine arts, 25453  
chemical, physical, or combined chemical-physical educational 25454  
activities, involving exposure to: 25455

(1) Hot molten metals or other molten materials; 25456

(2) Milling, sawing, drilling, turning, shaping, cutting, 25457  
grinding, buffing, or stamping of any solid materials; 25458

(3) Heat treatment, tempering, or kiln firing of any metal 25459  
or other materials; 25460

(4) Gas or electric arc welding or other forms of welding 25461  
processes; 25462

(5) Repair or servicing of any vehicle; 25463

(6) Caustic or explosive materials; 25464

(B) Chemical, physical, or combined chemical-physical 25465  
laboratories involving caustic or explosive materials, hot 25466

liquids or solids, injurious radiations, or other hazards. 25467

Such devices may be furnished for all students and 25468  
teachers, purchased and sold at cost to students and teachers, 25469  
or made available for a moderate rental fee, and shall be 25470  
furnished for all visitors to such shops and laboratories. 25471

~~The superintendent of public instruction~~ department of 25472  
learning and achievement, or any other appropriate educational 25473  
authority designated by the ~~superintendent~~ department, shall 25474  
prepare and circulate to each public and private educational 25475  
institution in this state instructions and recommendations for 25476  
implementing the eye safety provisions of this section. The 25477  
bureau of workers' compensation shall ensure compliance with 25478  
this section. 25479

"Industrial quality eye protective devices" as used in 25480  
this section, means devices meeting the standards of the 25481  
American national standard practice for occupational and 25482  
educational eye and face protection, Z87.1-1968, approved by the 25483  
American national standards institute, inc., and subsequent 25484  
revisions thereof, provided such revisions are approved and 25485  
adopted by the industrial commission. 25486

**Sec. 3313.644.** The board of education of any school 25487  
district may contract with the state department of ~~education~~ 25488  
learning and achievement or other state agency or with any 25489  
agency of the federal government for the education or training 25490  
of out-of-school youth or adults regardless of their place of 25491  
residence. The board of education may permit the attendance, 25492  
under such contract, of such students or trainees who are not 25493  
residents of the school district only if the contract provides 25494  
for the reimbursement to the school district of the entire 25495  
actual cost of educating or training such nonresident students 25496

or trainees and regardless of the ratio of nonresident students 25497  
or trainees to resident students or trainees. 25498

**Sec. 3313.645.** A board of education may admit to the 25499  
schools of its district, free of any tuition obligation, any 25500  
resident of the district not otherwise eligible to be admitted 25501  
who meets criteria established by the ~~state board of education~~ 25502  
department of learning and achievement. The ~~state board~~ 25503  
department shall adopt rules establishing criteria for the 25504  
admission of persons to schools under this division. The rules 25505  
may authorize restrictions or limitations on the classes or 25506  
programs in which such persons may participate. 25507

For participation in vocational education programs the 25508  
district operates or participates in pursuant to sections 25509  
3313.90 and 3313.91 of the Revised Code, a board of education 25510  
may admit the following individuals to the schools of its 25511  
district free of any tuition obligation and without regard to 25512  
age: 25513

(A) Any resident to the district who has successfully 25514  
completed the individualized education program developed for the 25515  
person by any high school pursuant to section 3323.08 of the 25516  
Revised Code; 25517

(B) Any person employed by the district in a position for 25518  
which a license issued by the state board of education under 25519  
section 3319.22 to 3319.31 of the Revised Code is not required 25520  
who seeks admission to a class or program related to the 25521  
person's position and is authorized by the district's 25522  
superintendent to be admitted to the class or program. The 25523  
superintendent shall determine whether the class or program is 25524  
related to the employee's position. 25525

**Sec. 3313.646.** (A) The board of education of a school 25526  
district, except a cooperative education district established 25527  
pursuant to section 3311.521 of the Revised Code, may establish 25528  
and operate a program to provide services to preschool-age 25529  
children, provided the board has demonstrated a need for the 25530  
program. A board may use school funds in support of preschool 25531  
programs. The board shall maintain, operate, and admit children 25532  
to any such program pursuant to rules adopted by such board and 25533  
the rules of the ~~state board of education~~ department of learning 25534  
and achievement adopted under sections 3301.52 to 3301.57 of the 25535  
Revised Code. 25536

A board of education may establish fees or tuition, which 25537  
may be graduated in proportion to family income, for 25538  
participation in a preschool program. In cases where payment of 25539  
fees or tuition would create a hardship for the child's parent 25540  
or guardian, the board may waive any such fees or tuition. 25541

(B) No board of education that is not receiving funds 25542  
under the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 25543  
9831, on March 17, 1989, shall compete for funds under the "Head 25544  
Start Act" with any grantee receiving funds under that act. 25545

(C) A board of education may contract with any of the 25546  
following preschool providers to provide services to preschool- 25547  
age children, other than those services for which the district 25548  
is eligible to receive funding under section 3317.0213 of the 25549  
Revised Code: 25550

(1) Any organization receiving funds under the "Head Start 25551  
Act"; 25552

(2) Any nonsectarian eligible nonpublic school as defined 25553  
in division (H) of section 3301.52 of the Revised Code; 25554

(3) Any child care provider licensed under Chapter 5104. 25555  
of the Revised Code. 25556

Boards may contract to provide services to preschool-age 25557  
children only with such organizations whose staff meet the 25558  
requirements of rules adopted under section 3301.53 of the 25559  
Revised Code or those of the child development associate 25560  
credential established by the national association for the 25561  
education of young children. 25562

(D) A contract entered into under division (C) of this 25563  
section may provide for the board of education to lease school 25564  
facilities to the preschool provider or to furnish 25565  
transportation, utilities, or staff for the preschool program. 25566

(E) The treasurer of any board of education operating a 25567  
preschool program pursuant to this section shall keep an account 25568  
of all funds used to operate the program in the same manner as 25569  
the treasurer would any other funds of the district pursuant to 25570  
this chapter. 25571

**Sec. 3313.647.** As used in this division, "graduate" means 25572  
a person who has received a diploma from a district pursuant to 25573  
section 3313.61 of the Revised Code. 25574

Pursuant to rules adopted by the ~~state board of education~~ 25575  
department of learning and achievement, a city, local, exempted 25576  
village, or joint vocational school district may establish a 25577  
policy guaranteeing a specific level of competency of certain 25578  
graduates of the district. The guarantee policy shall specify 25579  
that any graduate meeting specified criteria established by the 25580  
board is capable of performing specified functions at a level 25581  
established in the policy. Any employer or potential employer of 25582  
a graduate who is guaranteed under such a policy may submit a 25583

written statement to the board of education stating the 25584  
guaranteed graduate of its district does not meet the level of 25585  
competency specified in the district's guarantee policy. Upon 25586  
receipt of such statement the board of education shall provide 25587  
an opportunity for additional education to the graduate, 25588  
regardless of the graduate's age or place of residence, until 25589  
such individual attains the competency level specified in the 25590  
policy. No fee shall be charged to any person or government 25591  
entity for such additional education. A school board may expend 25592  
school funds for a guarantee program; however, no student 25593  
participating in the program shall be included in the formula 25594  
ADM of the district as determined under section 3317.03 of the 25595  
Revised Code or included as a participant in any other program, 25596  
if such inclusion would result in additional state funds to the 25597  
school district. 25598

The ~~state board of education~~ department of learning and 25599  
achievement shall adopt rules for the adoption of a policy under 25600  
this section and for the additional education program described 25601  
under this section. 25602

**Sec. 3313.6410.** This section applies to any school that is 25603  
operated by a school district and in which the enrolled students 25604  
work primarily on assignments in nonclassroom-based learning 25605  
opportunities provided via an internet- or other computer-based 25606  
instructional method. 25607

(A) Any school to which this section applies shall 25608  
withdraw from the school any student who, for two consecutive 25609  
school years of enrollment in the school, has failed to 25610  
participate in the spring administration of any assessment 25611  
prescribed under section 3301.0710 or 3301.0712 of the Revised 25612  
Code for the student's grade level and was not excused from the 25613

assessment pursuant to division (C) (1) or (3) of section 25614  
3301.0711 of the Revised Code, regardless of whether a waiver 25615  
was granted for the student under division (E) of section 25616  
3317.03 of the Revised Code. The school shall report any such 25617  
student's data verification code, as assigned pursuant to 25618  
section 3301.0714 of the Revised Code, to the department of 25619  
~~education-learning and achievement~~ to be added to the list 25620  
maintained by the department under section 3314.26 of the 25621  
Revised Code. 25622

(B) No school to which this section applies shall receive 25623  
any state funds under Chapter 3317. of the Revised Code for any 25624  
enrolled student whose data verification code appears on the 25625  
list maintained by the department under section 3314.26 of the 25626  
Revised Code. Notwithstanding any provision of the Revised Code 25627  
to the contrary, the parent of any such student shall pay 25628  
tuition to the school district that operates the school in an 25629  
amount equal to the state funds the district otherwise would 25630  
receive for that student, as determined by the department. A 25631  
school to which this section applies may withdraw any student 25632  
for whom the parent does not pay tuition as required by this 25633  
division. 25634

**Sec. 3313.662.** (A) The superintendent of public 25635  
instruction, pursuant to this section and the adjudication 25636  
procedures of section 3301.121 of the Revised Code, may issue an 25637  
adjudication order that permanently excludes a pupil from 25638  
attending any of the public schools of this state if the pupil 25639  
is convicted of, or adjudicated a delinquent child for, 25640  
committing, when the pupil was sixteen years of age or older, an 25641  
act that would be a criminal offense if committed by an adult 25642  
and if the act is any of the following: 25643

(1) A violation of section 2923.122 of the Revised Code;	25644
(2) A violation of section 2923.12 of the Revised Code, of a substantially similar municipal ordinance, or of section 2925.03 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district;	25645 25646 25647 25648 25649 25650
(3) A violation of section 2925.11 of the Revised Code, other than a violation of that section that would be a minor drug possession offense, that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of a city, local, exempted village, or joint vocational school district;	25651 25652 25653 25654 25655 25656
(4) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former section 2907.12 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district, if the victim at the time of the commission of the act was an employee of that board of education;	25657 25658 25659 25660 25661 25662 25663 25664
(5) Complicity in any violation described in division (A) (1), (2), (3), or (4) of this section that was alleged to have been committed in the manner described in division (A)(1), (2), (3), or (4) of this section, regardless of whether the act of complicity was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district.	25665 25666 25667 25668 25669 25670 25671 25672

(B) A pupil may be suspended or expelled in accordance 25673  
with section 3313.66 of the Revised Code prior to being 25674  
permanently excluded from public school attendance under this 25675  
section and section 3301.121 of the Revised Code. 25676

(C) (1) If the superintendent of a city, local, exempted 25677  
village, or joint vocational school district in which a pupil 25678  
attends school obtains or receives proof that the pupil has been 25679  
convicted of committing when the pupil was sixteen years of age 25680  
or older a violation listed in division (A) of this section or 25681  
adjudicated a delinquent child for the commission when the pupil 25682  
was sixteen years of age or older of a violation listed in 25683  
division (A) of this section, the superintendent may issue to 25684  
the board of education of the school district a request that the 25685  
pupil be permanently excluded from public school attendance, if 25686  
both of the following apply: 25687

(a) After obtaining or receiving proof of the conviction 25688  
or adjudication, the superintendent or the superintendent's 25689  
designee determines that the pupil's continued attendance in 25690  
school may endanger the health and safety of other pupils or 25691  
school employees and gives the pupil and the pupil's parent, 25692  
guardian, or custodian written notice that the superintendent 25693  
intends to recommend to the board of education that the board 25694  
adopt a resolution requesting the superintendent of public 25695  
instruction to permanently exclude the pupil from public school 25696  
attendance. 25697

(b) The superintendent or the superintendent's designee 25698  
forwards to the board of education the superintendent's written 25699  
recommendation that includes the determinations the 25700  
superintendent or designee made pursuant to division (C) (1) (a) 25701  
of this section and a copy of the proof the superintendent 25702

received showing that the pupil has been convicted of or 25703  
adjudicated a delinquent child for a violation listed in 25704  
division (A) of this section that was committed when the pupil 25705  
was sixteen years of age or older. 25706

(2) Within fourteen days after receipt of a recommendation 25707  
from the superintendent pursuant to division (C) (1) (b) of this 25708  
section that a pupil be permanently excluded from public school 25709  
attendance, the board of education of a city, local, exempted 25710  
village, or joint vocational school district, after review and 25711  
consideration of all of the following available information, may 25712  
adopt a resolution requesting the superintendent of public 25713  
instruction to permanently exclude the pupil who is the subject 25714  
of the recommendation from public school attendance: 25715

(a) The academic record of the pupil and a record of any 25716  
extracurricular activities in which the pupil previously was 25717  
involved; 25718

(b) The disciplinary record of the pupil and any available 25719  
records of the pupil's prior behavioral problems other than the 25720  
behavioral problems contained in the disciplinary record; 25721

(c) The social history of the pupil; 25722

(d) The pupil's response to the imposition of prior 25723  
discipline and sanctions imposed for behavioral problems; 25724

(e) Evidence regarding the seriousness of and any 25725  
aggravating factors related to the offense that is the basis of 25726  
the resolution seeking permanent exclusion; 25727

(f) Any mitigating circumstances surrounding the offense 25728  
that gave rise to the request for permanent exclusion; 25729

(g) Evidence regarding the probable danger posed to the 25730

health and safety of other pupils or of school employees by the 25731  
continued presence of the pupil in a public school setting; 25732

(h) Evidence regarding the probable disruption of the 25733  
teaching of any school district's graded course of study by the 25734  
continued presence of the pupil in a public school setting; 25735

(i) Evidence regarding the availability of alternative 25736  
sanctions of a less serious nature than permanent exclusion that 25737  
would enable the pupil to remain in a public school setting 25738  
without posing a significant danger to the health and safety of 25739  
other pupils or of school employees and without posing a threat 25740  
of the disruption of the teaching of any district's graded 25741  
course of study. 25742

(3) If the board does not adopt a resolution requesting 25743  
the superintendent of public instruction to permanently exclude 25744  
the pupil, it immediately shall send written notice of that fact 25745  
to the superintendent who sought the resolution, to the pupil 25746  
who was the subject of the proposed resolution, and to that 25747  
pupil's parent, guardian, or custodian. 25748

(D) (1) Upon adoption of a resolution under division (C) of 25749  
this section, the board of education immediately shall forward 25750  
to the superintendent of public instruction the written 25751  
resolution, proof of the conviction or adjudication that is the 25752  
basis of the resolution, a copy of the pupil's entire school 25753  
record, and any other relevant information and shall forward a 25754  
copy of the resolution to the pupil who is the subject of the 25755  
recommendation and to that pupil's parent, guardian, or 25756  
custodian. 25757

(2) The board of education that adopted and forwarded the 25758  
resolution requesting the permanent exclusion of the pupil to 25759

the superintendent of public instruction promptly shall 25760  
designate a representative of the school district to present the 25761  
case for permanent exclusion to the superintendent or the 25762  
referee appointed by the superintendent. The representative of 25763  
the school district may be an attorney admitted to the practice 25764  
of law in this state. At the adjudication hearing held pursuant 25765  
to section 3301.121 of the Revised Code, the representative of 25766  
the school district shall present evidence in support of the 25767  
requested permanent exclusion. 25768

(3) Upon receipt of a board of education's resolution 25769  
requesting the permanent exclusion of a pupil from public school 25770  
attendance, the superintendent of public instruction, in 25771  
accordance with the adjudication procedures of section 3301.121 25772  
of the Revised Code, promptly shall issue an adjudication order 25773  
that either permanently excludes the pupil from attending any of 25774  
the public schools of this state or that rejects the resolution 25775  
of the board of education. 25776

(E) Notwithstanding any provision of section 3313.64 of 25777  
the Revised Code or an order of any court of this state that 25778  
otherwise requires the admission of the pupil to a school, no 25779  
school official in a city, local, exempted village, or joint 25780  
vocational school district knowingly shall admit to any school 25781  
in the school district a pupil who has been permanently excluded 25782  
from public school attendance by the superintendent of public 25783  
instruction. 25784

(F) (1) (a) Upon determining that the school attendance of a 25785  
pupil who has been permanently excluded from public school 25786  
attendance no longer will endanger the health and safety of 25787  
other students or school employees, the superintendent of any 25788  
city, local, exempted village, or joint vocational school 25789

district in which the pupil desires to attend school may issue 25790  
to the board of education of the school district a 25791  
recommendation, including the reasons for the recommendation, 25792  
that the permanent exclusion of a pupil be revoked and the pupil 25793  
be allowed to return to the public schools of the state. 25794

If any violation which in whole or in part gave rise to 25795  
the permanent exclusion of any pupil involved the pupil's 25796  
bringing a firearm to a school operated by the board of 25797  
education of a school district or onto any other property owned 25798  
or operated by such a board, no superintendent shall recommend 25799  
under this division an effective date for the revocation of the 25800  
pupil's permanent exclusion that is less than one year after the 25801  
date on which the last such firearm incident occurred. However, 25802  
on a case-by-case basis, a superintendent may recommend an 25803  
earlier effective date for such a revocation for any of the 25804  
reasons for which the superintendent may reduce the one-year 25805  
expulsion requirement in division (B) (2) of section 3313.66 of 25806  
the Revised Code. 25807

(b) Upon receipt of the recommendation of the 25808  
superintendent that a permanent exclusion of a pupil be revoked, 25809  
the board of education of a city, local, exempted village, or 25810  
joint vocational school district may adopt a resolution by a 25811  
majority vote of its members requesting the superintendent of 25812  
public instruction to revoke the permanent exclusion of the 25813  
pupil. Upon adoption of the resolution, the board of education 25814  
shall forward a copy of the resolution, the reasons for the 25815  
resolution, and any other relevant information to the 25816  
superintendent of public instruction. 25817

(c) Upon receipt of a resolution of a board of education 25818  
requesting the revocation of a permanent exclusion of a pupil, 25819

the superintendent of public instruction, in accordance with the 25820  
adjudication procedures of Chapter 119. of the Revised Code, 25821  
shall issue an adjudication order that revokes the permanent 25822  
exclusion of the pupil from public school attendance or that 25823  
rejects the resolution of the board of education. 25824

(2) (a) A pupil who has been permanently excluded pursuant 25825  
to this section and section 3301.121 of the Revised Code may 25826  
request the superintendent of any city, local, exempted village, 25827  
or joint vocational school district in which the pupil desires 25828  
to attend school to admit the pupil on a probationary basis for 25829  
a period not to exceed ninety school days. Upon receiving the 25830  
request, the superintendent may enter into discussions with the 25831  
pupil and with the pupil's parent, guardian, or custodian or a 25832  
person designated by the pupil's parent, guardian, or custodian 25833  
to develop a probationary admission plan designed to assist the 25834  
pupil's probationary admission to the school. The plan may 25835  
include a treatment program, a behavioral modification program, 25836  
or any other program reasonably designed to meet the educational 25837  
needs of the child and the disciplinary requirements of the 25838  
school. 25839

If any violation which in whole or in part gave rise to 25840  
the permanent exclusion of the pupil involved the pupil's 25841  
bringing a firearm to a school operated by the board of 25842  
education of any school district or onto any other property 25843  
owned or operated by such a board, no plan developed under this 25844  
division for the pupil shall include an effective date for the 25845  
probationary admission of the pupil that is less than one year 25846  
after the date on which the last such firearm incident occurred 25847  
except that on a case-by-case basis, a plan may include an 25848  
earlier effective date for such an admission for any of the 25849  
reasons for which the superintendent of the district may reduce 25850

the one-year expulsion requirement in division (B) (2) of section 25851  
3313.66 of the Revised Code. 25852

(b) If the superintendent of a school district, a pupil, 25853  
and the pupil's parent, guardian, or custodian or a person 25854  
designated by the pupil's parent, guardian, or custodian agree 25855  
upon a probationary admission plan prepared pursuant to division 25856  
(F) (2) (a) of this section, the superintendent of the school 25857  
district shall issue to the board of education of the school 25858  
district a recommendation that the pupil be allowed to attend 25859  
school within the school district under probationary admission, 25860  
the reasons for the recommendation, and a copy of the agreed 25861  
upon probationary admission plan. Within fourteen days after the 25862  
board of education receives the recommendation, reasons, and 25863  
plan, the board may adopt the recommendation by a majority vote 25864  
of its members. If the board adopts the recommendation, the 25865  
pupil may attend school under probationary admission within that 25866  
school district for a period not to exceed ninety days or any 25867  
additional probationary period permitted under divisions (F) (2) 25868  
(d) and (e) of this section in accordance with the probationary 25869  
admission plan prepared pursuant to division (F) (2) (a) of this 25870  
section. 25871

(c) If a pupil who is permitted to attend school under 25872  
probationary admission pursuant to division (F) (2) (b) of this 25873  
section fails to comply with the probationary admission plan 25874  
prepared pursuant to division (F) (2) (a) of this section, the 25875  
superintendent of the school district immediately may remove the 25876  
pupil from the school and issue to the board of education of the 25877  
school district a recommendation that the probationary admission 25878  
be revoked. Within five days after the board of education 25879  
receives the recommendation, the board may adopt the 25880  
recommendation to revoke the pupil's probationary admission by a 25881

majority vote of its members. If a majority of the board does 25882  
not adopt the recommendation to revoke the pupil's probationary 25883  
admission, the pupil shall continue to attend school in 25884  
compliance with the pupil's probationary admission plan. 25885

(d) If a pupil who is permitted to attend school under 25886  
probationary admission pursuant to division (F)(2)(b) of this 25887  
section complies with the probationary admission plan prepared 25888  
pursuant to division (F)(2)(a) of this section, the pupil or the 25889  
pupil's parent, guardian, or custodian, at any time before the 25890  
expiration of the ninety-day probationary admission period, may 25891  
request the superintendent of the school district to extend the 25892  
terms and period of the pupil's probationary admission for a 25893  
period not to exceed ninety days or to issue a recommendation 25894  
pursuant to division (F)(1) of this section that the pupil's 25895  
permanent exclusion be revoked and the pupil be allowed to 25896  
return to the public schools of this state. 25897

(e) If a pupil is granted an extension of the pupil's 25898  
probationary admission pursuant to division (F)(2)(d) of this 25899  
section, the pupil or the pupil's parent, guardian, or 25900  
custodian, in the manner described in that division, may 25901  
request, and the superintendent and board, in the manner 25902  
described in that division, may recommend and grant, subsequent 25903  
probationary admission periods not to exceed ninety days each. 25904  
If a pupil who is permitted to attend school under an extension 25905  
of a probationary admission plan complies with the probationary 25906  
admission plan prepared pursuant to the extension, the pupil or 25907  
the pupil's parent, guardian, or custodian may request a 25908  
revocation of the pupil's permanent exclusion in the manner 25909  
described in division (F)(2)(d) of this section. 25910

(f) Any extension of a probationary admission requested by 25911

a pupil or a pupil's parent, guardian, or custodian pursuant to 25912  
divisions (F) (2) (d) or (e) of this section shall be subject to 25913  
the adoption and approval of a probationary admission plan in 25914  
the manner described in divisions (F) (2) (a) and (b) of this 25915  
section and may be terminated as provided in division (F) (2) (c) 25916  
of this section. 25917

(g) If the pupil has complied with any probationary 25918  
admission plan and the superintendent issues a recommendation 25919  
that seeks revocation of the pupil's permanent exclusion 25920  
pursuant to division (F) (1) of this section, the pupil's 25921  
compliance with any probationary admission plan may be 25922  
considered along with other relevant factors in any 25923  
determination or adjudication conducted pursuant to division (F) 25924  
(1) of this section. 25925

(G) (1) Except as provided in division (G) (2) of this 25926  
section, any information regarding the permanent exclusion of a 25927  
pupil shall be included in the pupil's official records and 25928  
shall be included in any records sent to any school district 25929  
that requests the pupil's records. 25930

(2) When a pupil who has been permanently excluded from 25931  
public school attendance reaches the age of twenty-two or when 25932  
the permanent exclusion of a pupil has been revoked, all school 25933  
districts that maintain records regarding the pupil's permanent 25934  
exclusion shall remove all references to the exclusion from the 25935  
pupil's file and shall destroy them. 25936

A pupil who has reached the age of twenty-two or whose 25937  
permanent exclusion has been revoked may send a written notice 25938  
to the superintendent of any school district maintaining records 25939  
of the pupil's permanent exclusion requesting the superintendent 25940  
to ensure that the records are removed from the pupil's file and 25941

destroyed. Upon receipt of the request and a determination that 25942  
the pupil is twenty-two years of age or older or that the 25943  
pupil's permanent exclusion has been revoked, the superintendent 25944  
shall ensure that the records are removed from the pupil's file 25945  
and destroyed. 25946

(H) (1) This section does not apply to any of the 25947  
following: 25948

(a) An institution that is a residential facility, that 25949  
receives and cares for children, that is maintained by the 25950  
department of youth services, and that operates a school 25951  
chartered by the ~~state board of education~~ department of learning 25952  
and achievement under section 3301.16 of the Revised Code; 25953

(b) Any on-premises school operated by an out-of-home care 25954  
entity, other than a school district, that is chartered by the 25955  
~~state board of education~~ department of learning and achievement 25956  
under section 3301.16 of the Revised Code; 25957

(c) Any school operated in connection with an out-of-home 25958  
care entity or a nonresidential youth treatment program that 25959  
enters into a contract or agreement with a school district for 25960  
the provision of educational services in a setting other than a 25961  
setting that is a building or structure owned or controlled by 25962  
the board of education of the school district during normal 25963  
school hours. 25964

(2) This section does not prohibit any person who has been 25965  
permanently excluded pursuant to this section and section 25966  
3301.121 of the Revised Code from seeking a certificate of high 25967  
school equivalence. A person who has been permanently excluded 25968  
may be permitted to participate in a course of study in 25969  
preparation for a high school equivalency test approved by the 25970

department of ~~education~~ learning and achievement pursuant to 25971  
division (B) of section 3301.80 of the Revised Code, except that 25972  
the person shall not participate during normal school hours in 25973  
that course of study in any building or structure owned or 25974  
controlled by the board of education of a school district. 25975

(3) This section does not relieve any school district from 25976  
any requirement under section 2151.362 or 3313.64 of the Revised 25977  
Code to pay for the cost of educating any child who has been 25978  
permanently excluded pursuant to this section and section 25979  
3301.121 of the Revised Code. 25980

(I) As used in this section: 25981

(1) "Permanently exclude" means to forever prohibit an 25982  
individual from attending any public school in this state that 25983  
is operated by a city, local, exempted village, or joint 25984  
vocational school district. 25985

(2) "Permanent exclusion" means the prohibition of a pupil 25986  
forever from attending any public school in this state that is 25987  
operated by a city, local, exempted village, or joint vocational 25988  
school district. 25989

(3) "Out-of-home care" has the same meaning as in section 25990  
2151.011 of the Revised Code. 25991

(4) "Certificate of high school equivalence" has the same 25992  
meaning as in section 4109.06 of the Revised Code. 25993

(5) "Nonresidential youth treatment program" means a 25994  
program designed to provide services to persons under the age of 25995  
eighteen in a setting that does not regularly provide long-term 25996  
overnight care, including settlement houses, diversion and 25997  
prevention programs, run-away centers, and alternative education 25998  
programs. 25999

(6) "Firearm" has the same meaning as provided pursuant to 26000  
the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 26001  
8001(a) (2) . 26002

(7) "Minor drug possession offense" has the same meaning 26003  
as in section 2925.01 of the Revised Code. 26004

**Sec. 3313.671.** (A) (1) Except as otherwise provided in 26005  
division (B) of this section, no pupil, at the time of initial 26006  
entry or at the beginning of each school year, to an elementary 26007  
or high school for which the ~~state board of education~~ department  
of learning and achievement prescribes minimum standards 26008  
pursuant to division (D) of section 3301.07 of the Revised Code, 26009  
shall be permitted to remain in school for more than fourteen 26010  
days unless the pupil presents written evidence satisfactory to 26011  
the person in charge of admission, that the pupil has been 26012  
immunized by a method of immunization approved by the department 26013  
of health pursuant to section 3701.13 of the Revised Code 26014  
against mumps, poliomyelitis, diphtheria, pertussis, tetanus, 26015  
rubeola, and rubella or is in the process of being immunized. 26016  
26017

(2) Except as provided in division (B) of this section, no 26018  
pupil who begins kindergarten at an elementary school subject to 26019  
the ~~state board of education's~~ department of learning and  
achievement's minimum standards shall be permitted to remain in 26020  
school for more than fourteen days unless the pupil presents 26021  
written evidence satisfactory to the person in charge of 26022  
admission that the pupil has been immunized by a department of 26023  
health-approved method of immunization or is in the process of 26024  
being immunized against both of the following: 26025  
26026

(a) During or after the school year beginning in 1999, 26027  
hepatitis B; 26028

(b) During or after the school year beginning in 2006, 26029  
chicken pox. 26030

(3) Except as provided in division (B) of this section, 26031  
during and after the school year beginning in 2016, no pupil who 26032  
is the age or older than the age at which immunization against 26033  
meningococcal disease is recommended by the state department of 26034  
health shall be permitted to remain in a school subject to the 26035  
~~state board of education's department of learning and~~ 26036  
achievement's minimum standards for more than fourteen days 26037  
unless the pupil presents written evidence satisfactory to the 26038  
person in charge of admission that the pupil has been immunized 26039  
by a department of health-approved method of immunization, or is 26040  
in the process of being immunized, against meningococcal 26041  
disease. 26042

(4) As used in divisions (A) (1), (2), and (3) of this 26043  
section, "in the process of being immunized" means the pupil has 26044  
been immunized against mumps, rubeola, rubella, and chicken pox, 26045  
and if the pupil has not been immunized against poliomyelitis, 26046  
diphtheria, pertussis, tetanus, hepatitis B, and meningococcal 26047  
disease, the pupil has received at least the first dose of the 26048  
immunization sequence, and presents written evidence to the 26049  
pupil's building principal or chief administrative officer of 26050  
each subsequent dose required to obtain immunization at the 26051  
intervals prescribed by the director of health. Any student 26052  
previously admitted under the "in process of being immunized" 26053  
provision and who has not complied with the immunization 26054  
intervals prescribed by the director of health shall be excluded 26055  
from school on the fifteenth day of the following school year. 26056  
Any student so excluded shall be readmitted upon showing 26057  
evidence to the student's building principal or chief 26058  
administrative officer of progress on the director of health's 26059

interval schedule. 26060

(B) (1) A pupil who has had natural rubeola, and presents a 26061  
signed statement from the pupil's parent, guardian, or physician 26062  
to that effect, is not required to be immunized against rubeola. 26063

(2) A pupil who has had natural mumps, and presents a 26064  
signed statement from the pupil's parent, guardian, or physician 26065  
to that effect, is not required to be immunized against mumps. 26066

(3) A pupil who has had natural chicken pox, and presents 26067  
a signed statement from the pupil's parent, guardian, or 26068  
physician to that effect, is not required to be immunized 26069  
against chicken pox. 26070

(4) A pupil who presents a written statement of the 26071  
pupil's parent or guardian in which the parent or guardian 26072  
declines to have the pupil immunized for reasons of conscience, 26073  
including religious convictions, is not required to be 26074  
immunized. 26075

(5) A child whose physician certifies in writing that such 26076  
immunization against any disease is medically contraindicated is 26077  
not required to be immunized against that disease. 26078

(C) As used in this division, "chicken pox epidemic" means 26079  
the occurrence of cases of chicken pox in numbers greater than 26080  
expected in the school's population or for a particular period 26081  
of time. 26082

Notwithstanding division (B) of this section, a school may 26083  
deny admission to a pupil otherwise exempted from the chicken 26084  
pox immunization requirement if the director of the state 26085  
department of health notifies the school's principal or chief 26086  
administrative officer that a chicken pox epidemic exists in the 26087  
school's population. The denial of admission shall cease when 26088

the director notifies the principal or officer that the epidemic 26089  
no longer exists. 26090

The board of education or governing body of each school 26091  
subject to this section shall adopt a policy that prescribes 26092  
methods whereby the academic standing of a pupil who is denied 26093  
admission during a chicken pox epidemic may be preserved. 26094

(D) Boards of health, legislative authorities of municipal 26095  
corporations, and boards of township trustees on application of 26096  
the board of education of the district or proper authority of 26097  
any school affected by this section, shall provide at the public 26098  
expense, without delay, the means of immunization against mumps, 26099  
poliomyelitis, rubeola, rubella, diphtheria, pertussis, tetanus, 26100  
and hepatitis B to pupils who are not so provided by their 26101  
parents or guardians. 26102

(E) The department of health shall specify the age at 26103  
which immunization against meningococcal disease, as required by 26104  
division (A) (3) of this section, is recommended, and approve a 26105  
method of immunization against meningococcal disease. 26106

**Sec. 3313.674.** (A) Except as provided in division (D) of 26107  
this section, the board of education of each city, exempted 26108  
village, or local school district and the governing authority of 26109  
each chartered nonpublic school may require each student 26110  
enrolled in kindergarten, third grade, fifth grade, and ninth 26111  
grade to undergo a screening for body mass index and weight 26112  
status category. 26113

(B) The board or governing authority may provide any 26114  
screenings authorized by this section itself, contract with 26115  
another entity for provision of the screenings, or request the 26116  
parent or guardian of each student subject to the screening to 26117

obtain the screening from a provider selected by the parent or guardian and to submit the results to the board or governing authority. If the board or governing authority provides the screenings itself or contracts with another entity for provision of the screenings, the board or governing authority shall protect student privacy by ensuring that each student is screened alone and not in the presence of other students or staff.

(C) Each school year, each board or governing authority electing to require the screening shall provide the parent or guardian of each student subject to the screening with information about the screening program. If the board or governing authority requests parents and guardians to obtain a screening from a provider of their choosing, the board or governing authority shall provide them with a list of providers and information about screening services available in the community to parents and guardians who cannot afford a private provider.

(D) If the parent or guardian of a student subject to the screening signs and submits to the board or governing authority a written statement indicating that the parent or guardian does not wish to have the student undergo the screening, the board or governing authority shall not require the student to be screened.

(E) The board or governing authority shall notify the parent or guardian of each student screened under this section of any health risks associated with the student's results and shall provide the parent or guardian with information about appropriately addressing the risks. For this purpose, the department of health, in consultation with the department of

~~education~~ learning and achievement, shall develop a list of 26148  
documents, pamphlets, or other resources that may be distributed 26149  
to parents and guardians under this division. 26150

(F) The board or governing authority shall maintain the 26151  
confidentiality of each student's individual screening results 26152  
at all times. No board or governing authority shall report a 26153  
student's individual screening results to any person other than 26154  
the student's parent or guardian. 26155

(G) In a manner prescribed by rule of the director of 26156  
health, each board or governing authority electing to require 26157  
the screening shall report aggregated body mass index and weight 26158  
status category data collected under this section, and any other 26159  
demographic data required by the director, to the department of 26160  
health. In the case of a school district, data shall be 26161  
aggregated for the district as a whole and not for individual 26162  
schools within the district, unless the district operates only 26163  
one school. In the case of a chartered nonpublic school, data 26164  
shall be aggregated for the school as a whole. The department 26165  
annually may publish the data reported under this division, 26166  
aggregated by county. For each county in which a district, 26167  
community school, STEM school, or chartered nonpublic school has 26168  
elected not to require the screening for a school year for which 26169  
data is published, the department shall note that the data for 26170  
the county in which the district or school is located is 26171  
incomplete. The department may share data reported under this 26172  
division with other governmental entities for the purpose of 26173  
monitoring population health, making reports, or public health 26174  
promotional activities. 26175

**Sec. 3313.71.** School physicians may make examinations, 26176  
which shall include tests to determine the existence of hearing 26177

defects, and diagnoses of all children referred to them. They 26178  
may make such examination of teachers and other school employees 26179  
and inspection of school buildings as in their opinion the 26180  
protection of health of the pupils, teachers, and other school 26181  
employees requires. 26182

Boards of education shall require and provide, in 26183  
accordance with section 3313.67 of the Revised Code, such tests 26184  
and examinations for tuberculosis of pupils in selected grades 26185  
and of school employees as may be required by the director of 26186  
health. 26187

Boards may require annual tuberculin tests of any grades. 26188  
All pupils with positive reactions to the test shall have chest 26189  
x-rays and all positive reactions and x-ray findings shall be 26190  
reported promptly to the county record bureau of tuberculosis 26191  
cases provided for in section 339.74 of the Revised Code. Boards 26192  
shall waive the required test where a pupil presents a written 26193  
statement from the pupil's family physician certifying that such 26194  
test has been given and that such pupil is free from 26195  
tuberculosis in a communicable stage, or that such test is 26196  
inadvisable for medical reasons, or from the pupil's parent or 26197  
guardian objecting to such test because of religious 26198  
convictions. 26199

Whenever a pupil, teacher, or other school employee is 26200  
found to be ill or suffering from tuberculosis in a communicable 26201  
stage or other communicable disease, the school physician shall 26202  
promptly send such pupil, teacher, or other school employee 26203  
home, with a statement, in the case of a pupil, to the pupil's 26204  
parents or guardian, briefly setting forth the discovered facts, 26205  
and advising that the family physician be consulted. School 26206  
physicians shall keep accurate card-index records of all 26207

examinations, and said records, that they may be uniform 26208  
throughout the state, shall be according to the form prescribed 26209  
by the ~~state board of education~~ department of learning and 26210  
achievement, and the reports shall be made according to the 26211  
method of said form. If the parent or guardian of any pupil or 26212  
any teacher or other school employee, after notice from the 26213  
board of education, furnishes within two weeks thereafter the 26214  
written certificate of any reputable physician that the pupil, 26215  
teacher, or other school employee has been examined, in such 26216  
cases the service of the school physician shall be dispensed 26217  
with, and such certificate shall be furnished by such parent or 26218  
guardian, as required by the board of education. Such individual 26219  
records shall not be open to the public and shall be solely for 26220  
the use of the boards of education and boards of health officer. 26221  
If any teacher or other school employee is found to have 26222  
tuberculosis in a communicable stage or other communicable 26223  
disease, the teacher's or employee's employment shall be 26224  
discontinued or suspended upon such terms as to salary as the 26225  
board deems just until the school physician has certified to a 26226  
recovery from such disease. The methods of making the tuberculin 26227  
tests and chest x-rays required by this section shall be such as 26228  
are approved by the director of health. 26229

**Sec. 3313.711.** Section 3313.71 of the Revised Code applies 26230  
to all elementary and high schools for which the ~~state board of~~ 26231  
~~education~~ department of learning and achievement sets minimum 26232  
standards pursuant to section 3301.07 of the Revised Code. 26233

**Sec. 3313.7110.** (A) The board of education of each city, 26234  
local, exempted village, or joint vocational school district may 26235  
procure epinephrine autoinjectors for each school operated by 26236  
the district to have on the school premises for use in emergency 26237  
situations identified under division (C) (5) of this section by 26238

doing one of the following: 26239

(1) Having a licensed health professional authorized to 26240  
prescribe drugs, acting in accordance with section 4723.483, 26241  
4730.433, or 4731.96 of the Revised Code, personally furnish the 26242  
epinephrine autoinjectors to the school or school district or 26243  
issue a prescription for them in the name of the school or 26244  
district; 26245

(2) Having the district's superintendent obtain a 26246  
prescriber-issued protocol that includes definitive orders for 26247  
epinephrine autoinjectors and the dosages of epinephrine to be 26248  
administered through them. 26249

A district board that elects to procure epinephrine 26250  
autoinjectors under this section is encouraged to maintain, at 26251  
all times, at least two epinephrine ~~injectors~~ autoinjectors at 26252  
each school operated by the district. 26253

(B) A district board that elects to procure epinephrine 26254  
autoinjectors under this section shall require the district's 26255  
superintendent to adopt a policy governing their maintenance and 26256  
use. Before adopting the policy, the superintendent shall 26257  
consult with a licensed health professional authorized to 26258  
prescribe drugs. 26259

(C) The policy adopted under division (B) of this section 26260  
shall do all of the following: 26261

(1) Identify the one or more locations in each school 26262  
operated by the district in which an epinephrine autoinjector 26263  
must be stored; 26264

(2) Specify the conditions under which an epinephrine 26265  
autoinjector must be stored, replaced, and disposed; 26266

(3) Specify the individuals employed by or under contract	26267
with the district board, in addition to a school nurse licensed	26268
under section 3319.221 of the Revised Code or an athletic	26269
trainer licensed under Chapter 4755. of the Revised Code, who	26270
may access and use an epinephrine autoinjector to provide a	26271
dosage of epinephrine to an individual in an emergency situation	26272
identified under division (C) (5) of this section;	26273
(4) Specify any training that employees or contractors	26274
specified under division (C) (3) of this section, other than a	26275
school nurse or athletic trainer, must complete before being	26276
authorized to access and use an epinephrine autoinjector;	26277
(5) Identify the emergency situations, including when an	26278
individual exhibits signs and symptoms of anaphylaxis, in which	26279
a school nurse, athletic trainer, or other employees or	26280
contractors specified under division (C) (3) of this section may	26281
access and use an epinephrine autoinjector;	26282
(6) Specify that assistance from an emergency medical	26283
service provider must be requested immediately after an	26284
epinephrine autoinjector is used;	26285
(7) Specify the individuals, in addition to students,	26286
school employees or contractors, and school visitors, to whom a	26287
dosage of epinephrine may be administered through an epinephrine	26288
autoinjector in an emergency situation specified under division	26289
(C) (5) of this section.	26290
(D) (1) The following are not liable in damages in a civil	26291
action for injury, death, or loss to person or property that	26292
allegedly arises from an act or omission associated with	26293
procuring, maintaining, accessing, or using an epinephrine	26294
autoinjector under this section, unless the act or omission	26295

constitutes willful or wanton misconduct:	26296
(a) A school or school district;	26297
(b) A member of a district board of education;	26298
(c) A district or school employee or contractor;	26299
(d) A licensed health professional authorized to prescribe	26300
drugs who personally furnishes or prescribes epinephrine	26301
autoinjectors, consults with a superintendent, or issues a	26302
protocol pursuant to this section.	26303
(2) This section does not eliminate, limit, or reduce any	26304
other immunity or defense that a school or school district,	26305
member of a district board of education, district or school	26306
employee or contractor, or licensed health professional may be	26307
entitled to under Chapter 2744. or any other provision of the	26308
Revised Code or under the common law of this state.	26309
(E) A school district board of education may accept	26310
donations of epinephrine autoinjectors from a wholesale	26311
distributor of dangerous drugs or a manufacturer of dangerous	26312
drugs, as defined in section 4729.01 of the Revised Code, and	26313
may accept donations of money from any person to purchase	26314
epinephrine autoinjectors.	26315
(F) A district board that elects to procure epinephrine	26316
autoinjectors under this section shall report to the department	26317
of <del>education</del> <u>learning and achievement</u> each procurement and	26318
occurrence in which an epinephrine autoinjector is used from a	26319
school's supply of epinephrine autoinjectors.	26320
(G) As used in this section, "licensed health professional	26321
authorized to prescribe drugs" and "prescriber" have the same	26322
meanings as in section 4729.01 of the Revised Code.	26323

**Sec. 3313.7111.** (A) With the approval of its governing authority, a chartered or nonchartered nonpublic school may procure epinephrine autoinjectors in the manner prescribed by section 3313.7110 of the Revised Code. A chartered or nonchartered nonpublic school that elects to do so shall comply with all provisions of that section as if it were a school district.

(B) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an epinephrine autoinjector under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A chartered or nonchartered nonpublic school;

(b) A member of a chartered or nonchartered nonpublic school governing authority;

(c) An employee or contractor of the school;

(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors, provides a consultation, or issues a protocol pursuant to this section.

(2) This division does not eliminate, limit, or reduce any other immunity or defense that a chartered or nonchartered nonpublic school or governing authority, member of a chartered or nonchartered nonpublic school governing authority, chartered or nonchartered nonpublic school employee or contractor, or licensed health professional may be entitled to under any other provision of the Revised Code or the common law of this state.

(C) A chartered or nonchartered nonpublic school may

accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors.

(D) A chartered or nonchartered nonpublic school that elects to procure epinephrine autoinjectors under this section shall report to the department of ~~education~~ learning and achievement each procurement and occurrence in which an epinephrine autoinjector is used from the school's supply of epinephrine autoinjectors.

**Sec. 3313.7112.** (A) As used in this section:

(1) "Board of education" means a board of education of a city, local, exempted village, or joint vocational school district.

(2) "Governing authority" means a governing authority of a chartered nonpublic school.

(3) "Licensed health care professional" means any of the following:

(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(b) A registered nurse, advanced practice registered nurse, or licensed practical nurse licensed under Chapter 4723. of the Revised Code;

(c) A physician assistant licensed under Chapter 4730. of the Revised Code.

(4) "Local health department" means a department operated

by a board of health of a city or general health district or the authority having the duties of a board of health as described in section 3709.05 of the Revised Code.

(5) "School employee" or "employee" means either of the following:

(a) A person employed by a board of education or governing authority;

(b) A licensed health care professional employed by or under contract with a local health department who is assigned to a school in a city, local, exempted village, or joint vocational school district or a chartered nonpublic school.

(6) "Treating practitioner" means any of the following who has primary responsibility for treating a student's diabetes and has been identified as such by the student's parent, guardian, or other person having care or charge of the student or, if the student is at least eighteen years of age, by the student:

(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(b) An advanced practice registered nurse who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist or certified nurse practitioner in accordance with section 4723.42 of the Revised Code;

(c) A physician assistant who holds a license issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority.

(7) "504 plan" means a plan based on an evaluation 26410  
conducted in accordance with section 504 of the "Rehabilitation 26411  
Act of 1973," 29 U.S.C. 794, as amended. 26412

(B) (1) Each board of education or governing authority 26413  
shall ensure that each student enrolled in the school district 26414  
or chartered nonpublic school who has diabetes receives 26415  
appropriate and needed diabetes care in accordance with an order 26416  
signed by the student's treating practitioner. The diabetes care 26417  
to be provided includes any of the following: 26418

(a) Checking and recording blood glucose levels and ketone 26419  
levels or assisting the student with checking and recording 26420  
these levels; 26421

(b) Responding to blood glucose levels that are outside of 26422  
the student's target range; 26423

(c) In the case of severe hypoglycemia, administering 26424  
glucagon and other emergency treatments as prescribed; 26425

(d) Administering insulin or assisting the student in 26426  
self-administering insulin through the insulin delivery system 26427  
the student uses; 26428

(e) Providing oral diabetes medications; 26429

(f) Understanding recommended schedules and food intake 26430  
for meals and snacks in order to calculate medication dosages 26431  
pursuant to the order of the student's treating practitioner; 26432

(g) Following the treating practitioner's instructions 26433  
regarding meals, snacks, and physical activity; 26434

(h) Administering diabetes medication, as long as the 26435  
conditions prescribed in division (C) of this section are 26436  
satisfied. 26437

(2) Not later than fourteen days after receipt of an order 26438  
signed by the treating practitioner of a student with diabetes, 26439  
the board of education or governing authority shall inform the 26440  
student's parent, guardian, or other person having care or 26441  
charge of the student that the student may be entitled to a 504 26442  
plan regarding the student's diabetes. The department of 26443  
~~education-learning and achievement~~ shall develop a 504 plan 26444  
information sheet for use by a board of education or governing 26445  
authority when informing a student's parent, guardian, or other 26446  
person having care or charge of the student that the student may 26447  
be entitled to a 504 plan regarding the student's diabetes. 26448

(C) Notwithstanding division (B) of section 3313.713 of 26449  
the Revised Code or any other provision of the Revised Code, 26450  
diabetes medication may be administered under this section by a 26451  
school nurse or, in the absence of a school nurse, a school 26452  
employee who is trained in diabetes care under division (E) of 26453  
this section. Medication administration may be provided under 26454  
this section only when the conditions prescribed in division (C) 26455  
of section 3313.713 of the Revised Code are satisfied. 26456

Notwithstanding division (D) of section 3313.713 of the 26457  
Revised Code, medication that is to be administered under this 26458  
section may be kept in an easily accessible location. 26459

(D) (1) The department of ~~education-learning and~~ 26460  
~~achievement~~ shall adopt nationally recognized guidelines, as 26461  
determined by the department, for the training of school 26462  
employees in diabetes care for students. In doing so, the 26463  
department shall consult with the department of health, the 26464  
American diabetes association, and the Ohio school nurses 26465  
association. The department may consult with any other 26466  
organizations as determined appropriate by the department. 26467

(2) The guidelines shall address all of the following issues:	26468 26469
(a) Recognizing the symptoms of hypoglycemia and hyperglycemia;	26470 26471
(b) The appropriate treatment for a student who exhibits the symptoms of hypoglycemia or hyperglycemia;	26472 26473
(c) Recognizing situations that require the provision of emergency medical assistance to a student;	26474 26475
(d) Understanding the appropriate treatment for a student, based on an order issued by the student's treating practitioner, if the student's blood glucose level is not within the target range indicated by the order;	26476 26477 26478 26479
(e) Understanding the instructions in an order issued by a student's treating practitioner concerning necessary medications;	26480 26481 26482
(f) Performing blood glucose and ketone tests for a student in accordance with an order issued by the student's treating practitioner and recording the results of those tests;	26483 26484 26485
(g) Administering insulin, glucagon, or other medication to a student in accordance with an order issued by the student's treating practitioner and recording the results of the administration;	26486 26487 26488 26489
(h) Understanding the relationship between the diet recommended in an order issued by a student's treating practitioner and actions that may be taken if the recommended diet is not followed.	26490 26491 26492 26493
(E) (1) To ensure that a student with diabetes receives the diabetes care specified in division (B) of this section, a board	26494 26495

of education or governing authority may provide training that 26496  
complies with the guidelines developed under division (D) of 26497  
this section to a school employee at each school attended by a 26498  
student with diabetes. With respect to any training provided, 26499  
all of the following apply: 26500

(a) The training shall be coordinated by a school nurse 26501  
or, if the school does not employ a school nurse, a licensed 26502  
health care professional with expertise in diabetes who is 26503  
approved by the school to provide the training. 26504

(b) The training shall take place prior to the beginning 26505  
of each school year or, as needed, not later than fourteen days 26506  
after receipt by the board of education or governing authority 26507  
of an order signed by the treating practitioner of a student 26508  
with diabetes. 26509

(c) On completion of the training, the board of education 26510  
or governing authority, in a manner it determines, shall 26511  
determine whether each employee trained is competent to provide 26512  
diabetes care. 26513

(d) The school nurse or approved licensed health care 26514  
professional with expertise in diabetes care shall promptly 26515  
provide all necessary follow-up training and supervision to an 26516  
employee who receives training. 26517

(2) The principal of a school attended by a student with 26518  
diabetes or another school official authorized to act on behalf 26519  
of the principal may distribute a written notice to each 26520  
employee containing all of the following: 26521

(a) A statement that the school is required to provide 26522  
diabetes care to a student with diabetes and is seeking 26523  
employees who are willing to be trained to provide that care; 26524

(b) A description of the tasks to be performed;	26525
(c) A statement that participation is voluntary and that the school district or governing authority will not take action against an employee who does not agree to provide diabetes care;	26526 26527 26528
(d) A statement that training will be provided by a licensed health care professional to an employee who agrees to provide care;	26529 26530 26531
(e) A statement that a trained employee is immune from liability under division (J) of this section;	26532 26533
(f) The name of the individual who should be contacted if an employee is interested in providing diabetes care.	26534 26535
(3) No employee of a board of education or governing authority shall be subject to a penalty or disciplinary action under school or district policies for refusing to volunteer to be trained in diabetes care.	26536 26537 26538 26539
(4) No board or governing authority shall discourage employees from agreeing to provide diabetes care under this section.	26540 26541 26542
(F) A board of education or governing authority may provide training in the recognition of hypoglycemia and hyperglycemia and actions to take in response to emergency situations involving these conditions to both of the following:	26543 26544 26545 26546
(1) A school employee who has primary responsibility for supervising a student with diabetes during some portion of the school day;	26547 26548 26549
(2) A bus driver employed by a school district or chartered nonpublic school responsible for the transportation of a student with diabetes.	26550 26551 26552

(G) A student with diabetes shall be permitted to attend 26553  
the school the student would otherwise attend if the student did 26554  
not have diabetes and the diabetes care specified in division 26555  
(B) of this section shall be provided at the school. A board of 26556  
education or governing authority shall not restrict a student 26557  
who has diabetes from attending the school on the basis that the 26558  
student has diabetes, that the school does not have a full-time 26559  
school nurse, or that the school does not have an employee 26560  
trained in diabetes care. The school shall not require or 26561  
pressure a parent, guardian, or other person having care or 26562  
charge of a student to provide diabetes care for the student 26563  
with diabetes at school or school-related activities. 26564

(H) (1) Notwithstanding section 3313.713 of the Revised 26565  
Code or any policy adopted under that section and except as 26566  
provided in division (H) (2) of this section, on written request 26567  
of the parent, guardian, or other person having care or charge 26568  
of a student and authorization by the student's treating 26569  
practitioner, a student with diabetes shall be permitted during 26570  
regular school hours and school-sponsored activities to attend 26571  
to the care and management of the student's diabetes in 26572  
accordance with the order issued by the student's treating 26573  
practitioner if the student's treating practitioner determines 26574  
that the student is capable of performing diabetes care tasks. 26575  
The student shall be permitted to perform diabetes care tasks in 26576  
a classroom, in any area of the school or school grounds, and at 26577  
any school-related activity, and to possess on the student's 26578  
self at all times all necessary supplies and equipment to 26579  
perform these tasks. If the student or the parent, guardian, or 26580  
other person having care or charge of the student so requests, 26581  
the student shall have access to a private area for performing 26582  
diabetes care tasks. 26583

(2) If the student performs any diabetes care tasks or uses medical equipment for purposes other than the student's own care, the board of education or governing authority may revoke the student's permission to attend to the care and management of the student's diabetes.

(I) (1) Notwithstanding any other provision of the Revised Code to the contrary, a licensed health care professional shall be permitted to provide training to a school employee under division (E) of this section or to supervise the employee in performing diabetes care tasks.

(2) Nothing in this section diminishes the rights of eligible students or the obligations of school districts or governing authorities under the "Individuals with Disabilities Education Act," 20 U.S.C. 1400 et seq., section 504 of the "Rehabilitation Act," 29 U.S.C. 794, or the "Americans with Disabilities Act," 42 U.S.C. 12101 et seq.

(J) (1) A school or school district, a member of a board or governing authority, or a district or school employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing care or performing duties under this section unless the act or omission constitutes willful or wanton misconduct.

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

(2) A school employee shall not be subject to disciplinary

action under school or district policies for providing care or 26613  
performing duties under this section. 26614

(3) A school nurse or other licensed health care 26615  
professional shall be immune from disciplinary action by the 26616  
board of nursing or any other regulatory board for providing 26617  
care or performing duties under this section if the care 26618  
provided or duties performed are consistent with applicable 26619  
professional standards. 26620

(K) (1) Not later than the last day of December of each 26621  
year, a board of education or governing authority shall report 26622  
to the department of ~~education~~learning and achievement both of 26623  
the following: 26624

(a) The number of students with diabetes enrolled in the 26625  
school district or chartered nonpublic school during the 26626  
previous school year; 26627

(b) The number of errors associated with the 26628  
administration of diabetes medication to students with diabetes 26629  
during the previous school year. 26630

(2) Not later than the last day of March of each year, the 26631  
department shall issue a report summarizing the information 26632  
received by the department under division (K) (1) of this section 26633  
for the previous school year. The department shall make the 26634  
report available on its internet web site. 26635

**Sec. 3313.7113.** (A) As used in this section, "inhaler" 26636  
means a device that delivers medication to alleviate asthmatic 26637  
symptoms, is manufactured in the form of a metered dose inhaler 26638  
or dry powdered inhaler, and may include a spacer, holding 26639  
chamber, or other device that attaches to the inhaler and is 26640  
used to improve the delivery of the medication. 26641

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

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

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

(1) Identify the one or more locations in each school operated by the district in which an inhaler must be stored;

(2) Specify the conditions under which an inhaler must be stored, replaced, and disposed;

(3) Specify the individuals employed by or under contract with the district board, in addition to a school nurse licensed under section 3319.221 of the Revised Code or an athletic trainer licensed under Chapter 4755. of the Revised Code, who

may access and use an inhaler to provide a dosage of medication 26671  
to an individual in an emergency situation identified under 26672  
division (D) (5) of this section; 26673

(4) Specify any training that employees or contractors 26674  
specified under division (D) (3) of this section, other than a 26675  
school nurse or athletic trainer, must complete before being 26676  
authorized to access and use an inhaler; 26677

(5) Identify the emergency situations, including when an 26678  
individual exhibits signs and symptoms of asthma, in which a 26679  
school nurse, athletic trainer, or other employees or 26680  
contractors specified under division (D) (3) of this section may 26681  
access and use an inhaler; 26682

(6) Specify that assistance from an emergency medical 26683  
service provider must be requested immediately after an employee 26684  
or contractor, other than a school nurse, athletic trainer, or 26685  
another licensed health professional, uses an inhaler; 26686

(7) Specify the individuals, in addition to students, 26687  
school employees or contractors, and school visitors, to whom a 26688  
dosage of medication may be administered through an inhaler in 26689  
an emergency situation specified under division (D) (5) of this 26690  
section. 26691

(E) A school or school district, a member of a district 26692  
board of education, or a district or school employee or 26693  
contractor is not liable in damages in a civil action for 26694  
injury, death, or loss to person or property that allegedly 26695  
arises from an act or omission associated with procuring, 26696  
maintaining, accessing, or using an inhaler under this section, 26697  
unless the act or omission constitutes willful or wanton 26698  
misconduct. 26699

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

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

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

**Sec. 3313.7114.** (A) As used in this section, "inhaler" has the same meaning as in section 3313.7113 of the Revised Code.

(B) With the approval of its governing authority, a chartered or nonchartered nonpublic school may procure inhalers in the manner prescribed by section 3313.7113 of the Revised Code. A chartered or nonchartered nonpublic school that elects to do so shall comply with all provisions of that section as if it were a school district.

(C) A chartered or nonchartered nonpublic school, a member of a chartered or nonchartered nonpublic school governing authority, or an employee or contractor of the school is not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or

using an inhaler under this section, unless the act or omission  
constitutes willful or wanton misconduct. 26729  
26730

(D) A chartered or nonchartered nonpublic school may 26731  
accept donations of inhalers from a wholesale distributor of 26732  
dangerous drugs or a manufacturer of dangerous drugs, as defined 26733  
in section 4729.01 of the Revised Code, and may accept donations 26734  
of money from any person to purchase inhalers. 26735

(E) A chartered or nonchartered nonpublic school that 26736  
elects to procure inhalers under this section shall report to 26737  
the department of ~~education~~learning and achievement each 26738  
procurement and occurrence in which an inhaler is used from the 26739  
school's supply of inhalers. 26740

**Sec. 3313.81.** The board of education of any city, exempted 26741  
village, or local school district may establish food service, 26742  
provide facilities and equipment, and pay operating costs in the 26743  
schools under its control for the preparation and serving of 26744  
lunches, and other meals or refreshments to the pupils, 26745  
employees of the board of education employed therein, and to 26746  
other persons taking part in or patronizing any activity in 26747  
connection with the schools. A board of education that operates 26748  
such a food service may also provide meals at cost to residents 26749  
of the school district who are sixty years of age or older or 26750  
may contract with public or private nonprofit organizations 26751  
providing services to the elderly to provide nutritious meals 26752  
for persons who are sixty years of age or older. Restrictions or 26753  
limitations upon the privileges or use of facilities by any 26754  
pupil, employee, person taking part in or patronizing a school- 26755  
related activity, or elderly person must be applied equally to 26756  
all pupils, all employees, all persons taking part in or 26757  
patronizing a school-related activity, or elderly persons, 26758

respectively, except that a board may expend school funds other 26759  
than funds from federally reimbursed moneys or student payments 26760  
to provide meals at no charge to senior citizens performing 26761  
volunteer services in the district's schools in accordance with 26762  
a volunteer program approved by the board. 26763

Such facilities shall be under the management and control 26764  
of the board and the operation of such facilities for school 26765  
food service purposes or to provide meals for the elderly shall 26766  
not be for profit. In the operation of such facilities for 26767  
school food service purposes there shall be established a food 26768  
service fund in the treasurer's cash journal, which shall be 26769  
separate from all other funds of the board. All receipts and 26770  
disbursements in connection with the operation of food service 26771  
for school food service purposes and the maintenance, 26772  
improvement, and purchase of equipment for school food service 26773  
purposes shall be paid directly into and disbursed from the food 26774  
service fund which shall be kept in a legally designated 26775  
depository of the board. Revenues for the operation, 26776  
maintenance, improvement, and purchase of equipment shall be 26777  
provided by the food service fund, appropriations transferred 26778  
from the general fund, federal funds, and from other proper 26779  
sources. Records of receipts and disbursements resulting from 26780  
the provision of meals for the elderly shall be separately 26781  
maintained, in accordance with section 3313.29 of the Revised 26782  
Code. 26783

The enforcement of this section shall be under 26784  
jurisdiction of the ~~state board of education~~ department of 26785  
learning and achievement. 26786

**Sec. 3313.811.** No board, the principal or teacher of any 26787  
schoolroom, or class organization of any school district shall 26788

sell or offer for sale, or supervise the sale of uniform school 26789  
supplies, foods, candies, or like supplies for profit on the 26790  
school premises except when the profit derived from such sale is 26791  
to be used for school purposes or for any activity in connection 26792  
with the school on whose premises such uniform school supplies, 26793  
food, candies, or supplies are sold or offered for sale. No 26794  
individual student or class of students, acting as an agent for 26795  
any person or group of persons directly connected with the 26796  
school shall sell or offer for sale for profit outside the 26797  
school building, any such articles, except when the profit 26798  
derived from such sale is to be used for school purposes or for 26799  
any activity in connection with the school. 26800

Uniform school supplies are those adopted by the board for 26801  
use in the schools of the district. 26802

The enforcement of this section shall be under the 26803  
jurisdiction of the ~~state board of education~~ department of 26804  
learning and achievement. 26805

The school district board of education shall provide 26806  
revolving accounts for the purchase and sale of uniform school 26807  
supplies either by appropriations from the general fund or 26808  
accumulation from sales or receipts. Such accounts shall be kept 26809  
separate from other transactions of the board. 26810

**Sec. 3313.813.** (A) As used in this section: 26811

(1) "Outdoor education center" means a public or nonprofit 26812  
private entity that provides to pupils enrolled in any public or 26813  
chartered nonpublic elementary or secondary school an outdoor 26814  
educational curriculum that the school considers to be part of 26815  
its educational program. 26816

(2) "Outside-school-hours care center" has the meaning 26817

established in 7 C.F.R. 226.2. 26818

(B) The ~~state board of education~~ department of learning and achievement shall establish standards for a school lunch 26819  
program, school breakfast program, child and adult care food 26820  
program, special food service program for children, summer food 26821  
service program for children, special milk program for children, 26822  
food service equipment assistance program, and commodity 26823  
distribution program established under the "National School 26824  
Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and 26825  
the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, 26826  
as amended. Any board of education of a school district, 26827  
nonprofit private school, outdoor education center, child care 26828  
institution, outside-school-hours care center, or summer camp 26829  
desiring to participate in such a program or required to 26830  
participate under this section shall, if eligible to participate 26831  
under the "National School Lunch Act," as amended, or the "Child 26832  
Nutrition Act of 1966," as amended, make application to the 26833  
~~state board of education~~ department of learning and achievement 26834  
for assistance. The board shall administer the allocation and 26835  
distribution of all state and federal funds for these programs. 26836  
26837

(C) The ~~state board of education~~ department of learning and achievement shall require the board of education of each 26838  
school district to establish and maintain a school breakfast, 26839  
lunch, and summer food service program pursuant to the "National 26840  
School Lunch Act" and the "Child Nutrition Act of 1966," as 26841  
described in divisions (C) (1) to (4) of this section. 26842  
26843

(1) The ~~state board~~ department shall require the board of 26844  
education in each school district to establish a breakfast 26845  
program in every school where at least one-fifth of the pupils 26846  
in the school are eligible under federal requirements for free 26847

breakfasts and to establish a lunch program in every school 26848  
where at least one-fifth of the pupils are eligible for free 26849  
lunches. The board of education required to establish a 26850  
breakfast program under this division may make a charge in 26851  
accordance with federal requirements for each reduced price 26852  
breakfast or paid breakfast to cover the cost incurred in 26853  
providing that meal. 26854

(2) The ~~state board~~ department shall require the board of 26855  
education in each school district to establish a breakfast 26856  
program in every school in which the parents of at least one- 26857  
half of the children enrolled in the school have requested that 26858  
the breakfast program be established. The board of education 26859  
required to establish a program under this division may make a 26860  
charge in accordance with federal requirements for each meal to 26861  
cover all or part of the costs incurred in establishing such a 26862  
program. 26863

(3) The ~~state board~~ department shall require the board of 26864  
education in each school district to establish one of the 26865  
following for summer intervention services described in division 26866  
(D) of section 3301.0711 or provided under section 3313.608 of 26867  
the Revised Code, and any other summer intervention program 26868  
required by law: 26869

(a) An extension of the school breakfast program pursuant 26870  
to the "National School Lunch Act" and the "Child Nutrition Act 26871  
of 1966"; 26872

(b) An extension of the school lunch program pursuant to 26873  
those acts; 26874

(c) A summer food service program pursuant to those acts. 26875

(4) (a) If the board of education of a school district 26876

determines that, for financial reasons, it cannot comply with 26877  
division (C) (1) or (3) of this section, the district board may 26878  
choose not to comply with either or both divisions, except as 26879  
provided in divisions (C) (4) (b) and (c) of this section. The 26880  
district board publicly shall communicate to the residents of 26881  
the district, in the manner it determines appropriate, its 26882  
decision not to comply. 26883

(b) If a district board chooses not to comply with 26884  
division (C) (1) of this section, the ~~state board~~ department 26885  
nevertheless shall require the district board to establish a 26886  
breakfast program in every school where at least one-third of 26887  
the pupils in the school are eligible under federal requirements 26888  
for free breakfasts and to establish a lunch program in every 26889  
school where at least one-third of the pupils are eligible for 26890  
free lunches. The district board may make a charge in accordance 26891  
with federal requirements for each reduced price breakfast or 26892  
paid breakfast to cover the cost incurred in providing that 26893  
meal. 26894

(c) If the board of education of a school district chooses 26895  
not to comply with division (C) (3) of this section, the ~~state~~ 26896  
~~board~~ department nevertheless shall require the district board 26897  
to permit an approved summer food service program sponsor to use 26898  
school facilities located in a school building attendance area 26899  
where at least one-half of the pupils are eligible for free 26900  
lunches. 26901

The department ~~of education~~ shall post in a prominent 26902  
location on the department's web site a list of approved summer 26903  
food service program sponsors that may use school facilities 26904  
under this division. 26905

Subject to the provisions of sections 3313.75 and 3313.77 26906

of the Revised Code, a school district may charge the summer 26907  
food service program sponsor a reasonable fee for the use of 26908  
school facilities that may include the actual cost of custodial 26909  
services, charges for the use of school equipment, and a 26910  
prorated share of the utility costs as determined by the 26911  
district board. A school district shall require the summer food 26912  
service program sponsor to indemnify and hold harmless the 26913  
district from any potential liability resulting from the 26914  
operation of the summer food service program under this 26915  
division. For this purpose, the district shall either add the 26916  
summer food service program sponsor, as an additional insured 26917  
party, to the district's existing liability insurance policy or 26918  
require the summer food service program sponsor to submit 26919  
evidence of a separate liability insurance policy, for an amount 26920  
approved by the district board. The summer food service program 26921  
sponsor shall be responsible for any costs incurred in obtaining 26922  
coverage under either option. 26923

(d) If a school district cannot for good cause comply with 26924  
the requirements of division (C) (2) or (4) (b) or (c) of this 26925  
section at the time the ~~state board~~ department determines that a 26926  
district is subject to these requirements, the ~~state board~~ 26927  
department shall grant a reasonable extension of time. Good 26928  
cause for an extension of time shall include, but need not be 26929  
limited to, economic impossibility of compliance with the 26930  
requirements at the time the ~~state board~~ department determines 26931  
that a district is subject to them. 26932

(D) (1) The ~~state board~~ department shall accept the 26933  
application of any outdoor education center in the state making 26934  
application for participation in a program pursuant to division 26935  
(B) of this section. 26936

(2) For purposes of participation in any program pursuant to this section, the board shall certify any outdoor education center making application as an educational unit that is part of the educational system of the state, if the center:	26937
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	26939
	26940
(a) Meets the definition of an outdoor education center;	26941
(b) Provides its outdoor education curriculum to pupils on an overnight basis so that pupils are in residence at the center for more than twenty-four consecutive hours;	26942
	26943
	26944
(c) Operates under public or nonprofit private ownership in a single building or complex of buildings.	26945
	26946
(3) The board shall approve any outdoor education center certified under this division for participation in the program for which the center is making application on the same basis as any other applicant for that program.	26947
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(E) Any school district board of education or chartered nonpublic school that participates in a breakfast program pursuant to this section may offer breakfast to pupils in their classrooms during the school day.	26951
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(F) Notwithstanding anything in this section to the contrary, in each fiscal year in which the general assembly appropriates funds for purposes of this division, the board of education of each school district and each chartered nonpublic school that participates in a breakfast program pursuant to this section shall provide a breakfast free of charge to each pupil who is eligible under federal requirements for a reduced price breakfast.	26955
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<b>Sec. 3313.814.</b> (A) As used in this section and sections 3313.816 and 3313.817 of the Revised Code:	26963
	26964

(1) "A la carte item" means an individually priced food or beverage item that is available for sale to students through any of the following:

(a) A school food service program;

(b) A vending machine located on school property;

(c) A store operated by the school, a student association, or other school-sponsored organization.

"A la carte item" does not include any food or beverage item available for sale in connection with a school-sponsored fundraiser held outside of the regular school day, any other school-sponsored event held outside of the regular school day, or an interscholastic athletic event. "A la carte item" also does not include any food or beverage item that is part of a reimbursable meal and that is available for sale as an individually priced item in a serving portion of the same size as in the reimbursable meal, regardless of whether the food or beverage item is included in the reimbursable meal served on a particular school day.

(2) "Added sweeteners" means any additives that enhance the sweetness of a beverage, including processed sugar. "Added sweeteners" do not include any natural sugars found in fruit juices that are a component of the beverage.

(3) "Extended school day" means the period before and after the regular school day during which students participate in school-sponsored extracurricular activities, latchkey programs as defined in section 3313.207 of the Revised Code, or other academic or enrichment programs.

(4) "Regular school day" means the period each school day between the designated arrival time for students and the end of

the final instructional period. 26994

(5) "Reimbursable meal" means a meal that is provided to 26995  
students through a school breakfast or lunch program established 26996  
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 26997  
U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 26998  
80 Stat. 885, 42 U.S.C. 1771, as amended, and that meets the 26999  
criteria for reimbursement established by the United States 27000  
department of agriculture. 27001

(6) "School food service program" means a school food 27002  
service program operated under section 3313.81 or 3313.813 of 27003  
the Revised Code. 27004

(B) Each school district board of education and each 27005  
chartered nonpublic school governing authority shall adopt and 27006  
enforce nutrition standards governing the types of food and 27007  
beverages that may be sold on the premises of its schools, and 27008  
specifying the time and place each type of food or beverage may 27009  
be sold. 27010

(1) In adopting the standards, the board or governing 27011  
authority shall do all of the following: 27012

(a) Consider the nutritional value of each food or 27013  
beverage; 27014

(b) Consult with a dietitian licensed under Chapter 4759. 27015  
of the Revised Code, a dietetic technician registered by the 27016  
commission on dietetic registration, or a school nutrition 27017  
specialist certified or credentialed by the school nutrition 27018  
association. The person with whom the board or governing 27019  
authority consults may be an employee of the board or governing 27020  
authority, a person contracted by the board or governing 27021  
authority, or a volunteer, provided the person meets the 27022

requirements of this division. 27023

(c) Consult the dietary guidelines for Americans jointly 27024  
developed by the United States department of agriculture and the 27025  
United States department of health and human services and, to 27026  
the maximum extent possible, incorporate the guidelines into the 27027  
standards. 27028

(2) No food or beverage may be sold on any school premises 27029  
except in accordance with the standards adopted by the board or 27030  
governing authority. 27031

(3) The standards shall comply with sections 3313.816 and 27032  
3313.817 of the Revised Code, but nothing in this section shall 27033  
prohibit the standards from being more restrictive than 27034  
otherwise required by those sections. 27035

(C) The nutrition standards adopted under this section 27036  
shall prohibit the placement of vending machines in any 27037  
classroom where students are provided instruction, unless the 27038  
classroom also is used to serve students meals. This division 27039  
does not apply to vending machines that sell only milk, 27040  
reimbursable meals, or food and beverage items that are part of 27041  
a reimbursable meal and are available for sale as individually 27042  
priced items in serving portions of the same size as in the 27043  
reimbursable meal. 27044

(D) Each board or governing authority shall designate 27045  
staff to be responsible for ensuring that the school district or 27046  
school meets the nutrition standards adopted under this section. 27047  
The staff shall prepare an annual report regarding the 27048  
district's or school's compliance with the standards and submit 27049  
it to the department of ~~education~~ learning and achievement. The 27050  
board or governing authority annually shall schedule a 27051

presentation on the report at one of its regular meetings. Each 27052  
district or school shall make copies of the report available to 27053  
the public upon request. 27054

(E) The ~~state board of education~~ department of learning 27055  
and achievement shall formulate and adopt guidelines, which 27056  
boards of education and chartered nonpublic schools may follow 27057  
in enforcing and implementing this section. 27058

**Sec. 3313.815.** (A) Any school district or nonpublic school 27059  
that operates a food service program pursuant to section 3313.81 27060  
or 3313.813 of the Revised Code shall require at least one 27061  
employee who has received instruction in methods to prevent 27062  
choking and has demonstrated an ability to perform the Heimlich 27063  
maneuver to be present while students are being served food. 27064

The department of ~~education~~ learning and achievement shall 27065  
establish guidelines for use by districts and schools in 27066  
implementing this section. 27067

(B) Any nonpublic school or employee of a nonpublic school 27068  
is not liable in damages in a civil action for injury, death, or 27069  
loss to person or property allegedly caused by an act or 27070  
omission of the nonpublic school or an employee of the nonpublic 27071  
school in connection with performance of the duties required 27072  
under division (A) of this section unless such act or omission 27073  
was with malicious purpose, in bad faith, or in a wanton or 27074  
reckless manner. 27075

(C) This section does not create a new cause of action or 27076  
substantive legal right against any person. 27077

**Sec. 3313.817.** (A) When the department of ~~education~~ 27078  
learning and achievement is able to obtain free of charge 27079  
computer software for assessing the nutritional value of foods 27080

that does all of the following, the department shall make that 27081  
software available free of charge to each public and chartered 27082  
nonpublic school: 27083

(1) Rates the healthiness of foods based on nutrient 27084  
density; 27085

(2) Assesses the amount of calories, total fat, saturated 27086  
fat, trans fat, sugar, protein, fiber, calcium, iron, vitamin A, 27087  
and vitamin C in each food item; 27088

(3) Evaluates the nutritional value of foods based on the 27089  
dietary guidelines for Americans jointly developed by the United 27090  
States department of agriculture and United States department of 27091  
health and human services as they pertain to children and 27092  
adolescents. 27093

(B) Each public and chartered nonpublic school shall use 27094  
the software provided by the department under this section to 27095  
determine the nutritional value of each a la carte food item 27096  
available for sale at the school. 27097

(C) When the department provides software under this 27098  
section, each public and chartered nonpublic school shall comply 27099  
with all of the following requirements: 27100

(1) No a la carte food item shall be in the lowest rated 27101  
category of foods designated by the software. 27102

(2) In the first school year in which the school is 27103  
subject to this section, at least twenty per cent of the a la 27104  
carte food items available for sale from each of the following 27105  
sources during the regular and extended school day shall be in 27106  
the highest rated category of foods designated by the software 27107  
and in each school year thereafter, at least forty per cent of 27108  
the a la carte food items available for sale from each of the 27109

following sources during the regular and extended school day	27110
shall be in that category:	27111
(a) A school food service program;	27112
(b) A vending machine located on school property;	27113
(c) A store operated by the school, a student association, or other school-sponsored organization.	27114 27115
(3) Each a la carte food item that is not in the highest rated category of foods designated by the software shall meet at least two of the following criteria:	27116 27117 27118
(a) It contains at least five grams of protein.	27119
(b) It contains at least ten per cent of the recommended daily value of fiber.	27120 27121
(c) It contains at least ten per cent of the recommended daily value of calcium.	27122 27123
(d) It contains at least ten per cent of the recommended daily value of iron.	27124 27125
(e) It contains at least ten per cent of the recommended daily value of vitamin A.	27126 27127
(f) It contains at least ten per cent of the recommended daily value of vitamin C.	27128 27129
(D) As an alternative to complying with division (C) of this section, a public or chartered nonpublic school may comply with the most recent guidelines for competitive foods issued by the alliance for a healthier generation with respect to the sale of a la carte food items.	27130 27131 27132 27133 27134
<b>Sec. 3313.821.</b> <del>The superintendent of public instruction,</del>	27135
<del>in consultation with the governor's executive workforce board,</del>	27136

director of learning and achievement shall establish standards 27137  
for the operation of business advisory councils established by 27138  
the board of education of a school district or the governing 27139  
board of an educational service center under section 3313.82 of 27140  
the Revised Code. The standards adopted by the ~~state~~ 27141  
~~superintendent~~ director shall include at least the following 27142  
requirements: 27143

(A) Each advisory council and the board of education or 27144  
governing board that established it shall develop a plan by 27145  
which the advisory council shall advise the board of at least 27146  
those matters specified by the board pursuant to section 3313.82 27147  
of the Revised Code. 27148

(B) Each plan developed pursuant to division (A) of this 27149  
section shall be filed with the department of ~~education~~ learning 27150  
and achievement. 27151

(C) Each business advisory council shall meet with its 27152  
school board at least quarterly. 27153

(D) Each business advisory council and its school board 27154  
shall file a joint statement, not later than the first day of 27155  
March of each school year, describing how the school district or 27156  
service center and its business advisory council has fulfilled 27157  
their responsibilities pursuant to this section and section 27158  
3313.82 of the Revised Code. 27159

**Sec. 3313.843.** (A) Notwithstanding division (D) of section 27160  
3311.52 of the Revised Code, this section does not apply to any 27161  
cooperative education school district. 27162

(B) (1) The board of education of each city, exempted 27163  
village, or local school district with an average daily student 27164  
enrollment of sixteen thousand or less, reported for the 27165

district on the most recent report card issued under section 27166  
3302.03 of the Revised Code, shall enter into an agreement with 27167  
the governing board of an educational service center, under 27168  
which the educational service center governing board will 27169  
provide services to the district. 27170

(2) The board of education of a city, exempted village, or 27171  
local school district with an average daily student enrollment 27172  
of more than sixteen thousand may enter into an agreement with 27173  
the governing board of an educational service center, under 27174  
which the educational service center governing board will 27175  
provide services to the district. 27176

(3) Services provided under an agreement entered into 27177  
under division (B) (1) or (2) of this section shall be specified 27178  
in the agreement, and may include any of the following: 27179  
supervisory teachers; in-service and continuing education 27180  
programs for district personnel; curriculum services; research 27181  
and development programs; academic instruction for which the 27182  
governing board employs teachers pursuant to section 3319.02 of 27183  
the Revised Code; assistance in the provision of special 27184  
accommodations and classes for students with disabilities; or 27185  
any other services the district board and service center 27186  
governing board agree can be better provided by the service 27187  
center and are not provided under an agreement entered into 27188  
under section 3313.845 of the Revised Code. Services included in 27189  
the agreement shall be provided to the district in the manner 27190  
specified in the agreement. The district board of education 27191  
shall reimburse the educational service center governing board 27192  
pursuant to division (H) of this section. 27193

(C) Any agreement entered into pursuant to this section 27194  
shall be filed with the department of ~~education~~ learning and 27195

achievement by the first day of July of the school year for 27196  
which the agreement is in effect. 27197

(D) (1) An agreement for services from an educational 27198  
service center entered into under this section may be terminated 27199  
by the school district board of education, at its option, by 27200  
notifying the governing board of the service center by March 1, 27201  
2012, or by the first day of January of any odd-numbered year 27202  
thereafter, that the district board intends to terminate the 27203  
agreement in that year, and that termination shall be effective 27204  
on the thirtieth day of June of that year. The failure of a 27205  
district board to notify an educational service center of its 27206  
intent to terminate an agreement by March 1, 2012, shall result 27207  
in renewal of the existing agreement for the following school 27208  
year. Thereafter, the failure of a district board to notify an 27209  
educational service center of its intent to terminate an 27210  
agreement by the first day of January of an odd-numbered year 27211  
shall result in renewal of the existing agreement for the 27212  
following two school years. 27213

(2) If the school district that terminates an agreement 27214  
for services under division (D) (1) of this section is also 27215  
subject to the requirement of division (B) (1) of this section, 27216  
the district board shall enter into a new agreement with any 27217  
educational service center so that the new agreement is 27218  
effective on the first day of July of that same year. 27219

(3) If all moneys owed by a school district to an 27220  
educational service center under an agreement for services 27221  
terminated under division (D) (1) of this section have been paid 27222  
in full by the effective date of the termination, the governing 27223  
board of the service center shall submit an affidavit to the 27224  
department certifying that fact not later than fifteen days 27225

after the termination's effective date. Notwithstanding anything 27226  
in the Revised Code to the contrary, until the department 27227  
receives such an affidavit, it shall not make any payments to 27228  
any other educational service center with which the district 27229  
enters into an agreement under this section for services that 27230  
the educational service center provides to the district. 27231

(E) An educational service center may apply to any state 27232  
or federal agency for competitive grants. It may also apply to 27233  
any private entity for additional funds. 27234

(F) Not later than January 1, 2014, each educational 27235  
service center shall post on its web site a list of all of the 27236  
services that it provides and the corresponding cost for each of 27237  
those services. 27238

(G) (1) For purposes of calculating any state operating 27239  
subsidy to be paid to an educational service center for the 27240  
operation of that service center and any services required under 27241  
Title XXXVIII of the Revised Code to be provided by the service 27242  
center to a school district, the service center's student count 27243  
shall be the sum of the total student counts of all the school 27244  
districts with which the educational service center has entered 27245  
into an agreement under this section. 27246

(2) When a district enters into a new agreement with a new 27247  
educational service center, the department of ~~education-learning~~ 27248  
and achievement shall ensure that the state operating subsidy 27249  
for services provided to the district is paid to the new 27250  
educational service center and that the educational service 27251  
center with which the district previously had an agreement is no 27252  
longer paid a state operating subsidy for providing services to 27253  
that district. 27254

(H) Pursuant to division (B) of section 3317.023 of the Revised Code, the department annually shall deduct from each school district that enters into an agreement with an educational service center under this section, and pay to the service center, an amount equal to six dollars and fifty cents times the school district's total student count. The district board of education, or the district superintendent acting on behalf of the district board, may agree to pay an amount in excess of six dollars and fifty cents per student in total student count. If a majority of the boards of education, or superintendents acting on behalf of the boards, of the districts that entered into an agreement under this section approve an amount in excess of six dollars and fifty cents per student in total student count, each district shall pay the excess amount to the service center.

(I) For purposes of this section, a school district's "total student count" means the average daily student enrollment reported on the most recent report card issued for the district pursuant to section 3302.03 of the Revised Code.

**Sec. 3313.844.** The governing authority of a community school established under Chapter 3314. of the Revised Code and the governing board of an educational service center may enter into an agreement, through adoption of identical resolutions, under which the service center board will provide services to the community school. Services provided under the agreement and the amount and manner in which the community school will pay for such services shall be mutually agreed to by the school's governing authority and the service center board, and shall be specified in the service agreement. If specified in the agreement as the manner of payment, the department of ~~education~~ learning and achievement shall pay the service center the amount

due to it under the agreement and shall deduct that amount from 27286  
the payments made to the community school under Chapter 3314. of 27287  
the Revised Code. Any agreement entered into under this section 27288  
shall be valid only if a copy is filed with the department. 27289

**Sec. 3313.845.** The board of education of a city, exempted 27290  
village, local, or joint vocational school district and the 27291  
governing board of an educational service center may enter into 27292  
an agreement under which the educational service center will 27293  
provide services to the school district. Services provided under 27294  
the agreement and the amount to be paid for such services shall 27295  
be mutually agreed to by the district board of education and the 27296  
service center governing board, and shall be specified in the 27297  
agreement. Payment for services specified in the agreement shall 27298  
be made pursuant to the terms of that agreement. If specified in 27299  
the agreement as the manner of payment, the department of 27300  
~~education-learning and achievement~~ shall pay the service center 27301  
the amount due to it under the agreement and shall deduct that 27302  
amount from the payments made to the city, exempted village, 27303  
local, or joint vocational school district under Chapter 3317. 27304  
of the Revised Code. Any agreement entered into pursuant to this 27305  
section shall be valid only if a copy is filed with the 27306  
department. 27307

The authority granted under this section to the boards of 27308  
education of city, exempted village, and local school districts 27309  
is in addition to the authority granted to such boards under 27310  
section 3313.843 of the Revised Code. 27311

**Sec. 3313.846.** The governing board of an educational 27312  
service center may enter into a contract with any political 27313  
subdivision as defined in section 2744.01 of the Revised Code, 27314  
not including school districts, community schools, or STEM 27315

schools contracting for services under section 3313.843, 27316  
3313.844, 3313.845, or 3326.45 of the Revised Code, under which 27317  
the educational service center will provide services to the 27318  
political subdivision. Services provided under the contract and 27319  
the amount to be paid for such services shall be mutually agreed 27320  
to by the parties and shall be specified in the contract. The 27321  
political subdivision shall directly pay an educational service 27322  
center for services specified in the contract. The board of the 27323  
educational service center shall file a copy of each contract 27324  
entered into under this section with the department of ~~education-~~ 27325  
learning and achievement by the first day the contract is in 27326  
effect. 27327

**Sec. 3313.90.** As used in this section, "formula ADM" has 27328  
the same meaning as in section 3317.02 of the Revised Code. 27329  
Notwithstanding division (D) of section 3311.19 and division (D) 27330  
of section 3311.52 of the Revised Code, the provisions of this 27331  
section that apply to a city school district do not apply to any 27332  
joint vocational or cooperative education school district. 27333

(A) Except as provided in division (B) of this section, 27334  
each city, local, and exempted village school district shall, by 27335  
one of the following means, provide to students enrolled in 27336  
grades seven through twelve career-technical education adequate 27337  
to prepare a student enrolled therein for an occupation: 27338

(1) Establishing and maintaining a career-technical 27339  
education program that meets standards adopted by the ~~state-~~ 27340  
~~board of education~~ department of learning and achievement; 27341

(2) Being a member of a joint vocational school district 27342  
that meets standards adopted by the ~~state board~~ department; 27343

(3) Contracting for career-technical education with a 27344

joint vocational school district or another school district that 27345  
meets the standards adopted by the ~~state board~~ department. 27346

The standards of the ~~state board of education~~ department 27347  
of learning and achievement shall include criteria for the 27348  
participation by nonpublic students in career-technical 27349  
education programs without financial assessment, charge, or 27350  
tuition to such student except such assessments, charges, or 27351  
tuition paid by resident public school students in such 27352  
programs. Such nonpublic school students shall be included in 27353  
the formula ADM of the school district maintaining the career- 27354  
technical education program as part-time students in proportion 27355  
to the time spent in the career-technical education program. 27356

By the thirtieth day of October of each year, the 27357  
~~superintendent of public instruction~~ department shall determine 27358  
and certify to the superintendent of each school district 27359  
subject to this section either that the district is in 27360  
compliance with the requirements of this section for the current 27361  
school year or that the district is not in compliance. If the 27362  
~~superintendent~~ department certifies that the district is not in 27363  
compliance, he shall notify the board of education of the 27364  
district of the actions necessary to bring the district into 27365  
compliance with this section. 27366

In meeting standards established by the ~~state board of~~ 27367  
~~education~~ department of learning and achievement, school 27368  
districts, where practicable, shall provide career-technical 27369  
education programs in high schools. A minimum enrollment of 27370  
fifteen hundred students in grades nine through twelve is 27371  
established as a base for comprehensive career-technical 27372  
education course offerings. Beginning with the 2015-2016 school 27373  
year, this base shall increase to a minimum enrollment of two 27374

thousand two hundred fifty students in grades seven through 27375  
twelve. A school district may meet this requirement alone, 27376  
through a cooperative arrangement pursuant to section 3313.92 of 27377  
the Revised Code, through school district consolidation, by 27378  
membership in a joint vocational school district, by contract 27379  
with a school district, by contract with a school licensed by 27380  
any state agency established by the Revised Code which school 27381  
operates its courses offered for contracting with public schools 27382  
under standards as to staffing and facilities comparable to 27383  
those prescribed by the ~~state board of education~~ department of 27384  
learning and achievement for public schools provided no 27385  
instructor in such courses shall be required to be certificated 27386  
by the state department of ~~education~~ learning and achievement, 27387  
or in a combination of such ways. Exceptions to the minimum 27388  
enrollment prescribed by this section may be made by the ~~state~~ 27389  
~~board of education~~ department of learning and achievement based 27390  
on sparsity of population or other factors indicating that 27391  
comprehensive educational and career-technical education 27392  
programs as required by this section can be provided through an 27393  
alternate plan. 27394

(B) If the board of education of a city, local, or 27395  
exempted village school district adopts a resolution that 27396  
specifies the district's intent not to provide career-technical 27397  
education to students enrolled in grades seven and eight for a 27398  
particular school year and submits that resolution to the 27399  
department by the thirtieth day of September of that school 27400  
year, the department shall waive the requirement for that 27401  
district to provide career-technical education to students 27402  
enrolled in grades seven and eight for that particular school 27403  
year. 27404

**Sec. 3313.901.** The ~~state board of education~~ department of 27405

learning and achievement shall prepare a plan of action for 27406  
accelerating the modernization of the vocational curriculum into 27407  
courses of study that can furnish students with the basic 27408  
science, English language arts, mathematics, and technology 27409  
skills needed to participate successfully in the workforce of 27410  
the future. 27411

A preliminary plan setting forth a timetable for the 27412  
plan's development and implementation and identifying specific 27413  
objectives, susceptible of measurement, that are to be 27414  
accomplished by the end of each fiscal year through 1999 shall 27415  
be presented to the general assembly by July 1, 1990. Beginning 27416  
with the fiscal year 1991, the ~~state board~~ department shall 27417  
issue a progress report on the plan's implementation each year 27418  
through fiscal year 2000. Each progress report shall measure the 27419  
extent to which the plan's objectives have been met and the 27420  
extent to which they have not been realized and shall specify 27421  
any legislative action needed to proceed with the plan's 27422  
implementation and the reasons why such action is necessary. The 27423  
board shall revise the plan as necessary and include any such 27424  
revisions in the next progress report. 27425

The plan shall embody at least the following: 27426

(A) A redefinition of vocational education that takes into 27427  
account the changes in the kinds of knowledge and skills 27428  
students must acquire if they are to participate effectively in 27429  
the workforce of the future. 27430

(B) Modernization of the minimum standards for vocational 27431  
education programs and the adoption of standards that are 27432  
attainable, relevant, affordable, and measurable. 27433

(C) Proposals for taking advantage of joint vocational 27434

school districts' greater resource bases and their larger and 27435  
more diverse student populations to develop, house, and maintain 27436  
magnet schools to strengthen the academic programs available to 27437  
each city, local, and exempted village school district's 27438  
students without regard to whether students are pursuing 27439  
vocational or college preparatory programs. The proposals should 27440  
provide for the development of at least one magnet school within 27441  
each joint vocational school district that has any member 27442  
district lacking either the number of students or the financial 27443  
resources needed to provide a mathematics, science, technology, 27444  
or language program that exceeds ~~state board of education~~ 27445  
department of learning and achievement minimum standards. 27446

(D) The assimilation into the vocational curriculum of 27447  
more stringent science, mathematics, English language arts, and 27448  
technology components sufficient to equip students preparing for 27449  
careers with the knowledge and confidence they need to absorb, 27450  
apply, and adapt to the technological changes that will confront 27451  
them in the twenty-first century; to broaden the career options 27452  
available to students who pursue vocational curricula; and to 27453  
give vocational graduates educational foundations that will 27454  
enable them not only to be absorbed into the workforce but will 27455  
also decrease the likelihood they will be displaced in the 27456  
future as the knowledge and skills needed in the workplace 27457  
undergo change. 27458

(E) A plan for reallocating personnel, resources, and 27459  
responsibilities among school districts where reallocations can 27460  
strengthen the curriculum and the course offerings, reduce 27461  
costs, provide more efficient uses of educational resources, or 27462  
better serve students' needs. 27463

(F) Provision for the realization of the objectives set 27464

forth in this section within the existing level of financial support from local, state, federal, and private sources, and establishment of plans for strengthening vocational education programs as additional revenues become available to individual districts and for maintaining strong curricula, regardless of changes in the year-to-year level of financial support.

(G) Alternative transportation plans districts can implement to overcome obstacles that impede pupils' attendance at the locations where they should be attending school or participating in other educational activities.

**Sec. 3313.902.** (A) As used in this section:

(1) "Approved industry credential or certificate" means a credential or certificate that is approved by the ~~chancellor of higher education~~ department of learning and achievement.

(2) "Approved institution" means an eligible institution that has been approved to participate in the adult diploma pilot program under this section.

(3) "Approved program of study" means a program of study offered by an approved institution that satisfies the requirements of division (B) of this section.

(4) An eligible student's "career pathway training program amount" means the following:

(a) If the student is enrolled in a tier one career pathway training program, \$4,800;

(b) If the student is enrolled in a tier two career pathway training program, \$3,200;

(c) If the student is enrolled in a tier three career pathway training program, \$1,600.

(5) "Eligible institution" means any of the following:	27493
(a) A community college established under Chapter 3354. of the Revised Code;	27494 27495
(b) A technical college established under Chapter 3357. of the Revised Code;	27496 27497
(c) A state community college established under Chapter 3358. of the Revised Code;	27498 27499
(d) An Ohio technical center recognized by the <del>chancellor-</del> <u>department of learning and achievement</u> that provides post- secondary workforce education.	27500 27501 27502
(6) "Eligible student" means an individual who is at least twenty-two years of age and has not received a high school diploma or a certificate of high school equivalence, as defined in section 4109.06 of the Revised Code.	27503 27504 27505 27506
(7) A "tier one career pathway training program" is a career pathway training program that requires more than six hundred hours of technical training, as determined by the department of <del>education</del> <u>learning and achievement</u> .	27507 27508 27509 27510
(8) A "tier two career pathway training program" is a career pathway training program that requires more than three hundred hours of technical training but less than six hundred hours of technical training, as determined by the department.	27511 27512 27513 27514
(9) A "tier three career pathway training program" is a career pathway training program that requires three hundred hours or less of technical training, as determined by the department.	27515 27516 27517 27518
(10) An eligible student's "work readiness training amount" means the following:	27519 27520

(a) If the student's grade level upon initial enrollment 27521  
in an approved program of study at an approved institution is 27522  
below the ninth grade, as determined in accordance with rules 27523  
adopted under division (E) of this section, \$1,500. 27524

(b) If the student's grade level upon initial enrollment 27525  
in an approved program of study at an approved institution is at 27526  
or above the ninth grade, as determined in accordance with rules 27527  
adopted under division (E) of this section, \$750. 27528

(B) The adult diploma pilot program is hereby established 27529  
to permit an eligible institution to obtain approval from the 27530  
~~superintendent of public instruction and the chancellor~~ 27531  
department to develop and offer a program of study that allows 27532  
an eligible student to obtain a high school diploma. A program 27533  
shall be eligible for this approval if it satisfies all of the 27534  
following requirements: 27535

(1) The program allows an eligible student to complete the 27536  
requirements for obtaining a high school diploma that are 27537  
specified in rules adopted by the ~~superintendent~~ director of 27538  
learning and achievement under division (E) of this section 27539  
while also completing requirements for an approved industry 27540  
credential or certificate. 27541

(2) The program includes career advising and outreach. 27542

(3) The program includes opportunities for students to 27543  
receive a competency-based education. 27544

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 27545  
3313.614, 3313.618, and 3313.619 of the Revised Code, the ~~state~~ 27546  
~~board of education~~ department of learning and achievement shall 27547  
grant a high school diploma to each eligible student who enrolls 27548  
in an approved program of study at an approved institution and 27549

completes the requirements for obtaining a high school diploma 27550  
that are specified in rules adopted by the ~~superintendent~~ 27551  
director under division (E) of this section. 27552

(D) (1) The department shall calculate the following amount 27553  
for each eligible student enrolled in each approved 27554  
institution's approved program of study: 27555

(The student's career pathway training program amount + the 27556  
student's work readiness training amount) X 1.2 27557

(2) Except as provided in division (D) (4) of this section, 27558  
the department shall pay the amount calculated for an eligible 27559  
student under division (D) (1) of this section to the approved 27560  
institution in which the student is enrolled in the following 27561  
manner: 27562

(a) Twenty-five per cent of the amount calculated under 27563  
division (D) (1) of this section shall be paid to the approved 27564  
institution after the student successfully completes the first 27565  
third of the approved program of study, as determined by the 27566  
department; 27567

(b) Twenty-five per cent of the amount calculated under 27568  
division (D) (1) of this section shall be paid to the approved 27569  
institution after the student successfully completes the second 27570  
third of the approved program of study, as determined by the 27571  
department; 27572

(c) Fifty per cent of the amount calculated under division 27573  
(D) (1) of this section shall be paid to the approved institution 27574  
after the student successfully completes the final third of the 27575  
approved program of study, as determined by the department. 27576

(3) Of the amount paid to an approved institution under 27577  
division (D) (2) of this section, the institution may use the 27578

amount that is in addition to the student's career pathway 27579  
training amount and the student's work readiness training amount 27580  
for the associated services of the approved program of study. 27581  
These services include counseling, advising, assessment, and 27582  
other services as determined or required by the department. 27583

(4) If the ~~superintendent and the chancellor determine~~ 27584  
director determines that is it appropriate for an entity other 27585  
than the department to make full or partial payments for an 27586  
eligible student under division (D) (2) of this section, that 27587  
entity shall make those payments and the department shall not 27588  
make those payments. 27589

(E) The ~~superintendent, in consultation with the~~ 27590  
~~chancellor, director~~ shall adopt rules for the implementation of 27591  
the adult diploma pilot program, including all of the following: 27592

(1) The requirements for applying for program approval; 27593

(2) The requirements for obtaining a high school diploma 27594  
through the program, including the requirement to obtain a 27595  
passing score on an assessment that is appropriate for the 27596  
career pathway training program that is being completed by the 27597  
eligible student, and the date on which these requirements take 27598  
effect; 27599

(3) The assessment or assessments that may be used to 27600  
complete the assessment requirement for each career pathway 27601  
training program under division (E) (2) of this section and the 27602  
score that must be obtained on each assessment in order to pass 27603  
the assessment; 27604

(4) Guidelines regarding the funding of the program under 27605  
division (D) of this section, including a method of funding for 27606  
students who transfer from one approved institution to another 27607

approved institution prior to completing an approved program of study; 27608  
27609

(5) Circumstances under which an eligible student may be charged for tuition, supplies, or associated fees while enrolled in an approved institution's approved program of study; 27610  
27611  
27612

(6) A requirement that an eligible student may not be charged for tuition, supplies, or associated fees while enrolled in an approved institution's approved program of study except in the circumstances described under division (E) (5) of this section; 27613  
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(7) The payment of federal funds that are to be used by approved programs of study at approved institutions. 27618  
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**Sec. 3313.903.** Except as otherwise required under federal law, the department of ~~education~~ learning and achievement shall consider an industry-recognized credential, as described under division (B) (2) (d) of section 3302.03 of the Revised Code, or a license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license as an acceptable measure of technical skill attainment and shall not require a student with such credential or license to take additional technical assessments. 27620  
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Additionally, the department shall not require a student who has participated in or will be participating in a credentialing assessment aligned to the student's career-technical education program or has participated in or will be participating in taking an examination for issuance of such a license aligned to the student's career-technical education program to take additional technical assessments. 27629  
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However, if the student does not participate in the 27636

credentialing assessment or license examination, the student 27637  
shall take the applicable technical assessments prescribed by 27638  
the department. 27639

The department shall develop, in consultation with the 27640  
Ohio association for career and technical education, the Ohio 27641  
association of career-technical superintendents, the Ohio 27642  
association of city career-technical schools, and other 27643  
stakeholders, procedures for identifying industry-recognized 27644  
credentials and licenses aligned to a student's career-technical 27645  
education program that can be used as an acceptable measure of 27646  
technical skill, and for identifying students in the process of 27647  
earning such credentials and licenses. 27648

As used in this section, "technical assessments" shall not 27649  
include the nationally recognized job skills assessment 27650  
prescribed under division (G) of section 3301.0712 of the 27651  
Revised Code. 27652

Nothing in this section shall exempt a student who wishes 27653  
to qualify for a high school diploma under division (A) (3) of 27654  
section 3313.618 of the Revised Code from the requirement to 27655  
attain a specified score on that assessment in order to qualify 27656  
for a high school diploma under that section. 27657

**Sec. 3313.904.** The department of ~~education~~ learning and 27658  
achievement and the department of job and family services, ~~in~~ 27659  
~~consultation with the governor's office of workforce~~ 27660  
~~transformation,~~ shall establish an option for career-technical 27661  
education students to participate in pre-apprenticeship training 27662  
programs that impart the skills and knowledge needed for 27663  
successful participation in a registered apprenticeship 27664  
occupation course. 27665

**Sec. 3313.91.** Notwithstanding division (D) of section 27666  
3311.19 and division (D) of section 3311.52 of the Revised Code, 27667  
the provisions of this section and section 3313.911 of the 27668  
Revised Code that apply to a city school district do not apply 27669  
to any joint vocational or cooperative education school district 27670  
unless otherwise specified. 27671

The board of education of any city, local, exempted 27672  
village, or joint vocational school district may contract with 27673  
any public agency, board, or bureau, or with any private 27674  
individual or firm for the purchase of any vocational education 27675  
or vocational rehabilitation service for any resident of the 27676  
district under the age of twenty-one years and may pay for such 27677  
services with public funds. Any such vocational education or 27678  
vocational rehabilitation service shall meet the same 27679  
requirements, including those for teachers, facilities, and 27680  
equipment, as those required of the public schools and be 27681  
approved by the state department of ~~education~~ learning and 27682  
achievement. 27683

The ~~state board of education~~ department of learning and 27684  
achievement may assign city, local, or exempted village school 27685  
districts to joint vocational districts and pursuant to ~~state-~~ 27686  
~~board-~~ department rules, shall require such districts to enter 27687  
into contractual agreements pursuant to section 3313.90 of the 27688  
Revised Code so that special education students as well as 27689  
others may receive suitable vocational services. Such rules 27690  
shall prescribe a formula under which the district that 27691  
contracts to receive the services agrees to pay an annual fee to 27692  
the district providing the vocational education program. The 27693  
amount of the fee shall be computed in accordance with a formula 27694  
~~prescribed~~ established by state board rule of the department, 27695  
but the rule shall permit the ~~superintendent of public-~~ 27696

~~instruction department~~ to prescribe a lower fee than the amount 27697  
required to be paid by the formula in cases where ~~he~~ it 27698  
determines either that the approved vocational course offerings 27699  
of the district that is to pay the fee are of sufficient breadth 27700  
to warrant a lower annual fee, or that the situation warrants a 27701  
lower annual fee. 27702

**Sec. 3313.911.** The ~~state board of education~~ department of 27703  
learning and achievement may adopt a resolution assigning a 27704  
city, exempted village, or local school district that is not a 27705  
part of a joint vocational school district to membership in a 27706  
joint vocational school district. A copy of the resolution shall 27707  
be certified to the board of education of the joint vocational 27708  
school district and the board of education of the district 27709  
proposed to be assigned. The board of education of the joint 27710  
vocational school district shall advertise a copy of the 27711  
resolution in a newspaper of general circulation in the district 27712  
proposed to be assigned once each week for two weeks, or as 27713  
provided in section 7.16 of the Revised Code, immediately 27714  
following the certification of the resolution to the board. The 27715  
assignment shall take effect on the ninety-first day after the 27716  
~~state board~~ department adopts the resolution, unless prior to 27717  
that date qualified electors residing in the school district 27718  
proposed for assignment, equal in number to ten per cent of the 27719  
qualified electors of that district voting at the last general 27720  
election, file a petition against the assignment. 27721

The petition of referendum shall be filed with the 27722  
treasurer of the board of education of the district proposed to 27723  
be assigned to the joint vocational school district. The 27724  
treasurer shall give the person presenting the petition a 27725  
receipt showing the time of day, date, and purpose of the 27726  
petition. The treasurer shall cause the board of elections to 27727

determine the sufficiency of signatures on the petition and if 27728  
the signatures are found to be sufficient, shall present the 27729  
petition to the board of education of the district. The board of 27730  
education shall promptly certify the question to the board of 27731  
elections for the purpose of having the question placed on the 27732  
ballot at the next general, primary, or special election not 27733  
earlier than sixty days after the date of the certification. 27734

Only those qualified electors residing in the district 27735  
proposed for assignment to the joint vocational school district 27736  
are qualified to vote on the question. If a majority of the 27737  
electors voting on the question vote against the assignment, it 27738  
shall not take place, and the ~~state board of education~~ 27739  
department of learning and achievement shall require the 27740  
district to contract with the joint vocational school district 27741  
or another school district as authorized by section 3313.91 of 27742  
the Revised Code. 27743

If a majority of the electors voting on the question do 27744  
not vote against the assignment, the assignment shall take 27745  
immediate effect, and the board of education of the joint 27746  
vocational school district shall notify the county auditor of 27747  
the county in which the school district becoming a part of the 27748  
joint vocational school district is located to have any 27749  
outstanding levy of the joint vocational school district spread 27750  
over the territory of the school district that has become a part 27751  
of the joint vocational school district. 27752

The assignment of a school district to a joint vocational 27753  
school district pursuant to this section is subject to any 27754  
agreements made between the board of education of the assigned 27755  
school district and the board of education of the joint 27756  
vocational school district. Such an agreement may include 27757

provisions for a payment by the assigned school district to the 27758  
joint vocational school district of an amount to be contributed 27759  
toward the cost of the existing facilities of the joint 27760  
vocational school district. 27761

**Sec. 3313.92.** (A) The boards of education of any two or 27762  
more school districts may, subject to the approval of the 27763  
~~superintendent of public instruction~~ department of learning and 27764  
achievement, enter into agreements for the joint or cooperative 27765  
construction, acquisition, or improvement of any building, 27766  
structure, or facility benefiting the parties thereto, 27767  
including, without limitation, schools and classrooms for the 27768  
purpose of Chapter 3323. of the Revised Code, and for the 27769  
management, operation, occupancy, use, maintenance, or repair 27770  
thereof, or for the joint or cooperative participation in 27771  
programs, projects, activities, or services in connection with 27772  
such buildings, structures, or facilities, including 27773  
participation in the Ohio education computer network established 27774  
by section 3301.075 of the Revised Code. 27775

(B) Any agreement entered into under authority of this 27776  
section shall, where appropriate, provide for: 27777

(1) The method by which the building, structure, or 27778  
facility shall be constructed, acquired, or improved and by 27779  
which it shall be managed, occupied, maintained, and repaired, 27780  
and specifically a designation of one of the boards of education 27781  
to take and have exclusive charge of any and all details of 27782  
construction, acquisition, or improvement, including any 27783  
advertising for bids and the award of any construction or 27784  
improvement contract pursuant to the law applicable to such 27785  
board of education; 27786

(2) The manner in which the title to the buildings, 27787

structures, or facilities, including the sites and interests in 27788  
real estate necessary therefor, is to be held by one or more of 27789  
such boards of education; 27790

(3) The management or administration of any such programs, 27791  
projects, activities, services, or joint exercise of powers, 27792  
which may include management or administration by one of said 27793  
boards of education; 27794

(4) The manner of apportionment or sharing of all of the 27795  
costs, or specified classes of costs, including without 27796  
limitation costs of planning, construction, acquisition, 27797  
improvement, management, operation, maintenance, or repair of 27798  
such buildings, structures, or facilities, or of planning and 27799  
conducting such programs or projects, or obtaining such 27800  
services, which apportionment or sharing may be based on fixed 27801  
amounts, or on ratios or formulas, or affected through tuitions 27802  
to be contributed by the parties or in such manner therein 27803  
provided. 27804

(C) Any agreement entered into under authority of this 27805  
section may provide for: 27806

(1) An orderly process for making determinations as to 27807  
planning, execution, implementation, and operation, which may 27808  
include provisions for a committee, board, or commission, and 27809  
for representation thereon; 27810

(2) Securing necessary personnel, including participation 27811  
of teachers and other personnel from the respective school 27812  
districts; 27813

(3) Standards or conditions for the admission or 27814  
participation of students and others, including students from 27815  
other school districts; 27816

- (4) Conditions for admittance of other school districts to participation under the agreement; 27817  
27818
- (5) Fixing or establishing the method of determining special charges to be made for particular services or materials; 27819  
27820
- (6) The manner of amending, supplementing, terminating, or withdrawal or removal of any party from, the agreement, and the term of the agreement or an indefinite term; 27821  
27822  
27823
- (7) Designation of the applicants for or recipients of any state, federal, or other aid, assistance, or loans available by reason of any activities conducted under the agreement; 27824  
27825  
27826
- (8) Designation of one or more of the participating boards of education to maintain, prepare, and submit, on behalf of all parties to the agreement, any or all records and reports with regard to the activities conducted under the agreement, including without limitation those required under sections 3301.14, 3313.50, 3319.32 to 3319.37, 3321.12, 3323.08, and 3323.13 of the Revised Code; 27827  
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- (9) Such other matters as the parties thereto may agree upon for the purposes of division (A) of this section. 27834  
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- (D) For the purpose of paying or contributing its share under an agreement made under this section, a board of education may: 27836  
27837  
27838
- (1) Appropriate any moneys from its general fund, and from any other funds not otherwise restricted by law, including funds for permanent improvements of such board of education where the contribution is to be made toward the cost of permanent improvements under the agreement; 27839  
27840  
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- (2) Issue bonds, and notes in anticipation thereof, under 27844

Chapter 133. and section 3311.20 of the Revised Code for any 27845  
permanent improvement, as defined in section 133.01 of the 27846  
Revised Code, to be provided under such agreement; 27847

(3) Levy taxes, and issue notes in anticipation thereof, 27848  
under Chapters 3311. and 5705. of the Revised Code pertaining to 27849  
such board of education, provided that the purpose of such levy 27850  
may include the provision of funds for either or both permanent 27851  
improvements and current operating expenses required as the 27852  
share of such board of education under such agreement; 27853

(4) Contribute real and personal property for use under 27854  
such agreement without necessity for competitive bidding on 27855  
disposition of such property. 27856

(E) Funds provided by the parties to an agreement entered 27857  
into under this section, whether by appropriation, the levy of 27858  
taxes, the issuance of bonds or notes, or otherwise, shall be 27859  
transferred to and placed in a separate fund or funds of such 27860  
participating board of education as is designated the fiscal 27861  
agent for such purpose under the agreement, shall be 27862  
appropriated to and shall be applied for the purposes provided 27863  
in such agreement, and shall be subject to audit and, pursuant 27864  
to any determinations to be made as provided under such 27865  
agreement, shall be deposited, invested, and disbursed under the 27866  
provisions of law applicable to the board of education in whose 27867  
custody those funds are held; and the records and reports of 27868  
such board of education under Chapter 117. of the Revised Code 27869  
with respect to those funds shall be sufficient without 27870  
necessity for reports thereon by the other boards of education 27871  
participating under such agreement. 27872

(F) As used in this section, "construction, acquisition, 27873  
or improvement of any building, structure, or facility" also 27874

includes acquisition of real estate and interests in real estate 27875  
therefor, site improvements, and furniture, furnishings, and 27876  
equipment therefor. Buildings, structures, or facilities 27877  
constructed, acquired, or improved under this section may, 27878  
subject to the agreement, be used for any lawful purpose by each 27879  
party so long as the use thereof is an authorized proper use for 27880  
that party. 27881

(G) Any agreement entered into under this section shall be 27882  
subject to any laws hereafter enacted making express reference 27883  
therein to this section and requiring the transfer of any 27884  
functions exercised or properties held under such agreement to 27885  
any public officer, board, or body heretofore or hereafter 27886  
established, or requiring the termination of such agreement, or 27887  
otherwise affecting the agreement. 27888

(H) The powers granted in this section are supplementary 27889  
to, and not in derogation of or restriction upon, all other 27890  
powers of boards of education of school districts, and are to be 27891  
liberally construed to permit the achievement of the objectives 27892  
of this section and to permit the boards of education to take 27893  
advantage of federal grant and loan programs, provided that the 27894  
exercise of such powers shall be subject to such audit and 27895  
regulation as would be applicable if exercised under any other 27896  
provision of the Revised Code. 27897

**Sec. 3313.941.** (A) As used in this section, "state agency" 27898  
means every organized body, office, or agency established by the 27899  
laws or constitution of this state for the exercise of any 27900  
function of state government. 27901

(B) Whenever a school district board of education collects 27902  
racial data for the students enrolled in the school district or 27903  
whenever the department of ~~education~~ learning and achievement or 27904

any other state agency collects or requires the collection and reporting of racial data for students enrolled in any chartered public or nonpublic school, the data collection shall include a multiracial category.

For the purpose of reporting student racial data required by the federal government, if the federal standards for reporting student racial data do not include a multiracial category, both of the following apply:

(1) Students identified as multiracial for state or district purposes also shall be identified by an appropriate federal category.

(2) The parent, guardian, or custodian of each student shall have the opportunity to designate the appropriate federal racial category for the student.

**Sec. 3313.97.** Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section does not apply to any joint vocational or cooperative education school district.

(A) As used in this section:

(1) "Parent" has the same meaning as in section 3313.64 of the Revised Code.

(2) "Alternative school" means a school building other than the one to which a student is assigned by the district superintendent.

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

(B) The board of education of each city, local, and exempted village school district shall adopt an open enrollment

policy allowing students entitled to attend school in the 27933  
district pursuant to section 3313.64 or 3313.65 of the Revised 27934  
Code to enroll in an alternative school. Each policy shall 27935  
provide for the following: 27936

(1) Application procedures, including deadlines for 27937  
application and for notification of students and principals of 27938  
alternative schools whenever a student's application is 27939  
accepted. The policy shall require a student to apply only if 27940  
the student wishes to attend an alternative school. 27941

(2) The establishment of district capacity limits by grade 27942  
level, school building, and education program; 27943

(3) A requirement that students enrolled in a school 27944  
building or living in any attendance area of the school building 27945  
established by the superintendent or board be given preference 27946  
over applicants; 27947

(4) Procedures to ensure that an appropriate racial 27948  
balance is maintained in the district schools. 27949

Each policy may permit a student to permanently transfer 27950  
to an alternative school so that the student need not reapply 27951  
annually for permission to attend the alternative school. 27952

(C) Except as provided in section 3313.982 of the Revised 27953  
Code, the procedures for admitting applicants to alternative 27954  
schools shall not include: 27955

(1) Any requirement of academic ability, or any level of 27956  
athletic, artistic, or other extracurricular skills; 27957

(2) Limitations on admitting applicants because of 27958  
disabling conditions, except that a board may require a student 27959  
receiving services under Chapter 3323. of the Revised Code to 27960

attend school where the services described in the student's IEP 27961  
are available; 27962

(3) A requirement that the student be proficient in the 27963  
English language; 27964

(4) Rejection of any applicant because the student has 27965  
been subject to disciplinary proceedings, except that if an 27966  
applicant has been suspended or expelled for ten consecutive 27967  
days or more in the term for which admission is sought or in the 27968  
term immediately preceding the term for which admission is 27969  
sought, the procedures may include a provision denying admission 27970  
of such applicant to an alternative school. 27971

(D) (1) Notwithstanding Chapter 3327. of the Revised Code, 27972  
and except as provided in division (D) (2) of this section, a 27973  
district board is not required to provide transportation to a 27974  
nondisabled student enrolled in an alternative school unless 27975  
such student can be picked up and dropped off at a regular 27976  
school bus stop designated in accordance with the board's 27977  
transportation policy or unless the board is required to provide 27978  
additional transportation to the student in accordance with a 27979  
court-approved desegregation plan. 27980

(2) A district board shall provide transportation to any 27981  
student described in 20 U.S.C. 6316(b) (1) (F) to the extent 27982  
required by division (E) of section 3302.04 of the Revised Code, 27983  
except that no district board shall be required to provide 27984  
transportation to any such student after the school in which the 27985  
student was enrolled immediately prior to enrolling in the 27986  
alternative school makes adequate yearly progress, as defined in 27987  
section 3302.01 of the Revised Code, for two consecutive school 27988  
years. 27989

(E) Each school board shall provide information about the policy adopted under this section and the application procedures and deadlines to the parent of each student in the district and to the general public.

(F) The ~~state board of education~~ department of learning and achievement shall monitor school districts to ensure compliance with this section and the districts' policies.

**Sec. 3313.974.** As used in this section and in sections 3313.975 to 3313.979 of the Revised Code:

(A) "Individualized education program" and "child with a disability" have the same meanings as in section 3323.01 of the Revised Code.

(B) "Mainstreamed student with a disability" means a child with a disability who has an individualized education program providing for the student to spend more than half of each school day in a regular school setting with nondisabled students.

(C) "Separately educated student with a disability" means a child with a disability who has an individualized education program providing for the student to spend at least half of each school day in a class or setting separated from nondisabled students.

(D) "Low-income family" means a family whose income is below the level which the ~~superintendent of public instruction~~ department of learning and achievement shall establish.

(E) "Parent" has the same meaning as in section 3313.98 of the Revised Code.

(F) "Registered private school" means a school registered with the ~~superintendent of public instruction~~ department

pursuant to section 3313.976 of the Revised Code. 28018

(G) "Alternative school" means a registered private school 28019  
located in a school district or a public school located in an 28020  
adjacent school district. 28021

(H) "Tutorial assistance" means instructional services 28022  
provided to a student outside of regular school hours approved 28023  
by the commission on school choice pursuant to section 3313.976 28024  
of the Revised Code. 28025

**Sec. 3313.975.** As used in this section and in sections 28026  
3313.976 to 3313.979 of the Revised Code, "the pilot project 28027  
school district" or "the district" means any school district 28028  
included in the pilot project scholarship program pursuant to 28029  
this section. 28030

(A) The ~~superintendent of public instruction~~ department of 28031  
learning and achievement shall establish a pilot project 28032  
scholarship program and shall include in such program any school 28033  
districts that are or have ever been under federal court order 28034  
requiring supervision and operational management of the district 28035  
by the ~~state superintendent~~ department. The program shall 28036  
provide for a number of students residing in any such district 28037  
to receive scholarships to attend alternative schools, and for 28038  
an equal number of students to receive tutorial assistance 28039  
grants while attending public school in any such district. 28040

(B) The ~~state superintendent~~ department shall establish an 28041  
application process and deadline for accepting applications from 28042  
students residing in the district to participate in the 28043  
scholarship program. In the initial year of the program students 28044  
may only use a scholarship to attend school in grades 28045  
kindergarten through third. 28046

The ~~state superintendent department~~ shall award as many 28047  
scholarships and tutorial assistance grants as can be funded 28048  
given the amount appropriated for the program. 28049

(C) (1) The pilot project program shall continue in effect 28050  
each year that the general assembly has appropriated sufficient 28051  
money to fund scholarships and tutorial assistance grants. In 28052  
each year the program continues, new students may receive 28053  
scholarships in grades kindergarten to twelve. A student who has 28054  
received a scholarship may continue to receive one until the 28055  
student has completed grade twelve. 28056

(2) If the general assembly discontinues the scholarship 28057  
program, all students who are attending an alternative school 28058  
under the pilot project shall be entitled to continued 28059  
admittance to that specific school through all grades that are 28060  
provided in such school, under the same conditions as when they 28061  
were participating in the pilot project. The ~~state~~ 28062  
~~superintendent department~~ shall continue to make scholarship 28063  
payments in accordance with division (A) or (B) of section 28064  
3313.979 of the Revised Code for students who remain enrolled in 28065  
an alternative school under this provision in any year that 28066  
funds have been appropriated for this purpose. 28067

If funds are not appropriated, the tuition charged to the 28068  
parents of a student who remains enrolled in an alternative 28069  
school under this provision shall not be increased beyond the 28070  
amount equal to the amount of the scholarship plus any 28071  
additional amount charged that student's parent in the most 28072  
recent year of attendance as a participant in the pilot project, 28073  
except that tuition for all the students enrolled in such school 28074  
may be increased by the same percentage. 28075

(D) Notwithstanding sections 124.39 and 3311.83 of the 28076

Revised Code, if the pilot project school district experiences a decrease in enrollment due to participation in a state-sponsored scholarship program pursuant to sections 3313.974 to 3313.979 of the Revised Code, the district board of education may enter into an agreement with any teacher it employs to provide to that teacher severance pay or early retirement incentives, or both, if the teacher agrees to terminate the employment contract with the district board, provided any collective bargaining agreement in force pursuant to Chapter 4117. of the Revised Code does not prohibit such an agreement for termination of a teacher's employment contract.

**Sec. 3313.976.** (A) No private school may receive scholarship payments from parents pursuant to section 3313.979 of the Revised Code until the chief administrator of the private school registers the school with the ~~superintendent of public instruction~~ department of learning and achievement. The ~~state superintendent department~~ shall register any school that meets the following requirements:

(1) The school either:

(a) Offers any of grades kindergarten through twelve and is located within the boundaries of the pilot project school district;

(b) Offers any of grades nine through twelve and is located within the boundaries of a city, local, or exempted village school district that is both:

(i) Located in a municipal corporation with a population of fifteen thousand or more;

(ii) Located within five miles of the border of the pilot project school district.

- (2) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under sections 3313.974 to 3313.979 of the Revised Code, including, but not limited to, the requirements for admitting students pursuant to section 3313.977 of the Revised Code; 28106  
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- (3) The school meets all state minimum standards for chartered nonpublic schools in effect on July 1, 1992, except that the ~~state superintendent department~~ at the ~~superintendent's department's~~ discretion may register nonchartered nonpublic schools meeting the other requirements of this division; 28112  
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- (4) The school does not discriminate on the basis of race, religion, or ethnic background; 28117  
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- (5) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered; 28119  
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- (6) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion; 28122  
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- (7) The school does not provide false or misleading information about the school to parents, students, or the general public; 28125  
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- (8) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5104.46 of the Revised Code, the school agrees not to charge any tuition in excess of the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. 28128  
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(9) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual tuition charge of the school, the school agrees not to charge any tuition in excess of the difference between the actual tuition charge of the school and the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. The school shall permit such tuition, at the discretion of the parent, to be satisfied by the family's provision of in-kind contributions or services.

(10) The school agrees not to charge any tuition to families of students in grades nine through twelve receiving a scholarship in excess of the actual tuition charge of the school less the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section.

(11) Except as provided in divisions (K)(1) and (L) of section 3301.0711 of the Revised Code, it annually administers the applicable assessments prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code to each scholarship student enrolled in the school in accordance with section 3301.0711 or 3301.0712 of the Revised Code and reports to the department of ~~education~~ learning and achievement the results of each such assessment administered to each scholarship student.

(B) The ~~state superintendent~~ department shall revoke the registration of any school if, after a hearing, the ~~superintendent~~ department determines that the school is in violation of any of the provisions of division (A) of this section.

(C) Any public school located in a school district adjacent to the pilot project district may receive scholarship payments on behalf of parents pursuant to section 3313.979 of the Revised Code if the superintendent of the district in which such public school is located notifies the ~~state superintendent department~~ prior to the first day of March that the district intends to admit students from the pilot project district for the ensuing school year pursuant to section 3327.06 of the Revised Code.

(D) Any parent wishing to purchase tutorial assistance from any person or governmental entity pursuant to the pilot project program under sections 3313.974 to 3313.979 of the Revised Code shall apply to the ~~state superintendent department~~. The ~~state superintendent department~~ shall approve providers who appear to possess the capability of furnishing the instructional services they are offering to provide.

**Sec. 3313.978.** (A) Annually by the first day of November, the ~~superintendent of public instruction department of learning and achievement~~ shall notify the pilot project school district of the number of initial scholarships that the ~~state superintendent department~~ will be awarding in each of grades kindergarten through twelve.

The ~~state superintendent department~~ shall provide information about the scholarship program to all students residing in the district, shall accept applications from any such students until such date as shall be established by the ~~state superintendent department~~ as a deadline for applications, and shall establish criteria for the selection of students to receive scholarships from among all those applying prior to the deadline, which criteria shall give preference to students from

low-income families. The ~~state superintendent department~~ shall 28195  
notify students of their selection prior to the fifteenth day of 28196  
January. 28197

(1) A student receiving a pilot project scholarship may 28198  
utilize it at an alternative public school by notifying the 28199  
district superintendent, at any time before the beginning of the 28200  
school year, of the name of the public school in an adjacent 28201  
school district to which the student has been accepted pursuant 28202  
to section 3327.06 of the Revised Code. 28203

(2) A student may decide to utilize a pilot project 28204  
scholarship at a registered private school in the district if 28205  
all of the following conditions are met: 28206

(a) By the fifteenth day of February of the preceding 28207  
school year, or at any time prior to the start of the school 28208  
year, the parent makes an application on behalf of the student 28209  
to a registered private school. 28210

(b) The registered private school notifies the parent and 28211  
the state superintendent as follows that the student has been 28212  
admitted: 28213

(i) By the fifteenth day of March of the preceding school 28214  
year if the student filed an application by the fifteenth day of 28215  
February and was admitted by the school pursuant to division (A) 28216  
of section 3313.977 of the Revised Code; 28217

(ii) Within one week of the decision to admit the student 28218  
if the student is admitted pursuant to division (C) of section 28219  
3313.977 of the Revised Code. 28220

(c) The student actually enrolls in the registered private 28221  
school to which the student was first admitted or in another 28222  
registered private school in the district or in a public school 28223

in an adjacent school district. 28224

(B) The ~~state superintendent~~ department shall also award 28225  
in any school year tutorial assistance grants to a number of 28226  
students equal to the number of students who receive 28227  
scholarships under division (A) of this section. Tutorial 28228  
assistance grants shall be awarded solely to students who are 28229  
enrolled in the public schools of the district in a grade level 28230  
covered by the pilot project. Tutorial assistance grants may be 28231  
used solely to obtain tutorial assistance from a provider 28232  
approved pursuant to division (D) of section 3313.976 of the 28233  
Revised Code. 28234

All students wishing to obtain tutorial assistance grants 28235  
shall make application to the ~~state superintendent~~ department by 28236  
the first day of the school year in which the assistance will be 28237  
used. The ~~state superintendent~~ department shall award assistance 28238  
grants in accordance with criteria the ~~superintendent~~ department 28239  
shall establish. 28240

(C) (1) In the case of basic scholarships for students in 28241  
grades kindergarten through eight, the scholarship amount shall 28242  
not exceed the lesser of the net tuition charges of the 28243  
alternative school the scholarship recipient attends or four 28244  
thousand six hundred fifty dollars. 28245

In the case of basic scholarships for students in grades 28246  
nine through twelve, the scholarship amount shall not exceed the 28247  
lesser of the net tuition charges of the alternative school the 28248  
scholarship recipient attends or six thousand dollars. 28249

The net tuition and fees charged to a student shall be the 28250  
tuition amount specified by the alternative school minus all 28251  
other financial aid, discounts, and adjustments received for the 28252

student. In cases where discounts are offered for multiple 28253  
students from the same family, and not all students in the same 28254  
family are scholarship recipients, the net tuition amount 28255  
attributable to the scholarship recipient shall be the lowest 28256  
net tuition to which the family is entitled. 28257

(2) The ~~state superintendent~~ department shall provide for 28258  
an increase in the basic scholarship amount in the case of any 28259  
student who is a mainstreamed student with a disability and 28260  
shall further increase such amount in the case of any separately 28261  
educated student with a disability. Such increases shall take 28262  
into account the instruction, related services, and 28263  
transportation costs of educating such students. 28264

(3) In the case of tutorial assistance grants, the grant 28265  
amount shall not exceed the lesser of the provider's actual 28266  
charges for such assistance or: 28267

(a) Before fiscal year 2007, a percentage established by 28268  
the ~~state superintendent~~ department, not to exceed twenty per 28269  
cent, of the amount of the pilot project school district's 28270  
average basic scholarship amount; 28271

(b) In fiscal year 2007 and thereafter, four hundred 28272  
dollars. 28273

(D) (1) Annually by the first day of November, the ~~state~~ 28274  
~~superintendent~~ department shall estimate the maximum per-pupil 28275  
scholarship amounts for the ensuing school year. The ~~state~~ 28276  
~~superintendent~~ department shall make this estimate available to 28277  
the general public at the offices of the district board of 28278  
education together with the forms required by division (D) (2) of 28279  
this section. 28280

(2) Annually by the fifteenth day of January, the chief 28281

administrator of each registered private school located in the 28282  
pilot project district and the principal of each public school 28283  
in such district shall complete a parental information form and 28284  
forward it to the president of the board of education. The 28285  
parental information form shall be prescribed by the department 28286  
of ~~education~~ learning and achievement and shall provide 28287  
information about the grade levels offered, the numbers of 28288  
students, tuition amounts, achievement test results, and any 28289  
sectarian or other organizational affiliations. 28290

(E) (1) Only for the purpose of administering the pilot 28291  
project scholarship program, the department may request from any 28292  
of the following entities the data verification code assigned 28293  
under division (D) (2) of section 3301.0714 of the Revised Code 28294  
to any student who is seeking a scholarship under the program: 28295

(a) The school district in which the student is entitled 28296  
to attend school under section 3313.64 or 3313.65 of the Revised 28297  
Code; 28298

(b) If applicable, the community school in which the 28299  
student is enrolled; 28300

(c) The independent contractor engaged to create and 28301  
maintain data verification codes. 28302

(2) Upon a request by the department under division (E) (1) 28303  
of this section for the data verification code of a student 28304  
seeking a scholarship or a request by the student's parent for 28305  
that code, the school district or community school shall submit 28306  
that code to the department or parent in the manner specified by 28307  
the department. If the student has not been assigned a code, 28308  
because the student will be entering kindergarten during the 28309  
school year for which the scholarship is sought, the district 28310

shall assign a code to that student and submit the code to the department or parent by a date specified by the department. If the district does not assign a code to the student by the specified date, the department shall assign a code to the student.

The department annually shall submit to each school district the name and data verification code of each student residing in the district who is entering kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division.

(3) The department shall not release any data verification code that it receives under division (E) of this section to any person except as provided by law.

(F) Any document relative to the pilot project scholarship program that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code.

(G) (1) The department annually shall compile the scores attained by scholarship students enrolled in registered private schools on the assessments administered to the students pursuant to division (A) (11) of section 3313.976 of the Revised Code. The scores shall be aggregated as follows:

(a) By school district, which shall include all scholarship students residing in the pilot project school district who are enrolled in a registered private school and were required to take an assessment pursuant to division (A) (11) of section 3313.976 of the Revised Code;

(b) By registered private school, which shall include all

scholarship students enrolled in that school who were required 28340  
to take an assessment pursuant to division (A)(11) of section 28341  
3313.976 of the Revised Code. 28342

(2) The department shall disaggregate the student 28343  
performance data described in division (G)(1) of this section 28344  
according to the following categories: 28345

(a) Grade level; 28346

(b) Race and ethnicity; 28347

(c) Gender; 28348

(d) Students who have participated in the scholarship 28349  
program for three or more years; 28350

(e) Students who have participated in the scholarship 28351  
program for more than one year and less than three years; 28352

(f) Students who have participated in the scholarship 28353  
program for one year or less; 28354

(g) Economically disadvantaged students. 28355

(3) The department shall post the student performance data 28356  
required under divisions (G)(1) and (2) of this section on its 28357  
web site and shall include that data in the information about 28358  
the scholarship program provided to students under division (A) 28359  
of this section. In reporting student performance data under 28360  
this division, the department shall not include any data that is 28361  
statistically unreliable or that could result in the 28362  
identification of individual students. For this purpose, the 28363  
department shall not report performance data for any group that 28364  
contains less than ten students. 28365

(4) The department shall provide the parent of each 28366

scholarship student enrolled in a registered private school with 28367  
information comparing the student's performance on the 28368  
assessments administered pursuant to division (A) (11) of section 28369  
3313.976 of the Revised Code with the average performance of 28370  
similar students enrolled in the building operated by the pilot 28371  
project school district that the scholarship student would 28372  
otherwise attend. In calculating the performance of similar 28373  
students, the department shall consider age, grade, race and 28374  
ethnicity, gender, and socioeconomic status. 28375

**Sec. 3313.979.** Each scholarship to be used for payments to 28376  
a registered private school is payable to the parents of the 28377  
student entitled to the scholarship. Each scholarship to be used 28378  
for payments to a public school in an adjacent school district 28379  
is payable to the school district of attendance by the 28380  
~~superintendent of public instruction~~ department of learning and 28381  
achievement. Each grant to be used for payments to an approved 28382  
tutorial assistance provider is payable to the approved tutorial 28383  
assistance provider. 28384

(A) (1) By the fifteenth day of each month of the school 28385  
year that any scholarship students are enrolled in a registered 28386  
private school, the chief administrator of that school shall 28387  
notify the ~~state superintendent~~ department of: 28388

(a) The number of scholarship students who were reported 28389  
to the school district as having been admitted by that private 28390  
school pursuant to division (A) (2) (b) of section 3313.978 of the 28391  
Revised Code and who were still enrolled in the private school 28392  
as of the first day of such month; 28393

(b) The number of scholarship students who were reported 28394  
to the school district as having been admitted by another 28395  
private school pursuant to division (A) (2) (b) of section 28396

3313.978 of the Revised Code and since the date of admission 28397  
have transferred to the school providing the notification under 28398  
division (A) (1) of this section. 28399

(2) From time to time, the ~~state superintendent~~ department 28400  
shall make a payment to the parent of each student entitled to a 28401  
scholarship. Each payment shall include for each student 28402  
reported under division (A) (1) of this section a portion of the 28403  
scholarship amount specified in divisions (C) (1) and (2) of 28404  
section 3313.978 of the Revised Code. This amount shall be 28405  
proportionately reduced in the case of any such student who is 28406  
not enrolled in a registered private school for the entire 28407  
school year. 28408

(3) The first payment under this division shall be made by 28409  
the last day of November and shall equal one-third of the 28410  
estimated total amount that will be due to the parent for the 28411  
school year pursuant to division (A) (2) of this section. 28412

(B) The ~~state superintendent~~ department, on behalf of the 28413  
parents of a scholarship student enrolled in a public school in 28414  
an adjacent school district pursuant to section 3327.06 of the 28415  
Revised Code, shall make the tuition payments required by that 28416  
section to the school district admitting the student, except 28417  
that, notwithstanding sections 3323.13, 3323.14, and 3327.06 of 28418  
the Revised Code, the total payments in any school year shall 28419  
not exceed the scholarship amount provided in divisions (C) (1) 28420  
and (2) of section 3313.978 of the Revised Code. 28421

(C) Whenever an approved provider provides tutorial 28422  
assistance to a student, the ~~state superintendent~~ department 28423  
shall pay the approved provider for such costs upon receipt of a 28424  
statement specifying the services provided and the costs of the 28425  
services, which statement shall be signed by the provider and 28426

verified by the chief administrator having supervisory control 28427  
over the tutoring site. The total payments to any approved 28428  
provider under this division for all provider services to any 28429  
individual student in any school year shall not exceed the grant 28430  
amount provided in division (C) (3) of section 3313.978 of the 28431  
Revised Code. 28432

**Sec. 3313.98.** Notwithstanding division (D) of section 28433  
3311.19 and division (D) of section 3311.52 of the Revised Code, 28434  
the provisions of this section and sections 3313.981 to 3313.983 28435  
of the Revised Code that apply to a city school district do not 28436  
apply to a joint vocational or cooperative education school 28437  
district unless expressly specified. 28438

(A) As used in this section and sections 3313.981 to 28439  
3313.983 of the Revised Code: 28440

(1) "Parent" means either of the natural or adoptive 28441  
parents of a student, except under the following conditions: 28442

(a) When the marriage of the natural or adoptive parents 28443  
of the student has been terminated by a divorce, dissolution of 28444  
marriage, or annulment or the natural or adoptive parents of the 28445  
student are living separate and apart under a legal separation 28446  
decree and the court has issued an order allocating the parental 28447  
rights and responsibilities with respect to the student, 28448  
"parent" means the residential parent as designated by the court 28449  
except that "parent" means either parent when the court issues a 28450  
shared parenting decree. 28451

(b) When a court has granted temporary or permanent 28452  
custody of the student to an individual or agency other than 28453  
either of the natural or adoptive parents of the student, 28454  
"parent" means the legal custodian of the child. 28455

- (c) When a court has appointed a guardian for the student, 28456  
"parent" means the guardian of the student. 28457
- (2) "Native student" means a student entitled under 28458  
section 3313.64 or 3313.65 of the Revised Code to attend school 28459  
in a district adopting a resolution under this section. 28460
- (3) "Adjacent district" means a city, exempted village, or 28461  
local school district having territory that abuts the territory 28462  
of a district adopting a resolution under this section. 28463
- (4) "Adjacent district student" means a student entitled 28464  
under section 3313.64 or 3313.65 of the Revised Code to attend 28465  
school in an adjacent district. 28466
- (5) "Adjacent district joint vocational student" means an 28467  
adjacent district student who enrolls in a city, exempted 28468  
village, or local school district pursuant to this section and 28469  
who also enrolls in a joint vocational school district that does 28470  
not contain the territory of the district for which that student 28471  
is a native student and does contain the territory of the city, 28472  
exempted village, or local district in which the student 28473  
enrolls. 28474
- (6) "Formula amount" has the same meaning as in section 28475  
3317.02 of the Revised Code. 28476
- (7) "Poverty line" means the poverty line established by 28477  
the director of the United States office of management and 28478  
budget as revised by the secretary of health and human services 28479  
in accordance with section 673(2) of the "Community Services 28480  
Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 28481
- (8) "IEP" has the same meaning as in section 3323.01 of 28482  
the Revised Code. 28483

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

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

(11) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student in accordance with a policy adopted under section 3313.983 of the Revised Code.

(B)(1) The board of education of each city, local, and exempted village school district shall adopt a resolution establishing for the school district one of the following policies:

(a) A policy that entirely prohibits the enrollment of students from adjacent districts or other districts, other than students for whom tuition is paid in accordance with section 3317.08 of the Revised Code;

(b) A policy that permits enrollment of students from all adjacent districts in accordance with policy statements contained in the resolution;

(c) A policy that permits enrollment of students from all other districts in accordance with policy statements contained in the resolution.

(2) A policy permitting enrollment of students from adjacent or from other districts, as applicable, shall provide

for all of the following:	28513
(a) Application procedures, including deadlines for application and for notification of students and the superintendent of the applicable district whenever an adjacent or other district student's application is approved.	28514 28515 28516 28517
(b) Procedures for admitting adjacent or other district applicants free of any tuition obligation to the district's schools, including, but not limited to:	28518 28519 28520
(i) The establishment of district capacity limits by grade level, school building, and education program;	28521 28522
(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;	28523 28524 28525 28526
(iii) Procedures to ensure that an appropriate racial balance is maintained in the district schools.	28527 28528
(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:	28529 28530 28531
(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;	28532 28533
(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;	28534 28535 28536 28537 28538
(3) A requirement that the student be proficient in the English language;	28539 28540

(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.

(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 28570  
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 28571  
may adopt a resolution objecting to the enrollment of its native 28572  
students in adjacent or other districts if at least ten per cent 28573  
of its students are included in the determination of the United 28574  
States secretary of education made under section 20 U.S.C.A. 28575  
238(a). 28576

(2) If a board objects to enrollment of native students 28577  
under this division, any adjacent or other district shall refuse 28578  
to enroll such native students unless tuition is paid for the 28579  
students in accordance with section 3317.08 of the Revised Code. 28580  
An adjacent or other district enrolling such students may not 28581  
receive funding for those students in accordance with section 28582  
3313.981 of the Revised Code. 28583

(G) The ~~state board of education~~ department of learning 28584  
and achievement shall monitor school districts to ensure 28585  
compliance with this section and the districts' policies. The 28586  
board may adopt rules requiring uniform application procedures, 28587  
deadlines for application, notification procedures, and record- 28588  
keeping requirements for all school boards that adopt policies 28589  
permitting the enrollment of adjacent or other district 28590  
students, as applicable. If the ~~state board~~ department adopts 28591  
such rules, no school board shall adopt a policy that conflicts 28592  
with those rules. 28593

(H) A resolution adopted by a board of education under 28594  
this section that entirely prohibits the enrollment of students 28595  
from adjacent and from other school districts does not abrogate 28596  
any agreement entered into under section 3313.841 or 3313.92 of 28597  
the Revised Code or any contract entered into under section 28598  
3313.90 of the Revised Code between the board of education 28599

adopting the resolution and the board of education of any 28600  
adjacent or other district or prohibit these boards of education 28601  
from entering into any such agreement or contract. 28602

(I) Nothing in this section shall be construed to permit 28603  
or require the board of education of a city, exempted village, 28604  
or local school district to exclude any native student of the 28605  
district from enrolling in the district. 28606

**Sec. 3313.981.** (A) The ~~state board of education~~ department 28607  
of learning and achievement shall adopt rules requiring all of 28608  
the following: 28609

(1) The board of education of each city, exempted village, 28610  
and local school district to annually report to the department 28611  
of ~~education~~ learning and achievement all of the following: 28612

(a) The number of adjacent district or other district 28613  
students in grades kindergarten through twelve, as applicable, 28614  
the number of adjacent district or other district students who 28615  
are preschool children with disabilities, as applicable, and the 28616  
number of adjacent district or other district joint vocational 28617  
students, as applicable, enrolled in the district, in accordance 28618  
with a policy adopted under division (B) of section 3313.98 of 28619  
the Revised Code; 28620

(b) The number of native students in grades kindergarten 28621  
through twelve enrolled in adjacent or other districts and the 28622  
number of native students who are preschool children with 28623  
disabilities enrolled in adjacent or other districts, in 28624  
accordance with a policy adopted under division (B) of section 28625  
3313.98 of the Revised Code; 28626

(c) Each adjacent district or other district student's or 28627  
adjacent district or other district joint vocational student's 28628

date of enrollment in the district; 28629

(d) The full-time equivalent number of adjacent district 28630  
or other district students enrolled in each of the categories of 28631  
career-technical education programs or classes described in 28632  
section 3317.014 of the Revised Code; 28633

(e) Each native student's date of enrollment in an 28634  
adjacent or other district. 28635

(2) The board of education of each joint vocational school 28636  
district to annually report to the department all of the 28637  
following: 28638

(a) The number of adjacent district or other district 28639  
joint vocational students, as applicable, enrolled in the 28640  
district; 28641

(b) The full-time equivalent number of adjacent district 28642  
or other district joint vocational students enrolled in each 28643  
category of career-technical education programs or classes 28644  
described in section 3317.014 of the Revised Code; 28645

(c) For each adjacent district or other district joint 28646  
vocational student, the city, exempted village, or local school 28647  
district in which the student is also enrolled. 28648

(3) Prior to the end of each reporting period specified in 28649  
section 3317.03 of the Revised Code, the superintendent of each 28650  
city, local, or exempted village school district that admits 28651  
adjacent district or other district students who are in grades 28652  
kindergarten through twelve, adjacent district or other district 28653  
students who are preschool children with disabilities, or 28654  
adjacent district or other district joint vocational students in 28655  
accordance with a policy adopted under division (B) of section 28656  
3313.98 of the Revised Code to report to the department of 28657

~~education-learning and achievement~~ each adjacent or other 28658  
district's students and where those students who are enrolled in 28659  
the superintendent's district under the policy are entitled to 28660  
attend school under section 3313.64 or 3313.65 of the Revised 28661  
Code. 28662

The rules shall provide for the method of counting 28663  
students who are enrolled for part of a school year in an 28664  
adjacent or other district or as an adjacent district or other 28665  
district joint vocational student. 28666

(B) From the payments made to a city, exempted village, or 28667  
local school district under Chapter 3317. of the Revised Code 28668  
and, if necessary, from the payments made to the district under 28669  
sections 321.24 and 323.156 of the Revised Code, the department 28670  
of ~~education-learning and achievement~~ shall annually subtract 28671  
all of the following: 28672

(1) An amount equal to the number of the district's native 28673  
students in grades kindergarten through twelve reported under 28674  
division (A) (1) of this section who are enrolled in adjacent or 28675  
other school districts pursuant to policies adopted by such 28676  
districts under division (B) of section 3313.98 of the Revised 28677  
Code multiplied by the formula amount; 28678

(2) The excess costs computed in accordance with division 28679  
(E) of this section for any such native students in grades 28680  
kindergarten through twelve receiving special education and 28681  
related services in adjacent or other school districts or as an 28682  
adjacent district or other district joint vocational student; 28683

(3) For each of the district's native students reported 28684  
under division (A) (1) (d) or (2) (b) of this section as enrolled 28685  
in career-technical education programs or classes described in 28686

section 3317.014 of the Revised Code, the per pupil amount 28687  
prescribed by that section for the student's respective career- 28688  
technical category, on a full-time equivalency basis; 28689

(4) For each native student who is a preschool child with 28690  
a disability reported under division (A) (1) of this section who 28691  
is enrolled in an adjacent or other district pursuant to 28692  
policies adopted by such a district under division (B) of 28693  
section 3313.98 of the Revised Code, \$4,000. 28694

(C) To the payments made to a city, exempted village, or 28695  
local school district under Chapter 3317. of the Revised Code, 28696  
the department of ~~education~~learning and achievement shall 28697  
annually add all of the following: 28698

(1) An amount equal to the formula amount multiplied by 28699  
the remainder obtained by subtracting the number of adjacent 28700  
district or other district joint vocational students from the 28701  
number of adjacent district or other district students in grades 28702  
kindergarten through twelve enrolled in the district, as 28703  
reported under division (A) (1) of this section; 28704

(2) The excess costs computed in accordance with division 28705  
(E) of this section for any adjacent district or other district 28706  
students in grades kindergarten through twelve, except for any 28707  
adjacent or other district joint vocational students, receiving 28708  
special education and related services in the district; 28709

(3) For each of the adjacent or other district students 28710  
who are not adjacent district or other district joint vocational 28711  
students and are reported under division (A) (1) (d) of this 28712  
section as enrolled in career-technical education programs or 28713  
classes described in section 3317.014 of the Revised Code, the 28714  
per pupil amount prescribed by that section for the student's 28715

respective career-technical category, on a full-time equivalency basis; 28716  
28717

(4) An amount equal to the number of adjacent district or other district joint vocational students reported under division (A) (1) of this section multiplied by an amount equal to twenty per cent of the formula amount; 28718  
28719  
28720  
28721

(5) For each adjacent district or other district student who is a preschool child with a disability reported under division (A) (1) of this section who is enrolled in the district, \$4,000. 28722  
28723  
28724  
28725

(D) To the payments made to a joint vocational school district under Chapter 3317. of the Revised Code, the department of ~~education~~ learning and achievement shall add, for each adjacent district or other district joint vocational student reported under division (A) (2) of this section, both of the following: 28726  
28727  
28728  
28729  
28730  
28731

(1) The formula amount; 28732

(2) The per pupil amount for each of the students reported pursuant to division (A) (2) (b) of this section prescribed by section 3317.014 of the Revised Code for the student's respective career-technical category, on a full-time equivalency basis. 28733  
28734  
28735  
28736  
28737

(E) (1) A city, exempted village, or local school board providing special education and related services to an adjacent or other district student in grades kindergarten through twelve in accordance with an IEP shall, pursuant to rules of the ~~state board~~ department, compute the excess costs to educate such student as follows: 28738  
28739  
28740  
28741  
28742  
28743

(a) Subtract the formula amount from the actual costs to 28744

educate the student; 28745

(b) From the amount computed under division (E) (1) (a) of 28746  
this section subtract the amount of any funds received by the 28747  
district under Chapter 3317. of the Revised Code to provide 28748  
special education and related services to the student. 28749

(2) The board shall report the excess costs computed under 28750  
this division to the department of ~~education~~ learning and  
achievement. 28751  
28752

(3) If any student for whom excess costs are computed 28753  
under division (E) (1) of this section is an adjacent or other 28754  
district joint vocational student, the department of ~~education~~  
learning and achievement shall add the amount of such excess 28755  
costs to the payments made under Chapter 3317. of the Revised 28756  
Code to the joint vocational school district enrolling the 28757  
student. 28758  
28759

(F) As provided in division (D) (1) (b) of section 3317.03 28760  
of the Revised Code, no joint vocational school district shall 28761  
count any adjacent or other district joint vocational student 28762  
enrolled in the district in its enrollment certified under 28763  
section 3317.03 of the Revised Code. 28764

(G) No city, exempted village, or local school district 28765  
shall receive a payment under division (C) of this section for a 28766  
student, and no joint vocational school district shall receive a 28767  
payment under division (D) of this section for a student, if for 28768  
the same school year that student is counted in the district's 28769  
enrollment certified under section 3317.03 of the Revised Code. 28770

(H) Upon request of a parent, and provided the board 28771  
offers transportation to native students of the same grade level 28772  
and distance from school under section 3327.01 of the Revised 28773

Code, a city, exempted village, or local school board enrolling 28774  
an adjacent or other district student shall provide 28775  
transportation for the student within the boundaries of the 28776  
board's district, except that the board shall be required to 28777  
pick up and drop off a nonhandicapped student only at a regular 28778  
school bus stop designated in accordance with the board's 28779  
transportation policy. Pursuant to rules of the ~~state board of~~ 28780  
~~education~~ department of learning and achievement, such board may 28781  
reimburse the parent from funds received for pupil 28782  
transportation under section 3317.0212 of the Revised Code, or 28783  
other provisions of law, for the reasonable cost of 28784  
transportation from the student's home to the designated school 28785  
bus stop if the student's family has an income below the federal 28786  
poverty line. 28787

**Sec. 3313.982.** Notwithstanding division (C)(1) of section 28788  
3313.97 and division (C)(1) of section 3313.98 of the Revised 28789  
Code: 28790

(A) Any school district board operating any schools on 28791  
October 1, 1989, admission to which was restricted to students 28792  
possessing certain academic, athletic, artistic, or other 28793  
skills, may continue to restrict admission to such schools. 28794

(B) Any district board that did not operate any schools 28795  
described by division (A) of this section on October 1, 1989, 28796  
and that desires to begin restricting admission to any school on 28797  
the basis of student academic, athletic, artistic, or other 28798  
skills, may submit a plan proposing such restricted admission to 28799  
the ~~state board of education~~ department of learning and 28800  
achievement. If the ~~board~~ department finds that the plan will 28801  
generally promote increased educational opportunities for 28802  
students in the district and will not unduly restrict 28803

opportunities for some students, it may approve the plan and the district board may implement it during the next ensuing school year.

**Sec. 3314.011.** (A) Every community school established under this chapter shall have a designated fiscal officer. Except as provided for in division (C) of this section, the fiscal officer shall be employed by or engaged under a contract with the governing authority of the community school.

(B) The auditor of state shall require that the fiscal officer of any community school, before entering upon duties as fiscal officer of the school, execute a bond in an amount and with surety to be approved by the governing authority of the school, payable to the state, conditioned for the faithful performance of all the official duties required of the fiscal officer. The bond shall be deposited with the governing authority of the school, and a copy thereof, certified by the governing authority, shall be filed with the county auditor.

(C) Prior to assuming the duties of fiscal officer, the fiscal officer designated under this section shall be licensed under section 3301.074 of the Revised Code. Any person serving as a fiscal officer of a community school on March 22, 2013, who is not licensed as a treasurer shall be permitted to serve as a fiscal officer for not more than one year following March 22, 2013. Beginning on that date and thereafter, no community school shall permit any individual to serve as a fiscal officer without a license as required by this section.

(D) (1) The governing authority of a community school may adopt a resolution waiving the requirement that the governing authority is the party responsible to employ or contract with the designated fiscal officer, as prescribed by division (A) of

this section, so long as the school's sponsor also approves the 28834  
resolution. The resolution shall be valid for one year. A new 28835  
resolution shall be adopted for each year that the governing 28836  
authority wishes to waive this requirement, so long as the 28837  
school's sponsor also approves the resolution. 28838

No resolution adopted pursuant to this division may waive 28839  
the requirement for a community school to have a designated 28840  
fiscal officer. 28841

(2) If the governing authority adopts a resolution 28842  
pursuant to division (D)(1) of this section, the school's 28843  
designated fiscal officer annually shall meet with the governing 28844  
authority to review the school's financial status. 28845

(3) The governing authority shall submit to the department 28846  
of ~~education~~ learning and achievement a copy of each resolution 28847  
adopted pursuant to division (D)(1) of this section. 28848

**Sec. 3314.012.** (A) ~~Within ninety days of September 28,~~ 28849  
~~1999, the superintendent of public instruction~~ The director of 28850  
learning and achievement shall appoint representatives of the 28851  
department of ~~education~~ learning and achievement, including 28852  
employees who work with the education management information 28853  
system, to a committee to develop report card models for 28854  
community schools. The committee shall design model report cards 28855  
appropriate for the various types of community schools approved 28856  
to operate in the state. Sufficient models shall be developed to 28857  
reflect the variety of grade levels served and the missions of 28858  
the state's community schools. All models shall include both 28859  
financial and academic data. ~~The initial models shall be~~ 28860  
~~developed by March 31, 2000.~~ 28861

(B) Except as provided in section 3314.017 of the Revised 28862

Code, the department of ~~education~~ learning and achievement shall 28863  
issue an annual report card for each community school, 28864  
regardless of how long the school has been in operation. The 28865  
report card shall report the academic and financial performance 28866  
of the school utilizing one of the models developed under 28867  
division (A) of this section. The report card shall include all 28868  
information applicable to school buildings under divisions (A), 28869  
(B), (C), and (D) of section 3302.03 of the Revised Code. The 28870  
ratings a community school receives under section 3302.03 of the 28871  
Revised Code for its first two full school years shall not be 28872  
considered toward automatic closure of the school under section 28873  
3314.35 of the Revised Code or any other matter that is based on 28874  
report card ratings. 28875

(C) Upon receipt of a copy of a contract between a sponsor 28876  
and a community school entered into under this chapter, the 28877  
department of ~~education~~ learning and achievement shall notify 28878  
the community school of the specific model report card that will 28879  
be used for that school. 28880

(D) Report cards shall be distributed to the parents of 28881  
all students in the community school, to the members of the 28882  
board of education of the school district in which the community 28883  
school is located, and to any person who requests one from the 28884  
department. 28885

**Sec. 3314.013.** (A) Until the sixty-first day after ~~the~~ 28886  
~~effective date of this amendment~~ March 22, 2013, no internet- or 28887  
computer-based community school shall operate unless the school 28888  
was open for instruction as of May 1, 2005. No entity described 28889  
in division (C) (1) of section 3314.02 of the Revised Code shall 28890  
enter into a contract to sponsor an internet- or computer-based 28891  
community school, including a conversion school, between May 1, 28892

2005, and the sixty-first day after ~~the effective date of this~~ 28893  
~~amendment~~ March 22, 2013, except as follows: 28894

(1) The entity may renew a contract that the entity 28895  
entered into with an internet- or computer-based community 28896  
school prior to May 1, 2005, if the school was open for 28897  
operation as of that date. 28898

(2) The entity may assume sponsorship of an existing 28899  
internet- or computer-based community school that was formerly 28900  
sponsored by another entity and may enter into a contract with 28901  
that community school in accordance with section 3314.03 of the 28902  
Revised Code. 28903

If a sponsor entered into a contract with an internet- or 28904  
computer-based community school, including a conversion school, 28905  
but the school was not open for operation as of May 1, 2005, the 28906  
contract shall be void and the entity shall not enter into 28907  
another contract with the school until the sixty-first day after 28908  
~~the effective date of this amendment~~ March 22, 2013. 28909

(B) (1) Beginning on the later of July 1, 2013, or the 28910  
sixty-first day after ~~the effective date of this amendment~~ March 28911  
22, 2013, up to five new internet- or computer-based community 28912  
schools may open each year, subject to approval of the 28913  
~~superintendent of public instruction~~ department of learning and 28914  
achievement under division (B) (2) of this section. 28915

(2) The ~~superintendent of public instruction~~ department 28916  
shall approve applications for new internet- or computer-based 28917  
community schools from only those applicants demonstrating 28918  
experience and quality. 28919

The ~~state board of education~~ department shall adopt rules 28920  
prescribing measures to determine experience and quality of 28921

applicants in accordance with Chapter 119. of the Revised Code. 28922  
The measures shall include, but not be limited to, the following 28923  
considerations: 28924

(a) The sponsor's experience with online schools; 28925

(b) The operator's experience with online schools; 28926

(c) The sponsor's and operator's previous record for 28927  
student performance; 28928

(d) A preference for operators with previous experience in 28929  
Ohio. 28930

The ~~state board department~~ shall adopt the rules so that 28931  
they are effective not later than the sixty-first day after ~~the~~ 28932  
~~effective date of this amendment~~ March 22, 2013. 28933

(3) The department of ~~education~~ learning and achievement 28934  
shall notify any new internet- or computer-based community 28935  
school governed by division (B) of this section of whether the 28936  
~~superintendent department~~ has approved or disapproved the 28937  
school's application to open for the 2013-2014 school year not 28938  
later than July 1, 2013, or the sixty-first day after ~~the~~ 28939  
~~effective date of this amendment~~ March 22, 2013, if such date 28940  
occurs after July 1, 2013. Notwithstanding the dates prescribed 28941  
for adoption and signing on sponsor contracts in division (D) of 28942  
section 3314.02 of the Revised Code, or the date for opening a 28943  
school for instruction required by division (A) (25) of section 28944  
3314.03 of the Revised Code, a new internet- or computer-based 28945  
community school approved for opening for the 2013-2014 school 28946  
year under division (B) of this section may open and operate in 28947  
that school year regardless of whether it has complied with 28948  
those contract and opening dates. For each school year 28949  
thereafter, the school shall comply with all applicable 28950

provisions of this chapter. 28951

(C) Nothing in ~~divisions~~ division (A) or (B) of this 28952  
section prohibits an internet- or computer-based community 28953  
school from increasing the number of grade levels it offers. 28954

(D) Not later than July 1, 2012, the director of the 28955  
governor's office of 21st century education and the 28956  
superintendent of public instruction shall develop standards for 28957  
the operation of internet- or computer-based community schools. 28958  
The director shall submit those standards to the speaker of the 28959  
house of representatives and the president of the senate for 28960  
consideration of enactment by the general assembly. 28961

**Sec. 3314.015.** (A) The department of ~~education~~ learning 28962  
and achievement shall be responsible for the oversight of any 28963  
and all sponsors of the community schools established under this 28964  
chapter and shall provide technical assistance to schools and 28965  
sponsors in their compliance with applicable laws and the terms 28966  
of the contracts entered into under section 3314.03 of the 28967  
Revised Code and in the development and start-up activities of 28968  
those schools. In carrying out its duties under this section, 28969  
the department shall do all of the following: 28970

(1) In providing technical assistance to proposing 28971  
parties, governing authorities, and sponsors, conduct training 28972  
sessions and distribute informational materials; 28973

(2) Approve entities to be sponsors of community schools; 28974

(3) Monitor and evaluate, as required under section 28975  
3314.016 of the Revised Code, the effectiveness of any and all 28976  
sponsors in their oversight of the schools with which they have 28977  
contracted; 28978

(4) By December thirty-first of each year, issue a report 28979

to the governor, the speaker of the house of representatives, 28980  
the president of the senate, and the chairpersons of the house 28981  
and senate committees principally responsible for education 28982  
matters regarding the effectiveness of academic programs, 28983  
operations, and legal compliance and of the financial condition 28984  
of all community schools established under this chapter and on 28985  
the performance of community school sponsors; 28986

(5) From time to time, make legislative recommendations to 28987  
the general assembly designed to enhance the operation and 28988  
performance of community schools. 28989

(B) (1) Except as provided in sections 3314.021 and 28990  
3314.027 of the Revised Code, no entity shall enter into a 28991  
preliminary agreement under division (C) (2) of section 3314.02 28992  
of the Revised Code or renew an existing contract to sponsor a 28993  
community school until it has received approval from the 28994  
department of ~~education~~ learning and achievement to sponsor 28995  
community schools under this chapter and has entered into a 28996  
written agreement with the department regarding the manner in 28997  
which the entity will conduct such sponsorship. 28998

On and after July 1, 2017, each entity that sponsors a 28999  
community school in this state, except for an entity described 29000  
in sections 3314.021 and 3314.027 of the Revised Code, shall 29001  
attain approval from the department in order to continue 29002  
sponsoring schools regardless of whether that entity intends to 29003  
enter into a preliminary agreement or renew an existing 29004  
contract. 29005

All new and renewed agreements between the department and 29006  
a sponsor shall contain specific language addressing the 29007  
parameters under which the department can intervene and 29008  
potentially revoke sponsorship authority in the event that the 29009

sponsor is unwilling or unable to fulfill its obligations. 29010

Additionally, each agreement shall set forth any territorial 29011  
restrictions and limits on the number of schools that entity may 29012  
sponsor, provide for an annual evaluation process, and include a 29013  
stipulation permitting the department to modify the agreement 29014  
under the following circumstances: 29015

    (a) Poor fiscal management; 29016

    (b) Lack of academic progress. 29017

    (2) The initial term of a sponsor's agreement with the 29018  
department shall be for up to five years. 29019

    (a) An agreement entered into with the department pursuant 29020  
to this section may be renewed for a term of up to ten years 29021  
using the following criteria: 29022

        (i) The academic performance of students enrolled in each 29023  
community school the entity sponsors, as determined by the 29024  
department pursuant to division (B) (1) (a) of section 3314.016 of 29025  
the Revised Code; 29026

        (ii) The sponsor's adherence to quality practices, as 29027  
determined by the department pursuant to division (B) (1) (b) of 29028  
section 3314.016 of the Revised Code; 29029

        (iii) The sponsor's compliance with all applicable laws 29030  
and administrative rules. 29031

    (b) Each agreement between the department and a sponsor 29032  
shall specify that entities with an overall rating of 29033  
"exemplary" for at least two consecutive years shall not be 29034  
subject to the limit on the number of community schools the 29035  
entity may sponsor or any territorial restrictions on 29036  
sponsorship, for so long as that entity continues to be rated 29037

"exemplary." 29038

(c) The ~~state board of education~~ department of learning 29039  
and achievement shall adopt in accordance with Chapter 119. of 29040  
the Revised Code rules containing criteria, procedures, and 29041  
deadlines for processing applications for approval of sponsors, 29042  
for oversight of sponsors, for notifying a sponsor of 29043  
noncompliance with applicable laws and administrative rules 29044  
under division (F) of this section, for revocation of the 29045  
approval of sponsors under division (C) of this section, and for 29046  
entering into written agreements with sponsors. The rules shall 29047  
require an entity to submit evidence of the entity's ability and 29048  
willingness to comply with the provisions of division (D) of 29049  
section 3314.03 of the Revised Code. The rules also shall 29050  
require all entities approved as sponsors to demonstrate a 29051  
record of financial responsibility and successful implementation 29052  
of educational programs. If an entity seeking approval to 29053  
sponsor community schools in this state sponsors or operates 29054  
schools in another state, at least one of the schools sponsored 29055  
or operated by the entity must be comparable to or better than 29056  
the performance of Ohio schools in need of continuous 29057  
improvement under section 3302.03 of the Revised Code, as 29058  
determined by the department. 29059

Subject to section 3314.016 of the Revised Code, an entity 29060  
that sponsors community schools may enter into preliminary 29061  
agreements and sponsor up to one hundred schools, provided each 29062  
school and the contract for sponsorship meets the requirements 29063  
of this chapter. 29064

(3) The ~~state board of education~~ department of learning 29065  
and achievement shall determine, pursuant to criteria specified 29066  
in rules adopted in accordance with Chapter 119. of the Revised 29067

Code, whether the mission proposed to be specified in the 29068  
contract of a community school to be sponsored by a state 29069  
university board of trustees or the board's designee under 29070  
division (C) (1) (e) of section 3314.02 of the Revised Code 29071  
complies with the requirements of that division. Such 29072  
determination of the state board is final. 29073

(4) The ~~state board of education department~~ shall 29074  
determine, pursuant to criteria specified in rules adopted in 29075  
accordance with Chapter 119. of the Revised Code, if any tax- 29076  
exempt entity under section 501(c) (3) of the Internal Revenue 29077  
Code that is proposed to be a sponsor of a community school is 29078  
an education-oriented entity for purpose of satisfying the 29079  
condition prescribed in division (C) (1) (f) (iii) of section 29080  
3314.02 of the Revised Code. Such determination of the ~~state-~~ 29081  
~~board department~~ is final. 29082

(C) If at any time the ~~state board of education department~~ 29083  
~~of learning and achievement~~ finds that a sponsor is not in 29084  
compliance or is no longer willing to comply with its contract 29085  
with any community school or with the department's rules for 29086  
sponsorship, the ~~state board or designee department~~ shall 29087  
conduct a hearing in accordance with Chapter 119. of the Revised 29088  
Code on that matter. If after the hearing, the ~~state board or~~ 29089  
~~designee department~~ has confirmed the original finding, the 29090  
department ~~of education~~ may revoke the sponsor's approval to 29091  
sponsor community schools. In that case, the ~~department's office-~~ 29092  
~~of Ohio school sponsorship, established under superintendent of~~ 29093  
~~public instruction, acting as a sponsor pursuant to~~ section 29094  
3314.029 of the Revised Code, may assume the sponsorship of any 29095  
schools with which the sponsor has contracted until the earlier 29096  
of the expiration of two school years or until a new sponsor as 29097  
described in division (C) (1) of section 3314.02 of the Revised 29098

Code is secured by the school's governing authority. The ~~office~~ 29099  
~~of Ohio school sponsorship state superintendent~~ may extend the 29100  
term of the contract in the case of a school for which it has 29101  
assumed sponsorship under this division as necessary to 29102  
accommodate the term of the ~~department's~~ state superintendent's 29103  
authorization to sponsor the school specified in this division. 29104  
Community schools sponsored under this division shall not apply 29105  
to the limit on directly authorized community schools under 29106  
division (A) (3) of section 3314.029 of the Revised Code. 29107  
However, nothing in this division shall preclude a community 29108  
school affected by this division from applying for sponsorship 29109  
under that section. 29110

(D) The decision of the department to disapprove an entity 29111  
for sponsorship of a community school or to revoke approval for 29112  
such sponsorship under division (C) of this section, may be 29113  
appealed by the entity in accordance with section 119.12 of the 29114  
Revised Code. 29115

(E) The department shall adopt procedures for use by a 29116  
community school governing authority and sponsor when the school 29117  
permanently closes and ceases operation, which shall include at 29118  
least procedures for data reporting to the department, handling 29119  
of student records, distribution of assets in accordance with 29120  
section 3314.074 of the Revised Code, and other matters related 29121  
to ceasing operation of the school. 29122

(F) (1) In lieu of revoking a sponsor's authority to 29123  
sponsor community schools under division (C) of this section, if 29124  
the department finds that a sponsor is not in compliance with 29125  
applicable laws and administrative rules, the department shall 29126  
declare in a written notice to the sponsor the specific laws or 29127  
rules, or both, for which the sponsor is noncompliant. A sponsor 29128

notified under division (F) (1) of this section shall respond to 29129  
the department not later than fourteen days after the 29130  
notification with a proposed plan to remedy the conditions for 29131  
which the sponsor was found to be noncompliant. The department 29132  
shall approve or disapprove the plan not later than fourteen 29133  
days after receiving it. If the plan is disapproved, the sponsor 29134  
may submit a revised plan to the department not later than 29135  
fourteen days after receiving notification of disapproval from 29136  
the department or not later than sixty days after the date the 29137  
sponsor received notification of noncompliance from the 29138  
department, whichever is earlier. The department shall approve 29139  
or disapprove the revised plan not later than fourteen days 29140  
after receiving it or not later than sixty days after the date 29141  
the sponsor received notification of noncompliance from the 29142  
department, whichever is earlier. A sponsor may continue to make 29143  
revisions by the deadlines prescribed in division (F) (1) of this 29144  
section to any revised plan that is disapproved by the 29145  
department until the sixtieth day after the date the sponsor 29146  
received notification of noncompliance from the department. 29147

If a plan or a revised plan is approved, the sponsor shall 29148  
implement it not later than sixty days after the date the 29149  
sponsor received notification of noncompliance from the 29150  
department or not later than thirty days after the plan is 29151  
approved, whichever is later. If a sponsor does not respond to 29152  
the department or implement an approved compliance plan by the 29153  
deadlines prescribed by division (F) (1) of this section, or if a 29154  
sponsor does not receive approval of a compliance plan on or 29155  
before the sixtieth day after the date the sponsor received 29156  
notification of noncompliance from the department, the 29157  
department shall declare in written notice to the sponsor that 29158  
the sponsor is in probationary status, and may limit the 29159

sponsor's ability to sponsor additional schools. 29160

(2) A sponsor that has been placed on probationary status 29161  
under division (F) (1) of this section may apply to the 29162  
department for its probationary status to be lifted. The 29163  
application for a sponsor's probationary status to be lifted 29164  
shall include evidence, occurring after the initial notification 29165  
of noncompliance, of the sponsor's compliance with applicable 29166  
laws and administrative rules. Not later than fourteen days 29167  
after receiving an application from the sponsor, the department 29168  
shall decide whether or not to remove the sponsor's probationary 29169  
status. 29170

(G) In carrying out its duties under this chapter, the 29171  
department shall not impose requirements on community schools or 29172  
their sponsors that are not permitted by law or duly adopted 29173  
rules. 29174

(H) This section applies to entities that sponsor 29175  
conversion community schools and new start-up schools. 29176

(I) Nothing in divisions (C) to (F) of this section 29177  
prohibits the department from taking any action permitted or 29178  
required under the written agreement between the department and 29179  
a sponsoring entity without a hearing on the matter, in the 29180  
event that the sponsor is unwilling or unable to fulfill its 29181  
obligations. 29182

**Sec. 3314.016.** This section applies to any entity that 29183  
sponsors a community school, regardless of whether section 29184  
3314.021 or 3314.027 of the Revised Code exempts the entity from 29185  
the requirement to be approved for sponsorship under divisions 29186  
(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 29187  
~~office of Ohio school sponsorship established under~~ 29188

superintendent of public instruction, acting as a sponsor 29189  
pursuant to section 3314.029 of the Revised Code, shall be rated 29190  
under division (B) of this section, but divisions (A) and (C) of 29191  
this section do not apply to the office. 29192

(A) An entity that sponsors a community school shall be 29193  
permitted to enter into contracts under section 3314.03 of the 29194  
Revised Code to sponsor additional community schools only if the 29195  
entity meets all of the following criteria: 29196

(1) The entity is in compliance with all provisions of 29197  
this chapter requiring sponsors of community schools to report 29198  
data or information to the department of ~~education~~ learning and 29199  
achievement. 29200

(2) The entity is not rated as "ineffective" under 29201  
division (B) (6) of this section. 29202

(3) Except as set forth in sections 3314.021 and 3314.027 29203  
of the Revised Code, the entity has received approval from and 29204  
entered into an agreement with the department of ~~education~~ 29205  
learning and achievement pursuant to section 3314.015 of the 29206  
Revised Code. 29207

(B) (1) Beginning with the 2015-2016 school year, the 29208  
department shall develop and implement an evaluation system that 29209  
annually rates and assigns an overall rating to each entity that 29210  
sponsors a community school. That evaluation system shall be 29211  
developed and posted on the department's web site by the 29212  
fifteenth day of July of each school year. Any changes to the 29213  
evaluation system after that date shall take effect the 29214  
following year. The evaluation system shall be based on the 29215  
following components: 29216

(a) Academic performance of students enrolled in community 29217

schools sponsored by the same entity. The academic performance 29218  
component shall be derived from the performance measures 29219  
prescribed for the state report cards under section 3302.03 or 29220  
3314.017 of the Revised Code, and shall be based on the 29221  
performance of the schools for the school year for which the 29222  
evaluation is conducted. In addition to the academic performance 29223  
for a specific school year, the academic performance component 29224  
shall also include year-to-year changes in the overall sponsor 29225  
portfolio. For a community school for which no graded 29226  
performance measures are applicable or available, the department 29227  
shall use nonreport card performance measures specified in the 29228  
contract between the community school and the sponsor under 29229  
division (A) (4) of section 3314.03 of the Revised Code. 29230

(b) Adherence by a sponsor to the quality practices 29231  
prescribed by the department under division (B) (3) of this 29232  
section. For a sponsor that was rated "effective" or "exemplary" 29233  
on its most recent rating, the department may evaluate that 29234  
sponsor's adherence to quality practices once over a period of 29235  
three years. If the department elects to evaluate a sponsor once 29236  
over a period of three years, the most recent rating for a 29237  
sponsor's adherence to quality practices shall be used when 29238  
determining an annual overall rating conducted under this 29239  
section. 29240

(c) Compliance with all applicable laws and administrative 29241  
rules by an entity that sponsors a community school. 29242

(2) In calculating an academic performance component, the 29243  
department shall exclude all community schools that have been in 29244  
operation for not more than two full school years and all 29245  
community schools described in division (A) (4) (b) of section 29246  
3314.35 of the Revised Code. However, the academic performance 29247

of the community schools described in division (A) (4) (b) of 29248  
section 3314.35 of the Revised Code shall be reported, but shall 29249  
not be used as a factor when determining a sponsoring entity's 29250  
rating under this section. 29251

(3) The department, in consultation with entities that 29252  
sponsor community schools, shall prescribe quality practices for 29253  
community school sponsors and develop an instrument to measure 29254  
adherence to those quality practices. The quality practices 29255  
shall be based on standards developed by the national 29256  
association of charter school authorizers or any other 29257  
nationally organized community school organization. 29258

(4) (a) The department may permit peer review of a 29259  
sponsor's adherence to the quality practices prescribed under 29260  
division (B) (3) of this section. Peer reviewers shall be limited 29261  
to individuals employed by sponsors rated "effective" or 29262  
"exemplary" on the most recent ratings conducted under this 29263  
section. 29264

(b) The department shall require individuals participating 29265  
in peer review under division (B) (4) (a) of this section to 29266  
complete training approved or established by the department. 29267

(c) The department may enter into an agreement with 29268  
another entity to provide training to individuals conducting 29269  
peer review of sponsors. Prior to entering into an agreement 29270  
with an entity, the department shall review and approve of the 29271  
entity's training program. 29272

(5) ~~Not later than July 1, 2013, the state board of~~ 29273  
~~education~~ The department shall adopt rules in accordance with 29274  
Chapter 119. of the Revised Code prescribing standards for 29275  
measuring compliance with applicable laws and rules under 29276

division (B) (1) (c) of this section. 29277

(6) The department annually shall rate all entities that 29278  
sponsor community schools as either "exemplary," "effective," 29279  
"ineffective," or "poor," based on the components prescribed by 29280  
division (B) of this section, where each component is weighted 29281  
equally. A separate rating shall be given by the department for 29282  
each component of the evaluation system. 29283

The department shall publish the ratings between the first 29284  
day of October and the fifteenth day of November. 29285

Prior to the publication of the final ratings, the 29286  
department shall designate and provide notice of a period of at 29287  
least ten business days during which each sponsor may review the 29288  
information used by the department to determine the sponsor's 29289  
rating on the components prescribed by divisions (B) (1) (b) and 29290  
(c) of this section. If the sponsor believes there is an error 29291  
in the department's evaluation, the sponsor may request 29292  
adjustments to the rating of either of those components based on 29293  
documentation previously submitted as part of an evaluation. The 29294  
sponsor shall provide to the department any necessary evidence 29295  
or information to support the requested adjustments. The 29296  
department shall review the evidence and information, determine 29297  
whether an adjustment is valid, and promptly notify the sponsor 29298  
of its determination and reasons. If any adjustments to the data 29299  
could result in a change to the rating on the applicable 29300  
component or to the overall rating, the department shall 29301  
recalculate the ratings prior to publication. 29302

The department shall provide training on an annual basis 29303  
regarding the evaluation system prescribed under this section. 29304  
The training shall, at a minimum, describe methodology, 29305  
timelines, and data required for the evaluation system. The 29306

first training session shall occur not later than March 2, 2016. 29307  
Beginning in 2018, the training shall be made available to each 29308  
entity that sponsors a community school by the fifteenth day of 29309  
July of each year and shall include guidance on any changes made 29310  
to the evaluation system. 29311

(7) (a) Entities with an overall rating of "exemplary" for 29312  
at least two consecutive years may take advantage of the 29313  
following incentives: 29314

(i) Renewal of the written agreement with the department, 29315  
not to exceed ten years, provided that the entity consents to 29316  
continued evaluation of adherence to quality practices as 29317  
described in division (B) (1) (b) of this section; 29318

(ii) The ability to extend the term of the contract 29319  
between the sponsoring entity and the community school beyond 29320  
the term described in the written agreement with the department; 29321

(iii) An exemption from the preliminary agreement and 29322  
contract adoption and execution deadline requirements prescribed 29323  
in division (D) of section 3314.02 of the Revised Code; 29324

(iv) An exemption from the automatic contract expiration 29325  
requirement, should a new community school fail to open by the 29326  
thirtieth day of September of the calendar year in which the 29327  
community school contract is executed; 29328

(v) No limit on the number of community schools the entity 29329  
may sponsor; 29330

(vi) No territorial restrictions on sponsorship. 29331

An entity may continue to sponsor any community schools 29332  
with which it entered into agreements under division (B) (7) (a) 29333  
(v) or (vi) of this section while rated "exemplary," 29334

notwithstanding the fact that the entity later receives a lower overall rating. 29335  
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(b) (i) Entities that receive an overall rating of "ineffective" shall be prohibited from sponsoring any new or additional community schools during the time in which the sponsor is rated as "ineffective" and shall be subject to a quality improvement plan based on correcting the deficiencies that led to the "ineffective" rating, with timelines and benchmarks that have been established by the department. 29337  
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(ii) Entities that receive an overall rating of "ineffective" on their three most recent ratings shall have all sponsorship authority revoked. Within thirty days after receiving its third rating of "ineffective," the entity may appeal the revocation of its sponsorship authority to the superintendent of public instruction, who shall appoint an independent hearing officer to conduct a hearing in accordance with Chapter 119. of the Revised Code. The hearing shall be conducted within thirty days after receipt of the notice of appeal. Within forty-five days after the hearing is completed, the state board of education shall determine whether the revocation is appropriate based on the hearing conducted by the independent hearing officer, and if determined appropriate, the revocation shall be confirmed. 29344  
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(c) Entities that receive an overall rating of "poor" shall have all sponsorship authority revoked. Within thirty days after receiving a rating of "poor," the entity may appeal the revocation of its sponsorship authority to the superintendent of public instruction, who shall appoint an independent hearing officer to conduct a hearing in accordance with Chapter 119. of the Revised Code. The hearing shall be conducted within thirty 29358  
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days after receipt of the notice of appeal. Within forty-five 29365  
days after the hearing is completed, the state board of 29366  
education shall determine whether the revocation is appropriate 29367  
based on the hearing conducted by the independent hearing 29368  
officer, and if determined appropriate, the revocation shall be 29369  
confirmed. 29370

(8) For the 2014-2015 school year and each school year 29371  
thereafter, student academic performance prescribed under 29372  
division (B)(1)(a) of this section shall include student 29373  
academic performance data from community schools that primarily 29374  
serve students enrolled in a dropout prevention and recovery 29375  
program. 29376

(C) If the governing authority of a community school 29377  
enters into a contract with a sponsor prior to the date on which 29378  
the sponsor is prohibited from sponsoring additional schools 29379  
under division (A) of this section and the school has not opened 29380  
for operation as of that date, that contract shall be void and 29381  
the school shall not open until the governing authority secures 29382  
a new sponsor by entering into a contract with the new sponsor 29383  
under section 3314.03 of the Revised Code. However, the 29384  
~~department's office of Ohio school sponsorship, established~~ 29385  
superintendent of public instruction, acting as a sponsor under 29386  
section 3314.029 of the Revised Code, may assume the sponsorship 29387  
of the school until the earlier of the expiration of two school 29388  
years or until a new sponsor is secured by the school's 29389  
governing authority. A community school sponsored by the 29390  
~~department~~ state superintendent under this division shall not be 29391  
included when calculating the maximum number of directly 29392  
authorized community schools permitted under division (A)(3) of 29393  
section 3314.029 of the Revised Code. 29394

(D) When an entity's authority to sponsor schools is 29395  
revoked pursuant to division (B) (7) (b) or (c) of this section, 29396  
the ~~office of Ohio school sponsorship~~ state superintendent shall 29397  
assume sponsorship of any schools with which the original 29398  
sponsor has contracted for the remainder of that school year. 29399  
The ~~office~~ state superintendent may continue sponsoring those 29400  
schools until the earlier of: 29401

(1) The expiration of two school years from the time that 29402  
sponsorship is revoked; 29403

(2) When a new sponsor is secured by the governing 29404  
authority pursuant to division (C) (1) of section 3314.02 of the 29405  
Revised Code. 29406

Any community school sponsored under this division shall 29407  
not be counted for purposes of directly authorized community 29408  
schools under division (A) (3) of section 3314.029 of the Revised 29409  
Code. 29410

**Sec. 3314.017.** (A) The ~~state board of education~~ department 29411  
of learning and achievement shall prescribe by rules, adopted in 29412  
accordance with Chapter 119. of the Revised Code, an academic 29413  
performance rating and report card system that satisfies the 29414  
requirements of this section for community schools that 29415  
primarily serve students enrolled in dropout prevention and 29416  
recovery programs as described in division (A) (4) (a) of section 29417  
3314.35 of the Revised Code, to be used in lieu of the system 29418  
prescribed under sections 3302.03 and 3314.012 of the Revised 29419  
Code beginning with the 2012-2013 school year. Each such school 29420  
shall comply with the testing and reporting requirements of the 29421  
system as prescribed by the ~~state board~~ department. 29422

(B) Nothing in this section shall at any time relieve a 29423

school from its obligations under the "No Child Left Behind Act of 2001" to make "adequate yearly progress," as both that act and that term are defined in section 3302.01 of the Revised Code, or a school's amenability to the provisions of section 3302.04 or 3302.041 of the Revised Code. The department shall continue to report each school's performance as required by the act and to enforce applicable sanctions under section 3302.04 or 3302.041 of the Revised Code.

(C) The rules adopted by the ~~state board~~ department shall prescribe the following performance indicators for the rating and report card system required by this section:

(1) Graduation rate for each of the following student cohorts:

(a) The number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class;

(b) The number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;

(c) The number of students who graduate in six years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;

(d) The number of students who graduate in seven years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;

(e) The number of students who graduate in eight years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year

graduation rate.	29453
(2) The percentage of twelfth-grade students currently enrolled in the school who have attained the designated passing score on all of the applicable state high school achievement assessments required under division (B)(1) or (2) of section 3301.0710 of the Revised Code and other students enrolled in the school, regardless of grade level, who are within three months of their twenty-second birthday and have attained the designated passing score on all of the applicable state high school achievement assessments by their twenty-second birthday;	29454 29455 29456 29457 29458 29459 29460 29461 29462
(3) Annual measurable objectives as defined in section 3302.01 of the Revised Code;	29463 29464
(4) Growth in student achievement in reading, or mathematics, or both as measured by separate nationally norm-referenced assessments that have developed appropriate standards for students enrolled in dropout prevention and recovery programs, adopted or approved by the <del>state board</del> <u>department</u> .	29465 29466 29467 29468 29469
(D) (1) The <del>state board's</del> <u>department's</u> rules shall prescribe the expected performance levels and benchmarks for each of the indicators prescribed by division (C) of this section based on the data gathered by the department under division (F) of this section. Based on a school's level of attainment or nonattainment of the expected performance levels and benchmarks for each of the indicators, the department shall rate each school in one of the following categories:	29470 29471 29472 29473 29474 29475 29476 29477
(a) Exceeds standards;	29478
(b) Meets standards;	29479
(c) Does not meet standards.	29480

(2) The <del>state board's</del> <u>department's</u> rules shall establish	29481
all of the following:	29482
(a) Not later than June 30, 2013, performance levels and	29483
benchmarks for the indicators described in divisions (C) (1) to	29484
(3) of this section;	29485
(b) Not later than December 31, 2014, both of the	29486
following:	29487
(i) Performance levels and benchmarks for the indicator	29488
described in division (C) (4) of this section;	29489
(ii) Standards for awarding a community school described	29490
in division (A) (4) (a) of section 3314.35 of the Revised Code an	29491
overall designation, which shall be calculated as follows:	29492
(I) Thirty per cent of the score shall be based on the	29493
indicators described in division (C) (1) of this section that are	29494
applicable to the school year for which the overall designation	29495
is granted.	29496
(II) Thirty per cent of the score shall be based on the	29497
indicators described in division (C) (4) of this section.	29498
(III) Twenty per cent of the score shall be based on the	29499
indicators described in division (C) (2) of this section.	29500
(IV) Twenty per cent of the score shall be based on the	29501
indicators described in division (C) (3) of this section.	29502
(3) If both of the indicators described in divisions (C)	29503
(1) and (2) of this section improve by ten per cent for two	29504
consecutive years, a school shall be rated not less than "meets	29505
standards."	29506
The rating and the relevant performance data for each	29507

school shall be posted on the department's web site, and a copy 29508  
of the rating and data shall be provided to the governing 29509  
authority of the community school. 29510

(E) (1) For the 2012-2013 school year, the department shall 29511  
issue a report card including the following performance 29512  
measures, but without a performance rating as described in 29513  
divisions (D) (1) (a) to (c) of this section, for each community 29514  
school described in division (A) (4) (a) of section 3314.35 of the 29515  
Revised Code: 29516

(a) The graduation rates as described in divisions (C) (1) 29517  
(a) to (c) of this section; 29518

(b) The percentage of twelfth-grade students and other 29519  
students who have attained a designated passing score on high 29520  
school achievement assessments as described in division (C) (2) 29521  
of this section; 29522

(c) The statewide average for the graduation rates and 29523  
assessment passage rates described in divisions (C) (1) (a) to (c) 29524  
and (C) (2) of this section; 29525

(d) Annual measurable objectives described in division (C) 29526  
(3) of this section. 29527

(2) For the 2013-2014 school year, the department shall 29528  
issue a report card including the following performance measures 29529  
for each community school described in division (A) (4) of 29530  
section 3314.35 of the Revised Code: 29531

(a) The graduation rates described in divisions (C) (1) (a) 29532  
to (d) of this section, including a performance rating as 29533  
described in divisions (D) (1) (a) to (c) of this section; 29534

(b) The percentage of twelfth-grade students and other 29535

students who have attained a designated passing score on high	29536
school achievement assessments as described in division (C) (2)	29537
of this section, including a performance rating as described in	29538
divisions (D) (1) (a) to (c) of this section;	29539
(c) Annual measurable objectives described in division (C)	29540
(3) of this section, including a performance rating as described	29541
in divisions (D) (1) (a) to (c) of this section;	29542
(d) Both of the following without an assigned rating:	29543
(i) Growth in annual student achievement in reading and	29544
mathematics described in division (C) (4) of this section, if	29545
available;	29546
(ii) Student outcome data, including postsecondary credit	29547
earned, nationally recognized career or technical certification,	29548
military enlistment, job placement, and attendance rate.	29549
(3) Beginning with the 2014-2015 school year, and annually	29550
thereafter, the department shall issue a report card for each	29551
community school described in division (A) (4) (a) of section	29552
3314.35 of the Revised Code that includes all of the following	29553
performance measures, including a performance rating for each	29554
measure as described in divisions (D) (1) (a) to (c) of this	29555
section:	29556
(a) The graduation rates as described in division (C) (1)	29557
of this section;	29558
(b) The percentage of twelfth-grade students and other	29559
students who have attained a designated passing score on high	29560
school achievement assessments as described in division (C) (2)	29561
of this section;	29562
(c) Annual measurable objectives described in division (C)	29563

(3) of this section, including a performance rating as described 29564  
in divisions (D)(1)(a) to (c) of this section; 29565

(d) Growth in annual student achievement in reading and 29566  
mathematics as described in division (C)(4) of this section; 29567

(e) An overall performance designation for the school 29568  
calculated under rules adopted under division (D)(2) of this 29569  
section. 29570

The department shall also include student outcome data, 29571  
including postsecondary credit earned, nationally recognized 29572  
career or technical certification, military enlistment, job 29573  
placement, attendance rate, and progress on closing achievement 29574  
gaps for each school. This information shall not be included in 29575  
the calculation of a school's performance rating. 29576

(F) In developing the rating and report card system 29577  
required by this section, during the 2012-2013 and 2013-2014 29578  
school years, the department shall gather and analyze data as 29579  
determined necessary from each community school described in 29580  
division (A)(4)(a) of section 3314.35 of the Revised Code. Each 29581  
such school shall cooperate with the department by supplying 29582  
requested data and administering required assessments, including 29583  
sample assessments for purposes of measuring student achievement 29584  
growth as described in division (C)(4) of this section. The 29585  
department shall consult with stakeholder groups in performing 29586  
its duties under this division. 29587

The department shall also identify one or more states that 29588  
have established or are in the process of establishing similar 29589  
academic performance rating systems for dropout prevention and 29590  
recovery programs and consult with the departments of education 29591  
of those states in developing the system required by this 29592

section. 29593

(G) Not later than December 31, 2014, the ~~state board~~ 29594  
department shall review the performance levels and benchmarks 29595  
for performance indicators in the report card issued under this 29596  
section and may revise them based on the data collected under 29597  
division (F) of this section. 29598

**Sec. 3314.02.** (A) As used in this chapter: 29599

(1) "Sponsor" means the board of education of a school 29600  
district or the governing board of an educational service center 29601  
that agrees to the conversion of all or part of a school or 29602  
building under division (B) of this section, or an entity listed 29603  
in division (C) (1) of this section, which has been approved by 29604  
the department of ~~education~~ learning and achievement to sponsor 29605  
community schools or is exempted by section 3314.021 or 3314.027 29606  
of the Revised Code from obtaining approval, and with which the 29607  
governing authority of a community school enters into a contract 29608  
under section 3314.03 of the Revised Code. 29609

(2) "Pilot project area" means the school districts 29610  
included in the territory of the former community school pilot 29611  
project established by former Section 50.52 of Am. Sub. H.B. No. 29612  
215 of the 122nd general assembly. 29613

(3) "Challenged school district" means any of the 29614  
following: 29615

(a) A school district that is part of the pilot project 29616  
area; 29617

(b) A school district that meets one of the following 29618  
conditions: 29619

(i) On March 22, 2013, the district was in a state of 29620

academic emergency or in a state of academic watch under section 29621  
3302.03 of the Revised Code, as that section existed prior to 29622  
March 22, 2013; 29623

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 29624  
2015-2016 school years, the district received a grade of "D" or 29625  
"F" for the performance index score and a grade of "F" for the 29626  
value-added progress dimension under section 3302.03 of the 29627  
Revised Code; 29628

(iii) For the 2016-2017 school year and for any school 29629  
year thereafter, the district has received an overall grade of 29630  
"D" or "F" under division (C)(3) of section 3302.03 of the 29631  
Revised Code, or, for at least two of the three most recent 29632  
school years, the district received a grade of "F" for the 29633  
value-added progress dimension under division (C)(1)(e) of that 29634  
section. 29635

(c) A big eight school district; 29636

(d) A school district ranked in the lowest five per cent 29637  
of school districts according to performance index score under 29638  
section 3302.21 of the Revised Code. 29639

(4) "Big eight school district" means a school district 29640  
that for fiscal year 1997 had both of the following: 29641

(a) A percentage of children residing in the district and 29642  
participating in the predecessor of Ohio works first greater 29643  
than thirty per cent, as reported pursuant to section 3317.10 of 29644  
the Revised Code; 29645

(b) An average daily membership greater than twelve 29646  
thousand, as reported pursuant to former division (A) of section 29647  
3317.03 of the Revised Code. 29648

(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.

(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.

(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities unless a student receives career-technical education under section 3314.086 of the Revised Code.

A community school that operates mainly as an internet- or computer-based community school and provides career-technical education under section 3314.086 of the Revised Code shall be considered an internet- or computer-based community school, even if it provides some classroom-based instruction, so long as it provides instruction via the methods described in this division.

(8) "Operator" means either of the following:

(a) An individual or organization that manages the daily operations of a community school pursuant to a contract between the operator and the school's governing authority;

(b) A nonprofit organization that provides programmatic oversight and support to a community school under a contract with the school's governing authority and that retains the right to terminate its affiliation with the school if the school fails to meet the organization's quality standards.

(9) "Alliance municipal school district" has the same meaning as in section 3311.86 of the Revised Code.

(B)(1) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, exempted village, or joint vocational school district in which the public school is proposed to be converted.

(2) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a building operated by an educational service center to a community school. The proposal shall be made to the governing board of the service center.

On or after July 1, 2017, except as provided in section 3314.027 of the Revised Code, any educational service center that sponsors a community school shall be approved by and enter into a written agreement with the department as described in section 3314.015 of the Revised Code.

(3) Upon receipt of a proposal, and after an agreement has been entered into pursuant to section 3314.015 of the Revised Code, a board may enter into a preliminary agreement with the person or group proposing the conversion of the public school or service center building, indicating the intention of the board to support the conversion to a community school. A proposing

person or group that has a preliminary agreement under this 29707  
division may proceed to finalize plans for the school, establish 29708  
a governing authority for the school, and negotiate a contract 29709  
with the board. Provided the proposing person or group adheres 29710  
to the preliminary agreement and all provisions of this chapter, 29711  
the board shall negotiate in good faith to enter into a contract 29712  
in accordance with section 3314.03 of the Revised Code and 29713  
division (C) of this section. 29714

(4) The sponsor of a conversion community school proposed 29715  
to open in an alliance municipal school district shall be 29716  
subject to approval by the department of ~~education~~learning and  
achievement for sponsorship of that school using the criteria 29717  
established under division (A) of section 3311.87 of the Revised 29718  
Code. 29719  
29720

Division (B) (4) of this section does not apply to a 29721  
sponsor that, on or before September 29, 2015, was exempted 29722  
under section 3314.021 or 3314.027 of the Revised Code from the 29723  
requirement to be approved for sponsorship under divisions (A) 29724  
(2) and (B) (1) of section 3314.015 of the Revised Code. 29725

(C) (1) Any person or group of individuals may propose 29726  
under this division the establishment of a new start-up school 29727  
to be located in a challenged school district. The proposal may 29728  
be made to any of the following entities: 29729

(a) The board of education of the district in which the 29730  
school is proposed to be located; 29731

(b) The board of education of any joint vocational school 29732  
district with territory in the county in which is located the 29733  
majority of the territory of the district in which the school is 29734  
proposed to be located; 29735

(c) The board of education of any other city, local, or exempted village school district having territory in the same county where the district in which the school is proposed to be located has the major portion of its territory;

(d) The governing board of any educational service center, regardless of the location of the proposed school, may sponsor a new start-up school in any challenged school district in the state if all of the following are satisfied:

(i) If applicable, it satisfies the requirements of division (E) of section 3311.86 of the Revised Code;

(ii) It is approved to do so by the department;

(iii) It enters into an agreement with the department under section 3314.015 of the Revised Code.

(e) A sponsoring authority designated by the board of trustees of any of the thirteen state universities listed in section 3345.011 of the Revised Code or the board of trustees itself as long as a mission of the proposed school to be specified in the contract under division (A) (2) of section 3314.03 of the Revised Code and as approved by the department under division (B) (3) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher preparation program approved by the ~~state board of education~~ department of learning and achievement;

(f) Any qualified tax-exempt entity under section 501(c) (3) of the Internal Revenue Code as long as all of the following conditions are satisfied:

(i) The entity has been in operation for at least five

years prior to applying to be a community school sponsor. 29765

(ii) The entity has assets of at least five hundred 29766  
thousand dollars and a demonstrated record of financial 29767  
responsibility. 29768

(iii) The department has determined that the entity is an 29769  
education-oriented entity under division (B) (4) of section 29770  
3314.015 of the Revised Code and the entity has a demonstrated 29771  
record of successful implementation of educational programs. 29772

(iv) The entity is not a community school. 29773

(g) The mayor of a city in which the majority of the 29774  
territory of a school district to which section 3311.60 of the 29775  
Revised Code applies is located, regardless of whether that 29776  
district has created the position of independent auditor as 29777  
prescribed by that section. The mayor's sponsorship authority 29778  
under this division is limited to community schools that are 29779  
located in that school district. Such mayor may sponsor 29780  
community schools only with the approval of the city council of 29781  
that city, after establishing standards with which community 29782  
schools sponsored by the mayor must comply, and after entering 29783  
into a sponsor agreement with the department as prescribed under 29784  
section 3314.015 of the Revised Code. The mayor shall establish 29785  
the standards for community schools sponsored by the mayor not 29786  
later than one hundred eighty days after July 15, 2013, and 29787  
shall submit them to the department upon their establishment. 29788  
The department shall approve the mayor to sponsor community 29789  
schools in the district, upon receipt of an application by the 29790  
mayor to do so. Not later than ninety days after the 29791  
department's approval of the mayor as a community school 29792  
sponsor, the department shall enter into the sponsor agreement 29793  
with the mayor. 29794

Any entity described in division (C) (1) of this section 29795  
may enter into a preliminary agreement pursuant to division (C) 29796  
(2) of this section with the proposing person or group, provided 29797  
that entity has been approved by and entered into a written 29798  
agreement with the department pursuant to section 3314.015 of 29799  
the Revised Code. 29800

(2) A preliminary agreement indicates the intention of an 29801  
entity described in division (C) (1) of this section to sponsor 29802  
the community school. A proposing person or group that has such 29803  
a preliminary agreement may proceed to finalize plans for the 29804  
school, establish a governing authority as described in division 29805  
(E) of this section for the school, and negotiate a contract 29806  
with the entity. Provided the proposing person or group adheres 29807  
to the preliminary agreement and all provisions of this chapter, 29808  
the entity shall negotiate in good faith to enter into a 29809  
contract in accordance with section 3314.03 of the Revised Code. 29810

(3) A new start-up school that is established in a school 29811  
district described in either division (A) (3) (b) or (d) of this 29812  
section may continue in existence once the school district no 29813  
longer meets the conditions described in either division, 29814  
provided there is a valid contract between the school and a 29815  
sponsor. 29816

(4) A copy of every preliminary agreement entered into 29817  
under this division shall be filed with the ~~superintendent of~~ 29818  
~~public instruction~~ department of learning and achievement. 29819

(D) A majority vote of the board of a sponsoring entity 29820  
and a majority vote of the members of the governing authority of 29821  
a community school shall be required to adopt a contract and 29822  
convert the public school or educational service center building 29823  
to a community school or establish the new start-up school. 29824

Beginning September 29, 2005, adoption of the contract shall 29825  
occur not later than the fifteenth day of March, and signing of 29826  
the contract shall occur not later than the fifteenth day of 29827  
May, prior to the school year in which the school will open. The 29828  
governing authority shall notify the department ~~of education~~ 29829  
when the contract has been signed. Subject to sections 3314.013 29830  
and 3314.016 of the Revised Code, an unlimited number of 29831  
community schools may be established in any school district 29832  
provided that a contract is entered into for each community 29833  
school pursuant to this chapter. 29834

(E) (1) As used in this division, "immediate relatives" are 29835  
limited to spouses, children, parents, grandparents, and 29836  
siblings, as well as in-laws residing in the same household as 29837  
the person serving on the governing authority. 29838

Each new start-up community school established under this 29839  
chapter shall be under the direction of a governing authority 29840  
which shall consist of a board of not less than five 29841  
individuals. 29842

(2) (a) No person shall serve on the governing authority or 29843  
operate the community school under contract with the governing 29844  
authority under any of the following circumstances: 29845

(i) The person owes the state any money or is in a dispute 29846  
over whether the person owes the state any money concerning the 29847  
operation of a community school that has closed. 29848

(ii) The person would otherwise be subject to division (B) 29849  
of section 3319.31 of the Revised Code with respect to refusal, 29850  
limitation, or revocation of a license to teach, if the person 29851  
were a licensed educator. 29852

(iii) The person has pleaded guilty to or been convicted 29853

of theft in office under section 2921.41 of the Revised Code, or 29854  
has pleaded guilty to or been convicted of a substantially 29855  
similar offense in another state. 29856

(b) No person shall serve on the governing authority or 29857  
engage in the financial day-to-day management of the community 29858  
school under contract with the governing authority unless and 29859  
until that person has submitted to a criminal records check in 29860  
the manner prescribed by section 3319.39 of the Revised Code. 29861

(c) Each sponsor of a community school shall annually 29862  
verify that a finding for recovery has not been issued by the 29863  
auditor of state against any individual or individuals who 29864  
propose to create a community school or any member of the 29865  
governing authority, the operator, or any employee of each 29866  
community school. 29867

(3) No person shall serve on the governing authorities of 29868  
more than five start-up community schools at the same time. 29869

(4) (a) For a community school established under this 29870  
chapter that is not sponsored by a school district or an 29871  
educational service center, no present or former member, or 29872  
immediate relative of a present or former member, of the 29873  
governing authority shall be an owner, employee, or consultant 29874  
of the community school's sponsor or operator, unless at least 29875  
one year has elapsed since the conclusion of the person's 29876  
membership on the governing authority. 29877

(b) For a community school established under this chapter 29878  
that is sponsored by a school district or an educational service 29879  
center, no present or former member, or immediate relative of a 29880  
present or former member, of the governing authority shall: 29881

(i) Be an officer of the district board or service center 29882

governing board that serves as the community school's sponsor, 29883  
unless at least one year has elapsed since the conclusion of the 29884  
person's membership on the governing authority; 29885

(ii) Serve as an employee of, or a consultant for, the 29886  
department, division, or section of the sponsoring district or 29887  
service center that is directly responsible for sponsoring 29888  
community schools, or have supervisory authority over such a 29889  
department, division, or section, unless at least one year has 29890  
elapsed since the conclusion of the person's membership on the 29891  
governing authority. 29892

(5) The governing authority of a start-up or conversion 29893  
community school may provide by resolution for the compensation 29894  
of its members. However, no individual who serves on the 29895  
governing authority of a start-up or conversion community school 29896  
shall be compensated more than one hundred twenty-five dollars 29897  
per meeting of that governing authority and no such individual 29898  
shall be compensated more than a total amount of five thousand 29899  
dollars per year for all governing authorities upon which the 29900  
individual serves. Each member of the governing authority may be 29901  
paid compensation for attendance at an approved training 29902  
program, provided that such compensation shall not exceed sixty 29903  
dollars a day for attendance at a training program three hours 29904  
or less in length and one hundred twenty-five dollars a day for 29905  
attendance at a training program longer than three hours in 29906  
length. 29907

(6) No person who is the employee of a school district or 29908  
educational service center shall serve on the governing 29909  
authority of any community school sponsored by that school 29910  
district or service center. 29911

(7) Each member of the governing authority of a community 29912

school shall annually file a disclosure statement setting forth 29913  
the names of any immediate relatives or business associates 29914  
employed by any of the following within the previous three 29915  
years: 29916

(a) The sponsor or operator of that community school; 29917

(b) A school district or educational service center that 29918  
has contracted with that community school; 29919

(c) A vendor that is or has engaged in business with that 29920  
community school. 29921

(8) No person who is a member of a school district board 29922  
of education shall serve on the governing authority of any 29923  
community school. 29924

(F) (1) A new start-up school that is established prior to 29925  
August 15, 2003, in an urban school district that is not also a 29926  
big-eight school district may continue to operate after that 29927  
date and the contract between the school's governing authority 29928  
and the school's sponsor may be renewed, as provided under this 29929  
chapter, after that date, but no additional new start-up schools 29930  
may be established in such a district unless the district is a 29931  
challenged school district as defined in this section as it 29932  
exists on and after that date. 29933

(2) A community school that was established prior to June 29934  
29, 1999, and is located in a county contiguous to the pilot 29935  
project area and in a school district that is not a challenged 29936  
school district may continue to operate after that date, 29937  
provided the school complies with all provisions of this 29938  
chapter. The contract between the school's governing authority 29939  
and the school's sponsor may be renewed, but no additional 29940  
start-up community school may be established in that district 29941

unless the district is a challenged school district. 29942

(3) Any educational service center that, on June 30, 2007, 29943  
sponsors a community school that is not located in a county 29944  
within the territory of the service center or in a county 29945  
contiguous to such county may continue to sponsor that community 29946  
school on and after June 30, 2007, and may renew its contract 29947  
with the school. However, the educational service center shall 29948  
not enter into a contract with any additional community school, 29949  
unless the governing board of the service center has entered 29950  
into an agreement with the department authorizing the service 29951  
center to sponsor a community school in any challenged school 29952  
district in the state. 29953

**Sec. 3314.021.** (A) This section applies to any entity that 29954  
is exempt from taxation under section 501(c)(3) of the Internal 29955  
Revenue Code and that satisfies the conditions specified in 29956  
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 29957  
Revised Code but does not satisfy the condition specified in 29958  
division (C)(1)(f)(i) of that section. 29959

(B) Notwithstanding division (C)(1)(f)(i) of section 29960  
3314.02 of the Revised Code, and subject to division (D)(2) of 29961  
this section, an entity described in division (A) of this 29962  
section may do both of the following without obtaining the 29963  
department of ~~education's~~ learning and achievement's initial 29964  
approval of its sponsorship under divisions (A)(2) and (B)(1) of 29965  
section 3314.015 of the Revised Code: 29966

(1) Succeed the board of trustees of a state university 29967  
located in the pilot project area or that board's designee as 29968  
the sponsor of a community school established under this 29969  
chapter; 29970

(2) Continue to sponsor that school in conformance with the terms of the contract between the board of trustees or its designee and the governing authority of the community school and renew that contract as provided in division (E) of section 3314.03 of the Revised Code. 29971  
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(C) The entity that succeeds the board of trustees or the board's designee as sponsor of a community school under division (B) of this section also may enter into contracts to sponsor other community schools located in any challenged school district, without obtaining the department's initial approval of its sponsorship of those schools under divisions (A) (2) and (B) (1) of section 3314.015 of the Revised Code as long as the contracts conform with and the entity complies with all other requirements of this chapter. 29976  
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(D) (1) Regardless of the entity's authority to sponsor community schools without the initial approval of the department, the entity is under the continuing oversight of the department in accordance with rules adopted under section 3314.015 of the Revised Code. 29985  
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(2) If an entity described in division (A) of this section receives a rating below "effective" under division (B) of section 3314.016 of the Revised Code for two or more consecutive years, that entity shall receive approval from the department of ~~education~~ learning and achievement to sponsor community schools and enter into a written agreement with the department in accordance with division (B) (1) of section 3314.015 of the Revised Code prior to entering into any further preliminary agreements under division (C) (2) of section 3314.02 of the Revised Code or renewing any existing contract to sponsor a community school. 29990  
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**Sec. 3314.023.** A sponsor shall provide monitoring, 30001  
oversight, and technical assistance to each school that it 30002  
sponsors. In order to provide monitoring, oversight, and 30003  
technical assistance, a representative of the sponsor of a 30004  
community school shall meet with the governing authority or 30005  
fiscal officer of the school and shall review the financial and 30006  
enrollment records of the school at least once every month. Not 30007  
later than ten days after each review, the sponsor shall provide 30008  
the governing authority and fiscal officer with a written report 30009  
regarding the review. Copies of those financial and enrollment 30010  
records shall be furnished to the community school sponsor and 30011  
operator, members of the governing authority, and the fiscal 30012  
officer designated in section 3314.011 of the Revised Code on a 30013  
monthly basis. 30014

If a community school closes or is permanently closed, the 30015  
designated fiscal officer shall deliver all financial and 30016  
enrollment records to the school's sponsor within thirty days of 30017  
the school's closure. If the fiscal officer fails to provide the 30018  
records in a timely manner, or fails to faithfully perform any 30019  
of the fiscal officer's other duties, the sponsor has the right 30020  
of action against the fiscal officer to compel delivery of all 30021  
financial and enrollment records of the school and shall, if 30022  
necessary, seek recovery of any funds owed as a result of any 30023  
finding of recovery by the auditor of state against the fiscal 30024  
officer. 30025

For purposes of this chapter, "monitoring, oversight, and 30026  
technical assistance" shall include the following: 30027

(A) Monitoring the community school's compliance with all 30028  
laws applicable to the school and with the terms of the 30029  
contract; 30030

(B) Monitoring and evaluating the academic and fiscal performance and the organization and operation of the community school on at least an annual basis. The evaluation of a school's academic and fiscal performance shall be based on the performance requirements specified in the contract between the sponsor and the governing authority under section 3314.03 of the Revised Code, the state report cards issued for the school under section 3302.03 or 3314.017 of the Revised Code, and any other analysis conducted by the department of ~~education~~ learning and achievement.

(C) Reporting on an annual basis the results of the evaluation conducted under division (D) (2) of section 3314.03 of the Revised Code to the department of ~~education~~ learning and achievement and to the parents of students enrolled in the community school;

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

(E) Taking steps to intervene in the school's operation to correct problems in the school's overall performance, declaring the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspending the operation of the school pursuant to section 3314.072 of the Revised Code, or terminating the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

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

(G) Other activities designed to specifically benefit the community school the entity sponsors. 30060  
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**Sec. 3314.025.** (A) Beginning with the 2016-2017 school year, each sponsor of a community school shall submit, not later than the fifteenth day of August of each year, a report to the department of ~~education~~ learning and achievement, using the format and manner prescribed by the department as set forth in division (B) of this section, describing the amount and type of expenditures made to provide monitoring, oversight, and technical assistance to the community schools it sponsors. The report shall also be submitted to the governing authority of the community school. 30062  
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(B) Not later than ninety days after the effective date of this section, the department shall establish requirements and a reporting procedure to aid each sponsor in complying with division (A) of this section. The department shall require that each report include at least the following types of expenditures made to provide oversight, monitoring, and technical assistance to the community school it sponsors: 30072  
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(1) Employee salaries, wages, benefits, and other compensation; 30079  
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(2) All purchased or contracted services; 30081

(3) Materials and supplies; 30082

(4) Equipment, furniture, and fixtures; 30083

(5) Facilities; 30084

(6) Other expenditures. 30085

(C) The report submitted under this section shall be a factor when evaluating a sponsor's compliance with applicable 30086  
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law and administrative rules as prescribed under division (B) (1) 30088  
(c) of section 3314.016 of the Revised Code. The report also may 30089  
be used as a factor when evaluating a sponsor's adherence to 30090  
quality practices as prescribed under division (B) (1) (b) of that 30091  
section. 30092

**Sec. 3314.027.** Notwithstanding the requirement for initial 30093  
approval of sponsorship by the department of ~~education-learning~~ 30094  
and achievement prescribed in divisions (A) (2) and (B) (1) of 30095  
section 3314.015 of the Revised Code and any geographical 30096  
restriction or mission requirement prescribed in division (C) (1) 30097  
of section 3314.02 of the Revised Code, an entity that has 30098  
entered into a contract to sponsor a community school on April 30099  
8, 2003, may continue to sponsor the school in conformance with 30100  
the terms of that contract and also may enter into new contracts 30101  
to sponsor community schools after April 8, 2003, as long as the 30102  
contracts conform to and the entity complies with all other 30103  
provisions of this chapter. 30104

Regardless of the entity's authority to sponsor community 30105  
schools without the initial approval of the department, each 30106  
entity described in this section is under the continuing 30107  
oversight of the department in accordance with rules adopted 30108  
under section 3314.015 of the Revised Code. 30109

If an entity to which this section applies receives a 30110  
rating below "effective" under division (B) of section 3314.016 30111  
of the Revised Code for two or more consecutive years, that 30112  
entity shall receive approval from the department of ~~education-~~ 30113  
learning and achievement to sponsor community schools and enter 30114  
into a written agreement with the department in accordance with 30115  
division (B) (1) of section 3314.015 of the Revised Code prior to 30116  
entering into any further preliminary agreements under division 30117

(C) (2) of section 3314.02 of the Revised Code or renewing any 30118  
existing contract to sponsor a community school. 30119

**Sec. 3314.029.** This section establishes the Ohio school 30120  
sponsorship program. The department of ~~education~~learning and 30121  
achievement shall establish an office of Ohio school sponsorship 30122  
to perform the department's duties prescribed by this section. 30123  
On and after the effective date of this amendment, all actions 30124  
required pursuant to this section shall be the duty of the 30125  
superintendent of public instruction rather than that of the 30126  
department. 30127

(A) (1) Notwithstanding anything to the contrary in this 30128  
chapter, any person, group of individuals, or entity may apply 30129  
to the ~~department~~superintendent of public instruction for 30130  
direct authorization to establish a community school and, upon 30131  
approval of the application, may establish the school. 30132  
Notwithstanding anything to the contrary in this chapter, the 30133  
governing authority of an existing community school, upon the 30134  
expiration or termination of its contract with the school's 30135  
sponsor entered into under section 3314.03 of the Revised Code, 30136  
may apply to the ~~department~~state superintendent for direct 30137  
authorization to continue operating the school and, upon 30138  
approval of the application, may continue to operate the school. 30139  
The ~~department~~state superintendent may establish a format and 30140  
deadlines for an application. 30141

Each application submitted to the department shall include 30142  
the following: 30143

(a) Evidence that the applicant will be able to comply 30144  
with division (C) of this section; 30145

(b) A statement indicating that the applicant agrees to 30146

comply with all applicable provisions of this chapter, including 30147  
the requirement to be established as a nonprofit corporation or 30148  
public benefit corporation in accordance with division (A) (1) of 30149  
section 3314.03 of the Revised Code; 30150

(c) A statement attesting that no unresolved finding of 30151  
recovery has been issued by the auditor of state against any 30152  
person, group of individuals, or entity that is a party to the 30153  
application and that no person who is party to the application 30154  
has been a member of the governing authority of any community 30155  
school that has permanently closed and against which an 30156  
unresolved finding of recovery has been issued by the auditor of 30157  
state. In the case of an application submitted by the governing 30158  
authority of an existing community school, a person who is party 30159  
to the application shall include each individual member of that 30160  
governing authority. 30161

(d) A statement that the school will be nonsectarian in 30162  
its programs, admission policies, employment practices, and all 30163  
other operations, and will not be operated by a sectarian school 30164  
or religious institution; 30165

(e) A statement of whether the school is to be created by 30166  
converting all or part of an existing public school or 30167  
educational service center building or is to be a new start-up 30168  
school. If it is a converted public school or service center 30169  
building, the statement shall include a specification of any 30170  
duties or responsibilities of an employer that the board of 30171  
education or service center governing board that operated the 30172  
school or building before conversion is delegating to the 30173  
governing authority of the community school with respect to all 30174  
or any specified group of employees, provided the delegation is 30175  
not prohibited by a collective bargaining agreement applicable 30176

to such employees. 30177

(f) A statement that the school's teachers will be 30178  
licensed in the manner prescribed by division (A) (10) of section 30179  
3314.03 of the Revised Code; 30180

(g) A statement that the school will comply with all of 30181  
the provisions of law enumerated in divisions (A) (11) (d) and (e) 30182  
of section 3314.03 of the Revised Code and of division (A) (11) 30183  
(h) of that section, if applicable; 30184

(h) A statement that the school's graduation and 30185  
curriculum requirements will comply with division (A) (11) (f) of 30186  
section 3314.03 of the Revised Code; 30187

(i) A description of each of the following: 30188

(i) The school's mission and educational program, the 30189  
characteristics of the students the school is expected to 30190  
attract, the ages and grade levels of students, and the focus of 30191  
the curriculum; 30192

(ii) The school's governing authority, which shall be in 30193  
compliance with division (E) of section 3314.02 of the Revised 30194  
Code; 30195

(iii) The school's admission and dismissal policies, which 30196  
shall be in compliance with divisions (A) (5) and (6) of section 30197  
3314.03 of the Revised Code; 30198

(iv) The school's business plan, including a five-year 30199  
financial forecast; 30200

(v) In the case of an application to establish a community 30201  
school, the applicant's resources and capacity to establish and 30202  
operate the school; 30203

(vi) The school's academic goals to be achieved and the 30204  
method of measurement that will be used to determine progress 30205  
toward those goals, which shall include the statewide 30206  
achievement assessments; 30207

(vii) The facilities to be used by the school and their 30208  
locations; 30209

(viii) A description of the learning opportunities that 30210  
will be offered to students including both classroom-based and 30211  
nonclassroom-based learning opportunities that are in compliance 30212  
with criteria for student participation established by the 30213  
department under division (H) (2) of section 3314.08 of the 30214  
Revised Code. 30215

(2) Subject to division (A) (3) of this section, the 30216  
~~department state superintendent~~ may approve or deny an 30217  
application, taking into consideration the standards for quality 30218  
authorizing, capacity requirements, financial constraints, or 30219  
any other criteria it determines necessary and appropriate. The 30220  
~~department state superintendent~~ shall adopt the criteria not 30221  
later than sixty days after ~~the effective date of this amendment~~ 30222  
February 1, 2016. The ~~department state superintendent~~ shall 30223  
assign each applicant school a rating established for a new 30224  
start-up community school or an existing community school, as 30225  
applicable. 30226

The ~~department of education state superintendent~~ shall 30227  
annually publish on ~~its~~ the department of education's web site 30228  
the criteria ~~it~~ the state superintendent uses to approve or deny 30229  
an application submitted pursuant to this section. 30230

(3) For each of five school years, beginning with the 30231  
school year that begins in the calendar year in which this 30232

section takes effect, the ~~department~~state superintendent may 30233  
approve up to twenty applications for community schools to be 30234  
established or to continue operation under division (A) of this 30235  
section; however, of the twenty applications that may be 30236  
approved each school year, only up to five may be for the 30237  
establishment of new schools. 30238

(4) Notwithstanding division (A) (2) of this section, the 30239  
~~department~~state superintendent may deny an application 30240  
submitted by the governing authority of an existing community 30241  
school, if a previous sponsor of that school did not renew its 30242  
contract or terminated its contract with the school entered into 30243  
under section 3314.03 of the Revised Code. 30244

(5) In the case of a proposed new community school to be 30245  
located in an alliance municipal school district, the ~~department~~state superintendent shall not approve the application of that 30246  
community school unless both of the following apply: 30247  
30248

(a) The ~~department~~state superintendent approves the 30249  
application using the requirements of divisions (A) (1) (a) to (h) 30250  
of this section and the criteria developed under division (A) (2) 30251  
of this section. 30252

(b) The ~~department~~state superintendent has determined 30253  
that the applicant has requested and received a recommendation 30254  
from the alliance in the manner prescribed by divisions (E) (1) 30255  
and (2) of section 3311.86 of the Revised Code. 30256

As used in this section, "alliance municipal school 30257  
district" and "alliance" have the same meanings as in section 30258  
3311.86 of the Revised Code. 30259

(B) The ~~department~~state superintendent and the governing 30260  
authority of each community school authorized under this section 30261

shall enter into a contract under section 3314.03 of the Revised Code. Notwithstanding division (A) (13) of that section, the contract with an existing community school may begin at any time during the academic year. The length of the initial contract of any community school under this section may be for any term up to five years. The contract may be renewed in accordance with division (E) of that section. The contract may provide for the school's governing authority to pay a fee for oversight and monitoring of the school that does not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(C) The ~~department~~ state superintendent may require a community school authorized under this section to post and file with the ~~superintendent of public instruction~~ department of education a bond payable to the state or to file with the ~~state superintendent~~ department of education a guarantee, which shall be used to pay the state any moneys owed by the community school in the event the school closes.

(D) Except as otherwise provided in this section, a community school authorized under this section shall comply with all applicable provisions of this chapter. The ~~department~~ state superintendent may take any action that a sponsor may take under this chapter to enforce the school's compliance with this division and the terms of the contract entered into under division (B) of this section.

(E) Not later than December 31, 2012, and annually thereafter, the ~~department~~ state superintendent shall issue a report on the program, including information about the number of community schools participating in the program and their compliance with the provisions of this chapter. In its fifth

report, the ~~department~~state superintendent shall include a 30292  
complete evaluation of the program and recommendations regarding 30293  
the program's continuation. Each report shall be provided to the 30294  
general assembly, in accordance with section 101.68 of the 30295  
Revised Code, and to the governor. 30296

**Sec. 3314.03.** A copy of every contract entered into under 30297  
this section shall be filed with the ~~superintendent of public~~  
~~instruction~~ department of learning and achievement. The 30298  
department ~~of education~~ shall make available on its web site a 30299  
copy of every approved, executed contract filed with the 30300  
~~superintendent~~ department under this section. 30301  
30302

(A) Each contract entered into between a sponsor and the 30303  
governing authority of a community school shall specify the 30304  
following: 30305

(1) That the school shall be established as either of the 30306  
following: 30307

(a) A nonprofit corporation established under Chapter 30308  
1702. of the Revised Code, if established prior to April 8, 30309  
2003; 30310

(b) A public benefit corporation established under Chapter 30311  
1702. of the Revised Code, if established after April 8, 2003. 30312

(2) The education program of the school, including the 30313  
school's mission, the characteristics of the students the school 30314  
is expected to attract, the ages and grades of students, and the 30315  
focus of the curriculum; 30316

(3) The academic goals to be achieved and the method of 30317  
measurement that will be used to determine progress toward those 30318  
goals, which shall include the statewide achievement 30319  
assessments; 30320

- (4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;
- (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;
- (6) (a) Dismissal procedures;
- (b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.
- (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;
- (8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.
- (9) An addendum to the contract outlining the facilities to be used that contains at least the following information:
- (a) A detailed description of each facility used for instructional purposes;
- (b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;

(c) The annual mortgage principal and interest payments that are paid by the school;	30349 30350
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	30351 30352 30353
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.	30354 30355 30356 30357 30358 30359
(11) That the school will comply with the following requirements:	30360 30361
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	30362 30363 30364
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	30365 30366 30367
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.	30368 30369 30370 30371
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, <del>3313.536</del> , 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666,	30372 30373 30374 30375 30376 30377

3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 30378  
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 30379  
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 30380  
3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 30381  
3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 30382  
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 5502.262, 30383  
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 30384  
4112., 4123., 4141., and 4167. of the Revised Code as if it were 30385  
a school district and will comply with section 3301.0714 of the 30386  
Revised Code in the manner specified in section 3314.17 of the 30387  
Revised Code. 30388

(e) The school shall comply with Chapter 102. and section 30389  
2921.42 of the Revised Code. 30390

(f) The school will comply with sections 3313.61, 30391  
3313.611, and 3313.614 of the Revised Code, except that for 30392  
students who enter ninth grade for the first time before July 1, 30393  
2010, the requirement in sections 3313.61 and 3313.611 of the 30394  
Revised Code that a person must successfully complete the 30395  
curriculum in any high school prior to receiving a high school 30396  
diploma may be met by completing the curriculum adopted by the 30397  
governing authority of the community school rather than the 30398  
curriculum specified in Title XXXVIII of the Revised Code or any 30399  
rules of the ~~state board of education~~ department of learning and 30400  
achievement. Beginning with students who enter ninth grade for 30401  
the first time on or after July 1, 2010, the requirement in 30402  
sections 3313.61 and 3313.611 of the Revised Code that a person 30403  
must successfully complete the curriculum of a high school prior 30404  
to receiving a high school diploma shall be met by completing 30405  
the requirements prescribed in division (C) of section 3313.603 30406  
of the Revised Code, unless the person qualifies under division 30407  
(D) or (F) of that section. Each school shall comply with the 30408

plan for awarding high school credit based on demonstration of 30409  
subject area competency, and beginning with the 2017-2018 school 30410  
year, with the updated plan that permits students enrolled in 30411  
seventh and eighth grade to meet curriculum requirements based 30412  
on subject area competency adopted by the ~~state board of~~ 30413  
~~education department~~ under divisions (J) (1) and (2) of section 30414  
3313.603 of the Revised Code. Beginning with the 2018-2019 30415  
school year, the school shall comply with the framework for 30416  
granting units of high school credit to students who demonstrate 30417  
subject area competency through work-based learning experiences, 30418  
internships, or cooperative education developed by the 30419  
department under division (J) (3) of section 3313.603 of the 30420  
Revised Code. 30421

(g) The school governing authority will submit within four 30422  
months after the end of each school year a report of its 30423  
activities and progress in meeting the goals and standards of 30424  
divisions (A) (3) and (4) of this section and its financial 30425  
status to the sponsor and the parents of all students enrolled 30426  
in the school. 30427

(h) The school, unless it is an internet- or computer- 30428  
based community school, will comply with section 3313.801 of the 30429  
Revised Code as if it were a school district. 30430

(i) If the school is the recipient of moneys from a grant 30431  
awarded under the federal race to the top program, Division (A), 30432  
Title XIV, Sections 14005 and 14006 of the "American Recovery 30433  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 30434  
the school will pay teachers based upon performance in 30435  
accordance with section 3317.141 and will comply with section 30436  
3319.111 of the Revised Code as if it were a school district. 30437

(j) If the school operates a preschool program that is 30438

licensed by the department of ~~education~~ learning and achievement 30439  
under sections 3301.52 to 3301.59 of the Revised Code, the 30440  
school shall comply with sections 3301.50 to 3301.59 of the 30441  
Revised Code and the minimum standards for preschool programs 30442  
prescribed in rules adopted by the ~~state board~~ department under 30443  
section 3301.53 of the Revised Code. 30444

(k) The school will comply with sections 3313.6021 and 30445  
3313.6023 of the Revised Code as if it were a school district 30446  
unless it is either of the following: 30447

(i) An internet- or computer-based community school; 30448

(ii) A community school in which a majority of the 30449  
enrolled students are children with disabilities as described in 30450  
division (A) (4) (b) of section 3314.35 of the Revised Code. 30451

(12) Arrangements for providing health and other benefits 30452  
to employees; 30453

(13) The length of the contract, which shall begin at the 30454  
beginning of an academic year. No contract shall exceed five 30455  
years unless such contract has been renewed pursuant to division 30456  
(E) of this section. 30457

(14) The governing authority of the school, which shall be 30458  
responsible for carrying out the provisions of the contract; 30459

(15) A financial plan detailing an estimated school budget 30460  
for each year of the period of the contract and specifying the 30461  
total estimated per pupil expenditure amount for each such year. 30462

(16) Requirements and procedures regarding the disposition 30463  
of employees of the school in the event the contract is 30464  
terminated or not renewed pursuant to section 3314.07 of the 30465  
Revised Code; 30466

(17) Whether the school is to be created by converting all 30467  
or part of an existing public school or educational service 30468  
center building or is to be a new start-up school, and if it is 30469  
a converted public school or service center building, 30470  
specification of any duties or responsibilities of an employer 30471  
that the board of education or service center governing board 30472  
that operated the school or building before conversion is 30473  
delegating to the governing authority of the community school 30474  
with respect to all or any specified group of employees provided 30475  
the delegation is not prohibited by a collective bargaining 30476  
agreement applicable to such employees; 30477

(18) Provisions establishing procedures for resolving 30478  
disputes or differences of opinion between the sponsor and the 30479  
governing authority of the community school; 30480

(19) A provision requiring the governing authority to 30481  
adopt a policy regarding the admission of students who reside 30482  
outside the district in which the school is located. That policy 30483  
shall comply with the admissions procedures specified in 30484  
sections 3314.06 and 3314.061 of the Revised Code and, at the 30485  
sole discretion of the authority, shall do one of the following: 30486

(a) Prohibit the enrollment of students who reside outside 30487  
the district in which the school is located; 30488

(b) Permit the enrollment of students who reside in 30489  
districts adjacent to the district in which the school is 30490  
located; 30491

(c) Permit the enrollment of students who reside in any 30492  
other district in the state. 30493

(20) A provision recognizing the authority of the 30494  
~~department of education~~ superintendent of public instruction to 30495

take over the sponsorship of the school in accordance with the 30496  
provisions of division (C) of section 3314.015 of the Revised 30497  
Code; 30498

(21) A provision recognizing the sponsor's authority to 30499  
assume the operation of a school under the conditions specified 30500  
in division (B) of section 3314.073 of the Revised Code; 30501

(22) A provision recognizing both of the following: 30502

(a) The authority of public health and safety officials to 30503  
inspect the facilities of the school and to order the facilities 30504  
closed if those officials find that the facilities are not in 30505  
compliance with health and safety laws and regulations; 30506

(b) The authority of the department of ~~education~~ learning 30507  
and achievement as the community school oversight body to 30508  
suspend the operation of the school under section 3314.072 of 30509  
the Revised Code if the department has evidence of conditions or 30510  
violations of law at the school that pose an imminent danger to 30511  
the health and safety of the school's students and employees and 30512  
the sponsor refuses to take such action. 30513

(23) A description of the learning opportunities that will 30514  
be offered to students including both classroom-based and non- 30515  
classroom-based learning opportunities that is in compliance 30516  
with criteria for student participation established by the 30517  
department under division (H) (2) of section 3314.08 of the 30518  
Revised Code; 30519

(24) The school will comply with sections 3302.04 and 30520  
3302.041 of the Revised Code, except that any action required to 30521  
be taken by a school district pursuant to those sections shall 30522  
be taken by the sponsor of the school. However, the sponsor 30523  
shall not be required to take any action described in division 30524

(F) of section 3302.04 of the Revised Code. 30525

(25) Beginning in the 2006-2007 school year, the school 30526  
will open for operation not later than the thirtieth day of 30527  
September each school year, unless the mission of the school as 30528  
specified under division (A) (2) of this section is solely to 30529  
serve dropouts. In its initial year of operation, if the school 30530  
fails to open by the thirtieth day of September, or within one 30531  
year after the adoption of the contract pursuant to division (D) 30532  
of section 3314.02 of the Revised Code if the mission of the 30533  
school is solely to serve dropouts, the contract shall be void. 30534

(26) Whether the school's governing authority is planning 30535  
to seek designation for the school as a STEM school equivalent 30536  
under section 3326.032 of the Revised Code; 30537

(27) That the school's attendance and participation 30538  
policies will be available for public inspection; 30539

(28) That the school's attendance and participation 30540  
records shall be made available to the department of ~~education~~ 30541  
learning and achievement, auditor of state, and school's sponsor 30542  
to the extent permitted under and in accordance with the "Family 30543  
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 30544  
U.S.C. 1232g, as amended, and any regulations promulgated under 30545  
that act, and section 3319.321 of the Revised Code; 30546

(29) If a school operates using the blended learning 30547  
model, as defined in section 3301.079 of the Revised Code, all 30548  
of the following information: 30549

(a) An indication of what blended learning model or models 30550  
will be used; 30551

(b) A description of how student instructional needs will 30552  
be determined and documented; 30553

- (c) The method to be used for determining competency, 30554  
granting credit, and promoting students to a higher grade level; 30555
- (d) The school's attendance requirements, including how 30556  
the school will document participation in learning 30557  
opportunities; 30558
- (e) A statement describing how student progress will be 30559  
monitored; 30560
- (f) A statement describing how private student data will 30561  
be protected; 30562
- (g) A description of the professional development 30563  
activities that will be offered to teachers. 30564
- (30) A provision requiring that all moneys the school's 30565  
operator loans to the school, including facilities loans or cash 30566  
flow assistance, must be accounted for, documented, and bear 30567  
interest at a fair market rate; 30568
- (31) A provision requiring that, if the governing 30569  
authority contracts with an attorney, accountant, or entity 30570  
specializing in audits, the attorney, accountant, or entity 30571  
shall be independent from the operator with which the school has 30572  
contracted. 30573
- (B) The community school shall also submit to the sponsor 30574  
a comprehensive plan for the school. The plan shall specify the 30575  
following: 30576
- (1) The process by which the governing authority of the 30577  
school will be selected in the future; 30578
- (2) The management and administration of the school; 30579
- (3) If the community school is a currently existing public 30580

school or educational service center building, alternative 30581  
arrangements for current public school students who choose not 30582  
to attend the converted school and for teachers who choose not 30583  
to teach in the school or building after conversion; 30584

(4) The instructional program and educational philosophy 30585  
of the school; 30586

(5) Internal financial controls. 30587

When submitting the plan under this division, the school 30588  
shall also submit copies of all policies and procedures 30589  
regarding internal financial controls adopted by the governing 30590  
authority of the school. 30591

(C) A contract entered into under section 3314.02 of the 30592  
Revised Code between a sponsor and the governing authority of a 30593  
community school may provide for the community school governing 30594  
authority to make payments to the sponsor, which is hereby 30595  
authorized to receive such payments as set forth in the contract 30596  
between the governing authority and the sponsor. The total 30597  
amount of such payments for monitoring, oversight, and technical 30598  
assistance of the school shall not exceed three per cent of the 30599  
total amount of payments for operating expenses that the school 30600  
receives from the state. 30601

(D) The contract shall specify the duties of the sponsor 30602  
which shall be in accordance with the written agreement entered 30603  
into with the department of ~~education~~learning and achievement 30604  
under division (B) of section 3314.015 of the Revised Code and 30605  
shall include the following: 30606

(1) Monitor the community school's compliance with all 30607  
laws applicable to the school and with the terms of the 30608  
contract; 30609

- (2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis; 30610  
30611  
30612
- (3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school; 30613  
30614  
30615  
30616
- (4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract; 30617  
30618  
30619
- (5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor; 30620  
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- (6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year. 30627  
30628  
30629
- (E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division 30630  
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remains subject to the provisions of sections 3314.07, 3314.072,  
and 3314.073 of the Revised Code. 30639  
30640

(F) If a community school fails to open for operation 30641  
within one year after the contract entered into under this 30642  
section is adopted pursuant to division (D) of section 3314.02 30643  
of the Revised Code or permanently closes prior to the 30644  
expiration of the contract, the contract shall be void and the 30645  
school shall not enter into a contract with any other sponsor. A 30646  
school shall not be considered permanently closed because the 30647  
operations of the school have been suspended pursuant to section 30648  
3314.072 of the Revised Code. 30649

**Sec. 3314.032.** (A) On and after the effective date of this 30650  
section, any new or renewed contract between the governing 30651  
authority of a community school and an operator shall include at 30652  
least the following: 30653

(1) Criteria to be used for early termination of the 30654  
operator contract; 30655

(2) Required notification procedures and timeline for 30656  
early termination or nonrenewal of the operator contract; 30657

(3) A stipulation of which entity owns all community 30658  
school facilities and property including, but not limited to, 30659  
equipment, furniture, fixtures, instructional materials and 30660  
supplies, computers, printers, and other digital devices 30661  
purchased by the governing authority or operator. Any 30662  
stipulation regarding property ownership shall comply with the 30663  
requirements of section 3314.0210 of the Revised Code. 30664

(B) (1) The operator with which the governing authority of 30665  
a community school contracts for services shall not lease any 30666  
parcel of real property to that community school until an 30667

independent professional in the real estate field verifies via 30668  
addendum that at the time the lease was agreed to, the lease was 30669  
commercially reasonable. 30670

(2) The independent professional described in division (B) 30671  
(1) of this section shall be immune from civil liability for any 30672  
decision rendered pursuant to this section. 30673

(C) Beginning with the 2016-2017 school year, the 30674  
governing authority of a community school, with the assistance 30675  
of the school's designated fiscal officer, shall adopt an annual 30676  
budget by the thirty-first day of October of each year. 30677

~~Not later than ninety days after the effective date of~~ 30678  
~~this section, the~~ The department of education-learning and 30679  
achievement shall develop a format for annual budgets of 30680  
community schools. The format shall prescribe inclusion of the 30681  
following information in a school's budget: 30682

(1) Administrative costs for the community school as a 30683  
whole; 30684

(2) Instructional services costs for each category of 30685  
service provided directly to students, compiled and reported in 30686  
terms of average expenditure per pupil receiving the service; 30687

(3) The cost of instructional support services, such as 30688  
services provided by a speech-language pathologist, classroom 30689  
aide, multimedia aide, or librarian, provided directly to 30690  
students; 30691

(4) The cost of administrative support services, such as 30692  
the cost of personnel that develop the curriculum and the cost 30693  
of personnel supervising or coordinating the delivery of the 30694  
instructional services; 30695

(5) The cost of support or extracurricular services costs 30696  
for services directly provided to students; 30697

(6) The cost of services provided directly to students by 30698  
a nonlicensed employee related to support or extracurricular 30699  
services, such as janitorial services, cafeteria services, or 30700  
services of a sports trainer; 30701

(7) The cost of administrative services related to support 30702  
or extracurricular services, such as the cost of any licensed or 30703  
unlicensed employees that develop, supervise, coordinate, or 30704  
otherwise are involved in administrating or aiding the delivery 30705  
of services. 30706

(D) The governing authority of a community school shall be 30707  
the sole entity responsible for the adoption of the school's 30708  
annual budget, but the governing authority shall adopt such 30709  
budget with the assistance of the school's designated fiscal 30710  
officer. 30711

**Sec. 3314.034.** (A) Subject to division (B) of this 30712  
section, any community school to which either of the following 30713  
conditions apply shall be prohibited from entering into a 30714  
contract with a new sponsor: 30715

(1) The community school has received a grade of "D" or 30716  
"F" for the performance index score, under division (C) (1) (b) of 30717  
section 3302.03 of the Revised Code, and an overall grade of "D" 30718  
or "F" for the value-added progress dimension or another measure 30719  
of student academic progress if adopted by the ~~state board of~~ 30720  
education department of learning and achievement, under division 30721  
(C) (1) (e) of that section, on the most recent report card issued 30722  
for the school pursuant to that section. 30723

(2) The community school is one in which a majority of the 30724

students are enrolled in a dropout prevention and recovery 30725  
program, and it has received a rating of "does not meet 30726  
standards" for the annual student growth measure and combined 30727  
graduation rates on the most recent report card issued for the 30728  
school under section 3314.017 of the Revised Code. 30729

(B) A community school to which division (A) of this 30730  
section applies may enter into a contract with a new sponsor if 30731  
all of the following conditions are satisfied: 30732

(1) The proposed sponsor received a rating of "effective" 30733  
or higher pursuant to division (B) (6) of section 3314.016 of the 30734  
Revised Code on its most recent evaluation conducted according 30735  
to that section, or the proposed sponsor is the ~~office of Ohio-~~ 30736  
~~school sponsorship established in~~ superintendent of public 30737  
instruction acting as a sponsor pursuant to section 3314.029 of 30738  
the Revised Code. 30739

(2) The community school submits a request to enter into a 30740  
new contract with a sponsor. 30741

(3) The community school has not submitted a prior request 30742  
that was granted. 30743

(4) The department grants the school's request pursuant to 30744  
division (C) of this section. 30745

(C) A school shall submit a request to change sponsors 30746  
under this section not later than on the fifteenth day of 30747  
February of the year in which the school wishes to do so. The 30748  
department shall grant or deny the request not later than thirty 30749  
days after the department receives it. If the department denies 30750  
the request, the community school may submit an appeal to the 30751  
state board of education, which shall hold a hearing in 30752  
accordance with Chapter 119. of the Revised Code. The community 30753

school shall file its notice of appeal to the state board not 30754  
later than ten days after receiving the decision from the 30755  
department. The state board shall conduct the hearing not later 30756  
than thirty days after receiving the school's notice of appeal 30757  
and act upon the determination of the hearing officer not later 30758  
than the twenty-fifth day of June of the year in which the 30759  
school wishes to change sponsors. 30760

(D) Factors to be considered during a hearing held 30761  
pursuant to division (C) of this section include, but are not 30762  
limited to, the following: 30763

(1) The school's impact on the students and the community 30764  
or communities it serves; 30765

(2) The quality and quantity of academic and 30766  
administrative support the school receives from its current 30767  
sponsor to help the school to improve; 30768

(3) The sponsor's annual evaluations of the community 30769  
school under division (D) (2) of section 3314.03 of the Revised 30770  
Code for the previous three years; 30771

(4) The academic performance of the school, taking into 30772  
account the demographic information of the students enrolled in 30773  
the school; 30774

(5) The academic performance of alternative schools that 30775  
serve comparable populations of students as those served by the 30776  
community school; 30777

(6) The fiscal stability of the school; 30778

(7) The results of any audits of the school by the auditor 30779  
of state; 30780

(8) The length of time the school has been under the 30781

oversight of its current sponsor; 30782

(9) The number of times the school has changed sponsors 30783  
prior to the current request; 30784

(10) Parent and student satisfaction rates as demonstrated 30785  
by surveys, if available. 30786

**Sec. 3314.035.** Each community school shall post on the 30787  
school's web site the name of each member of the school's 30788  
governing authority. Each community school also shall provide, 30789  
upon request, the name and address of each member of the 30790  
governing authority to the sponsor of the school and the 30791  
department of ~~education~~ learning and achievement. 30792

**Sec. 3314.038.** Each community school shall annually submit 30793  
to the department of ~~education~~ learning and achievement and 30794  
auditor of state a report of each instance under which a student 30795  
who is enrolled in that community school resides in a children's 30796  
residential center as defined under section 5103.05 of the 30797  
Revised Code. 30798

**Sec. 3314.039.** The department of ~~education~~ learning and 30799  
achievement shall compile and publish the following information, 30800  
for each year since the 2010-2011 school year, in a simple, 30801  
easily accessible location on its web site: 30802

(A) A single document identifying each community school 30803  
that has closed during each year and the reason for the closure 30804  
of each school; 30805

(B) A single document for each entity that submitted an 30806  
application to sponsor schools that contains the following, 30807  
where applicable: 30808

(1) The entity's application and most recent evaluation; 30809

(2) A designation of whether the entity's application was approved or denied;	30810 30811
(3) All documentation used in determining whether to approve or deny the entity's application;	30812 30813
(4) A short statement describing the rationale used in approving or denying the entity's application.	30814 30815
(C) A single document containing the following information:	30816 30817
(1) A list of all sponsor ratings for each school year for which ratings are available;	30818 30819
(2) A list of each sponsor that is prohibited, as of the thirty-first day of December of each school year, from sponsoring new schools;	30820 30821 30822
(3) A list of each sponsor that sponsors or has sponsored a school that is or was subject to closure, and the reason for that closure.	30823 30824 30825
(D) The department shall update the document required pursuant to division (A) of this section on an annual basis.	30826 30827
<b>Sec. 3314.041.</b> The governing authority of each community school and any operator of such school shall distribute to parents of students of the school upon their enrollment in the school the following statement in writing:	30828 30829 30830 30831
"The ..... (here fill in name of the school) school is a community school established under Chapter 3314. of the Revised Code. The school is a public school and students enrolled in and attending the school are required to take proficiency tests and other examinations prescribed by law. In addition, there may be other requirements for students at the	30832 30833 30834 30835 30836 30837

school that are prescribed by law. Students who have been 30838  
excused from the compulsory attendance law for the purpose of 30839  
home education as defined by the Administrative Code shall no 30840  
longer be excused for that purpose upon their enrollment in a 30841  
community school. For more information about this matter contact 30842  
the school administration or the Ohio Department of ~~Education~~ 30843  
Learning and Achievement." 30844

**Sec. 3314.05.** (A) The contract between the community 30845  
school and the sponsor shall specify the facilities to be used 30846  
for the community school and the method of acquisition. Except 30847  
as provided in divisions (B) (3) and (4) of this section, no 30848  
community school shall be established in more than one school 30849  
district under the same contract. 30850

(B) Division (B) of this section shall not apply to 30851  
internet- or computer-based community schools. 30852

(1) A community school may be located in multiple 30853  
facilities under the same contract only if the limitations on 30854  
availability of space prohibit serving all the grade levels 30855  
specified in the contract in a single facility or division (B) 30856  
(2), (3), or (4) of this section applies to the school. The 30857  
school shall not offer the same grade level classrooms in more 30858  
than one facility. 30859

(2) A community school may be located in multiple 30860  
facilities under the same contract and, notwithstanding division 30861  
(B) (1) of this section, may assign students in the same grade 30862  
level to multiple facilities, as long as all of the following 30863  
apply: 30864

(a) The governing authority has entered into and maintains 30865  
a contract with an operator of the type described in division 30866

- (A) (8) (b) of section 3314.02 of the Revised Code. 30867
- (b) The contract with that operator qualified the school 30868  
to be established pursuant to division (A) of former section 30869  
3314.016 of the Revised Code. 30870
- (c) The school's rating under section 3302.03 of the 30871  
Revised Code does not fall below a combination of any of the 30872  
following for two or more consecutive years: 30873
- (i) A rating of "in need of continuous improvement" under 30874  
section 3302.03 of the Revised Code, as that section existed 30875  
prior to March 22, 2013; 30876
- (ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015- 30877  
2016 school years, a rating of "C" for both the performance 30878  
index score under division (A) (1) (b) or (B) (1) (b) and the value- 30879  
added dimension under division (A) (1) (e) or (B) (1) (e) of section 30880  
3302.03 of the Revised Code; or if the building serves only 30881  
grades ten through twelve, the building received a grade of "C" 30882  
for the performance index score under division (A) (1) (b) or (B) 30883  
(1) (b) of section 3302.03 of the Revised Code; 30884
- (iii) For the 2016-2017 school year and for any school 30885  
year thereafter, an overall grade of "C" under division (C) (3) 30886  
of section 3302.03 of the Revised Code or an overall performance 30887  
designation of "meets standards" under division (E) (3) (e) of 30888  
section 3314.017 of the Revised Code. 30889
- (3) A new start-up community school may be established in 30890  
two school districts under the same contract if all of the 30891  
following apply: 30892
- (a) At least one of the school districts in which the 30893  
school is established is a challenged school district; 30894

(b) The school operates not more than one facility in each school district and, in accordance with division (B) (1) of this section, the school does not offer the same grade level classrooms in both facilities; and

(c) Transportation between the two facilities does not require more than thirty minutes of direct travel time as measured by school bus.

In the case of a community school to which division (B) (3) of this section applies, if only one of the school districts in which the school is established is a challenged school district, that district shall be considered the school's primary location and the district in which the school is located for the purposes of division (A) (19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter. If both of the school districts in which the school is established are challenged school districts, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of those divisions and all other purposes of this chapter and shall notify the department of ~~education~~ learning and achievement of that designation.

(4) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B) (1) of this section, may assign students in the same grade level to multiple facilities, as long as both of the following apply:

(a) The facilities are all located in the same county.

(b) Either of the following conditions are satisfied:

(i) The community school is sponsored by a board of 30924  
education of a city, local, or exempted village school district 30925  
having territory in the same county where the facilities of the 30926  
community school are located; 30927

(ii) The community school is managed by an operator. 30928

In the case of a community school to which division (B) (4) 30929  
of this section applies and that maintains facilities in more 30930  
than one school district, the school's governing authority shall 30931  
designate one of those districts to be considered the school's 30932  
primary location and the district in which the school is located 30933  
for the purposes of division (A) (19) of section 3314.03 and 30934  
divisions (C) and (H) of section 3314.06 of the Revised Code and 30935  
for all other purposes of this chapter and shall notify the 30936  
department of that designation. 30937

(5) Any facility used for a community school shall meet 30938  
all health and safety standards established by law for school 30939  
buildings. 30940

(C) In the case where a community school is proposed to be 30941  
located in a facility owned by a school district or educational 30942  
service center, the facility may not be used for such community 30943  
school unless the district or service center board owning the 30944  
facility enters into an agreement for the community school to 30945  
utilize the facility. Use of the facility may be under any terms 30946  
and conditions agreed to by the district or service center board 30947  
and the school. 30948

(D) Two or more separate community schools may be located 30949  
in the same facility. 30950

(E) In the case of a community school that is located in 30951  
multiple facilities, beginning July 1, 2012, the department 30952

shall assign a unique identification number to the school and to 30953  
each facility maintained by the school. Each number shall be 30954  
used for identification purposes only. Nothing in this division 30955  
shall be construed to require the department to calculate the 30956  
amount of funds paid under this chapter, or to compute any data 30957  
required for the report cards issued under section 3314.012 of 30958  
the Revised Code, for each facility separately. The department 30959  
shall make all such calculations or computations for the school 30960  
as a whole. 30961

**Sec. 3314.06.** The governing authority of each community 30962  
school established under this chapter shall adopt admission 30963  
procedures that specify the following: 30964

(A) That, except as otherwise provided in this section, 30965  
admission to the school shall be open to any individual age five 30966  
to twenty-two entitled to attend school pursuant to section 30967  
3313.64 or 3313.65 of the Revised Code in a school district in 30968  
the state. 30969

Additionally, except as otherwise provided in this 30970  
section, admission to the school may be open on a tuition basis 30971  
to any individual age five to twenty-two who is not a resident 30972  
of this state. The school shall not receive state funds under 30973  
section 3314.08 of the Revised Code for any student who is not a 30974  
resident of this state. 30975

An individual younger than five years of age may be 30976  
admitted to the school in accordance with division (A) (2) of 30977  
section 3321.01 of the Revised Code. The school shall receive 30978  
funds for an individual admitted under that division in the 30979  
manner provided under section 3314.08 of the Revised Code. 30980

If the school operates a program that uses the Montessori 30981

method endorsed by the American Montessori society, the 30982  
Montessori accreditation council for teacher education, or the 30983  
association Montessori internationale as its primary method of 30984  
instruction, admission to the school may be open to individuals 30985  
younger than five years of age, but the school shall not receive 30986  
funds under this chapter for those individuals. Notwithstanding 30987  
anything to the contrary in this chapter, individuals younger 30988  
than five years of age who are enrolled in a Montessori program 30989  
shall be offered at least four hundred fifty-five hours of 30990  
learning opportunities per school year. 30991

If the school operates a preschool program that is 30992  
licensed by the department of ~~education~~learning and achievement 30993  
under sections 3301.52 to 3301.59 of the Revised Code, admission 30994  
to the school may be open to individuals who are younger than 30995  
five years of age, but the school shall not receive funds under 30996  
this chapter for those individuals. 30997

(B) (1) That admission to the school may be limited to 30998  
students who have attained a specific grade level or are within 30999  
a specific age group; to students that meet a definition of "at- 31000  
risk," as defined in the contract; to residents of a specific 31001  
geographic area within the district, as defined in the contract; 31002  
or to separate groups of autistic students and nondisabled 31003  
students, as authorized in section 3314.061 of the Revised Code 31004  
and as defined in the contract. 31005

(2) For purposes of division (B) (1) of this section, "at- 31006  
risk" students may include those students identified as gifted 31007  
students under section 3324.03 of the Revised Code. 31008

(C) Whether enrollment is limited to students who reside 31009  
in the district in which the school is located or is open to 31010  
residents of other districts, as provided in the policy adopted 31011

pursuant to the contract. 31012

(D) (1) That there will be no discrimination in the 31013  
admission of students to the school on the basis of race, creed, 31014  
color, disability, or sex except that: 31015

(a) The governing authority may do either of the following 31016  
for the purpose described in division (G) of this section: 31017

(i) Establish a single-gender school for either sex; 31018

(ii) Establish single-gender schools for each sex under 31019  
the same contract, provided substantially equal facilities and 31020  
learning opportunities are offered for both boys and girls. Such 31021  
facilities and opportunities may be offered for each sex at 31022  
separate locations. 31023

(b) The governing authority may establish a school that 31024  
simultaneously serves a group of students identified as autistic 31025  
and a group of students who are not disabled, as authorized in 31026  
section 3314.061 of the Revised Code. However, unless the total 31027  
capacity established for the school has been filled, no student 31028  
with any disability shall be denied admission on the basis of 31029  
that disability. 31030

(2) That upon admission of any student with a disability, 31031  
the community school will comply with all federal and state laws 31032  
regarding the education of students with disabilities. 31033

(E) That the school may not limit admission to students on 31034  
the basis of intellectual ability, measures of achievement or 31035  
aptitude, or athletic ability, except that a school may limit 31036  
its enrollment to students as described in division (B) of this 31037  
section. 31038

(F) That the community school will admit the number of 31039

students that does not exceed the capacity of the school's 31040  
programs, classes, grade levels, or facilities. 31041

(G) That the purpose of single-gender schools that are 31042  
established shall be to take advantage of the academic benefits 31043  
some students realize from single-gender instruction and 31044  
facilities and to offer students and parents residing in the 31045  
district the option of a single-gender education. 31046

(H) That, except as otherwise provided under division (B) 31047  
of this section or section 3314.061 of the Revised Code, if the 31048  
number of applicants exceeds the capacity restrictions of 31049  
division (F) of this section, students shall be admitted by lot 31050  
from all those submitting applications, except preference shall 31051  
be given to students attending the school the previous year and 31052  
to students who reside in the district in which the school is 31053  
located. Preference may be given to siblings of students 31054  
attending the school the previous year. Preference also may be 31055  
given to students who are the children of full-time staff 31056  
members employed by the school, provided the total number of 31057  
students receiving this preference is less than five per cent of 31058  
the school's total enrollment. 31059

Notwithstanding divisions (A) to (H) of this section, in 31060  
the event the racial composition of the enrollment of the 31061  
community school is violative of a federal desegregation order, 31062  
the community school shall take any and all corrective measures 31063  
to comply with the desegregation order. 31064

**Sec. 3314.072.** The provisions of this section are enacted 31065  
to promote the public health, safety, and welfare by 31066  
establishing procedures under which the governing authorities of 31067  
community schools established under this chapter will be held 31068  
accountable for their compliance with the terms of the contracts 31069

they enter into with their school's sponsors and the law 31070  
relating to the school's operation. Suspension of the operation 31071  
of a school imposed under this section is intended to encourage 31072  
the governing authority's compliance with the terms of the 31073  
school's contract and the law and is not intended to be an 31074  
alteration of the terms of that contract. 31075

(A) If a sponsor of a community school established under 31076  
this chapter suspends the operation of that school pursuant to 31077  
procedures set forth in this section, the governing authority 31078  
shall not operate that school while the suspension is in effect. 31079  
Any such suspension shall remain in effect until the sponsor 31080  
notifies the governing authority that it is no longer in effect. 31081  
The contract of a school of which operation is suspended under 31082  
this section also may be subject to termination or nonrenewal 31083  
under section 3314.07 of the Revised Code. 31084

(B) If at any time conditions at the school do not comply 31085  
with a health and safety standard established by law for school 31086  
buildings, the sponsor shall immediately suspend the operation 31087  
of the school pursuant to procedures set forth in division (D) 31088  
of this section. If the sponsor fails to take action to suspend 31089  
the operation of a school to which this division applies, the 31090  
department of ~~education~~ learning and achievement may take such 31091  
action. 31092

(C) (1) For any of the reasons prescribed in ~~division~~ 31093  
divisions (B) (1) (a) to (d) of section 3314.07 of the Revised 31094  
Code, the sponsor of a community school established under this 31095  
chapter may suspend the operation of the school only if it first 31096  
issues to the governing authority notice of the sponsor's intent 31097  
to suspend the operation of the contract. Such notice shall 31098  
explain the reasons for the sponsor's intent to suspend 31099

operation of the contract and shall provide the school's 31100  
governing authority with five business days to submit to the 31101  
sponsor a proposal to remedy the conditions cited as reasons for 31102  
the suspension. 31103

(2) The sponsor shall promptly review any proposed remedy 31104  
timely submitted by the governing authority and either approve 31105  
or disapprove the remedy. If the sponsor disapproves the remedy 31106  
proposed by the governing authority, if the governing authority 31107  
fails to submit a proposed remedy in the manner prescribed by 31108  
the sponsor, or if the governing authority fails to implement 31109  
the remedy as approved by the sponsor, the sponsor may suspend 31110  
operation of the school pursuant to procedures set forth in 31111  
division (D) of this section. 31112

(D)(1) If division (B) of this section applies or if the 31113  
sponsor of a community school established under this chapter 31114  
decides to suspend the operation of a school as permitted in 31115  
division (C)(2) of this section, the sponsor shall promptly send 31116  
written notice to the governing authority stating that the 31117  
operation of the school is immediately suspended, and explaining 31118  
the specific reasons for the suspension. The notice shall state 31119  
that the governing authority has five business days to submit a 31120  
proposed remedy to the conditions cited as reasons for the 31121  
suspension or face potential contract termination. 31122

(2) Upon receipt of the notice of suspension prescribed 31123  
under division (D)(1) of this section, the governing authority 31124  
shall immediately notify the employees of the school and the 31125  
parents of the students enrolled in the school of the suspension 31126  
and the reasons therefore, and shall cease all school operations 31127  
on the next business day. 31128

(E)(1) Beginning with the 2013-2014 school year, if the 31129

sponsor of a community school suspends the operation of that 31130  
school pursuant to procedures set forth in this section, the 31131  
school's contract with the sponsor under section 3314.03 of the 31132  
Revised Code shall become void, if the governing authority of 31133  
the school fails to provide a proposal to remedy the conditions 31134  
cited by the sponsor as reasons for the suspension, to the 31135  
satisfaction of the sponsor, by the thirtieth day of September 31136  
of the school year immediately following the school year in 31137  
which the operation of school was suspended. 31138

(2) If, prior to ~~the effective date of this amendment~~ 31139  
September 29, 2013, the sponsor of a community school has 31140  
suspended the operation of the school, the contract with the 31141  
sponsor under section 3314.03 of the Revised Code shall become 31142  
void if the governing authority of the school fails to provide 31143  
by September 30, 2014, a proposal to remedy the conditions cited 31144  
by the sponsor as reasons for the suspension, to the 31145  
satisfaction of the sponsor. 31146

**Sec. 3314.074.** Divisions (A) and (B) of this section apply 31147  
only to the extent permitted under Chapter 1702. of the Revised 31148  
Code. 31149

(A) If any community school established under this chapter 31150  
permanently closes and ceases its operation as a community 31151  
school, the assets of that school shall be distributed first to 31152  
the retirement funds of employees of the school, employees of 31153  
the school, and private creditors who are owed compensation, and 31154  
then any remaining funds shall be paid to the department of 31155  
~~education~~ learning and achievement for redistribution to the 31156  
school districts in which the students who were enrolled in the 31157  
school at the time it ceased operation were entitled to attend 31158  
school under section 3313.64 or 3313.65 of the Revised Code. The 31159

amount distributed to each school district shall be proportional 31160  
to the district's share of the total enrollment in the community 31161  
school. 31162

(B) If a community school closes and ceases to operate as 31163  
a community school and the school has received computer hardware 31164  
or software from the former Ohio SchoolNet commission or the 31165  
former eTech Ohio commission, such hardware or software shall be 31166  
turned over to the department of ~~education~~ learning and 31167  
achievement, which shall redistribute the hardware and software, 31168  
to the extent such redistribution is possible, to school 31169  
districts in conformance with the provisions of the programs as 31170  
they were operated and administered by the former eTech Ohio 31171  
commission. 31172

(C) If the assets of the school are insufficient to pay 31173  
all persons or entities to whom compensation is owed, the 31174  
prioritization of the distribution of the assets to individual 31175  
persons or entities within each class of payees may be 31176  
determined by decree of a court in accordance with this section 31177  
and Chapter 1702. of the Revised Code. 31178

(D) A community school that engages in a merger or 31179  
consolidation pursuant to division (B) of section 1702.41 of the 31180  
Revised Code and becomes a single public benefit corporation 31181  
shall not be required to distribute assets pursuant to divisions 31182  
(A), (B), and (C) of this section, provided that the governing 31183  
authority of the community school created by the merger or 31184  
consolidation enters into a contract for sponsorship under 31185  
section 3314.03 of the Revised Code with an entity rated 31186  
"effective" or higher by the department of ~~education~~ learning 31187  
and achievement pursuant to section 3314.016 of the Revised 31188  
Code. 31189

<b>Sec. 3314.08.</b> (A) As used in this section:	31190
(1) (a) "Category one career-technical education student"	31191
means a student who is receiving the career-technical education	31192
services described in division (A) of section 3317.014 of the	31193
Revised Code.	31194
(b) "Category two career-technical student" means a	31195
student who is receiving the career-technical education services	31196
described in division (B) of section 3317.014 of the Revised	31197
Code.	31198
(c) "Category three career-technical student" means a	31199
student who is receiving the career-technical education services	31200
described in division (C) of section 3317.014 of the Revised	31201
Code.	31202
(d) "Category four career-technical student" means a	31203
student who is receiving the career-technical education services	31204
described in division (D) of section 3317.014 of the Revised	31205
Code.	31206
(e) "Category five career-technical education student"	31207
means a student who is receiving the career-technical education	31208
services described in division (E) of section 3317.014 of the	31209
Revised Code.	31210
(2) (a) "Category one limited English proficient student"	31211
means a limited English proficient student described in division	31212
(A) of section 3317.016 of the Revised Code.	31213
(b) "Category two limited English proficient student"	31214
means a limited English proficient student described in division	31215
(B) of section 3317.016 of the Revised Code.	31216
(c) "Category three limited English proficient student"	31217

means a limited English proficient student described in division 31218  
(C) of section 3317.016 of the Revised Code. 31219

(3) (a) "Category one special education student" means a 31220  
student who is receiving special education services for a 31221  
disability specified in division (A) of section 3317.013 of the 31222  
Revised Code. 31223

(b) "Category two special education student" means a 31224  
student who is receiving special education services for a 31225  
disability specified in division (B) of section 3317.013 of the 31226  
Revised Code. 31227

(c) "Category three special education student" means a 31228  
student who is receiving special education services for a 31229  
disability specified in division (C) of section 3317.013 of the 31230  
Revised Code. 31231

(d) "Category four special education student" means a 31232  
student who is receiving special education services for a 31233  
disability specified in division (D) of section 3317.013 of the 31234  
Revised Code. 31235

(e) "Category five special education student" means a 31236  
student who is receiving special education services for a 31237  
disability specified in division (E) of section 3317.013 of the 31238  
Revised Code. 31239

(f) "Category six special education student" means a 31240  
student who is receiving special education services for a 31241  
disability specified in division (F) of section 3317.013 of the 31242  
Revised Code. 31243

(4) "Formula amount" has the same meaning as in section 31244  
3317.02 of the Revised Code. 31245

- (5) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 31246  
31247
- (6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 31248  
31249  
31250
- (7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 31251  
31252
- (B) The ~~state board of education~~ department of learning and achievement shall adopt rules requiring both of the following: 31253  
31254  
31255
- (1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in each grade kindergarten through twelve in a community school established under this chapter, and for each child, the community school in which the child is enrolled. 31256  
31257  
31258  
31259  
31260  
31261
- (2) The governing authority of each community school established under this chapter to annually report all of the following: 31262  
31263  
31264
- (a) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP; 31265  
31266  
31267  
31268
- (b) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP; 31269  
31270  
31271  
31272
- (c) The number of students reported under division (B) (2) 31273

(b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	31274 31275 31276
(d) The full-time equivalent number of students reported under divisions (B) (2) (a) and (b) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code that are provided by the community school;	31277 31278 31279 31280 31281
(e) The number of students reported under divisions (B) (2) (a) and (b) of this section who are not reported under division (B) (2) (d) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;	31282 31283 31284 31285 31286 31287 31288 31289
(f) The number of students reported under divisions (B) (2) (a) and (b) of this section who are category one to three limited English proficient students described in each of divisions (A) to (C) of section 3317.016 of the Revised Code;	31290 31291 31292 31293
(g) The number of students reported under divisions (B) (2) (a) and (b) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (B) (2) (g) of this section based on anything other than family income.	31294 31295 31296 31297 31298 31299
(h) For each student, the city, exempted village, or local school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	31300 31301 31302

(i) The number of students enrolled in a preschool program 31303  
operated by the school that is licensed by the department of 31304  
~~education~~learning and achievement under sections 3301.52 to 31305  
3301.59 of the Revised Code who are not receiving special 31306  
education and related services pursuant to an IEP. 31307

A school district board and a community school governing 31308  
authority shall include in their respective reports under 31309  
division (B) of this section any child admitted in accordance 31310  
with division (A) (2) of section 3321.01 of the Revised Code. 31311

A governing authority of a community school shall not 31312  
include in its report under divisions (B) (2) (a) to (h) of this 31313  
section any student for whom tuition is charged under division 31314  
(F) of this section. 31315

(C) (1) Except as provided in division (C) (2) of this 31316  
section, and subject to divisions (C) (3), (4), (5), (6), and (7) 31317  
of this section, on a full-time equivalency basis, for each 31318  
student enrolled in a community school established under this 31319  
chapter, the department of ~~education~~learning and achievement 31320  
annually shall deduct from the state education aid of a 31321  
student's resident district and, if necessary, from the payment 31322  
made to the district under sections 321.24 and 323.156 of the 31323  
Revised Code and pay to the community school the sum of the 31324  
following: 31325

(a) An opportunity grant in an amount equal to the formula 31326  
amount; 31327

(b) The per pupil amount of targeted assistance funds 31328  
calculated under division (A) of section 3317.0217 of the 31329  
Revised Code for the student's resident district, as determined 31330  
by the department, X 0.25; 31331

(c) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:	31332 31333 31334
(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	31335 31336 31337
(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	31338 31339 31340
(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	31341 31342 31343
(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	31344 31345 31346
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	31347 31348 31349
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	31350 31351 31352
(d) If the student is in kindergarten through third grade, an additional amount of \$320;	31353 31354
(e) If the student is economically disadvantaged, an additional amount equal to the following:	31355 31356
\$272 X the resident district's economically disadvantaged index	31357 31358

(f) Limited English proficiency funds as follows:	31359
(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	31360 31361 31362
(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	31363 31364 31365
(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	31366 31367 31368
(g) If the student is reported under division (B) (2) (d) of this section, career-technical education funds as follows:	31369 31370
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	31371 31372 31373
(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	31374 31375 31376
(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	31377 31378 31379
(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	31380 31381 31382
(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	31383 31384 31385

Deduction and payment of funds under division (C) (1) (g) of 31386  
this section is subject to approval by the lead district of a 31387  
career-technical planning district or the department of 31388  
~~education~~ learning and achievement under section 3317.161 of the 31389  
Revised Code. 31390

(2) When deducting from the state education aid of a 31391  
student's resident district for students enrolled in an 31392  
internet- or computer-based community school and making payments 31393  
to such school under this section, the department shall make the 31394  
deductions and payments described in only divisions (C) (1) (a), 31395  
(c), and (g) of this section. 31396

No deductions or payments shall be made for a student 31397  
enrolled in such school under division (C) (1) (b), (d), (e), or 31398  
(f) of this section. 31399

(3) (a) If a community school's costs for a fiscal year for 31400  
a student receiving special education and related services 31401  
pursuant to an IEP for a disability described in divisions (B) 31402  
to (F) of section 3317.013 of the Revised Code exceed the 31403  
threshold catastrophic cost for serving the student as specified 31404  
in division (B) of section 3317.0214 of the Revised Code, the 31405  
school may submit to the ~~superintendent of public instruction~~ 31406  
department of learning and achievement documentation, as 31407  
prescribed by the ~~superintendent~~ department, of all its costs 31408  
for that student. Upon submission of documentation for a student 31409  
of the type and in the manner prescribed, the department shall 31410  
pay to the community school an amount equal to the school's 31411  
costs for the student in excess of the threshold catastrophic 31412  
costs. 31413

(b) The community school shall report under division (C) 31414  
(3) (a) of this section, and the department shall pay for, only 31415

the costs of educational expenses and the related services 31416  
provided to the student in accordance with the student's 31417  
individualized education program. Any legal fees, court costs, 31418  
or other costs associated with any cause of action relating to 31419  
the student may not be included in the amount. 31420

(4) In any fiscal year, a community school receiving funds 31421  
under division (C)(1)(g) of this section shall spend those funds 31422  
only for the purposes that the department designates as approved 31423  
for career-technical education expenses. Career-technical 31424  
education expenses approved by the department shall include only 31425  
expenses connected to the delivery of career-technical 31426  
programming to career-technical students. The department shall 31427  
require the school to report data annually so that the 31428  
department may monitor the school's compliance with the 31429  
requirements regarding the manner in which funding received 31430  
under division (C)(1)(g) of this section may be spent. 31431

(5) Notwithstanding anything to the contrary in section 31432  
3313.90 of the Revised Code, except as provided in division (C) 31433  
(9) of this section, all funds received under division (C)(1)(g) 31434  
of this section shall be spent in the following manner: 31435

(a) At least seventy-five per cent of the funds shall be 31436  
spent on curriculum development, purchase, and implementation; 31437  
instructional resources and supplies; industry-based program 31438  
certification; student assessment, credentialing, and placement; 31439  
curriculum specific equipment purchases and leases; career- 31440  
technical student organization fees and expenses; home and 31441  
agency linkages; work-based learning experiences; professional 31442  
development; and other costs directly associated with career- 31443  
technical education programs including development of new 31444  
programs. 31445

(b) Not more than twenty-five per cent of the funds shall 31446  
be used for personnel expenditures. 31447

(6) A community school shall spend the funds it receives 31448  
under division (C) (1) (e) of this section in accordance with 31449  
section 3317.25 of the Revised Code. 31450

(7) If the sum of the payments computed under divisions 31451  
(C) (1) and (8) (a) of this section for the students entitled to 31452  
attend school in a particular school district under sections 31453  
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 31454  
district's state education aid and its payment under sections 31455  
321.24 and 323.156 of the Revised Code, the department shall 31456  
calculate and apply a proration factor to the payments to all 31457  
community schools under that division for the students entitled 31458  
to attend school in that district. 31459

(8) (a) Subject to division (C) (7) of this section, the 31460  
department annually shall pay to each community school, 31461  
including each internet- or computer-based community school, an 31462  
amount equal to the following: 31463

(The number of students reported by the community school 31464  
under division (B) (2) (e) of this section X the formula amount 31465  
X .20) 31466

(b) For each payment made to a community school under 31467  
division (C) (8) (a) of this section, the department shall deduct 31468  
from the state education aid of each city, local, and exempted 31469  
village school district and, if necessary, from the payment made 31470  
to the district under sections 321.24 and 323.156 of the Revised 31471  
Code an amount equal to the following: 31472

(The number of the district's students reported by the 31473  
community school under division (B) (2) (e) of this section X the 31474

formula amount X .20) 31475

(9) The department may waive the requirement in division 31476  
(C) (5) of this section for any community school that exclusively 31477  
provides one or more career-technical workforce development 31478  
programs in arts and communications that are not equipment- 31479  
intensive, as determined by the department. 31480

(D) A board of education sponsoring a community school may 31481  
utilize local funds to make enhancement grants to the school or 31482  
may agree, either as part of the contract or separately, to 31483  
provide any specific services to the community school at no cost 31484  
to the school. 31485

(E) A community school may not levy taxes or issue bonds 31486  
secured by tax revenues. 31487

(F) No community school shall charge tuition for the 31488  
enrollment of any student who is a resident of this state. A 31489  
community school may charge tuition for the enrollment of any 31490  
student who is not a resident of this state. 31491

(G) (1) (a) A community school may borrow money to pay any 31492  
necessary and actual expenses of the school in anticipation of 31493  
the receipt of any portion of the payments to be received by the 31494  
school pursuant to division (C) of this section. The school may 31495  
issue notes to evidence such borrowing. The proceeds of the 31496  
notes shall be used only for the purposes for which the 31497  
anticipated receipts may be lawfully expended by the school. 31498

(b) A school may also borrow money for a term not to 31499  
exceed fifteen years for the purpose of acquiring facilities. 31500

(2) Except for any amount guaranteed under section 3318.50 31501  
of the Revised Code, the state is not liable for debt incurred 31502  
by the governing authority of a community school. 31503

(H) The department of ~~education~~learning and achievement 31504  
shall adjust the amounts subtracted and paid under division (C) 31505  
of this section to reflect any enrollment of students in 31506  
community schools for less than the equivalent of a full school 31507  
year. The ~~state board of education within ninety days after~~ 31508  
~~April 8, 2003,~~ department shall adopt in accordance with Chapter 31509  
119. of the Revised Code rules governing the payments to 31510  
community schools under this section including initial payments 31511  
in a school year and adjustments and reductions made in 31512  
subsequent periodic payments to community schools and 31513  
corresponding deductions from school district accounts as 31514  
provided under division (C) of this section. For purposes of 31515  
this section: 31516

(1) A student shall be considered enrolled in the 31517  
community school for any portion of the school year the student 31518  
is participating at a college under Chapter 3365. of the Revised 31519  
Code. 31520

(2) A student shall be considered to be enrolled in a 31521  
community school for the period of time beginning on the later 31522  
of the date on which the school both has received documentation 31523  
of the student's enrollment from a parent and the student has 31524  
commenced participation in learning opportunities as defined in 31525  
the contract with the sponsor, or thirty days prior to the date 31526  
on which the student is entered into the education management 31527  
information system established under section 3301.0714 of the 31528  
Revised Code. For purposes of applying this division and 31529  
divisions (H) (3) and (4) of this section to a community school 31530  
student, "learning opportunities" shall be defined in the 31531  
contract, which shall describe both classroom-based and non- 31532  
classroom-based learning opportunities and shall be in 31533  
compliance with criteria and documentation requirements for 31534

student participation which shall be established by the 31535  
department. Any student's instruction time in non-classroom- 31536  
based learning opportunities shall be certified by an employee 31537  
of the community school. A student's enrollment shall be 31538  
considered to cease on the date on which any of the following 31539  
occur: 31540

(a) The community school receives documentation from a 31541  
parent terminating enrollment of the student. 31542

(b) The community school is provided documentation of a 31543  
student's enrollment in another public or private school. 31544

(c) The community school ceases to offer learning 31545  
opportunities to the student pursuant to the terms of the 31546  
contract with the sponsor or the operation of any provision of 31547  
this chapter. 31548

Except as otherwise specified in this paragraph, beginning 31549  
in the 2011-2012 school year, any student who completed the 31550  
prior school year in an internet- or computer-based community 31551  
school shall be considered to be enrolled in the same school in 31552  
the subsequent school year until the student's enrollment has 31553  
ceased as specified in division (H) (2) of this section. The 31554  
department shall continue subtracting and paying amounts for the 31555  
student under division (C) of this section without interruption 31556  
at the start of the subsequent school year. However, if the 31557  
student without a legitimate excuse fails to participate in the 31558  
first one hundred five consecutive hours of learning 31559  
opportunities offered to the student in that subsequent school 31560  
year, the student shall be considered not to have re-enrolled in 31561  
the school for that school year and the department shall 31562  
recalculate the payments to the school for that school year to 31563  
account for the fact that the student is not enrolled. 31564

(3) The department shall determine each community school student's percentage of full-time equivalency based on the percentage of learning opportunities offered by the community school to that student, reported either as number of hours or number of days, is of the total learning opportunities offered by the community school to a student who attends for the school's entire school year. However, no internet- or computer-based community school shall be credited for any time a student spends participating in learning opportunities beyond ten hours within any period of twenty-four consecutive hours. Whether it reports hours or days of learning opportunities, each community school shall offer not less than nine hundred twenty hours of learning opportunities during the school year.

(4) With respect to the calculation of full-time equivalency under division (H) (3) of this section, the department shall waive the number of hours or days of learning opportunities not offered to a student because the community school was closed during the school year due to disease epidemic, hazardous weather conditions, law enforcement emergencies, inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for school use, so long as the school was actually open for instruction with students in attendance during that school year for not less than the minimum number of hours required by this chapter. The department shall treat the school as if it were open for instruction with students in attendance during the hours or days waived under this division.

(I) The department of ~~education~~ learning and achievement shall reduce the amounts paid under this section to reflect

payments made to colleges under section 3365.07 of the Revised Code. 31596  
31597

(J) (1) No student shall be considered enrolled in any internet- or computer-based community school or, if applicable to the student, in any community school that is required to provide the student with a computer pursuant to division (C) of section 3314.22 of the Revised Code, unless both of the following conditions are satisfied: 31598  
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31600  
31601  
31602  
31603

(a) The student possesses or has been provided with all required hardware and software materials and all such materials are operational so that the student is capable of fully participating in the learning opportunities specified in the contract between the school and the school's sponsor as required by division (A) (23) of section 3314.03 of the Revised Code; 31604  
31605  
31606  
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31608  
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(b) The school is in compliance with division (A) of section 3314.22 of the Revised Code, relative to such student. 31610  
31611

(2) In accordance with policies adopted jointly by the ~~superintendent of public instruction department~~ and the auditor of state, the department shall reduce the amounts otherwise payable under division (C) of this section to any community school that includes in its program the provision of computer hardware and software materials to any student, if such hardware and software materials have not been delivered, installed, and activated for each such student in a timely manner or other educational materials or services have not been provided according to the contract between the individual community school and its sponsor. 31612  
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The ~~superintendent of public instruction department~~ and the auditor of state shall jointly establish a method for 31623  
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auditing any community school to which this division pertains to 31625  
ensure compliance with this section. 31626

~~The superintendent department~~, auditor of state, and the 31627  
governor shall jointly make recommendations to the general 31628  
assembly for legislative changes that may be required to assure 31629  
fiscal and academic accountability for such schools. 31630

(K) (1) If the department determines that a review of a 31631  
community school's enrollment is necessary, such review shall be 31632  
completed and written notice of the findings shall be provided 31633  
to the governing authority of the community school and its 31634  
sponsor within ninety days of the end of the community school's 31635  
fiscal year, unless extended for a period not to exceed thirty 31636  
additional days for one of the following reasons: 31637

(a) The department and the community school mutually agree 31638  
to the extension. 31639

(b) Delays in data submission caused by either a community 31640  
school or its sponsor. 31641

(2) If the review results in a finding that additional 31642  
funding is owed to the school, such payment shall be made within 31643  
thirty days of the written notice. If the review results in a 31644  
finding that the community school owes moneys to the state, the 31645  
following procedure shall apply: 31646

(a) Within ten business days of the receipt of the notice 31647  
of findings, the community school may appeal the department's 31648  
determination to the state board of education or its designee. 31649

(b) The board or its designee shall conduct an informal 31650  
hearing on the matter within thirty days of receipt of such an 31651  
appeal and shall issue a decision within fifteen days of the 31652  
conclusion of the hearing. 31653

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the ~~superintendent of public instruction~~ department.

(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the ~~superintendent of public instruction~~ department of learning and achievement grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by

the state board of education. 31683

(4) Any student who has attained the age of twenty-two 31684  
years, except for veterans of the armed services whose 31685  
attendance was interrupted before completing the recognized 31686  
twelve-year course of the public schools by reason of induction 31687  
or enlistment in the armed forces and who apply for enrollment 31688  
in a community school not later than four years after 31689  
termination of war or their honorable discharge. If, however, 31690  
any such veteran elects to enroll in special courses organized 31691  
for veterans for whom tuition is paid under federal law, or 31692  
otherwise, the department shall not subtract from a school 31693  
district's state aid account and shall not pay to a community 31694  
school under division (C) of this section any amount for that 31695  
veteran. 31696

**Sec. 3314.081.** To the extent permitted by federal law, the 31697  
department of ~~education~~learning and achievement shall include 31698  
community schools established under this chapter in its annual 31699  
allocation of federal moneys under Title I of the "Elementary 31700  
and Secondary Education Act of 1965," 20 U.S.C. 6301, et seq. 31701

**Sec. 3314.083.** If the department of ~~education~~learning and 31702  
achievement pays a joint vocational school district under 31703  
division (C) (3) of section 3317.16 of the Revised Code for 31704  
excess costs of providing special education and related services 31705  
to a student with a disability who is enrolled in a community 31706  
school, as calculated under division (C) (1) of that section, the 31707  
department shall deduct the amount of that payment from the 31708  
amount calculated for payment to the community school under 31709  
section 3314.08 of the Revised Code. 31710

**Sec. 3314.084.** (A) As used in this section: 31711

- (1) "Formula ADM" has the same meaning as in section 3317.03 of the Revised Code. 31712  
31713
- (2) "Home" has the same meaning as in section 3313.64 of the Revised Code. 31714  
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- (3) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code; however, a community school established under this chapter is not a "school district of residence" for purposes of this section. 31716  
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- (B) Notwithstanding anything to the contrary in section 3314.08 or 3317.03 of the Revised Code, all of the following apply in the case of a child who is enrolled in a community school and is also living in a home: 31720  
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31723
- (1) For purposes of the report required under division (B) (1) of section 3314.08 of the Revised Code, the child's school district of residence, and not the school district in which the home that the child is living in is located, shall be considered to be the school district in which the child is entitled to attend school. That school district of residence, therefore, shall make the report required under division (B)(1) of section 3314.08 of the Revised Code with respect to the child. 31724  
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- (2) For purposes of the report required under division (B) (2) of section 3314.08 of the Revised Code, the community school shall report the name of the child's school district of residence. 31732  
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- (3) The child's school district of residence shall count the child in that district's formula ADM. 31736  
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- (4) The school district in which the home that the child is living in is located shall not count the child in that district's formula ADM. 31738  
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31740

(5) The department of ~~education~~learning and achievement 31741  
shall deduct the applicable amounts prescribed under division 31742  
(C) of section 3314.08 of the Revised Code from the child's 31743  
school district of residence and shall not deduct those amounts 31744  
from the school district in which the home that the child is 31745  
living in is located. 31746

(6) The department shall make the payments prescribed in 31747  
division (C) of section 3314.08 of the Revised Code, as 31748  
applicable, to the community school. 31749

**Sec. 3314.085.** (A) For purposes of this section: 31750

(1) "Formula amount" has the same meaning as in section 31751  
3317.02 of the Revised Code. 31752

(2) "Four-year adjusted cohort graduation rate" has the 31753  
same meaning as in section 3302.01 of the Revised Code. 31754

(3) A community school's "third-grade reading proficiency 31755  
percentage" means the percentage of the school's students 31756  
scoring at a proficient level of skill or higher on the third- 31757  
grade English language arts assessment prescribed under division 31758  
(A) (1) (a) of section 3301.0710 of the Revised Code for the 31759  
immediately preceding school year, as reported on the school's 31760  
report card under section 3302.03 of the Revised Code. 31761

(B) In addition to the payments made under section 3314.08 31762  
of the Revised Code, the department of ~~education~~learning and 31763  
achievement shall annually pay to each community school both of 31764  
the following: 31765

(1) A graduation bonus calculated according to the 31766  
following formula: 31767

The school's four-year adjusted cohort graduation rate on its 31768

most recent report card issued by the department under section 31769  
3302.03 or 3314.017 of the Revised Code X 0.075 X the formula 31770  
amount X the number of the school's graduates reported to the 31771  
department, in accordance with the guidelines adopted under 31772  
section 3301.0714 of the Revised Code, for the same school year 31773  
for which the most recent report card was issued 31774

(2) A third-grade reading bonus calculated according to 31775  
the following formula: 31776

The school's third-grade reading proficiency percentage X 0.075 31777  
X the formula amount X the number of the school's students 31778  
scoring at a proficient level or higher on the third-grade 31779  
English language arts assessment prescribed under division (A) 31780

(1) (a) of section 3301.0710 of the Revised Code for the 31781  
immediately preceding school year 31782

**Sec. 3314.087.** (A) As used in this section: 31783

(1) "Career-technical program" means career-technical 31784  
programs or classes described in division (A), (B), (C), (D), or 31785  
(E) of section 3317.014 of the Revised Code in which a student 31786  
is enrolled. 31787

(2) "Formula ADM," "category one through five career- 31788  
technical education ADM," and "FTE basis" have the same meanings 31789  
as in section 3317.02 of the Revised Code. 31790

(3) "Resident school district" means the city, exempted 31791  
village, or local school district in which a student is entitled 31792  
to attend school under section 3313.64 or 3313.65 of the Revised 31793  
Code. 31794

(B) Notwithstanding anything to the contrary in this 31795  
chapter or Chapter 3317. of the Revised Code, a student enrolled 31796  
in a community school may simultaneously enroll in the career- 31797

technical program operated by the career-technical planning 31798  
district to which the student's resident district belongs. On an 31799  
FTE basis, the student's resident school district shall count 31800  
the student in the category one through five career-technical 31801  
education ADM for the proportion of the time the student is 31802  
enrolled in a career-technical program of the career-technical 31803  
planning district to which the student's resident district 31804  
belongs and, accordingly, the department of ~~education-learning~~ 31805  
and achievement shall calculate funds under Chapter 3317. for 31806  
the resident district attributable to the student for the 31807  
proportion of time the student attends the career-technical 31808  
program. The community school shall count the student in its 31809  
enrollment report under section 3314.08 of the Revised Code and 31810  
shall report to the department the proportion of time that the 31811  
student attends classes at the community school. The department 31812  
shall pay the community school and deduct from the student's 31813  
resident school district the amount computed for the student 31814  
under section 3314.08 of the Revised Code in proportion to the 31815  
fraction of the time on an FTE basis that the student attends 31816  
classes at the community school. "Full-time equivalency" for a 31817  
community school student, as defined in division (H) of section 31818  
3314.08 of the Revised Code, does not apply to the student. 31819

**Sec. 3314.091.** (A) A school district is not required to 31820  
provide transportation for any native student enrolled in a 31821  
community school if the district board of education has entered 31822  
into an agreement with the community school's governing 31823  
authority that designates the community school as responsible 31824  
for providing or arranging for the transportation of the 31825  
district's native students to and from the community school. For 31826  
any such agreement to be effective, it must be certified by the 31827  
~~superintendent of public instruction~~ department of learning and 31828

achievement as having met all of the following requirements: 31829

(1) It is submitted to the department of ~~education~~ 31830  
learning and achievement by a deadline which shall be 31831  
established by the department. 31832

(2) In accordance with divisions (C) (1) and (2) of this 31833  
section, it specifies qualifications, such as residing a minimum 31834  
distance from the school, for students to have their 31835  
transportation provided or arranged. 31836

(3) The transportation provided by the community school is 31837  
subject to all provisions of the Revised Code and all rules 31838  
adopted under the Revised Code pertaining to pupil 31839  
transportation. 31840

(4) The sponsor of the community school also has signed 31841  
the agreement. 31842

(B) (1) For the school year that begins on July 1, 2007, a 31843  
school district is not required to provide transportation for 31844  
any native student enrolled in a community school, if the 31845  
community school during the previous school year transported the 31846  
students enrolled in the school or arranged for the students' 31847  
transportation, even if that arrangement consisted of having 31848  
parents transport their children to and from the school, but did 31849  
not enter into an agreement to transport or arrange for 31850  
transportation for those students under division (A) of this 31851  
section, and if the governing authority of the community school 31852  
by July 15, 2007, submits written notification to the district 31853  
board of education stating that the governing authority is 31854  
accepting responsibility for providing or arranging for the 31855  
transportation of the district's native students to and from the 31856  
community school. 31857

(2) Except as provided in division (B)(4) of this section, 31858  
for any school year subsequent to the school year that begins on 31859  
July 1, 2007, a school district is not required to provide 31860  
transportation for any native student enrolled in a community 31861  
school if the governing authority of the community school, by 31862  
the thirty-first day of January of the previous school year, 31863  
submits written notification to the district board of education 31864  
stating that the governing authority is accepting responsibility 31865  
for providing or arranging for the transportation of the 31866  
district's native students to and from the community school. If 31867  
the governing authority of the community school has previously 31868  
accepted responsibility for providing or arranging for the 31869  
transportation of a district's native students to and from the 31870  
community school, under division (B)(1) or (2) of this section, 31871  
and has since relinquished that responsibility under division 31872  
(B)(3) of this section, the governing authority shall not accept 31873  
that responsibility again unless the district board consents to 31874  
the governing authority's acceptance of that responsibility. 31875

(3) A governing authority's acceptance of responsibility 31876  
under division (B)(1) or (2) of this section shall cover an 31877  
entire school year, and shall remain in effect for subsequent 31878  
school years unless the governing authority submits written 31879  
notification to the district board that the governing authority 31880  
is relinquishing the responsibility. However, a governing 31881  
authority shall not relinquish responsibility for transportation 31882  
before the end of a school year, and shall submit the notice 31883  
relinquishing responsibility by the thirty-first day of January, 31884  
in order to allow the school district reasonable time to prepare 31885  
transportation for its native students enrolled in the school. 31886

(4) (a) For any school year that begins on or after July 1, 31887  
2014, a school district is not required to provide 31888

transportation for any native student enrolled in a community 31889  
school scheduled to open for operation in the current school 31890  
year, if the governing authority of the community school, by the 31891  
fifteenth day of April of the previous school year, submits 31892  
written notification to the district board of education stating 31893  
that the governing authority is accepting responsibility for 31894  
providing or arranging for the transportation of the district's 31895  
native students to and from the community school. 31896

(b) The governing authority of a community school that 31897  
accepts responsibility for transporting its students under 31898  
division (B) (4) (a) of this section shall comply with divisions 31899  
(B) (2) and (3) of this section to renew or relinquish that 31900  
authority for subsequent school years. 31901

(C) (1) A community school governing authority that enters 31902  
into an agreement under division (A) of this section, or that 31903  
accepts responsibility under division (B) of this section, shall 31904  
provide or arrange transportation free of any charge for each of 31905  
its enrolled students who is required to be transported under 31906  
section 3327.01 of the Revised Code. The governing authority 31907  
shall report to the department of ~~education~~ learning and 31908  
achievement the number of students transported or for whom 31909  
transportation is arranged under this section in accordance with 31910  
rules adopted by the ~~state board of education~~ department of 31911  
learning and achievement. 31912

(2) The governing authority may provide or arrange 31913  
transportation for any other enrolled student who is not 31914  
eligible for transportation in accordance with division (C) (1) 31915  
of this section and may charge a fee for such service up to the 31916  
actual cost of the service. 31917

(3) Notwithstanding anything to the contrary in division 31918

(C) (1) or (2) of this section, a community school governing authority shall provide or arrange transportation free of any charge for any disabled student enrolled in the school for whom the student's individualized education program developed under Chapter 3323. of the Revised Code specifies transportation.

(D) (1) If a school district board and a community school governing authority elect to enter into an agreement under division (A) of this section, the department of ~~education~~ learning and achievement shall make payments to the community school according to the terms of the agreement for each student actually transported under division (C) (1) of this section.

If a community school governing authority accepts transportation responsibility under division (B) of this section, the department shall make payments to the community school for each student actually transported or for whom transportation is arranged by the community school under division (C) (1) of this section, calculated as follows:

(a) For any fiscal year which the general assembly has specified that transportation payments to school districts be based on an across-the-board percentage of the district's payment for the previous school year, the per pupil payment to the community school shall be the following quotient:

(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by

(ii) The number of students included in the district's transportation ADM for the current fiscal year, as calculated under section 3317.03 of the Revised Code, plus the number of

students enrolled in the community school not counted in the 31948  
district's transportation ADM who are transported under division 31949  
(B) (1) or (2) of this section. 31950

(b) For any fiscal year which the general assembly has 31951  
specified that the transportation payments to school districts 31952  
be calculated in accordance with section 3317.0212 of the 31953  
Revised Code and any rules of the ~~state board of education~~ 31954  
department of learning and achievement implementing that 31955  
section, the payment to the community school shall be the amount 31956  
so calculated on a per rider basis that otherwise would be paid 31957  
to the school district in which the student is entitled to 31958  
attend school by the method of transportation the district would 31959  
have used. The community school, however, is not required to use 31960  
the same method to transport that student. 31961

(c) Divisions (D) (1) (a) and (b) of this section do not 31962  
apply to fiscal years 2012 and 2013. Rather, for each of those 31963  
fiscal years, the per pupil payment to a community school for 31964  
transporting a student shall be the total amount paid under 31965  
former section 3306.12 of the Revised Code for fiscal year 2011 31966  
to the school district in which the child is entitled to attend 31967  
school divided by that district's "qualifying ridership," as 31968  
defined in that section for fiscal year 2011. 31969

As used in this division "entitled to attend school" means 31970  
entitled to attend school under section 3313.64 or 3313.65 of 31971  
the Revised Code. 31972

(2) The department shall deduct the payment under division 31973  
(D) (1) of this section from the state education aid, as defined 31974  
in section 3314.08 of the Revised Code, and, if necessary, the 31975  
payment under sections 321.14 and 323.156 of the Revised Code, 31976  
that is otherwise paid to the school district in which the 31977

student enrolled in the community school is entitled to attend 31978  
school. The department shall include the number of the 31979  
district's native students for whom payment is made to a 31980  
community school under division (D) (1) of this section in the 31981  
calculation of the district's transportation payment under 31982  
section 3317.0212 of the Revised Code and the operating 31983  
appropriations act. 31984

(3) A community school shall be paid under division (D) (1) 31985  
of this section only for students who are eligible as specified 31986  
in section 3327.01 of the Revised Code and division (C) (1) of 31987  
this section, and whose transportation to and from school is 31988  
actually provided, who actually utilized transportation 31989  
arranged, or for whom a payment in lieu of transportation is 31990  
made by the community school's governing authority. To qualify 31991  
for the payments, the community school shall report to the 31992  
department, in the form and manner required by the department, 31993  
data on the number of students transported or whose 31994  
transportation is arranged, the number of miles traveled, cost 31995  
to transport, and any other information requested by the 31996  
department. 31997

(4) A community school shall use payments received under 31998  
this section solely to pay the costs of providing or arranging 31999  
for the transportation of students who are eligible as specified 32000  
in section 3327.01 of the Revised Code and division (C) (1) of 32001  
this section, which may include payments to a parent, guardian, 32002  
or other person in charge of a child in lieu of transportation. 32003

(E) Except when arranged through payment to a parent, 32004  
guardian, or person in charge of a child, transportation 32005  
provided or arranged for by a community school pursuant to an 32006  
agreement under this section is subject to all provisions of the 32007

Revised Code, and all rules adopted under the Revised Code, 32008  
pertaining to the construction, design, equipment, and operation 32009  
of school buses and other vehicles transporting students to and 32010  
from school. The drivers and mechanics of the vehicles are 32011  
subject to all provisions of the Revised Code, and all rules 32012  
adopted under the Revised Code, pertaining to drivers and 32013  
mechanics of such vehicles. The community school also shall 32014  
comply with sections 3313.201, 3327.09, and 3327.10 of the 32015  
Revised Code, division (B) of section 3327.16 of the Revised 32016  
Code and, subject to division (C) (1) of this section, sections 32017  
3327.01 and 3327.02 of the Revised Code, as if it were a school 32018  
district. 32019

**Sec. 3314.10.** (A) (1) The governing authority of any 32020  
community school established under this chapter may employ 32021  
teachers and nonteaching employees necessary to carry out its 32022  
mission and fulfill its contract. 32023

(2) Except as provided under division (A) (3) of this 32024  
section, employees hired under this section may organize and 32025  
collectively bargain pursuant to Chapter 4117. of the Revised 32026  
Code. Notwithstanding division (D) (1) of section 4117.06 of the 32027  
Revised Code, a unit containing teaching and nonteaching 32028  
employees employed under this section shall be considered an 32029  
appropriate unit. Except as provided in divisions (B) (2) (b) and 32030  
(c) of section 3307.01 of the Revised Code and in section 32031  
3309.013 of the Revised Code, employment under this section is 32032  
subject to either Chapter 3307. or 3309. of the Revised Code. 32033

(3) If a school is created by converting all or part of an 32034  
existing public school rather than by establishment of a new 32035  
start-up school, at the time of conversion, the employees of the 32036  
community school shall remain part of any collective bargaining 32037

unit in which they were included immediately prior to the 32038  
conversion and shall remain subject to any collective bargaining 32039  
agreement for that unit in effect on the first day of July of 32040  
the year in which the community school initially begins 32041  
operation and shall be subject to any subsequent collective 32042  
bargaining agreement for that unit, unless a petition is 32043  
certified as sufficient under division (A) (6) of this section 32044  
with regard to those employees. Any new employees of the 32045  
community school shall also be included in the unit to which 32046  
they would have been assigned had not the conversion taken place 32047  
and shall be subject to the collective bargaining agreement for 32048  
that unit unless a petition is certified as sufficient under 32049  
division (A) (6) of this section with regard to those employees. 32050

Notwithstanding division (B) of section 4117.01 of the 32051  
Revised Code, the board of education of a school district and 32052  
not the governing authority of a community school shall be 32053  
regarded, for purposes of Chapter 4117. of the Revised Code, as 32054  
the "public employer" of the employees of a conversion community 32055  
school subject to a collective bargaining agreement pursuant to 32056  
division (A) (3) of this section unless a petition is certified 32057  
under division (A) (6) of this section with regard to those 32058  
employees. Only on and after the effective date of a petition 32059  
certified as sufficient under division (A) (6) of this section 32060  
shall division (A) (2) of this section apply to those employees 32061  
of that community school and only on and after the effective 32062  
date of that petition shall Chapter 4117. of the Revised Code 32063  
apply to the governing authority of that community school with 32064  
regard to those employees. 32065

(4) Notwithstanding sections 4117.03 to 4117.18 of the 32066  
Revised Code and Section 4 of Amended Substitute Senate Bill No. 32067  
133 of the 115th general assembly, the employees of a conversion 32068

community school who are subject to a collective bargaining 32069  
agreement pursuant to division (A) (3) of this section shall 32070  
cease to be subject to that agreement and all subsequent 32071  
agreements pursuant to that division and shall cease to be part 32072  
of the collective bargaining unit that is subject to that and 32073  
all subsequent agreements, if a majority of the employees of 32074  
that community school who are subject to that collective 32075  
bargaining agreement sign and submit to the state employment 32076  
relations board a petition requesting all of the following: 32077

(a) That all the employees of the community school who are 32078  
subject to that agreement be removed from the bargaining unit 32079  
that is subject to that agreement and be designated by the state 32080  
employment relations board as a new and separate bargaining unit 32081  
for purposes of Chapter 4117. of the Revised Code; 32082

(b) That the employee organization certified as the 32083  
exclusive representative of the employees of the bargaining unit 32084  
from which the employees are to be removed be certified as the 32085  
exclusive representative of the new and separate bargaining unit 32086  
for purposes of Chapter 4117. of the Revised Code; 32087

(c) That the governing authority of the community school 32088  
be regarded as the "public employer" of these employees for 32089  
purposes of Chapter 4117. of the Revised Code. 32090

(5) Notwithstanding sections 4117.03 to 4117.18 of the 32091  
Revised Code and Section 4 of Amended Substitute Senate Bill No. 32092  
133 of the 115th general assembly, the employees of a conversion 32093  
community school who are subject to a collective bargaining 32094  
agreement pursuant to division (A) (3) of this section shall 32095  
cease to be subject to that agreement and all subsequent 32096  
agreements pursuant to that division, shall cease to be part of 32097  
the collective bargaining unit that is subject to that and all 32098

subsequent agreements, and shall cease to be represented by any  
exclusive representative of that collective bargaining unit, if  
a majority of the employees of the community school who are  
subject to that collective bargaining agreement sign and submit  
to the state employment relations board a petition requesting  
all of the following:

(a) That all the employees of the community school who are  
subject to that agreement be removed from the bargaining unit  
that is subject to that agreement;

(b) That any employee organization certified as the  
exclusive representative of the employees of that bargaining  
unit be decertified as the exclusive representative of the  
employees of the community school who are subject to that  
agreement;

(c) That the governing authority of the community school  
be regarded as the "public employer" of these employees for  
purposes of Chapter 4117. of the Revised Code.

(6) Upon receipt of a petition under division (A) (4) or  
(5) of this section, the state employment relations board shall  
check the sufficiency of the signatures on the petition. If the  
signatures are found sufficient, the board shall certify the  
sufficiency of the petition and so notify the parties involved,  
including the board of education, the governing authority of the  
community school, and any exclusive representative of the  
bargaining unit. The changes requested in a certified petition  
shall take effect on the first day of the month immediately  
following the date on which the sufficiency of the petition is  
certified under division (A) (6) of this section.

(B) (1) The board of education of each city, local, and

exempted village school district sponsoring a community school 32128  
and the governing board of each educational service center in 32129  
which a community school is located shall adopt a policy that 32130  
provides a leave of absence of at least three years to each 32131  
teacher or nonteaching employee of the district or service 32132  
center who is employed by a conversion or new start-up community 32133  
school sponsored by the district or located in the district or 32134  
center for the period during which the teacher or employee is 32135  
continuously employed by the community school. The policy shall 32136  
also provide that any teacher or nonteaching employee may return 32137  
to employment by the district or service center if the teacher 32138  
or employee leaves or is discharged from employment with the 32139  
community school for any reason, unless, in the case of a 32140  
teacher, the board of the district or service center determines 32141  
that the teacher was discharged for a reason for which the board 32142  
would have sought to discharge the teacher under section 3311.82 32143  
or 3319.16 of the Revised Code, in which case the board may 32144  
proceed to discharge the teacher utilizing the procedures of 32145  
that section. Upon termination of such a leave of absence, any 32146  
seniority that is applicable to the person shall be calculated 32147  
to include all of the following: all employment by the district 32148  
or service center prior to the leave of absence; all employment 32149  
by the community school during the leave of absence; and all 32150  
employment by the district or service center after the leave of 32151  
absence. The policy shall also provide that if any teacher 32152  
holding valid certification returns to employment by the 32153  
district or service center upon termination of such a leave of 32154  
absence, the teacher shall be restored to the previous position 32155  
and salary or to a position and salary similar thereto. If, as a 32156  
result of teachers returning to employment upon termination of 32157  
such leaves of absence, a school district or educational service 32158  
center reduces the number of teachers it employs, it shall make 32159

such reductions in accordance with section 3319.171 of the Revised Code.

Unless a collective bargaining agreement providing otherwise is in effect for an employee of a conversion community school pursuant to division (A)(3) of this section, an employee on a leave of absence pursuant to this division shall remain eligible for any benefits that are in addition to benefits under Chapter 3307. or 3309. of the Revised Code provided by the district or service center to its employees provided the employee pays the entire cost associated with such benefits, except that personal leave and vacation leave cannot be accrued for use as an employee of a school district or service center while in the employ of a community school unless the district or service center board adopts a policy expressly permitting this accrual.

(2) While on a leave of absence pursuant to division (B)(1) of this section, a conversion community school shall permit a teacher to use sick leave accrued while in the employ of the school district from which the leave of absence was taken and prior to commencing such leave. If a teacher who is on such a leave of absence uses sick leave so accrued, the cost of any salary paid by the community school to the teacher for that time shall be reported to the department of ~~education~~ learning and achievement. The cost of employing a substitute teacher for that time shall be paid by the community school. The department of ~~education~~ learning and achievement shall add amounts to the payments made to a community school under this chapter as necessary to cover the cost of salary reported by a community school as paid to a teacher using sick leave so accrued pursuant to this section. The department shall subtract the amounts of any payments made to community schools under this division from

payments made to such sponsoring school district under Chapter 32191  
3317. of the Revised Code. 32192

A school district providing a leave of absence and 32193  
employee benefits to a person pursuant to this division is not 32194  
liable for any action of that person while the person is on such 32195  
leave and employed by a community school. 32196

**Sec. 3314.101.** (A) As used in this section, "license" has 32197  
the same meaning as in section 3319.31 of the Revised Code. 32198

(B) If a person who is employed by a community school 32199  
established under this chapter or by an operator is arrested, 32200  
summoned, or indicted for an alleged violation of an offense 32201  
listed in division (C) of section 3319.31 of the Revised Code, 32202  
if the person holds a license, or an offense listed in division 32203  
(B)(1) of section 3319.39 of the Revised Code, if the person 32204  
does not hold a license, the chief administrator of the 32205  
community school in which that person works shall suspend that 32206  
person from all duties that require the care, custody, or 32207  
control of a child during the pendency of the criminal action 32208  
against the person. If the person who is arrested, summoned, or 32209  
indicted for an alleged violation of an offense listed in 32210  
division (C) of section 3319.31 or division (B)(1) of section 32211  
3319.39 of the Revised Code is the chief administrator of the 32212  
community school, the governing authority of the school shall 32213  
suspend the chief administrator from all duties that require the 32214  
care, custody, or control of a child. 32215

(C) When a person who holds a license is suspended in 32216  
accordance with this section, the chief administrator or 32217  
governing authority that imposed the suspension promptly shall 32218  
report the person's suspension to the department of education 32219  
and the department of learning and achievement. The report shall 32220

include the offense for which the person was arrested, summoned, 32221  
or indicted. 32222

**Sec. 3314.11.** (A) The board of education of each city, 32223  
exempted village, and local school district monthly shall review 32224  
enrollment for students enrolled in community schools 32225  
established under this chapter and entitled to attend school in 32226  
the district under section 3313.64 or 3313.65 of the Revised 32227  
Code. For each student, the district shall verify to the 32228  
department of ~~education~~learning and achievement both of the 32229  
following: 32230

(1) The community school in which the student is enrolled; 32231

(2) That the student is entitled to attend school in the 32232  
district under section 3313.64 or 3313.65 of the Revised Code. 32233

(B) For purposes of its initial reporting of the school 32234  
districts its students are entitled to attend, the governing 32235  
authority of a community school may adopt a policy that 32236  
prescribes the number of documents listed in division (E) of 32237  
this section required to verify a student's residency. This 32238  
policy, if adopted, shall supersede any policy concerning the 32239  
number of documents for initial residency verification adopted 32240  
by the district the student is entitled to attend. If a 32241  
community school does not adopt a policy under this division, 32242  
the policy of the school district in which the student is 32243  
entitled to attend shall prevail. 32244

(C) In making the determinations under this section, the 32245  
school district in which a parent or child resides is the 32246  
location the parent or student has established as the primary 32247  
residence and where substantial family activity takes place. 32248

(D) If a district's determination under division (A) of 32249

this section of the school district a student is entitled to 32250  
attend under section 3313.64 or 3313.65 of the Revised Code 32251  
differs from a community school's determination under division 32252  
(B) of this section, the community school shall provide the 32253  
school district that made the determination under division (A) 32254  
of this section with documentation of the student's residency 32255  
and shall make a good faith effort to accurately identify the 32256  
correct residence of the student. 32257

(E) For purposes of this section, the following documents 32258  
may serve as evidence of primary residence: 32259

(1) A deed, mortgage, lease, current home owner's or 32260  
renter's insurance declaration page, or current real property 32261  
tax bill; 32262

(2) A utility bill or receipt of utility installation 32263  
issued within ninety days of enrollment; 32264

(3) A paycheck or paystub issued to the parent or student 32265  
within ninety days of the date of enrollment that includes the 32266  
address of the parent's or student's primary residence; 32267

(4) The most current available bank statement issued to 32268  
the parent or student that includes the address of the parent's 32269  
or student's primary residence; 32270

(5) Any other official document issued to the parent or 32271  
student that includes the address of the parent's or student's 32272  
primary residence. ~~The superintendent of public instruction-~~ 32273  
department of learning and achievement shall develop guidelines 32274  
for determining what qualifies as an "official document" under 32275  
this division. 32276

(F) When a student loses permanent housing and becomes a 32277  
homeless child or youth, as defined in 42 U.S.C. 11434a, or when 32278

a child who is such a homeless child or youth changes temporary living arrangements, the district in which the student is entitled to attend school shall be determined in accordance with division (F) (13) of section 3313.64 of the Revised Code and the "McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et seq.

(G) In the event of a disagreement as to which school district a student is entitled to attend, the community school, after complying with division (D) of this section, but not more than sixty days after the monthly deadline established by the department of ~~education~~ learning and achievement for reporting of community school enrollment, may present the matter to the ~~superintendent of public instruction~~ department. Not later than thirty days after the community school presents the matter, the ~~state superintendent, or the state superintendent's designee,~~ department shall determine which district the student is entitled to attend and shall direct any necessary adjustments to payments and deductions under section 3314.08 of the Revised Code based on that determination.

**Sec. 3314.12.** On or before the first day of November each year, the sponsor of each community school established under this chapter shall submit to the department of ~~education~~ learning and achievement, in accordance with guidelines adopted by the department for purposes of this section, a report that describes the special education and related services provided by that school to enrolled students during the previous fiscal year and the school's expenditures for those services.

**Sec. 3314.143.** (A) With the approval of its governing authority, a community school established under this chapter may procure epinephrine autoinjectors in the manner prescribed by

section 3313.7110 of the Revised Code. A community school that 32309  
elects to do so shall comply with all provisions of that section 32310  
as if it were a school district. 32311

(B) (1) The following are not liable in damages in a civil 32312  
action for injury, death, or loss to person or property that 32313  
allegedly arises from an act or omission associated with 32314  
procuring, maintaining, accessing, or using an epinephrine 32315  
autoinjector under this section, unless the act or omission 32316  
constitutes willful or wanton misconduct: 32317

(a) A community school; 32318

(b) A member of a community school governing authority; 32319

(c) A community school employee or contractor; 32320

(d) A licensed health professional authorized to prescribe 32321  
drugs who personally furnishes or prescribes epinephrine 32322  
autoinjectors, provides a consultation, or issues a protocol 32323  
pursuant to this section. 32324

(2) This division does not eliminate, limit, or reduce any 32325  
other immunity or defense that a community school or governing 32326  
authority, member of a community school governing authority, 32327  
community school employee or contractor, or licensed health 32328  
professional may be entitled to under Chapter 2744. or any other 32329  
provision of the Revised Code or under the common law of this 32330  
state. 32331

(C) A community school may accept donations of epinephrine 32332  
autoinjectors from a wholesale distributor of dangerous drugs or 32333  
a manufacturer of dangerous drugs, as defined in section 4729.01 32334  
of the Revised Code, and may accept donations of money from any 32335  
person to purchase epinephrine autoinjectors. 32336

(D) A community school that elects to procure epinephrine 32337  
autoinjectors under this section shall report to the department 32338  
of ~~education~~ learning and achievement each procurement and 32339  
occurrence in which an epinephrine autoinjector is used from the 32340  
school's supply of epinephrine autoinjectors. 32341

**Sec. 3314.144.** (A) As used in this section, "inhaler" has 32342  
the same meaning as in section 3313.7113 of the Revised Code. 32343

(B) With the approval of its governing authority, a 32344  
community school may procure inhalers in the manner prescribed 32345  
by section 3313.7113 of the Revised Code. A community school 32346  
that elects to do so shall comply with all provisions of that 32347  
section as if it were a school district. 32348

(C) A community school, a member of a community school 32349  
governing authority, or a community school employee or 32350  
contractor is not liable in damages in a civil action for 32351  
injury, death, or loss to person or property that allegedly 32352  
arises from an act or omission associated with procuring, 32353  
maintaining, accessing, or using an inhaler under this section, 32354  
unless the act or omission constitutes willful or wanton 32355  
misconduct. 32356

This division does not eliminate, limit, or reduce any 32357  
other immunity or defense that a community school or governing 32358  
authority, member of a community school governing authority, or 32359  
community school employee or contractor may be entitled to under 32360  
Chapter 2744. or any other provision of the Revised Code or 32361  
under the common law of this state. 32362

(D) A community school may accept donations of inhalers 32363  
from a wholesale distributor of dangerous drugs or a 32364  
manufacturer of dangerous drugs, as defined in section 4729.01 32365

of the Revised Code, and may accept donations of money from any person to purchase inhalers. 32366  
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(E) A community school that elects to procure inhalers under this section shall report to the department of ~~education~~ learning and achievement each procurement and occurrence in which an inhaler is used from the school's supply of inhalers. 32368  
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**Sec. 3314.17.** (A) Each community school established under this chapter shall participate in the statewide education management information system established under section 3301.0714 of the Revised Code. All provisions of that section and the rules adopted under that section apply to each community school as if it were a school district, except as modified for community schools under division (B) of this section. Each community school shall comply with division (C) of section 3301.0723 of the Revised Code. 32372  
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(B) The rules adopted by the ~~state board of education~~ department of learning and achievement under section 3301.0714 of the Revised Code may distinguish methods and timelines for community schools to annually report data, which methods and timelines differ from those prescribed for school districts. Any methods and timelines prescribed for community schools shall be appropriate to the academic schedule and financing of community schools. The guidelines, however, shall not modify the actual data required to be reported under that section. 32381  
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(C) Each fiscal officer appointed under section 3314.011 of the Revised Code is responsible for annually reporting the community school's data under section 3301.0714 of the Revised Code. If the ~~superintendent of public instruction~~ department determines that a community school fiscal officer has willfully failed to report data or has willfully reported erroneous, 32390  
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inaccurate, or incomplete data in any year, or has negligently 32396  
reported erroneous, inaccurate, or incomplete data in the 32397  
current and any previous year, the ~~superintendent department~~ may 32398  
impose a civil penalty of one hundred dollars on the fiscal 32399  
officer after providing the officer with notice and an 32400  
opportunity for a hearing in accordance with Chapter 119. of the 32401  
Revised Code. The ~~superintendent's department's~~ authority to 32402  
impose civil penalties under this division does not preclude the 32403  
state board of education from suspending or revoking the license 32404  
of a community school employee under division (N) of section 32405  
3301.0714 of the Revised Code. 32406

(D) No community school shall acquire, change, or update 32407  
its student administration software package to manage and report 32408  
data required to be reported to the department unless it 32409  
converts to a student software package that is certified by the 32410  
department. 32411

**Sec. 3314.18.** (A) Subject to division (C) of this section, 32412  
the governing authority of each community school shall establish 32413  
a breakfast program pursuant to the "National School Lunch Act," 32414  
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 32415  
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as 32416  
amended, if at least one-fifth of the pupils in the school are 32417  
eligible under federal requirements for free breakfasts, and 32418  
shall establish a lunch program pursuant to those acts if at 32419  
least one-fifth of the pupils are eligible for free lunches. The 32420  
governing authority required to establish a breakfast program 32421  
under this division may make a charge in accordance with federal 32422  
requirements for each reduced price breakfast or paid breakfast 32423  
to cover the cost incurred in providing that meal. 32424

(B) Subject to division (C) of this section, the governing 32425

authority of each community school shall establish one of the 32426  
following for summer intervention services described in division 32427  
(D) of section 3301.0711 or provided under section 3313.608 of 32428  
the Revised Code, and any other summer intervention program 32429  
required by law: 32430

(1) An extension of the school breakfast program pursuant 32431  
to the "National School Lunch Act" and the "Child Nutrition Act 32432  
of 1966"; 32433

(2) An extension of the school lunch program pursuant to 32434  
those acts; 32435

(3) A summer food service program pursuant to those acts. 32436

(C) If the governing authority of a community school 32437  
determines that, for financial reasons, it cannot comply with 32438  
division (A) or (B) of this section, the governing authority may 32439  
choose not to comply with either or both divisions. In that 32440  
case, the governing authority shall communicate to the parents 32441  
of its students, in the manner it determines appropriate, its 32442  
decision not to comply. 32443

(D) The governing authority of each community school 32444  
required to establish a school breakfast, school lunch, or 32445  
summer food service program under this section shall apply for 32446  
state and federal funds allocated by the ~~state board of~~ 32447  
~~education department of learning and achievement~~ under division 32448  
(B) of section 3313.813 of the Revised Code and shall comply 32449  
with the ~~state board's~~ department's standards adopted under that 32450  
division. 32451

(E) The governing authority of any community school 32452  
required to establish a breakfast program under this section or 32453  
that elects to participate in a breakfast program pursuant to 32454

the "National School Lunch Act" and the "Child Nutrition Act of 32455  
1966" may offer breakfast to pupils in their classrooms during 32456  
the school day. 32457

(F) Notwithstanding anything in this section to the 32458  
contrary, in each fiscal year in which the general assembly 32459  
appropriates funds for purposes of this division, the governing 32460  
authority of each community school required to establish a 32461  
breakfast program under this section or that elects to 32462  
participate in a breakfast program pursuant to the "National 32463  
School Lunch Act" and the "Child Nutrition Act of 1966" shall 32464  
provide a breakfast free of charge to each pupil who is eligible 32465  
under federal requirements for a reduced price breakfast. 32466

(G) This section does not apply to internet- or computer- 32467  
based community schools. 32468

**Sec. 3314.19.** The sponsor of each community school 32469  
annually shall provide the following assurances in writing to 32470  
the department of ~~education~~learning and achievement not later 32471  
than ten business days prior to the opening of the school: 32472

(A) That a current copy of the contract between the 32473  
sponsor and the governing authority of the school entered into 32474  
under section 3314.03 of the Revised Code has been filed with 32475  
the department and that any subsequent modifications to that 32476  
contract will be filed with the department; 32477

(B) That the school has submitted to the sponsor a plan 32478  
for providing special education and related services to students 32479  
with disabilities and has demonstrated the capacity to provide 32480  
those services in accordance with Chapter 3323. of the Revised 32481  
Code and federal law; 32482

(C) That the school has a plan and procedures for 32483

administering the achievement and diagnostic assessments 32484  
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of 32485  
the Revised Code; 32486

(D) That school personnel have the necessary training, 32487  
knowledge, and resources to properly use and submit information 32488  
to all databases maintained by the department for the collection 32489  
of education data, including the education management 32490  
information system established under section 3301.0714 of the 32491  
Revised Code in accordance with methods and timelines 32492  
established under section 3314.17 of the Revised Code; 32493

(E) That all required information about the school has 32494  
been submitted to the Ohio education directory system or any 32495  
successor system; 32496

(F) That the school will enroll at least the minimum 32497  
number of students required by division (A) (11) (a) of section 32498  
3314.03 of the Revised Code in the school year for which the 32499  
assurances are provided; 32500

(G) That all classroom teachers are licensed in accordance 32501  
with sections 3319.22 to 3319.31 of the Revised Code, except for 32502  
noncertificated persons engaged to teach up to twelve hours per 32503  
week pursuant to section 3319.301 of the Revised Code; 32504

(H) That the school's fiscal officer is in compliance with 32505  
section 3314.011 of the Revised Code; 32506

(I) That the school has complied with sections 3319.39 and 32507  
3319.391 of the Revised Code with respect to all employees and 32508  
that the school has conducted a criminal records check of each 32509  
of its governing authority members; 32510

(J) That the school holds all of the following: 32511

(1) Proof of property ownership or a lease for the facilities used by the school;	32512 32513
(2) A certificate of occupancy;	32514
(3) Liability insurance for the school, as required by division (A) (11) (b) of section 3314.03 of the Revised Code, that the sponsor considers sufficient to indemnify the school's facilities, staff, and governing authority against risk;	32515 32516 32517 32518
(4) A satisfactory health and safety inspection;	32519
(5) A satisfactory fire inspection;	32520
(6) A valid food permit, if applicable.	32521
(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	32522 32523 32524
(L) That the school has designated a date it will open for the school year for which the assurances are provided that is in compliance with division (A) (25) of section 3314.03 of the Revised Code;	32525 32526 32527 32528
(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.	32529 32530 32531
(N) That, for any school that operates using the blended learning model, as defined in section 3301.079 of the Revised Code, the sponsor has reviewed the following information, submitted by the school:	32532 32533 32534 32535
(1) An indication of what blended learning model or models will be used;	32536 32537
(2) A description of how student instructional needs will	32538

be determined and documented;	32539
(3) The method to be used for determining competency,	32540
granting credit, and promoting students to a higher grade level;	32541
(4) The school's attendance requirements, including how	32542
the school will document participation in learning	32543
opportunities;	32544
(5) A statement describing how student progress will be	32545
monitored;	32546
(6) A statement describing how private student data will	32547
be protected;	32548
(7) A description of the professional development	32549
activities that will be offered to teachers.	32550
<b>Sec. 3314.191.</b> Notwithstanding any provision to the	32551
contrary in the Revised Code, the department of <del>education</del>	32552
<u>learning and achievement</u> shall make no payment under section	32553
3314.08 of the Revised Code to a community school opening for	32554
its first year of operation until the sponsor of that school	32555
confirms all of the following:	32556
(A) The school is in compliance with the provisions	32557
described in divisions (A), (H), (I), and (J) (3) of section	32558
3314.19 of the Revised Code.	32559
(B) The sponsor has approved the financial controls	32560
required by the comprehensive plan for the school under division	32561
(B) (5) of section 3314.03 of the Revised Code.	32562
(C) The school facilities will be ready and open for use	32563
by the date prescribed in the contract entered into under	32564
section 3314.03 of the Revised Code, and the sponsor has	32565
reviewed any lease, purchase agreement, permits required by	32566

statute or contract, and construction plans.	32567
(D) The chief administrator of the community school actively is managing daily operations at the school.	32568 32569
(E) The projected enrollment reported to the department is accurate.	32570 32571
<b>Sec. 3314.20.</b> (A) As used in this section:	32572
(1) "Base enrollment" for an internet- or computer-based community school means either of the following:	32573 32574
(a) If the school was open for instruction on the effective date of this section, the number of students enrolled in the school at the end of the 2012-2013 school year;	32575 32576 32577
(b) If the school opens for instruction after the effective date of this section, one thousand students.	32578 32579
(2) "Enrollment limit" for an internet- or computer-based community school means the following:	32580 32581
(a) For the 2014-2015 school year, the base enrollment increased by the prescribed annual rate of growth, as calculated by the department of <del>education</del> <u>learning and achievement</u> .	32582 32583 32584
(b) For the 2015-2016 school year and each school year thereafter, the previous school year's enrollment limit increased by the prescribed annual rate of growth, as calculated by the department.	32585 32586 32587 32588
(3) "Prescribed annual rate of growth" for an internet- or computer-based community school means either of the following:	32589 32590
(a) For a school with an enrollment limit equal to or greater than three thousand students, fifteen per cent.	32591 32592
(b) For a school with an enrollment limit of less than	32593

three thousand students, twenty-five per cent. 32594

(B) Beginning in the 2014-2015 school year, no internet- 32595  
or computer-based community school shall enroll more students 32596  
than the number permitted by its enrollment limit. 32597

(C) If, in any school year, an internet- or computer-based 32598  
community school enrolls more students than permitted under the 32599  
enrollment limit, the department shall deduct from the community 32600  
school the amount of state funds credited to the community 32601  
school attributable to each student enrolled in excess of the 32602  
enrollment limit, as determined by the department. The 32603  
department shall distribute the deducted amounts to the school 32604  
districts to which the students enrolled in the community school 32605  
are entitled to attend school under section 3313.64 or 3313.65 32606  
of the Revised Code. Such amounts shall be distributed on a pro 32607  
rata basis according to each district's share of the total 32608  
enrollment in the community school. 32609

**Sec. 3314.22.** (A) (1) Each child enrolled in an internet- 32610  
or computer-based community school is entitled to a computer 32611  
supplied by the school; however, the parent of any child 32612  
enrolled in the school may waive this entitlement in the manner 32613  
specified in division (A) (3) of this section. In no case shall 32614  
an internet- or computer-based community school provide a 32615  
stipend or other substitute to an enrolled child or the child's 32616  
parent in lieu of supplying a computer to the child. The 32617  
prohibition contained in the preceding sentence is intended to 32618  
clarify the meaning of this division as it existed prior to 32619  
September 29, 2005, and is not intended to change that meaning 32620  
in any way. 32621

(2) Notwithstanding division (A) (1) of this section, if 32622  
more than one child living in a single residence is enrolled in 32623

an internet- or computer-based community school, at the option 32624  
of the parent of those children, the school may supply less than 32625  
one computer per child, as long as at least one computer is 32626  
supplied to the residence. An internet- or computer-based 32627  
community school may supply no computer at all only if the 32628  
parent has waived the entitlement prescribed in division (A) (1) 32629  
of this section in the manner specified in division (A) (3) of 32630  
this section. The parent may amend the decision to accept less 32631  
than one computer per child anytime during the school year, and, 32632  
in such case, within thirty days after the parent notifies the 32633  
school of such amendment, the school shall provide any 32634  
additional computers requested by the parent up to the number 32635  
necessary to comply with division (A) (1) of this section. 32636

(3) The parent of any child enrolled in an internet- or 32637  
computer-based community school may waive the entitlement to one 32638  
computer per child, and have no computer at all supplied by the 32639  
school, if the school and parent set forth that waiver in 32640  
writing with both parties attesting that there is a computer 32641  
available to the child in the child's residence with sufficient 32642  
hardware, software, programming, and connectivity so that the 32643  
child may fully participate in all of the learning opportunities 32644  
offered to the child by the school. The parent may amend the 32645  
decision to waive the entitlement at any time during the school 32646  
year and, in such case, within thirty days after the parent 32647  
notifies the school of that decision, the school shall provide 32648  
any additional computers requested by the parent up to the 32649  
number necessary to comply with division (A) (1) of this section, 32650  
regardless of whether there is any change in the conditions 32651  
attested to in the waiver. 32652

(4) A copy of a waiver executed under division (A) (3) of 32653  
this section shall be retained by the internet- or computer- 32654

based community school and the parent who attested to the 32655  
conditions prescribed in that division. The school shall submit 32656  
a copy of the waiver to the department of ~~education~~learning and  
achievement immediately upon execution of the waiver. 32657  
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(5) The school shall notify the department of ~~education~~  
learning and achievement, in the manner specified by the 32659  
department, of any parent's decision under division (A) (2) of 32660  
this section to accept less than one computer per child or the 32661  
parent's amendment to that decision, and of any parent's 32662  
decision to amend the waiver executed under division (A) (3) of 32663  
this section. 32664  
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(B) Each internet- or computer-based community school 32666  
shall provide to each parent who is considering enrolling the 32667  
parent's child in the school and to the parent of each child 32668  
already enrolled in the school a written notice of the 32669  
provisions prescribed in division (A) of this section. 32670

(C) If a community school that is not an internet- or 32671  
computer-based community school provides any of its enrolled 32672  
students with nonclassroom-based learning opportunities provided 32673  
via an internet- or other computer-based instructional method 32674  
and requires such students to participate in any of those 32675  
learning opportunities from their residences, the school shall 32676  
be subject to this section and division (C) (1) of section 32677  
3314.21 of the Revised Code relative to each such student in the 32678  
same manner as an internet- or computer-based community school, 32679  
unless both of the following conditions apply to the student: 32680

(1) The nonclassroom-based learning opportunities in which 32681  
the student is required to participate from the student's 32682  
residence are supplemental in nature or do not constitute a 32683  
significant portion of the total classroom-based and 32684

nonclassroom-based learning opportunities provided to the 32685  
student by the school; 32686

(2) The student's residence is equipped with a computer 32687  
available for the student's use. 32688

**Sec. 3314.24.** (A) On or after July 1, 2004, no internet- 32689  
or computer-based community school shall enter into a contract 32690  
with a nonpublic school to use or rent any facility space at the 32691  
nonpublic school for the provision of instructional services to 32692  
students enrolled in the internet- or computer-based community 32693  
school. 32694

(B) If, on or after July 1, 2004, an internet- or 32695  
computer-based community school has a contract with a nonpublic 32696  
school as described in division (A) of this section, the 32697  
department of ~~education~~learning and achievement shall not make 32698  
any payments under section 3314.08 of the Revised Code to the 32699  
internet- or computer-based community school for any student who 32700  
is enrolled in the internet- or computer-based community school 32701  
and receives any instructional services from the internet- or 32702  
computer-based community school at the nonpublic school. 32703

**Sec. 3314.26.** (A) Each internet- or computer-based 32704  
community school shall withdraw from the school any student who, 32705  
for two consecutive school years of enrollment in the school, 32706  
has failed to participate in the spring administration of any 32707  
assessment prescribed under section 3301.0710 or 3301.0712 of 32708  
the Revised Code for the student's grade level and was not 32709  
excused from the assessment pursuant to division (C) (1) or (3) 32710  
of section 3301.0711 of the Revised Code, regardless of whether 32711  
a waiver was granted for the student under division (L) (3) of 32712  
section 3314.08 of the Revised Code. The school shall report any 32713  
such student's data verification code, as assigned pursuant to 32714

section 3301.0714 of the Revised Code, to the department of 32715  
~~education~~ learning and achievement. The department shall 32716  
maintain a list of all data verification codes reported under 32717  
this division and section 3313.6410 of the Revised Code and 32718  
provide that list to each internet- or computer-based community 32719  
school and to each school to which section 3313.6410 of the 32720  
Revised Code applies. 32721

(B) No internet- or computer-based community school shall 32722  
receive any state funds under this chapter for any enrolled 32723  
student whose data verification code appears on the list 32724  
maintained by the department under division (A) of this section. 32725

Notwithstanding any provision of the Revised Code to the 32726  
contrary, the parent of any such student shall pay tuition to 32727  
the internet- or computer-based community school in an amount 32728  
equal to the state funds the school otherwise would receive for 32729  
that student, as determined by the department. An internet- or 32730  
computer-based community school may withdraw any student for 32731  
whom the parent does not pay tuition as required by this 32732  
division. 32733

**Sec. 3314.27.** No student enrolled in an internet- or 32734  
computer-based community school may participate in more than ten 32735  
hours of learning opportunities in any period of twenty-four 32736  
consecutive hours. Any time such a student participates in 32737  
learning opportunities beyond the limit prescribed in this 32738  
section shall not count toward the annual minimum number of 32739  
hours required to be provided to that student as prescribed in 32740  
division (A) (11) (a) of section 3314.03 of the Revised Code. If 32741  
any internet- or computer-based community school requires its 32742  
students to participate in learning opportunities on the basis 32743  
of days rather than hours, one day shall consist of a minimum of 32744

five hours of such participation. 32745

Each internet- or computer-based community school shall 32746  
keep an accurate record of each individual student's 32747  
participation in learning opportunities each day. The record 32748  
shall be kept in such a manner that the information contained 32749  
within it easily can be submitted to the department of ~~education~~ 32750  
learning and achievement, upon request by the department or the 32751  
auditor of state. 32752

**Sec. 3314.271.** (A) Each internet- or computer-based 32753  
community school shall offer a student orientation course and 32754  
shall notify each student who enrolls in that school of that 32755  
student's opportunity to participate in the student orientation 32756  
course. 32757

(B) The department of ~~education~~ learning and achievement 32758  
shall provide guidance to internet- or computer-based community 32759  
schools for developing and delivering the orientation course. 32760

(C) Each internet- or computer-based community school may, 32761  
at the time of a particular student's enrollment in that school, 32762  
ask the student's parent or guardian to estimate the length of 32763  
time the student will attend the school. Any information 32764  
collected pursuant to this division shall be included in an 32765  
aggregated format in the school's annual report required by 32766  
division (A) (11) (g) of section 3314.03 of the Revised Code. 32767

(D) Each internet- or computer-based community school, on 32768  
a periodic basis throughout each school year, shall communicate 32769  
with each student's parent, guardian, or custodian regarding the 32770  
performance and progress of that student. Each internet- or 32771  
computer-based community school also shall provide opportunities 32772  
for parent-teacher conferences, shall document the school's 32773

requests for such conferences, and may permit students to 32774  
participate in the conferences. Parent-teacher conferences may 32775  
be conducted through electronic means. 32776

**Sec. 3314.28.** (A) Each internet- or computer-based 32777  
community school established under this chapter shall submit to 32778  
the school's sponsor a plan for providing special education and 32779  
related services to disabled students enrolled in the school in 32780  
accordance with division (A) (1) or (2) of this section. 32781

(1) If the school was established prior to ~~the effective~~ 32782  
~~date of this section~~ June 30, 2005, the plan shall be submitted 32783  
to the sponsor on or before September 1, 2005, and on or before 32784  
the first day of September in each year thereafter that the 32785  
school is in operation. 32786

(2) If the school is established after ~~the effective date~~ 32787  
~~of this section~~ June 30, 2005, the plan shall be submitted to 32788  
the sponsor prior to the school's receipt of its first payment 32789  
under this chapter and on or before the first day of September 32790  
in each year thereafter that the school is in operation. 32791

(B) Within thirty days after receiving the plan prescribed 32792  
in division (A) of this section, the sponsor of each internet- 32793  
or computer-based community school shall certify all of the 32794  
following to the department of ~~education~~ learning and 32795  
achievement: 32796

(1) A statement of whether the plan received is 32797  
satisfactory to the sponsor; 32798

(2) If the plan received is not satisfactory to the 32799  
sponsor, the sponsor's assurance that it will promptly assist 32800  
the school in developing a plan that is satisfactory to the 32801  
sponsor; 32802

- (3) The sponsor's assurance that it will monitor the implementation of the plan; 32803  
32804
- (4) The sponsor's assurance that it will take any necessary corrective action to ensure that the school's plan is properly and fully implemented. 32805  
32806  
32807
- (C) The department shall develop guidelines for the content and format of the plan required under this section. 32808  
32809
- Sec. 3314.29.** (A) This section applies to any internet- or computer-based community school that meets all of the following conditions: 32810  
32811  
32812
- (1) Serves all of grades kindergarten through twelve; 32813
- (2) Has an enrollment of at least two thousand students; 32814
- (3) Has a sponsor that was not rated ineffective or poor on its most recent evaluation under section 3314.016 of the Revised Code. 32815  
32816  
32817
- (B) Beginning with the 2018-2019 school year, the governing authority of a community school to which this section applies may adopt a resolution to divide the school into two or three separate schools as follows: 32818  
32819  
32820  
32821
- (1) If the school is divided into two schools, one school shall serve grades kindergarten through eight and one school shall serve grades nine through twelve. 32822  
32823  
32824
- (2) If the school is divided into three schools, one school shall serve grades kindergarten through five, one school shall serve grades six through eight, and one school shall serve grades nine through twelve. 32825  
32826  
32827  
32828
- (C) The resolution adopted by the governing authority 32829

shall not be effective unless approved by the school's sponsor. 32830  
Following approval of the resolution by the sponsor, and by the 32831  
fifteenth day of March prior to the school year in which it will 32832  
take effect, the governing authority shall file the resolution 32833  
with the department of ~~education~~ learning and achievement. The 32834  
division of the schools shall be effective on the first day of 32835  
July succeeding the date the resolution is filed with the 32836  
department. 32837

(D) All of the following shall apply to each new school 32838  
created as a result of the resolution authorized by this section 32839  
and to the school that is divided as a result of the resolution: 32840

(1) Each school shall have the same governing authority. 32841

(2) The sponsor and governing authority shall enter into a 32842  
separate contract under section 3314.03 of the Revised Code for 32843  
each school. 32844

(3) No school shall primarily serve students enrolled in a 32845  
dropout prevention and recovery program operated by the school. 32846

(4) No school shall be permitted to divide again under 32847  
this section. 32848

(5) Notwithstanding anything to the contrary in division 32849  
(B) (2) of section 3314.016 of the Revised Code, each school 32850  
shall be included in the calculation of the academic performance 32851  
component for purposes of rating the schools' sponsor under the 32852  
evaluation system prescribed by that section. 32853

(6) Each school shall be subject to the laws contained in 32854  
Chapter 3314. of the Revised Code, except as otherwise specified 32855  
in this section. 32856

(E) The department shall issue a report card under section 32857

3314.012 of the Revised Code for each new school created as a result of the resolution authorized by this section and for the school that is divided as a result of the resolution. For purposes of the report cards and other reporting requirements under this chapter, the department shall assign the school that serves the highest grades the same internal retrieval number previously used by the school that is divided under this section. The department shall assign a new internal retrieval number to each other school resulting from the division.

Notwithstanding division (B) of section 3314.012 of the Revised Code, the ratings a school receives on its report card for the first two full school years after the division under this section shall count toward closure of the school under section 3314.35 of the Revised Code and any other matter that is based on report card ratings or measures.

**Sec. 3314.30.** (A) As used in this section:

(1) "Start-up community school" means a "new start-up school" as that term is defined in division (A) of section 3314.02 of the Revised Code.

(2) A "school's contract" means the contract entered into between the governing authority and the sponsor of a community school under section 3314.03 of the Revised Code.

(B) There is hereby created in the state treasury the community school revolving loan fund. The fund shall consist of federal moneys allocated to the state for development and operation of community schools.

(C) The department of ~~education~~learning and achievement may make a loan from the fund created in division (B) of this section to the governing authority or the sponsor of any start-

up community school upon approval of the loan by the 32887  
~~superintendent of public instruction department~~. Moneys loaned 32888  
from the fund shall be used only to pay the costs associated 32889  
with any provision of the school's contract. A start-up 32890  
community school may receive more than one loan from the fund; 32891  
however, no school shall receive a cumulative loan amount 32892  
throughout the term of the school's contract that is greater 32893  
than two hundred fifty thousand dollars. 32894

(D) The ~~superintendent of public instruction department~~ 32895  
may consider all of the following when determining whether to 32896  
approve a loan from the fund created in division (A) of this 32897  
section: 32898

(1) Soundness of the school's business plan; 32899

(2) Availability of other sources of funding for the 32900  
school; 32901

(3) Geographic distribution of other such loans; 32902

(4) Impact of receipt of the loan on a school's ability to 32903  
secure other public and private funding; 32904

(5) Plans for the creative use of the loan amounts to 32905  
create further financing, such as loan guarantees or other types 32906  
of credit enhancements; 32907

(6) Financial needs of the community school. 32908

(E) The ~~superintendent of public instruction department~~ 32909  
shall give priority for loans under this section to newly 32910  
established community schools to pay start-up costs. 32911

(F) The rate of interest charged on any loan under this 32912  
section shall be the rate that would be applicable to the same 32913  
money if invested in the Ohio subdivision's fund created in 32914

section 135.45 of the Revised Code as of the date the loan is 32915  
disbursed to the community school. 32916

(G) Commencing in the first fiscal year that next succeeds 32917  
the fiscal year that a community school receives a loan under 32918  
this section, the department shall deduct from the periodic 32919  
payments made to the school under section 3314.08 of the Revised 32920  
Code a prorated amount of the annual repayment amount due under 32921  
the loan. The amount deducted from a school's periodic payments 32922  
under this division that is attributed to the principal of the 32923  
loan shall be deposited into the fund created in division (B) of 32924  
this section. The amount deducted from a school's periodic 32925  
payments under this division that is attributed to the interest 32926  
on the loan shall be deposited into the fund created in section 32927  
3314.31 of the Revised Code. The repayment period for any loan 32928  
made under this section shall not exceed five consecutive fiscal 32929  
years. 32930

(H) The office of budget and management and the department 32931  
of ~~education~~ learning and achievement shall monitor the adequacy 32932  
of moneys on hand in the fund created in division (B) of this 32933  
section and shall report annually to the general assembly on 32934  
such adequacy and any recommended changes in the interest rate 32935  
charged on loans under this section or changes in default 32936  
recovery procedures. 32937

**Sec. 3314.35.** (A) (1) Except as provided in division (A) (4) 32938  
of this section, this section applies to any community school 32939  
that meets one of the following criteria after July 1, 2009, but 32940  
before July 1, 2011: 32941

(a) The school does not offer a grade level higher than 32942  
three and has been declared to be in a state of academic 32943  
emergency under section 3302.03 of the Revised Code for three of 32944

the four most recent school years.	32945
(b) The school satisfies all of the following conditions:	32946
(i) The school offers any of grade levels four to eight	32947
but does not offer a grade level higher than nine.	32948
(ii) The school has been declared to be in a state of	32949
academic emergency under section 3302.03 of the Revised Code for	32950
two of the three most recent school years.	32951
(iii) In at least two of the three most recent school	32952
years, the school showed less than one standard year of academic	32953
growth in either reading or mathematics, as determined by the	32954
department of <del>education</del> <u>learning and achievement</u> in accordance	32955
with rules adopted under division (A) of section 3302.021 of the	32956
Revised Code.	32957
(c) The school offers any of grade levels ten to twelve	32958
and has been declared to be in a state of academic emergency	32959
under section 3302.03 of the Revised Code for three of the four	32960
most recent school years.	32961
(2) Except as provided in division (A) (4) of this section,	32962
this section applies to any community school that meets one of	32963
the following criteria after July 1, 2011, but before July 1,	32964
2013:	32965
(a) The school does not offer a grade level higher than	32966
three and has been declared to be in a state of academic	32967
emergency under section 3302.03 of the Revised Code for two of	32968
the three most recent school years.	32969
(b) The school satisfies all of the following conditions:	32970
(i) The school offers any of grade levels four to eight	32971
but does not offer a grade level higher than nine.	32972

(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.	32973 32974 32975
(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.	32976 32977 32978 32979 32980
(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.	32981 32982 32983 32984
(3) Except as provided in division (A) (4) of this section, this section applies to any community school that meets one of the following criteria on or after July 1, 2013:	32985 32986 32987
(a) The school does not offer a grade level higher than three and, for two of the three most recent school years, satisfies any of the following criteria:	32988 32989 32990
(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013;	32991 32992 32993
(ii) The school has received a grade of "F" in improving literacy in grades kindergarten through three under division (B) (1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code;	32994 32995 32996
(iii) The school has received an overall grade of "F" under division (C) of section 3302.03 of the Revised Code.	32997 32998
(b) The school offers any of grade levels four to eight but does not offer a grade level higher than nine and, for two	32999 33000

of the three most recent school years, satisfies any of the 33001  
following criteria: 33002

(i) The school has been declared to be in a state of 33003  
academic emergency under section 3302.03 of the Revised Code, as 33004  
it existed prior to March 22, 2013, and the school showed less 33005  
than one standard year of academic growth in either reading or 33006  
mathematics, as determined by the department in accordance with 33007  
rules adopted under division (A) of section 3302.021 of the 33008  
Revised Code; 33009

(ii) The school has received a grade of "F" for the 33010  
performance index score under division (A) (1) (b), (B) (1) (b), or 33011  
(C) (1) (b) and a grade of "F" for the value-added progress 33012  
dimension under division (A) (1) (e), (B) (1) (e), or (C) (1) (e) of 33013  
section 3302.03 of the Revised Code; 33014

(iii) The school has received an overall grade of "F" 33015  
under division (C) and a grade of "F" for the value-added 33016  
progress dimension under division (C) (1) (e) of section 3302.03 33017  
of the Revised Code. 33018

(c) The school offers any of grade levels ten to twelve 33019  
and, for two of the three most recent school years, satisfies 33020  
any of the following criteria: 33021

(i) The school has been declared to be in a state of 33022  
academic emergency under section 3302.03 of the Revised Code, as 33023  
it existed prior to March 22, 2013; 33024

(ii) The school has received a grade of "F" for the 33025  
performance index score under division (A) (1) (b), (B) (1) (b), or 33026  
(C) (1) (b) and has not met annual measurable objectives under 33027  
division (A) (1) (a), (B) (1) (a), or (C) (1) (a) of section 3302.03 33028  
of the Revised Code; 33029

(iii) The school has received an overall grade of "F" 33030  
under division (C) and a grade of "F" for the value-added 33031  
progress dimension under division (C) (1) (e) of section 3302.03 33032  
of the Revised Code. 33033

For purposes of division (A) (3) of this section only, the 33034  
department of ~~education~~ learning and achievement shall calculate 33035  
the value-added progress dimension for a community school using 33036  
assessment scores for only those students to whom the school has 33037  
administered the achievement assessments prescribed by section 33038  
3301.0710 of the Revised Code for at least the two most recent 33039  
school years but using value-added data from only the most 33040  
recent school year. 33041

(4) This section does not apply to either of the 33042  
following: 33043

(a) Any community school in which a majority of the 33044  
students are enrolled in a dropout prevention and recovery 33045  
program that is operated by the school. Rather, such schools 33046  
shall be subject to closure only as provided in section 3314.351 33047  
of the Revised Code. However, prior to July 1, 2014, a community 33048  
school in which a majority of the students are enrolled in a 33049  
dropout prevention and recovery program shall be exempt from 33050  
this section only if it has been granted a waiver under section 33051  
3314.36 of the Revised Code. 33052

(b) Any community school in which a majority of the 33053  
enrolled students are children with disabilities receiving 33054  
special education and related services in accordance with 33055  
Chapter 3323. of the Revised Code. 33056

(B) Any community school to which this section applies 33057  
shall permanently close at the conclusion of the school year in 33058

which the school first becomes subject to this section. The 33059  
sponsor and governing authority of the school shall comply with 33060  
all procedures for closing a community school adopted by the 33061  
department under division (E) of section 3314.015 of the Revised 33062  
Code. The governing authority of the school shall not enter into 33063  
a contract with any other sponsor under section 3314.03 of the 33064  
Revised Code after the school closes. 33065

(C) In accordance with division (B) of section 3314.012 of 33066  
the Revised Code, the department shall not consider the 33067  
performance ratings assigned to a community school for its first 33068  
two years of operation when determining whether the school meets 33069  
the criteria prescribed by division (A) (1) or (2) of this 33070  
section. 33071

(D) Nothing in this section or in any other provision of 33072  
the Revised Code prohibits the sponsor of a community school 33073  
from exercising its option not to renew a contract for any 33074  
reason or from terminating a contract prior to its expiration 33075  
for any of the reasons set forth in section 3314.07 of the 33076  
Revised Code. 33077

**Sec. 3314.351.** (A) This section applies to any community 33078  
school in which a majority of the students are enrolled in a 33079  
dropout prevention and recovery program. Beginning on or after 33080  
July 1, 2014, any such community school that has received a 33081  
designation of "does not meet standards," as described in 33082  
division (D) (1) of section 3314.017 of the Revised Code on the 33083  
report card issued under that section, for at least two of the 33084  
three most recent school years shall be subject to closure in 33085  
accordance with this section. 33086

(B) Not later than the first day of September in each 33087  
school year, the department of ~~education~~ learning and 33088

achievement shall notify each school subject to closure under 33089  
this section that the school must close not later than the 33090  
thirtieth day of the following June. 33091

A school so notified shall close as required. 33092

(C) A school that opens on or after July 1, 2014, shall 33093  
not be subject to closure under this section for its first two 33094  
years of operation. A school that is in operation prior to July 33095  
1, 2014, shall not be subject to closure under this section 33096  
until after August 31, 2016. 33097

(D) The sponsor and governing authority of the school 33098  
shall comply with all procedures for closing a community school 33099  
adopted by the department under division (E) of section 3314.015 33100  
of the Revised Code. The governing authority of the school shall 33101  
not enter into a contract with any other sponsor under section 33102  
3314.03 of the Revised Code after the school closes. 33103

(E) Nothing in this section or in any other provision of 33104  
the Revised Code prohibits the sponsor of a community school 33105  
from exercising its option not to renew a contract for any 33106  
reason or from terminating a contract prior to its expiration 33107  
for any of the reasons set forth in section 3314.07 of the 33108  
Revised Code. 33109

**Sec. 3314.36.** (A) Section 3314.35 of the Revised Code does 33110  
not apply to any community school in which a majority of the 33111  
students are enrolled in a dropout prevention and recovery 33112  
program that is operated by the school and that has been granted 33113  
a waiver by the department of ~~education~~ learning and 33114  
achievement. Until June 30, 2014, the department shall grant a 33115  
waiver to a dropout prevention and recovery program, within 33116  
sixty days after the program applies for the waiver, if the 33117

- program meets all of the following conditions: 33118
- (1) The program serves only students not younger than 33119  
sixteen years of age and not older than twenty-one years of age. 33120
- (2) The program enrolls students who, at the time of their 33121  
initial enrollment, either, or both, are at least one grade 33122  
level behind their cohort age groups or experience crises that 33123  
significantly interfere with their academic progress such that 33124  
they are prevented from continuing their traditional programs. 33125
- (3) The program requires students to attain at least the 33126  
applicable score designated for each of the assessments 33127  
prescribed under division (B) (1) of section 3301.0710 of the 33128  
Revised Code or, to the extent prescribed by rule of the ~~state~~ 33129  
~~board of education~~ department of learning and achievement under 33130  
division (D) (5) of section 3301.0712 of the Revised Code, 33131  
division (B) (2) of that section. 33132
- (4) The program develops an individual career plan for the 33133  
student that specifies the student's matriculating to a two-year 33134  
degree program, acquiring a business and industry credential, or 33135  
entering an apprenticeship. 33136
- (5) The program provides counseling and support for the 33137  
student related to the plan developed under division (A) (4) of 33138  
this section during the remainder of the student's high school 33139  
experience. 33140
- (6) Prior to receiving the waiver, the program has 33141  
submitted to the department an instructional plan that 33142  
demonstrates how the academic content standards adopted by the 33143  
~~state board of education~~ department of learning and achievement 33144  
under section 3301.079 of the Revised Code will be taught and 33145  
assessed. 33146

If the department does not act either to grant the waiver 33147  
or to reject the program application for the waiver within sixty 33148  
days as required under this section, the waiver shall be 33149  
considered to be granted. 33150

(B) Notwithstanding division (A) of this section, the 33151  
department shall not grant a waiver to any community school that 33152  
did not qualify for a waiver under this section when it 33153  
initially began operations, unless the state board of education 33154  
approves the waiver. 33155

(C) Beginning on July 1, 2014, all community schools in 33156  
which a majority of the students are enrolled in a dropout 33157  
prevention and recovery program are subject to the provisions of 33158  
section 3314.351 of the Revised Code, regardless of whether a 33159  
waiver has been granted under this section. Thereafter, no 33160  
waivers shall be granted under this section. 33161

**Sec. 3314.37.** (A) A five-year demonstration project is 33162  
hereby established at the community schools known as the ISUS 33163  
institutes. The project is a research and development initiative 33164  
to collect and analyze data with which to improve dropout 33165  
prevention and recovery programs, to evaluate various 33166  
methodologies employed in those programs, to develop tools and 33167  
criteria for evaluating community schools that operate dropout 33168  
prevention and recovery programs, to institute stringent 33169  
accountability measures for such community schools, and to 33170  
direct curricular and programming decisions for such community 33171  
schools. The program shall begin with the 2008-2009 school year 33172  
and shall operate through the 2012-2013 school year. 33173

(B) Under the demonstration project, the ISUS institutes 33174  
shall select and pay the costs of an independent evaluator to 33175  
create a study plan and collect and analyze data from the 33176

institutes. The ISUS institutes' selection of the independent 33177  
evaluator is subject to the approval of the department of 33178  
~~education~~ learning and achievement. The data collected by the 33179  
evaluator shall include, but need not be limited to, the 33180  
following: 33181

(1) Baseline measures of student status at enrollment, 33182  
including academic level; history of court involvement, drug 33183  
use, and other behavioral problems; and the circumstances of the 33184  
students' parenting and living arrangements; 33185

(2) Student academic progress, measured at multiple and 33186  
regular intervals each school year; 33187

(3) Value-added elements of the institutes' dropout 33188  
prevention and recovery programs, including industry 33189  
certifications, college coursework, community service and 33190  
service learning, apprenticeships, and internships; 33191

(4) Outcomes in addition to high school graduation, 33192  
including students' contributions to community service and 33193  
students' transitions to employment, post-secondary training, 33194  
college, or the military. 33195

(C) Not later than the thirtieth day of September 33196  
following each school year in which the demonstration project is 33197  
operating, the independent evaluator shall do both of the 33198  
following: 33199

(1) Submit to the ISUS institutes and the department all 33200  
data collected and a report of its data analysis; 33201

(2) Submit a report of its data analysis to the speaker 33202  
and minority leader of the house of representatives, the 33203  
president and minority leader of the senate, and the 33204  
chairpersons and ranking minority members of the standing 33205

committees of the house of representatives and the senate that 33206  
consider education legislation. 33207

(D) For each school year in which the demonstration 33208  
project is operating: 33209

(1) The ISUS institutes shall continue to report data 33210  
through the education management information system under 33211  
section 3314.17 of the Revised Code. 33212

(2) The department shall continue to issue annual report 33213  
cards for the ISUS institutes under section 3314.012 of the 33214  
Revised Code and shall continue to assign them performance 33215  
ratings under section 3302.03 of the Revised Code. 33216

(E) Nothing in this section prevents the application to 33217  
the ISUS institutes, during the demonstration project, of any 33218  
provision of the Revised Code or rule or policy of the 33219  
department or the state board of education requiring closure, or 33220  
otherwise restricting the operation, of a community school based 33221  
on measures of academic performance for any school year before 33222  
or during the demonstration project. Nothing in this section 33223  
prevents a sponsor of an ISUS institute from terminating or not 33224  
renewing its contract with the school, from suspending the 33225  
operations of the school, or from placing the school on 33226  
probationary status, in accordance with this chapter, during the 33227  
demonstration project. Nothing in this section prevents the 33228  
auditor of state from taking action against an ISUS institute 33229  
under Chapter 117. of the Revised Code or other applicable law 33230  
during the demonstration project. 33231

(F) The department may conduct its own analysis of data 33232  
submitted under the demonstration project. 33233

(G) Not later than December 31, 2013, the independent 33234

evaluator shall issue a final report of its findings and 33235  
analysis and its recommendations for appropriate academic 33236  
accountability measures for community schools that operate 33237  
dropout prevention and recovery programs. The independent 33238  
evaluator shall submit the report to the department, the speaker 33239  
and minority leader of the house of representatives, the 33240  
president and minority leader of the senate, and the 33241  
chairpersons and ranking minority members of the standing 33242  
committees of the house of representatives and the senate that 33243  
consider education legislation. 33244

**Sec. 3314.38.** (A) An individual who is at least twenty-two 33245  
years of age and who is an eligible individual as defined in 33246  
section 3317.23 of the Revised Code may enroll for up to two 33247  
consecutive school years in a dropout prevention and recovery 33248  
program operated by a community school that is designed to allow 33249  
enrollees to earn a high school diploma. An individual enrolled 33250  
under this division may elect to satisfy the requirements to 33251  
earn a high school diploma by successfully completing a 33252  
competency-based educational program, as defined in section 33253  
3317.23 of the Revised Code, that complies with the standards 33254  
adopted by the department of ~~education~~learning and achievement 33255  
under section 3317.231 of the Revised Code. The community school 33256  
shall report that individual's enrollment on a full-time 33257  
equivalency basis to the department. This report shall be in 33258  
addition to the report required under division (B) of section 33259  
3314.08 of the Revised Code. An individual enrolled under this 33260  
division shall not be assigned to classes or settings with 33261  
students who are younger than eighteen years of age. 33262

(B) (1) For each community school that enrolls individuals 33263  
under division (A) of this section, the department annually 33264  
shall certify the enrollment and attendance, on a full-time 33265

equivalency basis, of each individual reported by the school 33266  
under that division. 33267

(2) For each individual enrolled in a community school 33268  
under division (A) of this section, the department annually 33269  
shall pay the community school up to \$5,000, as determined by 33270  
the department based on the extent of the individual's 33271  
successful completion of the graduation requirements prescribed 33272  
under division (A) (11) (f) of section 3314.03 of the Revised 33273  
Code. 33274

(C) A community school that enrolls individuals under 33275  
division (A) of this section shall be subject to the program 33276  
administration standards adopted by the department under section 33277  
3317.231 of the Revised Code, as applicable. 33278

**Sec. 3314.40.** (A) As used in this section: 33279

(1) "Conduct unbecoming to the teaching profession" shall 33280  
be as described in rules adopted by the ~~state board of education~~ 33281  
department of learning and achievement. 33282

(2) "Intervention in lieu of conviction" means 33283  
intervention in lieu of conviction under section 2951.041 of the 33284  
Revised Code. 33285

(3) "License" has the same meaning as in section 3319.31 33286  
of the Revised Code. 33287

(4) "Pre-trial diversion program" means a pre-trial 33288  
diversion program under section 2935.36 of the Revised Code or a 33289  
similar diversion program under rules of a court. 33290

(B) The chief administrator of each community school, or 33291  
the president or chairperson of the governing authority of each 33292  
community school if division (C) of this section applies, shall 33293

promptly submit to the superintendent of public instruction the 33294  
information prescribed in division (D) of this section when any 33295  
of the following conditions applies to an employee of the 33296  
school, or an employee of an operator working in the school, who 33297  
holds a license issued by the state board of education: 33298

(1) The chief administrator, or president or chairperson, 33299  
knows that the employee has pleaded guilty to, has been found 33300  
guilty by a jury or court of, has been convicted of, has been 33301  
found to be eligible for intervention in lieu of conviction for, 33302  
or has agreed to participate in a pre-trial diversion program 33303  
for an offense described in division (B)(2) or (C) of section 33304  
3319.31 or division (B)(1) of section 3319.39 of the Revised 33305  
Code. 33306

(2) The governing authority of the school, or the 33307  
operator, has initiated termination or nonrenewal proceedings 33308  
against, has terminated, or has not renewed the contract of the 33309  
employee because the governing authority or operator has 33310  
reasonably determined that the employee has committed an act 33311  
that is unbecoming to the teaching profession or an offense 33312  
described in division (B)(2) or (C) of section 3319.31 or 33313  
division (B)(1) of section 3319.39 of the Revised Code. 33314

(3) The employee has resigned under threat of termination 33315  
or nonrenewal as described in division (B)(2) of this section. 33316

(4) The employee has resigned because of or in the course 33317  
of an investigation by the governing authority or operator 33318  
regarding whether the employee has committed an act that is 33319  
unbecoming to the teaching profession or an offense described in 33320  
division (B)(2) or (C) of section 3319.31 or division (B)(1) of 33321  
section 3319.39 of the Revised Code. 33322

(C) If the employee to whom any of the conditions prescribed in divisions (B) (1) to (4) of this section applies is the chief administrator of the community school, the president or chairperson of the governing authority of the school shall make the report required under this section.

(D) If a report is required under this section, the chief administrator, or president or chairperson, shall submit to the superintendent of public instruction the name and social security number of the employee about whom the information is required and a factual statement regarding any of the conditions prescribed in divisions (B) (1) to (4) of this section that apply to the employee.

(E) A determination made by the governing authority or operator as described in division (B) (2) of this section or a termination, nonrenewal, resignation, or other separation described in divisions (B) (2) to (4) of this section does not create a presumption of the commission or lack of the commission by the employee of an act unbecoming to the teaching profession or an offense described in division (B) (2) or (C) of section 3319.31 or division (B) (1) of section 3319.39 of the Revised Code.

(F) No individual required to submit a report under division (B) of this section shall knowingly fail to comply with that division.

(G) An individual who provides information to the superintendent of public instruction in accordance with this section in good faith shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the provision of that information.

**Sec. 3314.403.** (A) As used in this section, "license" has 33353  
the same meaning as in section 3319.31 of the Revised Code. 33354

(B) No employee of a community school or an operator 33355  
working in the school shall do either of the following: 33356

(1) Knowingly make a false report to the chief 33357  
administrator of the school, or the chief administrator's 33358  
designee, alleging misconduct by another employee of the school 33359  
or operator; 33360

(2) Knowingly cause the chief administrator, or the chief 33361  
administrator's designee, to make a false report of the alleged 33362  
misconduct to the superintendent of public instruction, the 33363  
department of learning and achievement, or the state board of 33364  
education. 33365

(C) Any employee of a community school or an operator 33366  
working in the school who in good faith reports to the chief 33367  
administrator of the school, or the chief administrator's 33368  
designee, information about alleged misconduct committed by 33369  
another employee of the school or operator shall be immune from 33370  
any civil liability that otherwise might be incurred or imposed 33371  
for injury, death, or loss to person or property as a result of 33372  
the reporting of that information. 33373

If the alleged misconduct involves a person who holds a 33374  
license but the chief administrator is not required to submit a 33375  
report to the superintendent of public instruction under section 33376  
3314.40 of the Revised Code and the chief administrator, or the 33377  
chief administrator's designee, in good faith reports the 33378  
alleged misconduct to the superintendent of public instruction, the 33379  
department, or the state board, the chief administrator, or 33380  
the chief administrator's designee, shall be immune from any 33381

civil liability that otherwise might be incurred or imposed for 33382  
injury, death, or loss to person or property as a result of the 33383  
reporting of that information. 33384

(D) (1) In any civil action brought against a person in 33385  
which it is alleged and proved that the person violated division 33386  
(B) of this section, the court shall award the prevailing party 33387  
reasonable attorney's fees and costs that the prevailing party 33388  
incurred in the civil action or as a result of the false report 33389  
that was the basis of the violation. 33390

(2) If a person is convicted of or pleads guilty to a 33391  
violation of division (B) of this section, if the subject of the 33392  
false report that was the basis of the violation was charged 33393  
with any violation of a law or ordinance as a result of the 33394  
false report, and if the subject of the false report is found 33395  
not to be guilty of the charges brought against the subject as a 33396  
result of the false report or those charges are dismissed, the 33397  
court that sentences the person for the violation of division 33398  
(B) of this section, as part of the sentence, shall order the 33399  
person to pay restitution to the subject of the false report, in 33400  
an amount equal to reasonable attorney's fees and costs that the 33401  
subject of the false report incurred as a result of or in 33402  
relation to the charges. 33403

**Sec. 3314.50.** No community school shall initiate 33404  
operation, on or after the effective date of this amendment, 33405  
unless the governing authority of the school has posted a bond 33406  
in the amount of fifty thousand dollars with the auditor of 33407  
state. The bond shall be used, in the event the school closes, 33408  
to pay the auditor of state any moneys owed or that become owed 33409  
by the school for the costs of audits conducted by the auditor 33410  
of state or a public accountant under Chapter 117. of the 33411

Revised Code. 33412

The department of ~~education~~ learning and achievement shall 33413  
notify the auditor of state of the proposed initiation of 33414  
operations of any community school and shall provide the auditor 33415  
of state with the certification of the sponsor of the community 33416  
school of the compliance by the community school with all legal 33417  
preconditions to the initiation of its operations, including 33418  
compliance with this section. 33419

In lieu of the bond, the governing authority of the 33420  
school, the school's sponsor, or an operator that has a contract 33421  
with the school may deposit with the auditor of state cash in 33422  
the amount of fifty thousand dollars as guarantee of payment 33423  
under the provisions of this section. In lieu of a bond or a 33424  
cash deposit, the school's sponsor or an operator that has a 33425  
contract with the school may provide a written guarantee of 33426  
payment, which shall obligate the school's sponsor or the 33427  
operator that provides the written guarantee to pay the cost of 33428  
audits of the school under this section up to the amount of 33429  
fifty thousand dollars. Any such written guarantee shall be 33430  
binding upon any successor entity that enters into a contract to 33431  
sponsor or to operate the school, and any such entity, as a 33432  
condition of its undertaking shall acknowledge and accept such 33433  
obligation. 33434

In the event that a sponsor or operator has provided a 33435  
written guarantee under this section, and, subsequent to the 33436  
provision of the guarantee, the governing authority of the 33437  
school posts a bond under this section, or the governing 33438  
authority of the school, a sponsor, or an operator provides a 33439  
cash deposit of fifty thousand dollars as required, the written 33440  
guarantee shall cease to be of further effect. 33441

As soon as it is practicable to do so after the filing of 33442  
a bond or the deposit of cash, the auditor of state shall 33443  
deliver the bond or cash to the treasurer of state, who shall 33444  
hold it in trust for the purposes prescribed in this section. 33445  
The treasurer of state shall be responsible for the safekeeping 33446  
of all bonds filed or cash deposited under this section. The 33447  
auditor of state shall notify the department of ~~education~~ 33448  
learning and achievement when the school's governing authority 33449  
has filed the bond, deposited the cash guarantee, or submitted a 33450  
written guarantee of payment. 33451

When the auditor of state conducts an audit of a community 33452  
school that has closed and is subject to the requirements of 33453  
this section, the auditor of state shall certify the amount of 33454  
forfeiture to the treasurer of state, who shall assess the bond 33455  
for the costs of the audit or shall pay money from the named 33456  
insurer or from the school's cash deposit for the costs of the 33457  
audit to reimburse the auditor of state or public accountant for 33458  
costs incurred in conducting audits of the school. 33459

To the extent that the amount of the bond or the cash 33460  
deposit is not needed to cover audit costs, the bond shall be of 33461  
no further effect, and any cash balance shall be refunded by the 33462  
treasurer of state to the entity which provided the bond. When 33463  
the auditor of state conducts an audit of a community school 33464  
that has closed and is subject to the requirements of this 33465  
section, and, as to which, a written guarantee has been given 33466  
under this section, the entity that provided the guarantee shall 33467  
be solely and fully liable for any such audit costs, and shall 33468  
promptly pay the costs of the audit up to fifty thousand 33469  
dollars. 33470

No community school that is subject to the provisions of 33471

this section shall maintain or continue its operations absent 33472  
the ongoing provision of a bond, a cash deposit, or a written 33473  
guarantee as required by this section. 33474

**Sec. 3314.51.** (A) If the auditor of state or a public 33475  
accountant, under section 117.41 of the Revised Code, declares a 33476  
community school to be unauditabile, the auditor of state shall 33477  
provide written notification of that declaration to the school, 33478  
the school's sponsor, and the department of ~~education~~ learning 33479  
and achievement. The auditor of state also shall post the 33480  
notification on the auditor of state's web site. 33481

(B) If the community school's current fiscal officer held 33482  
that position during the period for which the school is 33483  
unauditabile, upon receipt of the notification under division (A) 33484  
of this section, the governing authority of the school shall 33485  
suspend the fiscal officer until the auditor of state or a 33486  
public accountant has completed an audit of the school, except 33487  
that if the school has an operator and the operator employs the 33488  
fiscal officer, the operator shall suspend the fiscal officer 33489  
for that period. Suspension of the fiscal officer may be with or 33490  
without pay, as determined by the entity imposing the suspension 33491  
based on the circumstances that prompted the auditor of state's 33492  
declaration. The entity imposing the suspension shall appoint a 33493  
person to assume the duties of the fiscal officer during the 33494  
period of the suspension. If the appointee is not licensed as a 33495  
treasurer under section 3301.074 of the Revised Code, the 33496  
appointee shall be approved by the superintendent of public 33497  
instruction before assuming the duties of the fiscal officer. 33498  
The state board of education may take action under section 33499  
3319.31 of the Revised Code to suspend, revoke, or limit the 33500  
license of a fiscal officer who has been suspended under this 33501  
division. 33502

(C) Notwithstanding any provision to the contrary in this chapter or in any other provision of law, the sponsor of the community school shall not enter into contracts with any additional community schools under section 3314.03 of the Revised Code between ninety days after the date of the declaration under division (A) of this section and the date the auditor of state or a public accountant has completed a financial audit of the school.

(D) Not later than forty-five days after receiving the notification under division (A) of this section, the sponsor of the community school shall provide a written response to the auditor of state. The sponsor shall provide a copy of the response to the community school. The response shall include the following:

(1) An overview of the process the sponsor will use to review and understand the circumstances that led to the community school becoming unauditable;

(2) A plan for providing the auditor of state with the documentation necessary to complete an audit of the community school and for ensuring that all financial documents are available in the future;

(3) The actions the sponsor will take to ensure that the plan described in division (D) (2) of this section is implemented.

(E) If the community school fails to make reasonable efforts and continuing progress to bring its accounts, records, files, or reports into an auditable condition within ninety days after being declared unauditable, the auditor of state, in addition to requesting legal action under sections 117.41 and

117.42 of the Revised Code, shall notify the school's sponsor 33532  
and the department of the school's failure. If the auditor of 33533  
state or a public accountant subsequently is able to complete a 33534  
financial audit of the school, the auditor of state shall notify 33535  
the school's sponsor and the department that the audit has been 33536  
completed. 33537

(F) Notwithstanding any provision to the contrary in this 33538  
chapter or in any other provision of law, upon notification by 33539  
the auditor of state under division (E) of this section that the 33540  
community school has failed to make reasonable efforts and 33541  
continuing progress to bring its accounts, records, files, or 33542  
reports into an auditable condition, the department shall 33543  
immediately cease all payments to the school under this chapter 33544  
and any other provision of law. Upon subsequent notification 33545  
from the auditor of state under that division that the auditor 33546  
of state or a public accountant was able to complete a financial 33547  
audit of the community school, the department shall release all 33548  
funds withheld from the school under this section. 33549

**Sec. 3315.18.** (A) The board of education of each city, 33550  
exempted village, local, and joint vocational school district 33551  
shall establish a capital and maintenance fund. Each board 33552  
annually shall deposit into that fund an amount derived from 33553  
revenues received by the district that would otherwise have been 33554  
deposited in the general fund that is equal to three per cent of 33555  
the formula amount for the preceding fiscal year, as defined in 33556  
section 3317.02 of the Revised Code, or another percentage if 33557  
established by the auditor of state under division (B) of this 33558  
section, multiplied by the district's student population for the 33559  
preceding fiscal year, except that money received from a 33560  
permanent improvement levy authorized by section 5705.21 of the 33561  
Revised Code may replace general revenue moneys in meeting the 33562

requirements of this section. Money in the fund shall be used 33563  
solely for acquisition, replacement, enhancement, maintenance, 33564  
or repair of permanent improvements, as that term is defined in 33565  
section 5705.01 of the Revised Code. Any money in the fund that 33566  
is not used in any fiscal year shall carry forward to the next 33567  
fiscal year. 33568

(B) ~~The state superintendent of public instruction~~ 33569  
department of learning and achievement and the auditor of state 33570  
jointly shall adopt rules in accordance with Chapter 119. of the 33571  
Revised Code defining what constitutes expenditures permitted by 33572  
division (A) of this section. The auditor of state may designate 33573  
a percentage, other than three per cent, of the formula amount 33574  
multiplied by the district's student population that must be 33575  
deposited into the fund. 33576

(C) Within its capital and maintenance fund, a school 33577  
district board of education may establish a separate account 33578  
solely for the purpose of depositing funds transferred from the 33579  
district's reserve balance account established under former 33580  
division (H) of section 5705.29 of the Revised Code. After April 33581  
10, 2001, a board may deposit all or part of the funds formerly 33582  
included in such reserve balance account in the separate account 33583  
established under this section. Funds deposited in this separate 33584  
account and interest on such funds shall be utilized solely for 33585  
the purpose of providing the district's portion of the basic 33586  
project costs of any project undertaken in accordance with 33587  
Chapter 3318. of the Revised Code. 33588

(D) (1) Notwithstanding division (A) of this section, in 33589  
any year a district is in fiscal emergency status as declared 33590  
pursuant to section 3316.03 of the Revised Code, the district 33591  
may deposit an amount less than required by division (A) of this 33592

section, or make no deposit, into the district capital and 33593  
maintenance fund for that year. 33594

(2) Notwithstanding division (A) of this section, in any 33595  
fiscal year that a school district is either in fiscal watch 33596  
status, as declared pursuant to section 3316.03 of the Revised 33597  
Code, or in fiscal caution status, as declared pursuant to 33598  
section 3316.031 of the Revised Code, the district may apply to 33599  
the ~~superintendent of public instruction department~~ for a waiver 33600  
from the requirements of division (A) of this section, under 33601  
which the district may be permitted to deposit an amount less 33602  
than required by that division or permitted to make no deposit 33603  
into the district capital and maintenance fund for that year. 33604  
The ~~superintendent department~~ may grant a waiver under division 33605  
(D) (2) of this section if the district demonstrates to the 33606  
satisfaction of the ~~superintendent department~~ that compliance 33607  
with division (A) of this section that year will create an undue 33608  
financial hardship on the district. 33609

(3) Notwithstanding division (A) of this section, not more 33610  
often than one fiscal year in every three consecutive fiscal 33611  
years, any school district that does not satisfy the conditions 33612  
for the exemption described in division (D) (1) of this section 33613  
or the conditions to apply for the waiver described in division 33614  
(D) (2) of this section may apply to the ~~superintendent of public~~ 33615  
~~instruction department~~ for a waiver from the requirements of 33616  
division (A) of this section, under which the district may be 33617  
permitted to deposit an amount less than required by that 33618  
division or permitted to make no deposit into the district 33619  
capital and maintenance fund for that year. The ~~superintendent-~~ 33620  
~~department~~ may grant a waiver under division (D) (3) of this 33621  
section if the district demonstrates to the satisfaction of the 33622  
~~superintendent department~~ that compliance with division (A) of 33623

this section that year will necessitate the reduction or 33624  
elimination of a program currently offered by the district that 33625  
is critical to the academic success of students of the district 33626  
and that no reasonable alternatives exist for spending 33627  
reductions in other areas of operation within the district that 33628  
negate the necessity of the reduction or elimination of that 33629  
program. 33630

(E) Notwithstanding any provision to the contrary in 33631  
Chapter 4117. of the Revised Code, the requirements of this 33632  
section prevail over any conflicting provisions of agreements 33633  
between employee organizations and public employers entered into 33634  
after November 21, 1997. 33635

(F) As used in this section, "student population" means 33636  
the average, daily, full-time equivalent number of students in 33637  
kindergarten through twelfth grade receiving any educational 33638  
services from the school district during the first full school 33639  
week in October, excluding students enrolled in adult education 33640  
classes, but including all of the following: 33641

(1) Adjacent or other district students enrolled in the 33642  
district under an open enrollment policy pursuant to section 33643  
3313.98 of the Revised Code; 33644

(2) Students receiving services in the district pursuant 33645  
to a compact, cooperative education agreement, or a contract, 33646  
but who are entitled to attend school in another district 33647  
pursuant to section 3313.64 or 3313.65 of the Revised Code; 33648

(3) Students for whom tuition is payable pursuant to 33649  
sections 3317.081 and 3323.141 of the Revised Code. 33650

The department ~~of education~~ shall determine a district's 33651  
student population using data reported to it under section 33652

3317.03 of the Revised Code for the applicable fiscal year. 33653

**Sec. 3315.181.** As used in this section, "securities" has 33654  
the same meaning as in section 133.01 of the Revised Code. 33655

Notwithstanding division (A) of section 3315.18 of the 33656  
Revised Code, the board of education of a city, exempted 33657  
village, local, or joint vocational school district, in meeting 33658  
the amount required by that division to be deposited in the 33659  
district's capital and maintenance fund, may replace general 33660  
fund revenues with proceeds received from a permanent 33661  
improvement levy authorized by section 5705.21 of the Revised 33662  
Code only to the extent the proceeds are available to be used 33663  
for the acquisition, replacement, enhancement, maintenance, or 33664  
repair of permanent improvements as defined in section 5705.01 33665  
of the Revised Code. In addition, the board may replace general 33666  
fund revenues with proceeds received from any of the following 33667  
sources in meeting the amount required by that division to be 33668  
deposited in the fund: 33669

(A) Proceeds received from any securities whose use is 33670  
limited to the acquisition, replacement, enhancement, 33671  
maintenance, or repair of permanent improvements; 33672

(B) Insurance proceeds received as a result of the damage 33673  
to or theft or destruction of a permanent improvement to the 33674  
extent a board of education places the proceeds in a separate 33675  
fund for the acquisition, replacement, enhancement, maintenance, 33676  
or repair of permanent improvements; 33677

(C) Proceeds received from the sale of a permanent 33678  
improvement to the extent the proceeds are paid into a separate 33679  
fund for the construction or acquisition of permanent 33680  
improvements; 33681

(D) Proceeds received from a tax levy authorized by 33682  
section 3318.06 of the Revised Code to the extent the proceeds 33683  
are available to be used for the maintenance of capital 33684  
facilities; 33685

(E) Proceeds of certificates of participation issued as 33686  
part of a lease-purchase agreement entered into under section 33687  
3313.375 of the Revised Code; 33688

(F) Proceeds of any school district income tax levied 33689  
under Chapter 5748. of the Revised Code for permanent 33690  
improvements, to the extent the proceeds are available for the 33691  
acquisition, replacement, enhancement, maintenance, or repair of 33692  
permanent improvements; 33693

(G) Any other revenue source identified by the auditor of 33694  
state, in consultation with the department of ~~education~~ learning 33695  
and achievement, in rules adopted by the auditor of state. 33696

**Sec. 3315.33.** There is hereby established a fund to be 33697  
known as the Ohio scholarship fund for teacher trainees for the 33698  
public purpose of relieving the existing teacher shortage in 33699  
public schools, to be administered and expended as prescribed in 33700  
sections 3315.33 to 3315.35 of the Revised Code. Appropriations 33701  
by the general assembly for the purpose of scholarships for 33702  
teacher trainees shall be paid into this fund. 33703

Each scholarship for a teacher trainee shall have a 33704  
maximum value of five hundred dollars annually and shall be 33705  
awarded as follows: 33706

(A) The ~~state board of education~~ department of learning 33707  
and achievement shall prescribe standards and requirements which 33708  
shall be met by persons who are eligible for such scholarships. 33709  
Scholarships shall be allocated among the counties of the state 33710

on an equitable basis by the ~~state board of education~~ 33711  
department, provided that not less than three such scholarships 33712  
shall be available annually to residents of each county of the 33713  
state. If, on the first day of September in each year, the ~~state~~ 33714  
~~board of education~~ department finds that the number of eligible 33715  
persons recommended from any county is less than the number of 33716  
scholarships allocated to that county, it may reallocate the 33717  
remaining scholarships among the counties in which the number of 33718  
eligible persons exceeds the number of scholarships allocated. 33719  
Such reallocation as may affect a county in one year shall not 33720  
prejudice in any way the allocation to it in succeeding years. 33721

(B) In accordance with the requirements of sections 33722  
3315.33, 3315.34, and 3315.35 of the Revised Code, the 33723  
educational service center superintendent in each educational 33724  
service center as committee chairperson shall appoint a 33725  
committee consisting of one high school principal, one 33726  
elementary school principal, and one classroom teacher. This 33727  
committee shall select and recommend, on the basis of merit, a 33728  
number of high school graduates, not to exceed the number 33729  
allocated to each county by the ~~state board of education~~ 33730  
department, who are interested in teaching and whose work and 33731  
qualifications are such as to indicate that they possess the 33732  
qualities which should be possessed by a successful teacher. 33733  
Such persons shall not have previously been enrolled in any 33734  
college of education or have majored in education in any college 33735  
or university. Such other college training shall be considered 33736  
in determining such person's qualifications to become a 33737  
successful teacher. 33738

(C) The scholarship fund for teacher trainees shall be 33739  
disbursed to scholarship holders upon their application as 33740  
approved by the ~~state board of education~~ department upon 33741

vouchers for that purpose. Such scholarships shall be paid in 33742  
equal installments at the beginning of each quarter or semester 33743  
while college is in session to each person who has been awarded 33744  
such a scholarship when the following requirements are met: 33745

(1) Such person shall be a bona fide student in the 33746  
college of education or department of teacher training in an 33747  
Ohio institution of higher learning. 33748

(2) Such person shall pursue a course of study in 33749  
elementary education in said college of education or department 33750  
of teacher training approved by the ~~state board of education~~ 33751  
department. 33752

**Sec. 3315.34.** Each person who receives a scholarship shall 33753  
execute a promissory note which shall be endorsed by some 33754  
responsible citizen, and shall deliver said note to the ~~state~~ 33755  
~~board of education~~ department of learning and achievement or to 33756  
its representative. Each such note shall be made payable to the 33757  
treasurer of state for the amount of the quarterly or semi- 33758  
annual payment, and shall bear interest at the rate of five per 33759  
cent per annum from the date of the note. The ~~state board of~~ 33760  
~~education department~~ shall hold said note until it has been paid 33761  
or cancelled as prescribed in section 3315.35 of the Revised 33762  
Code. 33763

Each person awarded a scholarship under the terms of 33764  
sections 3315.33 to 3315.35 of the Revised Code shall be 33765  
eligible upon the completion of satisfactory work during the 33766  
first year, under rules and regulations promulgated by the ~~state~~ 33767  
~~board of education~~ department, to have the scholarship renewed 33768  
for a period not to exceed one additional year. 33769

**Sec. 3315.35.** At the expiration of each school year of 33770

service as a teacher in the public schools of Ohio by a person 33771  
who has benefited from a scholarship granted under sections 33772  
3315.33 to 3315.35 of the Revised Code, such person shall submit 33773  
to the ~~state board of education~~ department of learning and 33774  
achievement a statement of service on a form provided for that 33775  
purpose and certified by the superintendent of the school 33776  
district in which the person has taught. Upon receipt of such 33777  
statement in proper form, the ~~board~~ department shall cancel the 33778  
oldest notes given by such person covering the scholarship for 33779  
one year and the interest accrued thereon. If for any reason a 33780  
recipient of a scholarship ceases or, after licensure, fails to 33781  
teach in the public schools of Ohio, except for death or total 33782  
disability, or fails to file with the ~~board~~ department by July 33783  
first of each year a statement concerning the recipient's 33784  
previous year's employment and address for the ensuing year, any 33785  
and all unpaid or uncanceled notes and interest thereon shall 33786  
become due and payable and the ~~board~~ department shall transmit 33787  
all such notes promptly to the treasurer of state and the 33788  
treasurer of state shall enforce collection of the principal 33789  
amount of any uncanceled or unpaid notes held by the treasurer 33790  
of state and the interest thereon and shall deposit said sums so 33791  
collected in the general revenue fund. 33792

**Sec. 3316.03.** (A) The existence of a fiscal watch shall be 33793  
declared by the auditor of state. The auditor of state may make 33794  
a determination on the auditor of state's initiative, or upon 33795  
receipt of a written request for such a determination, which may 33796  
be filed by the governor, the ~~superintendent~~ department of 33797  
~~public instruction~~ learning and achievement, or a majority of 33798  
the members of the board of education of the school district. 33799

(1) The auditor of state shall declare a school district 33800  
to be in a state of fiscal watch if the auditor of state 33801

determines that both of the following conditions are satisfied 33802  
with respect to the school district: 33803

(a) An operating deficit has been certified for the 33804  
current fiscal year by the auditor of state, and the certified 33805  
operating deficit exceeds eight per cent of the school 33806  
district's general fund revenue for the preceding fiscal year; 33807

(b) A majority of the voting electors have not voted in 33808  
favor of levying a tax under section 5705.194, 5705.199, or 33809  
5705.21 or Chapter 5748. of the Revised Code that the auditor of 33810  
state expects will raise enough additional revenue in the next 33811  
succeeding fiscal year that division (A) (1) (a) of this section 33812  
will not apply to the district in such next succeeding fiscal 33813  
year. 33814

(2) The auditor of state shall declare a school district 33815  
to be in a state of fiscal watch if the auditor of state 33816  
determines that the school district has outstanding securities 33817  
issued under division (A) (4) of section 3316.06 of the Revised 33818  
Code, and its financial planning and supervision commission has 33819  
been terminated under section 3316.16 of the Revised Code. 33820

(3) The auditor of state shall declare a school district 33821  
to be in a state of fiscal watch if both of the following 33822  
conditions are satisfied: 33823

(a) The ~~superintendent of public instruction department~~ 33824  
has reported to the auditor of state that the ~~superintendent-~~ 33825  
~~department~~ has declared the district under section 3316.031 of 33826  
the Revised Code to be under a fiscal caution, has found that 33827  
the district has not acted reasonably to eliminate or correct 33828  
practices or conditions that prompted the declaration, and has 33829  
determined the declaration of a state of fiscal watch necessary 33830

to prevent further fiscal decline; 33831

(b) The auditor of state determines that the decision of 33832  
the ~~superintendent~~department is reasonable. 33833

If the auditor of state determines that the decision of 33834  
the ~~superintendent~~department is not reasonable, the auditor of 33835  
state shall provide the ~~superintendent~~department with a written 33836  
explanation of that determination. 33837

(4) The auditor of state may declare a school district to 33838  
be in a state of fiscal watch if all of the following conditions 33839  
are satisfied: 33840

(a) An operating deficit has been certified for the 33841  
current fiscal year by the auditor of state, and the certified 33842  
operating deficit exceeds two per cent, but does not exceed 33843  
eight per cent, of the school district's general fund revenue 33844  
for the preceding fiscal year; 33845

(b) A majority of the voting electors have not voted in 33846  
favor of levying a tax under section 5705.194, 5705.199, or 33847  
5705.21 or Chapter 5748. of the Revised Code that the auditor of 33848  
state expects will raise enough additional revenue in the next 33849  
succeeding fiscal year that division (A) (4) (a) of this section 33850  
will not apply to the district in the next succeeding fiscal 33851  
year; 33852

(c) The auditor of state determines that there is no 33853  
reasonable cause for the deficit or that the declaration of 33854  
fiscal watch is necessary to prevent further fiscal decline in 33855  
the district. 33856

(B) (1) The auditor of state shall issue an order declaring 33857  
a school district to be in a state of fiscal emergency if the 33858  
auditor of state determines that both of the following 33859

conditions are satisfied with respect to the school district: 33860

(a) An operating deficit has been certified for the 33861  
current fiscal year by the auditor of state, and the certified 33862  
operating deficit exceeds fifteen per cent of the school 33863  
district's general fund revenue for the preceding fiscal year. 33864  
In determining the amount of an operating deficit under division 33865  
(B) (1) (a) of this section, the auditor of state shall credit 33866  
toward the amount of that deficit only the amount that may be 33867  
borrowed from the spending reserve balance as determined under 33868  
section 133.301 and division (F) of section 5705.29 of the 33869  
Revised Code. 33870

(b) A majority of the voting electors have not voted in 33871  
favor of levying a tax under section 5705.194, 5705.199, or 33872  
5705.21 or Chapter 5748. of the Revised Code that the auditor of 33873  
state expects will raise enough additional revenue in the next 33874  
succeeding fiscal year that division (B) (1) (a) of this section 33875  
will not apply to the district in such next succeeding fiscal 33876  
year. 33877

(2) The auditor of state shall issue an order declaring a 33878  
school district to be in a state of fiscal emergency if the 33879  
school district board fails, pursuant to section 3316.04 of the 33880  
Revised Code, to submit a plan acceptable to the ~~state~~ 33881  
~~superintendent of public instruction department~~ within one 33882  
hundred twenty days of the auditor of state's declaration under 33883  
division (A) of this section or an updated plan when one is 33884  
required by division (C) of section 3316.04 of the Revised Code; 33885

(3) The auditor of state shall issue an order declaring a 33886  
school district to be in a state of fiscal emergency if both of 33887  
the following conditions are satisfied: 33888

(a) The ~~superintendent of public instruction department~~ 33889  
has reported to the auditor of state that the district is not 33890  
materially complying with the provisions of an original or 33891  
updated plan as approved by the ~~state superintendent department~~ 33892  
under section 3316.04 of the Revised Code, and that the ~~state-~~ 33893  
~~superintendent department~~ has determined the declaration of a 33894  
state of fiscal emergency necessary to prevent further fiscal 33895  
decline; 33896

(b) The auditor of state finds that the determination of 33897  
the ~~superintendent department~~ is reasonable. 33898

If the auditor of state determines that the decision of 33899  
the ~~superintendent department~~ is not reasonable, the auditor of 33900  
state shall provide the ~~superintendent department~~ a written 33901  
explanation of that determination. 33902

(4) The auditor of state shall issue an order declaring a 33903  
school district to be in a state of fiscal emergency if a 33904  
declaration of fiscal emergency is required by division (D) of 33905  
section 3316.04 of the Revised Code. 33906

(5) The auditor of state may issue an order declaring a 33907  
school district to be in a state of fiscal emergency if all of 33908  
the following conditions are satisfied: 33909

(a) An operating deficit has been certified for the 33910  
current fiscal year by the auditor of state, and the certified 33911  
operating deficit exceeds ten per cent, but does not exceed 33912  
fifteen per cent, of the school district's general fund revenue 33913  
for the preceding fiscal year; 33914

(b) A majority of the voting electors have not voted in 33915  
favor of levying a tax under section 5705.194, 5705.199, or 33916  
5705.21 or Chapter 5748. of the Revised Code that the auditor of 33917

state expects will raise enough additional revenue in the next 33918  
succeeding fiscal year that division (B) (5) (a) of this section 33919  
will not apply to the district in the next succeeding fiscal 33920  
year; 33921

(c) The auditor of state determines that a declaration of 33922  
fiscal emergency is necessary to correct the district's fiscal 33923  
problems and to prevent further fiscal decline. 33924

(C) In making the determinations under this section, the 33925  
auditor of state may use financial reports required under 33926  
section 117.43 of the Revised Code; tax budgets, certificates of 33927  
estimated resources and amendments thereof, annual appropriating 33928  
measures and spending plans, and any other documents or 33929  
information prepared pursuant to Chapter 5705. of the Revised 33930  
Code; and any other documents, records, or information available 33931  
to the auditor of state that indicate the conditions described 33932  
in divisions (A) and (B) of this section. 33933

(D) The auditor of state shall certify the action taken 33934  
under division (A) or (B) of this section to the board of 33935  
education of the school district, the director of budget and 33936  
management, the mayor or county auditor who could be required to 33937  
act pursuant to division (B) (1) of section 3316.05 of the 33938  
Revised Code, and to the ~~superintendent of public instruction~~ 33939  
department. 33940

(E) A determination by the auditor of state under this 33941  
section that a fiscal emergency condition does not exist is 33942  
final and conclusive and not appealable. A determination by the 33943  
auditor of state under this section that a fiscal emergency 33944  
exists is final, except that the board of education of the 33945  
school district affected by such a determination may appeal the 33946  
determination of the existence of a fiscal emergency condition 33947

to the court of appeals having territorial jurisdiction over the 33948  
school district. The appeal shall be heard expeditiously by the 33949  
court of appeals and for good cause shown shall take precedence 33950  
over all other civil matters except earlier matters of the same 33951  
character. Notice of such appeal must be filed with the auditor 33952  
of state and such court within thirty days after certification 33953  
by the auditor of state to the board of education of the school 33954  
district provided for in division (D) of this section. In such 33955  
appeal, determinations of the auditor of state shall be presumed 33956  
to be valid and the board of education shall have the burden of 33957  
proving, by clear and convincing evidence, that each of the 33958  
determinations made by the auditor of state as to the existence 33959  
of a fiscal emergency condition under this section was in error. 33960  
If the board of education fails, upon presentation of its case, 33961  
to prove by clear and convincing evidence that each such 33962  
determination by the auditor of state was in error, the court 33963  
shall dismiss the appeal. The board of education and the auditor 33964  
of state may introduce any evidence relevant to the existence or 33965  
nonexistence of such fiscal emergency conditions. The pendency 33966  
of any such appeal shall not affect or impede the operations of 33967  
this chapter; no restraining order, temporary injunction, or 33968  
other similar restraint upon actions consistent with this 33969  
chapter shall be imposed by the court or any court pending 33970  
determination of such appeal; and all things may be done under 33971  
this chapter that may be done regardless of the pendency of any 33972  
such appeal. Any action taken or contract executed pursuant to 33973  
this chapter during the pendency of such appeal is valid and 33974  
enforceable among all parties, notwithstanding the decision in 33975  
such appeal. If the court of appeals reverses the determination 33976  
of the existence of a fiscal emergency condition by the auditor 33977  
of state, the determination no longer has any effect, and any 33978  
procedures undertaken as a result of the determination shall be 33979

terminated. 33980

**Sec. 3316.031.** (A) The ~~state superintendent~~ department of public instruction learning and achievement, in consultation with the auditor of state, shall develop guidelines for identifying fiscal practices and budgetary conditions that, if uncorrected, could result in a future declaration of a fiscal watch or fiscal emergency within a school district. 33981  
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The guidelines shall not include a requirement that a school district submit financial statements according to generally accepted accounting principles. 33987  
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(B) (1) If the ~~state superintendent~~ department determines from a school district's five-year forecast submitted under section 5705.391 of the Revised Code that a district is engaging in any of those practices or that any of those conditions exist within the district, after consulting with the district board of education concerning the practices or conditions, the ~~state superintendent~~ department may declare the district to be under a fiscal caution. 33990  
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(2) If the auditor of state finds that a district is engaging in any of those practices or that any of those conditions exist within the district, the auditor of state shall report that finding to the ~~state superintendent~~ department and, after consulting with the district board of education concerning the practices or conditions, the ~~state superintendent~~ department may declare the district to be under a fiscal caution. 33998  
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(3) Unless the auditor of state has elected to declare a state of fiscal watch under division (A) (4) of section 3316.03 of the Revised Code, the ~~state superintendent~~ department shall declare a school district to be under a fiscal caution if the 34005  
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conditions described in divisions (A) (4) (a) and (b) of that section are both satisfied with respect to the school district.

(C) When the ~~state superintendent~~ department declares a district to be under fiscal caution, the ~~state superintendent~~ department shall promptly notify the district board of education of that declaration and shall request the board to provide written proposals for discontinuing or correcting the fiscal practices or budgetary conditions that prompted the declaration and for preventing the district from experiencing further fiscal difficulties that could result in the district being declared to be in a state of fiscal watch or fiscal emergency.

(D) The ~~state superintendent~~ department, or a designee, may visit and inspect any district that is declared to be under a fiscal caution. The department ~~of education~~ shall provide technical assistance to the district board in implementing proposals to eliminate the practices or budgetary conditions that prompted the declaration of fiscal caution and may make recommendations concerning the board's proposals.

(E) If the ~~state superintendent~~ department finds that a school district declared to be under a fiscal caution has not made reasonable proposals or otherwise taken action to discontinue or correct the fiscal practices or budgetary conditions that prompted the declaration of fiscal caution, and if the ~~state superintendent~~ department considers it necessary to prevent further fiscal decline, the ~~state superintendent~~ department may determine that the district should be in a state of fiscal watch. As provided in division (A) (3) of section 3316.03 of the Revised Code, the auditor of state shall declare the district to be in a state of fiscal watch if the auditor of state finds the ~~superintendent's~~ department's determination to

be reasonable. 34039

**Sec. 3316.04.** (A) Within sixty days of the auditor's 34040  
declaration under division (A) of section 3316.03 of the Revised 34041  
Code, the board of education of the school district shall 34042  
prepare and submit to the ~~superintendent-department of public-~~ 34043  
~~instruction-learning and achievement~~ a financial plan 34044  
delineating the steps the board will take to eliminate the 34045  
district's current operating deficit and avoid incurring 34046  
operating deficits in ensuing years, including the 34047  
implementation of spending reductions. The financial plan also 34048  
shall evaluate the feasibility of entering into shared services 34049  
agreements with other political subdivisions for the joint 34050  
exercise of any power, performance of any function, or rendering 34051  
of any service, if so authorized by statute. The ~~superintendent-~~ 34052  
~~of public instruction-department~~ shall evaluate the initial 34053  
financial plan, and either approve or disapprove it within 34054  
thirty calendar days from the date of its submission. If the 34055  
initial financial plan is disapproved, the ~~state superintendent-~~ 34056  
~~department~~ shall recommend modifications that will render the 34057  
financial plan acceptable. No school district board shall 34058  
implement a financial plan submitted to the ~~superintendent-of-~~ 34059  
~~public instruction-department~~ under this section unless the 34060  
~~superintendent-department~~ has approved the plan. 34061

(B) Upon request of the board of education of a school 34062  
district declared to be in a state of fiscal watch, the auditor 34063  
of state and ~~superintendent of public instruction-the department~~ 34064  
shall provide technical assistance to the board in resolving the 34065  
fiscal problems that gave rise to the declaration, including 34066  
assistance in drafting the board's financial plan. 34067

(C) A financial plan adopted under this section may be 34068

amended at any time with the approval of the ~~superintendent-~~ 34069  
department. The board of education of the school district shall 34070  
submit an updated financial plan to the ~~superintendent-~~ 34071  
department, for the ~~superintendent's-~~department's approval, 34072  
every year that the district is in a state of fiscal watch. The 34073  
updated plan shall be submitted in a form acceptable to the 34074  
~~superintendent~~ department. The ~~superintendent-~~department shall 34075  
approve or disapprove each updated plan no later than the 34076  
anniversary of the date on which the first such plan was 34077  
approved. 34078

(D) A school district that has restructured or refinanced 34079  
a loan under section 3316.041 of the Revised Code shall be 34080  
declared to be in a state of fiscal emergency if any of the 34081  
following occurs: 34082

(1) An operating deficit is certified for the district 34083  
under section 3313.483 of the Revised Code for any year prior to 34084  
the repayment of the restructured or refinanced loan; 34085

(2) The ~~superintendent-~~department determines, in 34086  
consultation with the auditor of state, that the school district 34087  
is not satisfactorily complying with the terms of the financial 34088  
plan required by this section; 34089

(3) The board of education of the school district fails to 34090  
submit an updated plan that is acceptable to the ~~superintendent-~~ 34091  
department under division (C) of this section. 34092

**Sec. 3316.041.** (A) Notwithstanding any provision of 34093  
Chapter 133. or sections 3313.483 to 3313.4810 of the Revised 34094  
Code, and subject to the approval of the ~~superintendent-~~ 34095  
department of public instruction learning and achievement, a 34096  
school district that is in a state of fiscal watch declared 34097

under section 3316.03 of the Revised Code may restructure or 34098  
refinance loans obtained or in the process of being obtained 34099  
under section 3313.483 of the Revised Code if all of the 34100  
following requirements are met: 34101

(1) The operating deficit certified for the school 34102  
district for the current or preceding fiscal year under section 34103  
3313.483 of the Revised Code exceeds fifteen per cent of the 34104  
district's general revenue fund for the fiscal year preceding 34105  
the year for which the certification of the operating deficit is 34106  
made. 34107

(2) The school district voters have, during the period of 34108  
the fiscal watch, approved the levy of a tax under section 34109  
718.09, 718.10, 5705.194, 5705.21, 5748.02, or 5748.09 of the 34110  
Revised Code that is not a renewal or replacement levy, or a 34111  
levy under section 5705.199 of the Revised Code, and that will 34112  
provide new operating revenue. 34113

(3) The board of education of the school district has 34114  
adopted or amended the financial plan required by section 34115  
3316.04 of the Revised Code to reflect the restructured or 34116  
refinanced loans, and sets forth the means by which the district 34117  
will bring projected operating revenues and expenditures, and 34118  
projected debt service obligations, into balance for the life of 34119  
any such loan. 34120

(B) Subject to the approval of the ~~superintendent of~~ 34121  
~~public instruction department~~, the school district may issue 34122  
securities to evidence the restructuring or refinancing 34123  
authorized by this section. Such securities may extend the 34124  
original period for repayment not to exceed ten years, and may 34125  
alter the frequency and amount of repayments, interest or other 34126  
financing charges, and other terms or agreements under which the 34127

loans were originally contracted, provided the loans received 34128  
under sections 3313.483 of the Revised Code are repaid from 34129  
funds the district would otherwise receive under Chapter 3317. 34130  
of the Revised Code, as required under division (E) (3) of 34131  
section 3313.483 of the Revised Code. Securities issued for the 34132  
purpose of restructuring or refinancing under this section shall 34133  
be repaid in equal payments and at equal intervals over the term 34134  
of the debt and are not eligible to be included in any 34135  
subsequent proposal to restructure or refinance. 34136

(C) Unless the district is declared to be in a state of 34137  
fiscal emergency under division (D) of section 3316.04 of the 34138  
Revised Code, a school district shall remain in a state of 34139  
fiscal watch for the duration of the repayment period of any 34140  
loan restructured or refinanced under this section. 34141

**Sec. 3316.042.** The auditor of state, on the auditor of 34142  
state's initiative, may conduct a performance audit of a school 34143  
district that is under a fiscal caution under section 3316.031 34144  
of the Revised Code, in a state of fiscal watch, or in a state 34145  
of fiscal emergency, in which the auditor of state reviews any 34146  
programs or areas of operation in which the auditor of state 34147  
believes that greater operational efficiencies or enhanced 34148  
program results can be achieved. 34149

The auditor of state, in consultation with the department 34150  
of ~~education~~ learning and achievement and the office of budget 34151  
and management, shall determine for which school districts to 34152  
conduct performance audits under this section. Priority shall be 34153  
given to districts in fiscal distress, including districts 34154  
employing fiscal practices or experiencing budgetary conditions 34155  
that could produce a state of fiscal watch or fiscal emergency, 34156  
as determined by the auditor of state, in consultation with the 34157

department and the office of budget and management. 34158

The cost of a performance audit conducted under this 34159  
section shall be paid by the auditor of state. 34160

A performance audit under this section shall not include 34161  
review or evaluation of school district academic performance. 34162

**Sec. 3316.043.** Upon the approval by the ~~superintendent-~~ 34163  
~~department of public instruction-learning and achievement~~ of an 34164  
initial financial plan under section 3316.04 of the Revised Code 34165  
or a financial recovery plan under section 3316.06 of the 34166  
Revised Code, the board of education of the school district for 34167  
which the plan was approved shall revise the district's five- 34168  
year projection of revenues and expenditures in accordance with 34169  
rules adopted under section 5705.391 of the Revised Code so that 34170  
the five-year projection is consistent with the financial plan 34171  
or financial recovery plan. In the case of a school district 34172  
declared to be in a state of fiscal emergency, the five-year 34173  
projection shall be revised by the financial planning and 34174  
supervision commission for that district. 34175

**Sec. 3316.05.** (A) Pursuant to the powers of the general 34176  
assembly and for the purposes of this chapter, upon the 34177  
declaration of a fiscal emergency in any school district 34178  
pursuant to division (B) of section 3316.03 of the Revised Code, 34179  
there is established, with respect to that school district, a 34180  
body both corporate and politic constituting an agency and 34181  
instrumentality of the state and performing essential 34182  
governmental functions of the state to be known as the 34183  
"financial planning and supervision commission for ..... 34184  
(name of school district)," which, in that name, may exercise 34185  
all authority vested in such a commission by this chapter. A 34186  
separate commission is established with respect to each school 34187

district as to which there is a fiscal emergency as determined 34188  
under this chapter. 34189

(B) A commission appointed after July 1, 1999, shall 34190  
consist of five voting members, including women and at least one 34191  
Hispanic or African American if Hispanic and African Americans 34192  
together constitute at least twenty per cent of the student 34193  
population of the district, as follows: 34194

(1) Two ex officio members: the director of budget and 34195  
management, or a designee of the director, and the 34196  
~~superintendent~~ director of public instruction learning and 34197  
achievement, or a designee of the ~~superintendent~~ the director. A 34198  
designee, when present, shall be counted in determining whether 34199  
a quorum is present at any meeting of the commission and may 34200  
vote and participate in all proceedings and actions of the 34201  
commission. The designations shall be in writing, executed by 34202  
the member making the designation, and filed with the secretary 34203  
of the commission. The designations may be changed from time to 34204  
time in like manner, but due regard shall be given to the need 34205  
for continuity. 34206

(2) Three appointed members, who shall be appointed within 34207  
fifteen days after the declaration of the fiscal emergency, one 34208  
by the governor, one by the ~~superintendent~~ department of public 34209  
instruction learning and achievement, and one by the mayor of 34210  
the municipal corporation with the largest number of residents 34211  
living within the school district, except that if more than 34212  
fifty per cent of the residents of the district reside outside 34213  
the municipal corporation containing the greatest number of 34214  
district residents or if there is no municipal corporation 34215  
located in the school district, the county auditor of the county 34216  
with the largest number of residents living within the school 34217

district shall make the appointment in lieu of a mayor. All of 34218  
the appointed members shall serve at the pleasure of the 34219  
appointing authority during the life of the commission. In the 34220  
event of the death, resignation, incapacity, removal, or 34221  
ineligibility to serve of an appointed member, the appointing 34222  
authority shall appoint a successor within fifteen days after 34223  
the vacancy occurs. 34224

(a) The member appointed by the governor and the member 34225  
appointed by the mayor or county auditor shall be an individual: 34226

(i) Who has knowledge and experience in financial matters, 34227  
financial management, or business organization or operations, 34228  
including at least five years of experience in the public or 34229  
private sector in the management of business or financial 34230  
enterprise, or in management consulting, public accounting, or 34231  
other similar professional activity; 34232

(ii) Whose residency, office, or principal place of 34233  
professional or business activity is situated within the school 34234  
district. 34235

(b) The member appointed by the ~~superintendent of public~~ 34236  
~~instruction department~~ shall be a parent of a child currently 34237  
enrolled in a public school within the district. 34238

(C) Immediately after appointment of the initial appointed 34239  
members of the commission, the ~~superintendent director of public~~ 34240  
~~instruction learning and achievement~~ shall call the first 34241  
meeting of the commission and shall cause written notice of the 34242  
time, date, and place of the first meeting to be given to each 34243  
member of the commission at least forty-eight hours in advance 34244  
of the meeting. 34245

(D) The ~~superintendent director of public instruction~~ 34246

learning and achievement shall serve as the commission's 34247  
chairperson and the commission shall elect one of its members as 34248  
vice-chairperson and may appoint a secretary and any other 34249  
officers, who need not be members of the commission, as it 34250  
considers necessary. 34251

(E) The commission may adopt and alter bylaws and rules, 34252  
which shall not be subject to section 111.15 or Chapter 119. of 34253  
the Revised Code, for the conduct of its affairs and for the 34254  
manner, subject to this chapter, in which its powers and 34255  
functions shall be exercised and embodied. 34256

(F) Three members of the commission constitute a quorum of 34257  
the commission. The affirmative vote of three members of the 34258  
commission is necessary for any action taken by vote of the 34259  
commission. No vacancy in the membership of the commission shall 34260  
impair the rights of a quorum by such vote to exercise all the 34261  
rights and perform all the duties of the commission. Members of 34262  
the commission, and their designees, are not disqualified from 34263  
voting by reason of the functions of the other office they hold 34264  
and are not disqualified from exercising the functions of the 34265  
other office with respect to the school district, its officers, 34266  
or the commission. 34267

(G) The auditor of state shall act as the financial 34268  
supervisor for the school district under contract with the 34269  
commission unless the auditor of state elects to contract for 34270  
that service. At the request of the commission the auditor of 34271  
state shall designate employees of the auditor of state's office 34272  
to assist the commission and to coordinate the work of the 34273  
auditor of state's office. Upon the declaration of a fiscal 34274  
emergency in any school district, the school district shall 34275  
provide the commission with such reasonable office space in the 34276

principal building housing the administrative offices of the 34277  
school district, where feasible, as the commission determines is 34278  
necessary to carry out its duties under this chapter. 34279

The attorney general shall serve as the legal counsel for 34280  
the commission. 34281

(H) The members of the commission, the ~~superintendent-~~ 34282  
~~director of public instruction~~ learning and achievement, the 34283  
auditor of state, and any person authorized to act on behalf of 34284  
or assist them shall not be personally liable or subject to any 34285  
suit, judgment, or claim for damages resulting from the exercise 34286  
of or failure to exercise the powers, duties, and functions 34287  
granted to them in regard to their functioning under this 34288  
chapter, but the commission, the ~~superintendent-~~ director of 34289  
~~public instruction~~ learning and achievement, the auditor of 34290  
state, and such other persons shall be subject to mandamus 34291  
proceedings to compel performance of their duties under this 34292  
chapter. 34293

(I) At the request of the commission the administrative 34294  
head of any state agency shall temporarily assign personnel 34295  
skilled in accounting and budgeting procedures to assist the 34296  
commission in its duties. 34297

(J) The appointed members of the commission are not 34298  
subject to section 102.02 of the Revised Code, each appointed 34299  
member of the commission shall file with the commission a signed 34300  
written statement setting forth the general nature of sales of 34301  
goods, property, or services or of loans to the school district 34302  
with respect to which that commission is established, in which 34303  
the appointed member has a pecuniary interest or in which any 34304  
member of the appointed member's immediate family, as defined in 34305  
section 102.01 of the Revised Code, or any corporation, 34306

partnership, or enterprise of which the appointed member is an officer, director, or partner, or of which the appointed member or a member of the appointed member's immediate family, as so defined, owns more than a five per cent interest, has a pecuniary interest, and of which sale, loan, or interest such member has knowledge. The statement shall be supplemented from time to time to reflect changes in the general nature of any such sales or loans.

(K) Meetings of the commission shall be subject to section 121.22 of the Revised Code except that division (C) of such section requiring members to be physically present to be part of a quorum or vote does not apply if the commission holds a meeting by teleconference and if provisions are made for public attendance at any location involved in such teleconference.

**Sec. 3316.06.** (A) Within one hundred twenty days after the first meeting of a school district financial planning and supervision commission, the commission shall adopt a financial recovery plan regarding the school district for which the commission was created. During the formulation of the plan, the commission shall seek appropriate input from the school district board and from the community. This plan shall contain the following:

(1) Actions to be taken to:

(a) Eliminate all fiscal emergency conditions declared to exist pursuant to division (B) of section 3316.03 of the Revised Code;

(b) Satisfy any judgments, past-due accounts payable, and all past-due and payable payroll and fringe benefits;

(c) Eliminate the deficits in all deficit funds, except

that any prior year deficits in the capital and maintenance fund 34336  
established pursuant to section 3315.18 of the Revised Code 34337  
shall be forgiven; 34338

(d) Restore to special funds any moneys from such funds 34339  
that were used for purposes not within the purposes of such 34340  
funds, or borrowed from such funds by the purchase of debt 34341  
obligations of the school district with the moneys of such 34342  
funds, or missing from the special funds and not accounted for, 34343  
if any; 34344

(e) Balance the budget, avoid future deficits in any 34345  
funds, and maintain on a current basis payments of payroll, 34346  
fringe benefits, and all accounts; 34347

(f) Avoid any fiscal emergency condition in the future; 34348

(g) Restore the ability of the school district to market 34349  
long-term general obligation bonds under provisions of law 34350  
applicable to school districts generally. 34351

(2) The management structure that will enable the school 34352  
district to take the actions enumerated in division (A) (1) of 34353  
this section. The plan shall specify the level of fiscal and 34354  
management control that the commission will exercise within the 34355  
school district during the period of fiscal emergency, and shall 34356  
enumerate respectively, the powers and duties of the commission 34357  
and the powers and duties of the school board during that 34358  
period. The commission may elect to assume any of the powers and 34359  
duties of the school board it considers necessary, including all 34360  
powers related to personnel, curriculum, and legal issues in 34361  
order to successfully implement the actions described in 34362  
division (A) (1) of this section. 34363

(3) The target dates for the commencement, progress upon, 34364

and completion of the actions enumerated in division (A) (1) of 34365  
this section and a reasonable period of time expected to be 34366  
required to implement the plan. The commission shall prepare a 34367  
reasonable time schedule for progress toward and achievement of 34368  
the requirements for the plan, and the plan shall be consistent 34369  
with that time schedule. 34370

(4) The amount and purpose of any issue of debt 34371  
obligations that will be issued, together with assurances that 34372  
any such debt obligations that will be issued will not exceed 34373  
debt limits supported by appropriate certifications by the 34374  
fiscal officer of the school district and the county auditor. 34375  
Debt obligations issued pursuant to section 133.301 of the 34376  
Revised Code shall include assurances that such debt shall be in 34377  
an amount not to exceed the amount certified under division (B) 34378  
of such section. If the commission considers it necessary in 34379  
order to maintain or improve educational opportunities of pupils 34380  
in the school district, the plan may include a proposal to 34381  
restructure or refinance outstanding debt obligations incurred 34382  
by the board under section 3313.483 of the Revised Code 34383  
contingent upon the approval, during the period of the fiscal 34384  
emergency, by district voters of a tax levied under section 34385  
718.09, 718.10, 5705.194, 5705.21, 5748.02, 5748.08, or 5748.09 34386  
of the Revised Code that is not a renewal or replacement levy, 34387  
or a levy under section 5705.199 of the Revised Code, and that 34388  
will provide new operating revenue. Notwithstanding any 34389  
provision of Chapter 133. or sections 3313.483 to 3313.4810 of 34390  
the Revised Code, following the required approval of the 34391  
district voters and with the approval of the commission, the 34392  
school district may issue securities to evidence the 34393  
restructuring or refinancing. Those securities may extend the 34394  
original period for repayment, not to exceed ten years, and may 34395

alter the frequency and amount of repayments, interest or other 34396  
financing charges, and other terms of agreements under which the 34397  
debt originally was contracted, at the discretion of the 34398  
commission, provided that any loans received pursuant to section 34399  
3313.483 of the Revised Code shall be paid from funds the 34400  
district would otherwise receive under Chapter 3317. of the 34401  
Revised Code, as required under division (E) (3) of section 34402  
3313.483 of the Revised Code. The securities issued for the 34403  
purpose of restructuring or refinancing the debt shall be repaid 34404  
in equal payments and at equal intervals over the term of the 34405  
debt and are not eligible to be included in any subsequent 34406  
proposal for the purpose of restructuring or refinancing debt 34407  
under this section. 34408

(5) An evaluation of the feasibility of entering into 34409  
shared services agreements with other political subdivisions for 34410  
the joint exercise of any power, performance of any function, or 34411  
rendering of any service, if so authorized by statute. 34412

(B) Any financial recovery plan may be amended subsequent 34413  
to its adoption. Each financial recovery plan shall be updated 34414  
annually. 34415

(C) Each school district financial planning and 34416  
supervision commission shall submit the financial recovery plan 34417  
it adopts or updates under this section to the ~~state~~ 34418  
~~superintendent department of public instruction learning and~~ 34419  
~~achievement~~ for approval immediately following its adoption or 34420  
updating. The ~~state superintendent department~~ shall evaluate the 34421  
plan and either approve or disapprove it within thirty calendar 34422  
days from the date of its submission. If the plan is 34423  
disapproved, the ~~state superintendent department~~ shall recommend 34424  
modifications that will render it acceptable. No financial 34425

planning and supervision commission shall implement a financial 34426  
recovery plan that is adopted or updated on or after April 10, 34427  
2001, unless the ~~state superintendent~~ department has approved 34428  
it. 34429

**Sec. 3316.061.** If any school district financial planning 34430  
and supervision commission fails to submit to the ~~state~~ 34431  
~~superintendent~~ department of ~~public instruction~~ learning and 34432  
achievement under section 3316.06 of the Revised Code a 34433  
financial recovery plan that is acceptable to the ~~state~~ 34434  
~~superintendent~~ department, or if the ~~state superintendent~~ 34435  
department and the director of budget and management find that a 34436  
commission is not materially complying with the provisions of 34437  
its financial recovery plan, the ~~state superintendent~~ department 34438  
and the director may jointly dissolve the financial planning and 34439  
supervision commission and jointly appoint an individual to act 34440  
as the fiscal arbitrator of the district. 34441

When a financial planning and supervision commission is 34442  
dissolved under this section, the commission ceases to exist and 34443  
the appointed fiscal arbitrator becomes the successor to the 34444  
commission. A fiscal arbitrator appointed under this section has 34445  
all of the rights, powers, and duties given by this chapter to 34446  
the commission that the arbitrator succeeds. A reference in any 34447  
statute, rule, contract, or other document to a school district 34448  
financial planning and supervision commission is deemed to refer 34449  
to a fiscal arbitrator appointed under this section. 34450

Business commenced but not completed by a commission when 34451  
it is dissolved under this section shall be completed by the 34452  
appointed fiscal arbitrator with the same effect as if completed 34453  
by the commission. No validation, cure, right, privilege, 34454  
remedy, obligation, or liability is lost or impaired by reason 34455

of the dissolution of the commission and appointment of a fiscal arbitrator, but shall be administered by the arbitrator. 34456  
34457

The ~~superintendent of public instruction department~~ shall issue guidelines establishing the criteria that the 34458  
34459  
~~superintendent department~~ will utilize in selecting qualified 34460  
34461  
fiscal arbitrators under this section.

**Sec. 3316.08.** During a school district's fiscal emergency 34462  
period, the auditor of state shall determine annually, or at any 34463  
other time upon request of the financial planning and 34464  
supervision commission, whether the school district will incur 34465  
an operating deficit. If the auditor of state determines that a 34466  
school district will incur an operating deficit, the auditor of 34467  
state shall certify that determination to the ~~superintendent-~~ 34468  
~~department of public instruction learning and achievement,~~ the 34469  
financial planning and supervision commission, and the board of 34470  
education of the school district. Upon receiving the auditor of 34471  
state's certification, the commission shall adopt a resolution 34472  
requesting that the board of education work with the county 34473  
auditor or tax commissioner to estimate the amount and rate of a 34474  
tax levy that is needed under section 5705.194, ~~5709.199-~~ 34475  
5705.199, or 5705.21 or Chapter 5748. of the Revised Code to 34476  
produce a positive fund balance not later than the fifth year of 34477  
the five-year forecast submitted under section 5705.391 of the 34478  
Revised Code. 34479

The board of education shall recommend to the commission 34480  
whether the board supports or opposes a tax levy under section 34481  
5705.194, ~~5709.199~~ 5705.199, or 5705.21 or Chapter 5748. of the 34482  
Revised Code and shall provide supporting documentation to the 34483  
commission of its recommendation. 34484

After considering the board of education's recommendation 34485

and supporting documentation, the commission shall adopt a 34486  
resolution to either submit a ballot question proposing a tax 34487  
levy or not to submit such a question. 34488

Except as otherwise provided in this division, the tax 34489  
shall be levied in the manner prescribed for a tax levied under 34490  
section 5705.194, ~~5709.199~~ 5705.199, or 5705.21 or under Chapter 34491  
5748. of the Revised Code. If the commission decides that a tax 34492  
should be levied, the tax shall be levied for the purpose of 34493  
paying current operating expenses of the school district. The 34494  
rate of a property tax levied under section 5705.194, ~~5709.199~~ 34495  
5705.199, 5705.21, or 5748.09 of the Revised Code shall be 34496  
determined by the county auditor, and the rate of an income tax 34497  
levied under section 5748.02, 5748.08, or 5748.09 of the Revised 34498  
Code shall be determined by the tax commissioner, upon the 34499  
request of the commission. The commission, in consultation with 34500  
the board of education, shall determine the election at which 34501  
the question of the tax shall appear on the ballot, and the 34502  
commission shall submit a copy of its resolution to the board of 34503  
elections not later than ninety days prior to the day of that 34504  
election. The board of elections conducting the election shall 34505  
certify the results of the election to the board of education 34506  
and to the financial planning and supervision commission. 34507

**Sec. 3316.20.** (A) (1) The school district solvency 34508  
assistance fund is hereby created in the state treasury, to 34509  
consist of such amounts designated for the purposes of the fund 34510  
by the general assembly. The fund shall be used to provide 34511  
assistance and grants to school districts to enable them to 34512  
remain solvent and to pay unforeseeable expenses of a temporary 34513  
or emergency nature that they are unable to pay from existing 34514  
resources. 34515

(2) There is hereby created within the fund an account 34516  
known as the school district shared resource account, which 34517  
shall consist of money appropriated to it by the general 34518  
assembly. The money in the account shall be used solely for 34519  
solvency assistance to school districts that have been declared 34520  
under division (B) of section 3316.03 of the Revised Code to be 34521  
in a state of fiscal emergency. 34522

(3) There is hereby created within the fund an account 34523  
known as the catastrophic expenditures account, which shall 34524  
consist of money appropriated to the account by the general 34525  
assembly plus all investment earnings of the fund. Money in the 34526  
account shall be used solely for the following: 34527

(a) Solvency assistance to school districts that have been 34528  
declared under division (B) of section 3316.03 of the Revised 34529  
Code to be in a state of fiscal emergency, in the event that all 34530  
money in the shared resource account is utilized for solvency 34531  
assistance; 34532

(b) Grants to school districts under division (C) of this 34533  
section. 34534

(B) Solvency assistance payments under division (A) (2) or 34535  
(3) (a) of this section shall be made from the fund by the 34536  
~~superintendent of public instruction department of learning and~~ 34537  
achievement in accordance with rules adopted by the director of 34538  
budget and management, after consulting with the ~~superintendent-~~ 34539  
department, specifying approval criteria and procedures 34540  
necessary for administering the fund. 34541

The fund shall be reimbursed for any solvency assistance 34542  
amounts paid under division (A) (2) or (3) (a) of this section not 34543  
later than the end of the second fiscal year following the 34544

fiscal year in which the solvency assistance payment was made, 34545  
except that, upon the approval of the director of budget and 34546  
management and the ~~superintendent of public instruction~~ 34547  
department, the fund may be reimbursed in another fiscal year 34548  
designated by the director and ~~superintendent~~ department that is 34549  
not later than the end of the tenth fiscal year following the 34550  
fiscal year in which the solvency assistance payment was made. 34551  
If not made directly by the school district, such reimbursement 34552  
shall be made by the director of budget and management from the 34553  
amounts the school district would otherwise receive pursuant to 34554  
Chapter 3317. of the Revised Code, or from any other funds 34555  
appropriated for the district by the general assembly. 34556  
Reimbursements shall be credited to the respective account from 34557  
which the solvency assistance paid to the district was deducted. 34558

(C) The ~~superintendent of public instruction~~ department 34559  
may make recommendations, and the controlling board may grant 34560  
money from the catastrophic expenditures account to any school 34561  
district that suffers an unforeseen catastrophic event that 34562  
severely depletes the district's financial resources. The 34563  
~~superintendent~~ department shall make recommendations for the 34564  
grants in accordance with rules adopted by the director of 34565  
budget and management, after consulting with the ~~superintendent~~ 34566  
department. A school district shall not be required to repay any 34567  
grant awarded to the district under this division, unless the 34568  
district receives money from this state or a third party, 34569  
including an agency of the government of the United States, 34570  
specifically for the purpose of compensating the district for 34571  
revenue lost or expenses incurred as a result of the unforeseen 34572  
catastrophic event. If a school district receives a grant from 34573  
the catastrophic expenditures account on the basis of the same 34574  
circumstances for which an adjustment or recomputation is 34575

authorized under section 3317.025, 3317.028, 3317.0210, or 34576  
3317.0211 of the Revised Code, the department ~~of education~~ shall 34577  
reduce the adjustment or recomputation by an amount not to 34578  
exceed the total amount of the grant, and an amount equal to the 34579  
reduction shall be transferred, from the funding source from 34580  
which the adjustment or recomputation would be paid, to the 34581  
catastrophic expenditures account. Any adjustment or 34582  
recomputation under such sections that is in excess of the total 34583  
amount of the grant shall be paid to the school district. 34584

**Sec. 3317.01.** As used in this section, "school district," 34585  
unless otherwise specified, means any city, local, exempted 34586  
village, joint vocational, or cooperative education school 34587  
district and any educational service center. 34588

This chapter shall be administered by the ~~state board of~~ 34589  
~~education~~ department of learning and achievement. The 34590  
~~superintendent of public instruction~~ department shall calculate 34591  
the amounts payable to each school district and shall certify 34592  
the amounts payable to each eligible district to the treasurer 34593  
of the district as provided by this chapter. As soon as possible 34594  
after such amounts are calculated, the ~~superintendent~~ department 34595  
shall certify to the treasurer of each school district the 34596  
district's adjusted charge-off increase, as defined in section 34597  
5705.211 of the Revised Code. Certification of moneys pursuant 34598  
to this section shall include the amounts payable to each school 34599  
building, at a frequency determined by the ~~superintendent~~ 34600  
department, for each subgroup of students, as defined in section 34601  
3317.40 of the Revised Code, receiving services, provided for by 34602  
state funding, from the district or school. No moneys shall be 34603  
distributed pursuant to this chapter without the approval of the 34604  
controlling board. 34605

The ~~state board of education department~~ shall, in 34606  
accordance with appropriations made by the general assembly, 34607  
meet the financial obligations of this chapter. 34608

Moneys distributed to school districts pursuant to this 34609  
chapter shall be calculated based on the annual enrollment 34610  
calculated from the three reports required under sections 34611  
3317.03 and 3317.036 of the Revised Code and paid on a fiscal 34612  
year basis, beginning with the first day of July and extending 34613  
through the thirtieth day of June. In any given fiscal year, 34614  
prior to school districts submitting the first report required 34615  
under section 3317.03 of the Revised Code, enrollment for the 34616  
districts shall be calculated based on the third report 34617  
submitted by the districts for the previous fiscal year. The 34618  
moneys appropriated for each fiscal year shall be distributed 34619  
periodically to each school district unless otherwise provided 34620  
for. The ~~state board department~~, in June of each year, shall 34621  
submit to the controlling board the ~~state board's department's~~ 34622  
year-end distributions pursuant to this chapter. 34623

Except as otherwise provided, payments under this chapter 34624  
shall be made only to those school districts in which: 34625

(A) The school district, except for any educational 34626  
service center and any joint vocational or cooperative education 34627  
school district, levies for current operating expenses at least 34628  
twenty mills. Levies for joint vocational or cooperative 34629  
education school districts or county school financing districts, 34630  
limited to or to the extent apportioned to current expenses, 34631  
shall be included in this qualification requirement. School 34632  
district income tax levies under Chapter 5748. of the Revised 34633  
Code, limited to or to the extent apportioned to current 34634  
operating expenses, shall be included in this qualification 34635

requirement to the extent determined by the tax commissioner 34636  
under division (C) of section 3317.021 of the Revised Code. 34637

(B) The school year next preceding the fiscal year for 34638  
which such payments are authorized meets the requirement of 34639  
section 3313.48 of the Revised Code, with regard to the minimum 34640  
number of hours school must be open for instruction with pupils 34641  
in attendance, for individualized parent-teacher conference and 34642  
reporting periods, and for professional meetings of teachers. 34643

A school district shall not be considered to have failed 34644  
to comply with this division because schools were open for 34645  
instruction but either twelfth grade students were excused from 34646  
attendance for up to the equivalent of three school days or only 34647  
a portion of the kindergarten students were in attendance for up 34648  
to the equivalent of three school days in order to allow for the 34649  
gradual orientation to school of such students. 34650

A board of education or governing board of an educational 34651  
service center which has not conformed with other law and the 34652  
rules pursuant thereto, shall not participate in the 34653  
distribution of funds authorized by this chapter, except for 34654  
good and sufficient reason established to the satisfaction of 34655  
the ~~state board of education department~~ and the state 34656  
controlling board. 34657

All funds allocated to school districts under this 34658  
chapter, except those specifically allocated for other purposes, 34659  
shall be used to pay current operating expenses only. 34660

**Sec. 3317.014.** The career-technical education additional 34661  
amount per pupil for each student enrolled in career-technical 34662  
education programs approved by the department of ~~education~~ 34663  
learning and achievement under section 3317.161 of the Revised 34664

Code shall be as follows: 34665

(A) An amount of \$5,192 for each student enrolled in 34666  
career-technical education workforce development programs in 34667  
agricultural and environmental systems, construction 34668  
technologies, engineering and science technologies, finance, 34669  
health science, information technology, and manufacturing 34670  
technologies, each of which shall be defined by the department 34671  
in consultation with the ~~governor's~~ office of workforce 34672  
transformation created under section 3301.0732 of the Revised 34673  
Code; 34674

(B) An amount of \$4,921 for each student enrolled in 34675  
workforce development programs in business and administration, 34676  
hospitality and tourism, human services, law and public safety, 34677  
transportation systems, and arts and communications, each of 34678  
which shall be defined by the department in consultation with 34679  
the ~~governor's~~ office of workforce transformation; 34680

(C) An amount of \$1,795 for students enrolled in career- 34681  
based intervention programs, which shall be defined by the 34682  
department in consultation with the ~~governor's~~ office of 34683  
workforce transformation; 34684

(D) An amount of \$1,525 for students enrolled in workforce 34685  
development programs in education and training, marketing, 34686  
workforce development academics, public administration, and 34687  
career development, each of which shall be defined by the 34688  
department ~~of education~~ in consultation with the ~~governor's~~ 34689  
office of workforce transformation; 34690

(E) An amount of \$1,308 for students enrolled in family 34691  
and consumer science programs, which shall be defined by the 34692  
department ~~of education~~ in consultation with the ~~governor's~~ 34693

office of workforce transformation. 34694

The amount for career-technical education associated 34695  
services, as defined by the department, shall be \$245. 34696

**Sec. 3317.015.** (A) In addition to the information 34697  
certified to the department of ~~education-learning and~~ 34698  
achievement and the office of budget and management under 34699  
division (A) of section 3317.021 of the Revised Code, the tax 34700  
commissioner shall, at the same time, certify the following 34701  
information to the department and the office of budget and 34702  
management for each city, exempted village, and local school 34703  
district to be used for the same purposes as described under 34704  
that division: 34705

(1) The taxable value of the school district's carryover 34706  
property, as defined in section 319.301 of the Revised Code, for 34707  
the preceding tax year; 34708

(2) The increase in such carryover value, if any, between 34709  
the second preceding tax year and the preceding tax year as used 34710  
in calculating the percentage reduction under section 319.301 of 34711  
the Revised Code. 34712

(B) For each fiscal year the department of ~~education-~~ 34713  
learning and achievement shall calculate each school district's 34714  
recognized valuation in the following manner: 34715

(1) For a school district located in a county in which a 34716  
reappraisal or triennial update occurred in the preceding tax 34717  
year, the recognized valuation equals the district's total 34718  
taxable value for the preceding tax year minus two-thirds times 34719  
the increase in the carryover value from the second preceding 34720  
tax year to the preceding tax year. 34721

(2) For a school district located in a county in which a 34722

reappraisal or triennial update occurred in the second preceding 34723  
tax year, the recognized valuation equals the district's total 34724  
taxable value for the preceding tax year minus one-third times 34725  
the increase in the carryover value from the third preceding tax 34726  
year to the second preceding tax year. 34727

(3) For a school district located in a county in which a 34728  
reappraisal or triennial update occurred in the third preceding 34729  
tax year, the recognized valuation equals the district's total 34730  
taxable value for the preceding tax year. 34731

**Sec. 3317.017.** The department of ~~education~~learning and 34732  
achievement shall compute a school district's state share index 34733  
as follows: 34734

(A) Calculate the district's valuation index, which equals 34735  
the following quotient: 34736

(The district's three-year average valuation / the 34737  
district's total ADM) / (the statewide three-year average 34738  
valuation for school districts with a total ADM greater than 34739  
zero / the statewide total ADM) 34740

(B) (1) Calculate the district's median income index, which 34741  
equals the following quotient: 34742

(The district's median Ohio adjusted gross income / the 34743  
median of the median Ohio adjusted gross income of all districts 34744  
statewide with a total ADM greater than zero) 34745

(2) Calculate the district's income index, which equals 34746  
the following sum: 34747

(The district's median income index X 0.5) + {(the three-year 34748  
average federal adjusted gross income of the school district's 34749  
residents / the district's formula ADM for fiscal year 2017) / 34750

(the three-year average federal adjusted gross income of all 34751  
districts statewide with a formula ADM for fiscal year 2017 34752  
greater than zero / the statewide formula ADM for fiscal year 34753  
2017)] X 0.5} 34754

(C) Determine the district's wealth index as follows: 34755

(1) If the district's income index is less than the 34756  
district's valuation index and the district's median income 34757  
index is less than or equal to 1.5, then the district's wealth 34758  
index shall be equal to [( 0.4 X the district's income index) + 34759  
( 0.6 X the district's valuation index)]. 34760

(2) If the district's income index does not meet both of 34761  
the conditions described in division (C) (1) of this section, 34762  
then the district's wealth index shall be equal to the 34763  
district's valuation index. 34764

(D) Determine the district's state share index as follows: 34765

(1) If the district's wealth index is less than or equal 34766  
to 0.35, then the district's state share index shall be equal to 34767  
0.90. 34768

(2) If the district's wealth index is greater than 0.35 34769  
but less than or equal to 0.90, then the district's state share 34770  
index shall be equal to {0.40 X [(0.90 - the district's wealth 34771  
index) / 0.55]} + 0.50. 34772

(3) If the district's wealth index is greater than 0.90 34773  
but less than 1.8, then the district's state share index shall 34774  
be equal to {0.45 X [(1.8 - the district's wealth index) / 0.9]} 34775  
+ 0.05. 34776

(4) If the district's wealth index is greater than or 34777  
equal to 1.8, then the district's state share index shall be 34778

equal to 0.05. 34779

(E) (1) For each school district for which the tax-exempt 34780  
value of the district, as certified under division (A) (4) of 34781  
section 3317.021 of the Revised Code, equals or exceeds thirty 34782  
per cent of the potential value of the district, the department 34783  
shall calculate the difference between the district's tax-exempt 34784  
value and thirty per cent of the district's potential value. For 34785  
this purpose, the "potential value" of a school district is the 34786  
three-year average valuation of the district plus the tax-exempt 34787  
value of the district. 34788

(2) For each school district to which division (E) (1) of 34789  
this section applies, the department shall adjust the district's 34790  
three-year average valuation used in the calculation under 34791  
division (A) of this section by subtracting from it the amount 34792  
calculated under division (E) (1) of this section. The department 34793  
shall not, however, make any adjustments to the statewide three- 34794  
year average valuation used in the calculation under division 34795  
(A) of this section. 34796

(F) (1) Except as provided in division (F) (3) of this 34797  
section, for purposes of division (F) of this section, for 34798  
fiscal year 2018 or 2019, an "eligible school district" is a 34799  
school district that satisfies all of the following for that 34800  
fiscal year: 34801

(a) The total taxable value of public utility personal 34802  
property in the district is at least ten per cent of the 34803  
district's total taxable value for the tax year immediately 34804  
preceding the most recent tax year for which data is available. 34805

(b) The total taxable value of public utility personal 34806  
property in the district for the most recent tax year for which 34807

data is available is at least ten per cent less than the total 34808  
taxable value of public utility property in the district for the 34809  
tax year immediately preceding the most recent tax year for 34810  
which data is available. 34811

(c) The total taxable value of power plants in the 34812  
district for the most recent tax year for which data is 34813  
available is at least ten per cent less than the total taxable 34814  
value of power plants in the district for the tax year 34815  
immediately preceding the most recent tax year for which data is 34816  
available. 34817

(2) Notwithstanding divisions (A) to (E) of this section, 34818  
the department shall compute each eligible school district's 34819  
state share index as follows: 34820

(a) Calculate the district's valuation index in accordance 34821  
with division (A) of this section, except that, if the 34822  
district's total taxable value for the most recent tax year for 34823  
which data is available is less than the district's "three-year 34824  
average valuation," the district's "three-year average 34825  
valuation" shall be replaced in that calculation with the 34826  
district's total taxable value for the most recent tax year for 34827  
which data is available; 34828

(b) Calculate the district's median income index and 34829  
income index in accordance with division (B) of this section; 34830

(c) Determine the district's wealth index in accordance 34831  
with division (C) of this section using the district's valuation 34832  
index, median income index, and income index as calculated under 34833  
divisions (F) (2) (a) and (b) of this section; 34834

(d) Determine the district's state share index in 34835  
accordance with division (D) of this section using the 34836

district's wealth index as determined under division (F) (2) (c) 34837  
of this section. 34838

(3) For purposes of division (F) of this section, if a 34839  
district is an eligible school district for fiscal year 2018 but 34840  
is not an eligible school district for fiscal year 2019, the 34841  
district's state share index for fiscal year 2019 shall be equal 34842  
to the district's state share index for 2018. 34843

(G) When performing the calculations required under this 34844  
section, the department shall not round to fewer than four 34845  
decimal places. 34846

For purposes of these calculations for fiscal years 2018 34847  
and 2019, "total ADM" means the total ADM for fiscal year 2017; 34848  
"median Ohio adjusted gross income" means the median Ohio 34849  
adjusted gross income, as that term is defined in section 34850  
5747.01 of the Revised Code, for tax year 2015; "three-year 34851  
average federal adjusted gross income" means the average of the 34852  
federal adjusted gross income for tax years 2013, 2014, and 2015 34853  
as reported under section 3317.021 of the Revised Code; and 34854  
"tax-exempt value" means the tax-exempt value for tax year 2016. 34855

**Sec. 3317.02.** As used in this chapter: 34856

(A) (1) "Category one career-technical education ADM" means 34857  
the enrollment of students during the school year on a full-time 34858  
equivalency basis in career-technical education programs 34859  
described in division (A) of section 3317.014 of the Revised 34860  
Code and certified under division (B) (11) or (D) (2) (h) of 34861  
section 3317.03 of the Revised Code. 34862

(2) "Category two career-technical education ADM" means 34863  
the enrollment of students during the school year on a full-time 34864  
equivalency basis in career-technical education programs 34865

described in division (B) of section 3317.014 of the Revised Code and certified under division (B) (12) or (D) (2) (i) of section 3317.03 of the Revised Code.

(3) "Category three career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (C) of section 3317.014 of the Revised Code and certified under division (B) (13) or (D) (2) (j) of section 3317.03 of the Revised Code.

(4) "Category four career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (D) of section 3317.014 of the Revised Code and certified under division (B) (14) or (D) (2) (k) of section 3317.03 of the Revised Code.

(5) "Category five career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (E) of section 3317.014 of the Revised Code and certified under division (B) (15) or (D) (2) (l) of section 3317.03 of the Revised Code.

(B) (1) "Category one limited English proficient ADM" means the full-time equivalent number of limited English proficient students described in division (A) of section 3317.016 of the Revised Code and certified under division (B) (16) or (D) (2) (m) of section 3317.03 of the Revised Code.

(2) "Category two limited English proficient ADM" means the full-time equivalent number of limited English proficient students described in division (B) of section 3317.016 of the

Revised Code and certified under division (B) (17) or (D) (2) (n) 34895  
of section 3317.03 of the Revised Code. 34896

(3) "Category three limited English proficient ADM" means 34897  
the full-time equivalent number of limited English proficient 34898  
students described in division (C) of section 3317.016 of the 34899  
Revised Code and certified under division (B) (18) or (D) (2) (o) 34900  
of section 3317.03 of the Revised Code. 34901

(C) (1) "Category one special education ADM" means the 34902  
full-time equivalent number of children with disabilities 34903  
receiving special education services for the disability 34904  
specified in division (A) of section 3317.013 of the Revised 34905  
Code and certified under division (B) (5) or (D) (2) (b) of section 34906  
3317.03 of the Revised Code. 34907

(2) "Category two special education ADM" means the full- 34908  
time equivalent number of children with disabilities receiving 34909  
special education services for those disabilities specified in 34910  
division (B) of section 3317.013 of the Revised Code and 34911  
certified under division (B) (6) or (D) (2) (c) of section 3317.03 34912  
of the Revised Code. 34913

(3) "Category three special education ADM" means the full- 34914  
time equivalent number of students receiving special education 34915  
services for those disabilities specified in division (C) of 34916  
section 3317.013 of the Revised Code, and certified under 34917  
division (B) (7) or (D) (2) (d) of section 3317.03 of the Revised 34918  
Code. 34919

(4) "Category four special education ADM" means the full- 34920  
time equivalent number of students receiving special education 34921  
services for those disabilities specified in division (D) of 34922  
section 3317.013 of the Revised Code and certified under 34923

division (B) (8) or (D) (2) (e) of section 3317.03 of the Revised Code. 34924  
34925

(5) "Category five special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (E) of section 3317.013 of the Revised Code and certified under division (B) (9) or (D) (2) (f) of section 3317.03 of the Revised Code. 34926  
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(6) "Category six special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and certified under division (B) (10) or (D) (2) (g) of section 3317.03 of the Revised Code. 34932  
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(D) "Economically disadvantaged index for a school district" means the square of the quotient of that district's percentage of students in its total ADM who are identified as economically disadvantaged as defined by the department of ~~education~~ learning and achievement, divided by the percentage of students in the statewide total ADM identified as economically disadvantaged. For purposes of this calculation: 34938  
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(1) For a city, local, or exempted village school district, the "statewide total ADM" equals the sum of the total ADM for all city, local, and exempted village school districts combined. 34945  
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(2) For a joint vocational school district, the "statewide total ADM" equals the sum of the formula ADM for all joint vocational school districts combined. 34949  
34950  
34951

(E) (1) "Formula ADM" means, for a city, local, or exempted 34952

village school district, the enrollment reported under division 34953  
(A) of section 3317.03 of the Revised Code, as verified by the 34954  
~~superintendent of public instruction department~~ and adjusted if 34955  
so ordered under division (K) of that section, and as further 34956  
adjusted by the department ~~of education~~, as follows: 34957

(a) Count only twenty per cent of the number of joint 34958  
vocational school district students counted under division (A) 34959  
(3) of section 3317.03 of the Revised Code; 34960

(b) Add twenty per cent of the number of students who are 34961  
entitled to attend school in the district under section 3313.64 34962  
or 3313.65 of the Revised Code and are enrolled in another 34963  
school district under a career-technical education compact. 34964

(2) "Formula ADM" means, for a joint vocational school 34965  
district, the final number verified by the ~~superintendent of~~ 34966  
~~public instruction department~~, based on the enrollment reported 34967  
and certified under division (D) of section 3317.03 of the 34968  
Revised Code, as adjusted, if so ordered, under division (K) of 34969  
that section. 34970

(F) "Formula amount" means \$6,010, for fiscal year 2018, 34971  
and \$6,020, for fiscal year 2019. 34972

(G) "FTE basis" means a count of students based on full- 34973  
time equivalency, in accordance with rules adopted by the 34974  
department ~~of education~~ pursuant to section 3317.03 of the 34975  
Revised Code. In adopting its rules under this division, the 34976  
department shall provide for counting any student in category 34977  
one, two, three, four, five, or six special education ADM or in 34978  
category one, two, three, four, or five career-technical 34979  
education ADM in the same proportion the student is counted in 34980  
formula ADM. 34981

- (H) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code. 34982  
34983
- (I) "Medically fragile child" means a child to whom all of the following apply: 34984  
34985
- (1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition. 34986  
34987  
34988
- (2) The child requires the services of a registered nurse on a daily basis. 34989  
34990
- (3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities. 34991  
34992  
34993
- (J) (1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the ~~state board of education~~ department and if either of the following apply: 34994  
34995  
34996  
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34998
- (a) The child is identified as having a medical condition that is among those listed by the ~~superintendent of public instruction~~ department as conditions where a substantial majority of cases fall within the definition of "medically fragile child." 34999  
35000  
35001  
35002  
35003
- (b) The child is determined by the ~~superintendent of public instruction~~ department to be a medically fragile child. A school district superintendent may petition the ~~superintendent of public instruction~~ department for a determination that a child is a medically fragile child. 35004  
35005  
35006  
35007  
35008
- (2) A child may be identified as having an "other health 35009

impairment-minor" if the child's condition meets the definition 35010  
of "other health impaired" established in rules previously 35011  
adopted by the ~~state board of education~~ department but the 35012  
child's condition does not meet either of the conditions 35013  
specified in division (J) (1) (a) or (b) of this section. 35014

(K) "Preschool child with a disability" means a child with 35015  
a disability, as defined in section 3323.01 of the Revised Code, 35016  
who is at least age three but is not of compulsory school age, 35017  
as defined in section 3321.01 of the Revised Code, and who is 35018  
not currently enrolled in kindergarten. 35019

(L) "Preschool scholarship ADM" means the number of 35020  
preschool children with disabilities certified under division 35021  
(B) (3) (h) of section 3317.03 of the Revised Code. 35022

(M) "Related services" includes: 35023

(1) Child study, special education supervisors and 35024  
coordinators, speech and hearing services, adaptive physical 35025  
development services, occupational or physical therapy, teacher 35026  
assistants for children with disabilities whose disabilities are 35027  
described in division (B) of section 3317.013 or division (B) (3) 35028  
of this section, behavioral intervention, interpreter services, 35029  
work study, nursing services, and specialized integrative 35030  
services as those terms are defined by the department; 35031

(2) Speech and language services provided to any student 35032  
with a disability, including any student whose primary or only 35033  
disability is a speech and language disability; 35034

(3) Any related service not specifically covered by other 35035  
state funds but specified in federal law, including but not 35036  
limited to, audiology and school psychological services; 35037

(4) Any service included in units funded under former 35038

division (O) (1) of section 3317.024 of the Revised Code;	35039
(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.	35040 35041 35042
(N) "School district," unless otherwise specified, means city, local, and exempted village school districts.	35043 35044
(O) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	35045 35046
(P) "State share index" means the state share index calculated for a district under section 3317.017 of the Revised Code.	35047 35048 35049
(Q) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.	35050 35051 35052 35053
(R) (1) For purposes of section 3317.017 of the Revised Code, "three-year average valuation" means the average of total taxable value for tax years 2014, 2015, and 2016.	35054 35055 35056
(2) For purposes of sections 3317.0217, 3317.0218, and 3317.16 of the Revised Code, "three-year average valuation" means the following:	35057 35058 35059
(a) For fiscal year 2018, the average of total taxable value for tax years 2014, 2015, and 2016;	35060 35061
(b) For fiscal year 2019, the average of total taxable value for tax years 2015, 2016, and 2017.	35062 35063
(S) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division	35064 35065

(A) of section 3317.03 of the Revised Code, as verified by the 35066  
~~superintendent of public instruction department~~ and adjusted if 35067  
so ordered under division (K) of that section. 35068

(T) "Total special education ADM" means the sum of 35069  
categories one through six special education ADM. 35070

(U) "Total taxable value" means the sum of the amounts 35071  
certified for a city, local, exempted village, or joint 35072  
vocational school district under divisions (A)(1) and (2) of 35073  
section 3317.021 of the Revised Code. 35074

**Sec. 3317.021.** (A) On or before the first day of June of 35075  
each year, the tax commissioner shall certify to the department 35076  
of ~~education~~ learning and achievement and the office of budget 35077  
and management the information described in divisions (A)(1) to 35078  
(5) of this section for each city, exempted village, and local 35079  
school district, and the information required by divisions (A) 35080  
(1) and (2) of this section for each joint vocational school 35081  
district, and it shall be used, along with the information 35082  
certified under division (B) of this section, in making the 35083  
computations for the district under this chapter. 35084

(1) The taxable value of real and public utility real 35085  
property in the school district subject to taxation in the 35086  
preceding tax year, by class and by county of location. 35087

(2) The taxable value of tangible personal property, 35088  
including public utility personal property, subject to taxation 35089  
by the district for the preceding tax year. 35090

(3) (a) The total property tax rate and total taxes charged 35091  
and payable for the current expenses for the preceding tax year 35092  
and the total property tax rate and the total taxes charged and 35093  
payable to a joint vocational district for the preceding tax 35094

year that are limited to or to the extent apportioned to current 35095  
expenses. 35096

(b) The portion of the amount of taxes charged and payable 35097  
reported for each city, local, and exempted village school 35098  
district under division (A) (3) (a) of this section attributable 35099  
to a joint vocational school district. 35100

(4) The value of all real and public utility real property 35101  
in the school district exempted from taxation minus both of the 35102  
following: 35103

(a) The value of real and public utility real property in 35104  
the district owned by the United States government and used 35105  
exclusively for a public purpose; 35106

(b) The value of real and public utility real property in 35107  
the district exempted from taxation under Chapter 725. or 1728. 35108  
or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 35109  
5709.632, 5709.73, or 5709.78 of the Revised Code. 35110

(5) The total federal adjusted gross income of the 35111  
residents of the school district, based on tax returns filed by 35112  
the residents of the district, for the most recent year for 35113  
which this information is available, and the median Ohio 35114  
adjusted gross income of the residents of the school district 35115  
determined on the basis of tax returns filed for the second 35116  
preceding tax year by the residents of the district. 35117

(B) On or before the first day of May each year, the tax 35118  
commissioner shall certify to the department of ~~education~~ 35119  
learning and achievement and the office of budget and management 35120  
the total taxable real property value of railroads and, 35121  
separately, the total taxable tangible personal property value 35122  
of all public utilities for the preceding tax year, by school 35123

district and by county of location. 35124

(C) If on the basis of the information certified under 35125  
division (A) of this section, the department determines that any 35126  
district fails in any year to meet the qualification requirement 35127  
specified in division (A) of section 3317.01 of the Revised 35128  
Code, the department shall immediately request the tax 35129  
commissioner to determine the extent to which any school 35130  
district income tax levied by the district under Chapter 5748. 35131  
of the Revised Code shall be included in meeting that 35132  
requirement. Within five days of receiving such a request from 35133  
the department, the tax commissioner shall make the 35134  
determination required by this division and report the quotient 35135  
obtained under division (C)(3) of this section to the department 35136  
and the office of budget and management. This quotient 35137  
represents the number of mills that the department shall include 35138  
in determining whether the district meets the qualification 35139  
requirement of division (A) of section 3317.01 of the Revised 35140  
Code. 35141

The tax commissioner shall make the determination required 35142  
by this division as follows: 35143

(1) Multiply one mill times the total taxable value of the 35144  
district as determined in divisions (A)(1) and (2) of this 35145  
section; 35146

(2) Estimate the total amount of tax liability for the 35147  
current tax year under taxes levied by Chapter 5748. of the 35148  
Revised Code that are apportioned to current operating expenses 35149  
of the district, excluding any income tax receipts allocated for 35150  
the project cost, debt service, or maintenance set-aside 35151  
associated with a state-assisted classroom facilities project as 35152  
authorized by section 3318.052 of the Revised Code; 35153

(3) Divide the amount estimated under division (C) (2) of this section by the product obtained under division (C) (1) of this section. 35154  
35155  
35156

**Sec. 3317.022.** (A) The department of ~~education~~learning and achievement shall compute and distribute state core foundation funding to each eligible school district for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins, as prescribed in the following divisions: 35157  
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35162

(1) An opportunity grant calculated according to the following formula: 35163  
35164

The formula amount X (formula ADM + preschool scholarship ADM) X the district's state share index 35165  
35166

(2) Targeted assistance funds calculated under divisions (A) and (B) of section 3317.0217 of the Revised Code; 35167  
35168

(3) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as the sum of the following: 35169  
35170  
35171

(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share index; 35172  
35173  
35174

(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share index; 35175  
35176  
35177

(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share index; 35178  
35179  
35180

(d) The district's category four special education ADM X 35181

the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share index; 35182  
35183

(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share index; 35184  
35185  
35186

(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share index. 35187  
35188  
35189

(4) Kindergarten through third grade literacy funds calculated according to the following formula: 35190  
35191

(\$193 X formula ADM for grades kindergarten through three X the district's state share index) + (\$127 X formula ADM for grades kindergarten through three) 35192  
35193  
35194

For purposes of this calculation, the department shall subtract from a district's formula ADM for grades kindergarten through three the number of students reported under division (B) (3) (e) of section 3317.03 of the Revised Code as enrolled in an internet- or computer-based community school who are in grades kindergarten through three. 35195  
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35197  
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35199  
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(5) Economically disadvantaged funds calculated according to the following formula: 35201  
35202

\$272 X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as certified under division (B) (21) of section 3317.03 of the Revised Code 35203  
35204  
35205  
35206

(6) Limited English proficiency funds calculated as the sum of the following: 35207  
35208

(a) The district's category one limited English proficient 35209

ADM X the amount specified in division (A) of section 3317.016	35210
of the Revised Code X the district's state share index;	35211
(b) The district's category two limited English proficient	35212
ADM X the amount specified in division (B) of section 3317.016	35213
of the Revised Code X the district's state share index;	35214
(c) The district's category three limited English	35215
proficient ADM X the amount specified in division (C) of section	35216
3317.016 of the Revised Code X the district's state share index.	35217
(7) (a) Gifted identification funds calculated according to	35218
the following formula:	35219
\$5.05 X the district's formula ADM	35220
(b) Gifted unit funding calculated under section 3317.051	35221
of the Revised Code.	35222
(8) Career-technical education funds calculated as the sum	35223
of the following:	35224
(a) The district's category one career-technical education	35225
ADM X the amount specified in division (A) of section 3317.014	35226
of the Revised Code X the district's state share index;	35227
(b) The district's category two career-technical education	35228
ADM X the amount specified in division (B) of section 3317.014	35229
of the Revised Code X the district's state share index;	35230
(c) The district's category three career-technical	35231
education ADM X the amount specified in division (C) of section	35232
3317.014 of the Revised Code X the district's state share index;	35233
(d) The district's category four career-technical	35234
education ADM X the amount specified in division (D) of section	35235
3317.014 of the Revised Code X the district's state share index;	35236

(e) The district's category five career-technical education ADM X the amount specified in division (E) of section 3317.014 of the Revised Code X the district's state share index.	35237 35238 35239
Payment of funds under division (A) (8) of this section is subject to approval under section 3317.161 of the Revised Code.	35240 35241
(9) Career-technical education associated services funds calculated according to the following formula:	35242 35243
The district's state share index X the amount for career-technical education associated services specified in section 3317.014 of the Revised Code X the sum of categories one through five career-technical education ADM	35244 35245 35246 35247
(10) Capacity aid funds calculated under section 3317.0218 of the Revised Code;	35248 35249
(11) A graduation bonus calculated under section 3317.0215 of the Revised Code;	35250 35251
(12) A third-grade reading bonus calculated under section 3317.0216 of the Revised Code.	35252 35253
(B) In any fiscal year, a school district shall spend for purposes that the department designates as approved for special education and related services expenses at least the amount calculated as follows:	35254 35255 35256 35257
(The formula amount X the total special education ADM) + (the district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code) + (the district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code) + (the district's category three special education ADM X the amount specified in division (C) of section 3317.013	35258 35259 35260 35261 35262 35263 35264

of the Revised Code) + (the district's category four special 35265  
education ADM X the amount specified in division (D) of section 35266  
3317.013 of the Revised Code) + (the district's category five 35267  
special education ADM X the amount specified in division (E) of 35268  
section 3317.013 of the Revised Code) + (the district's category 35269  
six special education ADM X the amount specified in division (F) 35270  
of section 3317.013 of the Revised Code) 35271

The purposes approved by the department for special 35272  
education expenses shall include, but shall not be limited to, 35273  
identification of children with disabilities, compliance with 35274  
state rules governing the education of children with 35275  
disabilities and prescribing the continuum of program options 35276  
for children with disabilities, provision of speech language 35277  
pathology services, and the portion of the school district's 35278  
overall administrative and overhead costs that are attributable 35279  
to the district's special education student population. 35280

The scholarships deducted from the school district's 35281  
account under sections 3310.41 and 3310.55 of the Revised Code 35282  
shall be considered to be an approved special education and 35283  
related services expense for the purpose of the school 35284  
district's compliance with this division. 35285

(C) In any fiscal year, a school district receiving funds 35286  
under division (A) (8) of this section shall spend those funds 35287  
only for the purposes that the department designates as approved 35288  
for career-technical education expenses. Career-technical 35289  
education expenses approved by the department shall include only 35290  
expenses connected to the delivery of career-technical 35291  
programming to career-technical students. The department shall 35292  
require the school district to report data annually so that the 35293  
department may monitor the district's compliance with the 35294

requirements regarding the manner in which funding received 35295  
under division (A) (8) of this section may be spent. 35296

(D) In any fiscal year, a school district receiving funds 35297  
under division (A) (9) of this section, or through a transfer of 35298  
funds pursuant to division (I) of section 3317.023 of the 35299  
Revised Code, shall spend those funds only for the purposes that 35300  
the department designates as approved for career-technical 35301  
education associated services expenses, which may include such 35302  
purposes as apprenticeship coordinators, coordinators for other 35303  
career-technical education services, career-technical 35304  
evaluation, and other purposes designated by the department. The 35305  
department may deny payment under division (A) (9) of this 35306  
section to any district that the department determines is not 35307  
operating those services or is using funds paid under division 35308  
(A) (9) of this section, or through a transfer of funds pursuant 35309  
to division (I) of section 3317.023 of the Revised Code, for 35310  
other purposes. 35311

(E) All funds received under division (A) (8) of this 35312  
section shall be spent in the following manner: 35313

(1) At least seventy-five per cent of the funds shall be 35314  
spent on curriculum development, purchase, and implementation; 35315  
instructional resources and supplies; industry-based program 35316  
certification; student assessment, credentialing, and placement; 35317  
curriculum specific equipment purchases and leases; career- 35318  
technical student organization fees and expenses; home and 35319  
agency linkages; work-based learning experiences; professional 35320  
development; and other costs directly associated with career- 35321  
technical education programs including development of new 35322  
programs. 35323

(2) Not more than twenty-five per cent of the funds shall 35324

be used for personnel expenditures. 35325

(F) A school district shall spend the funds it receives 35326  
under division (A) (5) of this section in accordance with section 35327  
3317.25 of the Revised Code. 35328

**Sec. 3317.023.** (A) The amounts required to be paid to a 35329  
district under this chapter shall be adjusted by the amount of 35330  
the computations made under divisions (B) to (K) of this 35331  
section. 35332

As used in this section: 35333

(1) "CTPD" means a school district or group of school 35334  
districts designated by the department of ~~education~~learning and 35335  
achievement as being responsible for the planning for and 35336  
provision of career-technical education services to students 35337  
within the district or group. A community school established 35338  
under Chapter 3314. of the Revised Code or a STEM school 35339  
established under Chapter 3326. of the Revised Code that is 35340  
serving students in any of grades seven through twelve shall be 35341  
assigned to a career-technical planning district by the 35342  
department. 35343

(2) "Lead district" means a school district, including a 35344  
joint vocational school district, designated by the department 35345  
as a CTPD, or designated to provide primary career-technical 35346  
education leadership within a CTPD composed of a group of 35347  
districts, community schools assigned to the CTPD, and STEM 35348  
schools assigned to the CTPD. 35349

(B) If a local, city, or exempted village school district 35350  
to which a governing board of an educational service center 35351  
provides services pursuant to an agreement entered into under 35352  
section 3313.843 of the Revised Code, deduct the amount of the 35353

payment required for the reimbursement of the governing board 35354  
under that section. 35355

(C) (1) If the district is required to pay to or entitled 35356  
to receive tuition from another school district under division 35357  
(C) (2) or (3) of section 3313.64 or section 3313.65 of the 35358  
Revised Code, or if the ~~superintendent of public instruction~~ 35359  
department is required to determine the correct amount of 35360  
tuition and make a deduction or credit under section 3317.08 of 35361  
the Revised Code, deduct and credit such amounts as provided in 35362  
division (J) of section 3313.64 or section 3317.08 of the 35363  
Revised Code. 35364

(2) For each child for whom the district is responsible 35365  
for tuition or payment under division (A) (1) of section 3317.082 35366  
or section 3323.091 of the Revised Code, deduct the amount of 35367  
tuition or payment for which the district is responsible. 35368

(D) If the district has been certified by the 35369  
~~superintendent of public instruction~~ department under section 35370  
3313.90 of the Revised Code as not in compliance with the 35371  
requirements of that section, deduct an amount equal to ten per 35372  
cent of the amount computed for the district under this chapter. 35373

(E) If the district has received a loan from a commercial 35374  
lending institution for which payments are made by the 35375  
~~superintendent of public instruction~~ department pursuant to 35376  
division (E) (3) of section 3313.483 of the Revised Code, deduct 35377  
an amount equal to such payments. 35378

(F) (1) If the district is a party to an agreement entered 35379  
into under division (D), (E), or (F) of section 3311.06 or 35380  
division (B) of section 3311.24 of the Revised Code and is 35381  
obligated to make payments to another district under such an 35382

agreement, deduct an amount equal to such payments if the district school board notifies the department in writing that it wishes to have such payments deducted.

(2) If the district is entitled to receive payments from another district that has notified the department to deduct such payments under division (F) (1) of this section, add the amount of such payments.

(G) If the district is required to pay an amount of funds to a cooperative education district pursuant to a provision described by division (B) (4) of section 3311.52 or division (B) (8) of section 3311.521 of the Revised Code, deduct such amounts as provided under that provision and credit those amounts to the cooperative education district for payment to the district under division (B) (1) of section 3317.19 of the Revised Code.

(H) (1) If a district is educating a student entitled to attend school in another district pursuant to a shared education contract, compact, or cooperative education agreement other than an agreement entered into pursuant to section 3313.842 of the Revised Code, credit to that educating district on an FTE basis both of the following:

(a) An amount equal to the formula amount.

(b) Any amount applicable to the student pursuant to section 3317.013 or 3317.014 of the Revised Code.

(2) Deduct any amount credited pursuant to division (H) (1) of this section from amounts paid to the school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(3) If the district is required by a shared education contract, compact, or cooperative education agreement to make

payments to an educational service center, deduct the amounts 35412  
from payments to the district and add them to the amounts paid 35413  
to the service center pursuant to section 3317.11 of the Revised 35414  
Code. 35415

(I) (1) If a district, including a joint vocational school 35416  
district, is a lead district of a CTPD, credit to that district 35417  
the amount calculated for each school district within that CTPD 35418  
under division (A) (9) of section 3317.022 of the Revised Code or 35419  
division (A) (6) of section 3317.16 of the Revised Code, as 35420  
applicable. 35421

(2) Deduct from each appropriate district that is not a 35422  
lead district, the amount attributable to that district that is 35423  
credited to a lead district under division (I) (1) of this 35424  
section. 35425

(J) If the department pays a joint vocational school 35426  
district under division (C) (3) of section 3317.16 of the Revised 35427  
Code for excess costs of providing special education and related 35428  
services to a student with a disability, as calculated under 35429  
division (C) (1) of that section, the department shall deduct the 35430  
amount of that payment from the city, local, or exempted village 35431  
school district that is responsible as specified in that section 35432  
for the excess costs. 35433

(K) (1) If the district reports an amount of excess cost 35434  
for special education services for a child under division (C) of 35435  
section 3323.14 of the Revised Code, the department shall pay 35436  
that amount to the district. 35437

(2) If the district reports an amount of excess cost for 35438  
special education services for a child under division (C) of 35439  
section 3323.14 of the Revised Code, the department shall deduct 35440

that amount from the district of residence of that child. 35441

**Sec. 3317.024.** The following shall be distributed monthly, 35442  
quarterly, or annually as may be determined by the ~~state board~~ 35443  
~~of education~~ department of learning and achievement: 35444

(A) An amount for each island school district and each 35445  
joint state school district for the operation of each high 35446  
school and each elementary school maintained within such 35447  
district and for capital improvements for such schools. Such 35448  
amounts shall be determined on the basis of standards adopted by 35449  
the ~~state board of education~~ department of learning and 35450  
achievement. However, for fiscal years 2012 and 2013, an island 35451  
district shall receive the lesser of its actual cost of 35452  
operation, as certified to the ~~department of education~~, or 35453  
ninety-three per cent of the amount the district received in 35454  
state operating funding for fiscal year 2011. If an island 35455  
district received no funding for fiscal year 2011, it shall 35456  
receive no funding for either of fiscal year 2012 or 2013. 35457

(B) An amount for each school district required to pay 35458  
tuition for a child in an institution maintained by the 35459  
department of youth services pursuant to section 3317.082 of the 35460  
Revised Code, provided the child was not included in the 35461  
calculation of the district's formula ADM, as that term is 35462  
defined in section 3317.02 of the Revised Code, for the 35463  
preceding school year. 35464

(C) An amount for the approved cost of transporting 35465  
eligible pupils with disabilities attending a special education 35466  
program approved by the department of ~~education~~ learning and 35467  
achievement whom it is impossible or impractical to transport by 35468  
regular school bus in the course of regular route transportation 35469  
provided by the school district or educational service center. 35470

No district or service center is eligible to receive a payment 35471  
under this division for the cost of transporting any pupil whom 35472  
it transports by regular school bus and who is included in the 35473  
district's transportation ADM. The ~~state board of education~~ 35474  
department shall establish standards and guidelines for use by 35475  
the department ~~of education~~ in determining the approved cost of 35476  
such transportation for each district or service center. 35477

(D) An amount to each school district, including each 35478  
cooperative education school district, pursuant to section 35479  
3313.81 of the Revised Code to assist in providing free lunches 35480  
to needy children. The amounts shall be determined on the basis 35481  
of rules adopted by the ~~state board of education~~ department of 35482  
learning and achievement. 35483

(E) (1) An amount for auxiliary services to each school 35484  
district, for each pupil attending a chartered nonpublic 35485  
elementary or high school within the district that is either of 35486  
the following: 35487

(a) A school affiliated with a religious order, sect, 35488  
church, or denomination or has a curriculum or mission that 35489  
contains religious content, religious courses, devotional 35490  
exercises, religious training, or any other religious activity; 35491

(b) A school not described in division (E) (1) (a) of this 35492  
section that has not elected to receive funds under division (E) 35493  
(2) of this section. 35494

(2) An amount for auxiliary services paid directly to each 35495  
chartered nonpublic school that has elected to receive funds 35496  
under division (E) (2) of this section for each pupil attending 35497  
the school. To elect to receive funds under division (E) (2) of 35498  
this section, a school, by the first day of April of each odd- 35499

numbered year, shall notify the department and the school 35500  
district in which the school is located of the election and 35501  
shall submit to the department an affidavit certifying that the 35502  
school is not affiliated with a religious order, sect, church, 35503  
or denomination and does not have a curriculum or mission that 35504  
contains religious content, religious courses, devotional 35505  
exercises, religious training, or any other religious activity. 35506  
The election shall take effect the following first day of July, 35507  
unless the department determines that the school meets the 35508  
criteria in division (E) (1) (a) of this section. The school 35509  
subsequently may rescind its election, but it may do so only in 35510  
an odd-numbered year by notifying the department and the school 35511  
district in which the school is located of the rescission not 35512  
later than the first day of April of that year. Beginning the 35513  
following first day of July after the rescission, the school 35514  
shall receive funds under division (E) (1) of this section. 35515

The amount paid under divisions (E) (1) and (2) of this 35516  
section shall equal the total amount appropriated for the 35517  
implementation of sections 3317.06 and 3317.062 of the Revised 35518  
Code divided by the average daily membership in grades 35519  
kindergarten through twelve in chartered nonpublic elementary 35520  
and high schools within the state as determined as of the last 35521  
day of October of each school year. 35522

(F) An amount for each county board of developmental 35523  
disabilities, distributed on the basis of standards adopted by 35524  
~~the state board of education~~ department of learning and 35525  
achievement, for the approved cost of transportation required 35526  
for children attending special education programs operated by 35527  
the county board under section 3323.09 of the Revised Code; 35528

(G) An amount to each institution defined under section 35529

3317.082 of the Revised Code providing elementary or secondary 35530  
education to children other than children receiving special 35531  
education under section 3323.091 of the Revised Code. This 35532  
amount for any institution in any fiscal year shall equal the 35533  
total of all tuition amounts required to be paid to the 35534  
institution under division (A) (1) of section 3317.082 of the 35535  
Revised Code. 35536

The ~~state board of education~~ department of learning and 35537  
achievement or any other board of education or governing board 35538  
may provide for any resident of a district or educational 35539  
service center territory any educational service for which funds 35540  
are made available to the board by the United States under the 35541  
authority of public law, whether such funds come directly or 35542  
indirectly from the United States or any agency or department 35543  
thereof or through the state or any agency, department, or 35544  
political subdivision thereof. 35545

**Sec. 3317.025.** On or before the first day of June of each 35546  
year, the tax commissioner shall certify the following 35547  
information to the department of ~~education~~ learning and 35548  
achievement and the office of budget and management, for each 35549  
school district in which the value of the property described 35550  
under division (A) of this section exceeds one per cent of the 35551  
taxable value of all real and tangible personal property in the 35552  
district or in which is located tangible personal property 35553  
designed for use or used in strip mining operations, whose 35554  
taxable value exceeds five million dollars, and the taxes upon 35555  
which the district is precluded from collecting by virtue of 35556  
legal proceedings to determine the value of such property: 35557

(A) The total taxable value of all property in the 35558  
district owned by a public utility or railroad that has filed a 35559

petition for reorganization under the "Bankruptcy Act," 47 Stat. 35560  
1474 (1898), 11 U.S.C. 205, as amended, and all tangible 35561  
personal property in the district designed for use or used in 35562  
strip mining operations whose taxable value exceeds five million 35563  
dollars upon which have not been paid in full on or before the 35564  
first day of April of that calendar year all real and tangible 35565  
personal property taxes levied for the preceding calendar year 35566  
and which the district was precluded from collecting by virtue 35567  
of proceedings under section 205 of said act or by virtue of 35568  
legal proceedings to determine the tax liability of such strip 35569  
mining equipment; 35570

(B) The percentage of the total operating taxes charged 35571  
and payable for school district purposes levied against such 35572  
valuation for the preceding calendar year that have not been 35573  
paid by such date; 35574

(C) The product obtained by multiplying the value 35575  
certified under division (A) of this section by the percentage 35576  
certified under division (B) of this section. If the value 35577  
certified under division (A) of this section includes taxable 35578  
property owned by a public utility or railroad that has filed a 35579  
petition for reorganization under the bankruptcy act, the amount 35580  
used in making the calculation under this division shall be 35581  
reduced by one per cent of the total value of all real and 35582  
tangible personal property in the district or the value of the 35583  
utility's or railroad's property, whichever is less. 35584

Upon receipt of the certification, the department shall 35585  
recompute the payments required under this chapter in the manner 35586  
the payments would have been computed if: 35587

(1) The amount certified under division (C) of this 35588  
section was not subject to taxation by the district and was not 35589

included in the certification made under division (A) (1), (A) 35590  
(2), or (C) of section 3317.021 of the Revised Code. 35591

(2) The amount of taxes charged and payable and unpaid and 35592  
used to make the computation under division (B) of this section 35593  
had not been levied and had not been used in the computation 35594  
required by division (B) of section 3317.021 of the Revised 35595  
Code. The department shall pay the district that amount in the 35596  
ensuing fiscal year in lieu of the amounts computed under this 35597  
chapter. 35598

If a school district received a grant from the 35599  
catastrophic expenditures account pursuant to division (C) of 35600  
section 3316.20 of the Revised Code on the basis of the same 35601  
circumstances for which a recomputation is made under this 35602  
section, the amount of the recomputation shall be reduced and 35603  
transferred in accordance with division (C) of section 3316.20 35604  
of the Revised Code. 35605

**Sec. 3317.028.** (A) On or before May 15, 2007, and the 35606  
fifteenth day of May in each calendar year thereafter, the tax 35607  
commissioner shall determine for each school district whether 35608  
the taxable value of all utility tangible personal property 35609  
subject to taxation by the district in the preceding tax year 35610  
was less or greater than the taxable value of such property 35611  
during the second preceding tax year. If any decrease exceeds 35612  
ten per cent of the district's tangible personal property 35613  
taxable value included in the total taxable value used in the 35614  
district's state aid computation for the fiscal year that ends 35615  
in the current calendar year, or if any increase exceeds ten per 35616  
cent of the district's total taxable value used in the 35617  
district's state education aid computation for the fiscal year 35618  
that ends in the current calendar year, the tax commissioner 35619

shall certify all of the following to the department of 35620  
~~education-learning and achievement~~ and the office of budget and 35621  
management: 35622

(1) The district's total taxable value for the preceding 35623  
tax year; 35624

(2) The decrease or increase in taxes charged and payable 35625  
on the district's total taxable value for the preceding tax year 35626  
and the second preceding tax year; 35627

(3) The taxable value of the utility tangible personal 35628  
property increase or decrease, which shall be considered a 35629  
change in valuation; 35630

(4) The decrease or increase in taxes charged and payable 35631  
on such change in taxable value calculated in the same manner as 35632  
in division (A) (3) of section 3317.021 of the Revised Code. 35633

(B) (1) Upon receipt of a certification specified in this 35634  
section, the department of ~~education-learning and achievement~~ 35635  
shall replace the three-year average valuations that were used 35636  
in computing the district's state education aid for the fiscal 35637  
year that ends in the current calendar year with the taxable 35638  
value certified under division (A) (1) of this section and shall 35639  
recompute the state education aid for such fiscal year without 35640  
applying any funding limitations enacted by the general assembly 35641  
to the computation. Subject to division (B) (2) of this section, 35642  
the department shall pay to or deduct from the district an 35643  
amount equal to the lesser of the following: 35644

(a) The difference between the district's state education 35645  
aid prior to the recomputation under this section and the 35646  
district's recomputed state education aid; 35647

(b) The increase or decrease certified under division (A) 35648

(2) of this section. 35649

The payment date shall be determined by the director of 35650  
budget and management. The director shall select a payment date 35651  
that is not earlier than the first day of June of the current 35652  
fiscal year and not later than the thirty-first day of July of 35653  
the following fiscal year. The department of ~~education-learning~~ 35654  
and achievement shall not pay the district under this section 35655  
prior to approval by the director of budget and management to 35656  
make that payment. 35657

(2) (a) If an increase in the taxable value of the utility 35658  
tangible personal property is certified for a district under 35659  
division (A) (2) of this section, the department shall not make a 35660  
payment to the district under division (B) (1) of this section. 35661  
The department may, however, deduct funds from the district 35662  
under division (B) (1) of this section. 35663

(b) If a decrease in the taxable value of the utility 35664  
tangible personal property is certified for a district under 35665  
division (A) (2) of this section, the department shall not deduct 35666  
funds from the district under division (B) (1) of this section. 35667  
The department may, however, make a payment to the district 35668  
under division (B) (1) of this section. 35669

(C) If a school district received a grant from the 35670  
catastrophic expenditures account pursuant to division (C) of 35671  
section 3316.20 of the Revised Code on the basis of the same 35672  
circumstances for which a recomputation is made under this 35673  
section, the amount of the recomputation shall be reduced and 35674  
transferred in accordance with division (C) of section 3316.20 35675  
of the Revised Code. 35676

**Sec. 3317.0210.** (A) As used in this section: 35677

- (1) "Bankruptcy Reform Act" means the "Bankruptcy Reform Act of 1978," 92 Stat. 2558, 11 U.S.C. 301, as amended. 35678  
35679
- (2) "Chapter 11 corporation" means a corporation, company, or other business organization that has filed a petition for reorganization under Chapter 11 of the "Bankruptcy Reform Act," 92 Stat. 2626, 11 U.S.C. 1101, as amended. 35680  
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- (3) "Uncollectable taxes" means property taxes payable in a calendar year by a Chapter 11 corporation on its property that a school district is precluded from collecting by virtue of proceedings under the Bankruptcy Reform Act. 35684  
35685  
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- (4) "Basic state aid" means a school district's state education aid. 35688  
35689
- (5) "Effective value" means the amount obtained by multiplying the total taxable value certified in a calendar year under section 3317.021 of the Revised Code by a fraction, the numerator of which is the total taxes charged and payable in that calendar year exclusive of the uncollectable taxes payable in that year, and the denominator of which is the total taxes charged and payable in that year. 35690  
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- (6) "Total taxes charged and payable" has the same meaning given "taxes charged and payable" in section 3317.02 of the Revised Code. 35697  
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- (B) (1) Between the first day of January and the first day of February of any year, a school district shall notify the department of ~~education~~ learning and achievement if it has uncollectable taxes payable in the preceding calendar year from one Chapter 11 corporation. 35700  
35701  
35702  
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- (2) The department shall verify whether the district has such uncollectable taxes from such a corporation, and if the 35705  
35706

district does, shall immediately request the tax commissioner to 35707  
certify the district's total taxes charged and payable in the 35708  
preceding calendar year, and the tax commissioner shall certify 35709  
that information to the department within thirty days after 35710  
receiving the request. For the purposes of this section, taxes 35711  
are payable in the calendar year that includes the day 35712  
prescribed by law for their payment, including any lawful 35713  
extension thereof. 35714

(C) Upon receiving the certification from the tax 35715  
commissioner, the department shall determine whether the amount 35716  
of uncollectable taxes from the corporation equals at least one 35717  
per cent of the total taxes charged and payable as certified by 35718  
the tax commissioner. If it does, the department shall compute 35719  
the district's effective value and shall recompute the basic 35720  
state aid payable to the district for the current fiscal year 35721  
using the effective value in lieu of the total taxable value 35722  
used to compute the basic state aid for the current fiscal year. 35723  
The difference between the basic state aid amount originally 35724  
computed for the district for the current fiscal year and the 35725  
recomputed amount shall be paid to the district from the lottery 35726  
profits education fund before the end of the current fiscal 35727  
year. 35728

(D) Except as provided in division (E) of this section, 35729  
amounts received by a school district under division (C) of this 35730  
section shall be repaid to the department of ~~education~~learning 35731  
and achievement in any future year to the extent the district 35732  
receives payments of uncollectable taxes in such future year. 35733  
The district shall notify the department of any amount owed 35734  
under this division. 35735

(E) If a school district received a grant from the 35736

catastrophic expenditures account pursuant to division (C) of 35737  
section 3316.20 of the Revised Code on the basis of the same 35738  
circumstances for which a recomputation is made under this 35739  
section, the amount of the recomputation shall be reduced and 35740  
transferred in accordance with division (C) of section 3316.20 35741  
of the Revised Code. 35742

**Sec. 3317.0211.** (A) As used in this section: 35743

(1) "Port authority" means any port authority as defined 35744  
in section 4582.01 or 4582.21 of the Revised Code. 35745

(2) "Real property" includes public utility real property 35746  
and "personal property" includes public utility personal 35747  
property. 35748

(3) "Uncollected taxes" means property taxes charged and 35749  
payable against the property of a port authority for a tax year 35750  
that a school district has not collected. 35751

(4) "Basic state aid" means a school district's state 35752  
education aid. 35753

(5) "Effective value" means the sum of the effective 35754  
residential/agricultural real property value, the effective 35755  
nonresidential/agricultural real property value, and the 35756  
effective personal value. 35757

(6) "Effective residential/agricultural real property 35758  
value" means, for a tax year, the amount obtained by multiplying 35759  
the value for that year of residential/agricultural real 35760  
property subject to taxation in the district by a fraction, the 35761  
numerator of which is the total taxes charged and payable for 35762  
that year against the residential/agricultural real property 35763  
subject to taxation in the district, exclusive of the 35764  
uncollected taxes for that year on all real property subject to 35765

taxation in the district, and the denominator of which is the 35766  
total taxes charged and payable for that year against the 35767  
residential/agricultural real property subject to taxation in 35768  
the district. 35769

(7) "Effective nonresidential/agricultural real property 35770  
value" means, for a tax year, the amount obtained by multiplying 35771  
the value for that year of nonresidential/agricultural real 35772  
property subject to taxation in the district by a fraction, the 35773  
numerator of which is the total taxes charged and payable for 35774  
that year against the nonresidential/agricultural real property 35775  
subject to taxation in the district, exclusive of the 35776  
uncollected taxes for that year on all real property subject to 35777  
taxation in the district, and the denominator of which is the 35778  
total taxes charged and payable for that year against the 35779  
nonresidential/agricultural real property subject to taxation in 35780  
the district. 35781

(8) "Effective personal value" means, for a tax year, the 35782  
amount obtained by multiplying the value for that year certified 35783  
under division (A) (2) of section 3317.021 of the Revised Code by 35784  
a fraction, the numerator of which is the total taxes charged 35785  
and payable for that year against personal property subject to 35786  
taxation in the district, exclusive of the uncollected taxes for 35787  
that year on that property, and the denominator of which is the 35788  
total taxes charged and payable for that year against personal 35789  
property subject to taxation in the district. 35790

(9) "Nonresidential/agricultural real property value" 35791  
means, for a tax year, the sum of the values certified for a 35792  
school district for that year under division (B) (2) (a) of this 35793  
section, and "residential/agricultural real property value" 35794  
means, for a tax year, the sum of the values certified for a 35795

school district under division (B) (2) (b) of this section. 35796

(10) "Taxes charged and payable against real property" 35797  
means the taxes charged and payable against that property after 35798  
making the reduction required by section 319.301 of the Revised 35799  
Code. 35800

(11) "Total taxes charged and payable" has the same 35801  
meaning given "taxes charged and payable" in section 3317.02 of 35802  
the Revised Code. 35803

(B) (1) By the first day of August of any calendar year, a 35804  
school district shall notify the department of ~~education~~ 35805  
learning and achievement if it has any uncollected taxes from 35806  
one port authority for the second preceding tax year whose taxes 35807  
charged and payable represent at least one-half of one per cent 35808  
of the district's total taxes charged and payable for that tax 35809  
year. 35810

(2) The department shall verify whether the district has 35811  
such uncollected taxes by the first day of September, and if the 35812  
district does, shall immediately request the county auditor of 35813  
each county in which the school district has territory to 35814  
certify the following information concerning the district's 35815  
property values and taxes for the second preceding tax year, and 35816  
each such auditor shall certify that information to the 35817  
department within thirty days of receiving the request: 35818

(a) The value of the property subject to taxation in the 35819  
district that was classified as nonresidential/agricultural real 35820  
property pursuant to section 5713.041 of the Revised Code, and 35821  
the taxes charged and payable on that property; and 35822

(b) The value of the property subject to taxation in the 35823  
district that was classified as residential/agricultural real 35824

property under section 5713.041 of the Revised Code. 35825

(C) By the fifteenth day of November, the department shall 35826  
compute the district's effective nonresidential/agricultural 35827  
real property value, effective residential/agricultural real 35828  
property value, effective personal value, and effective value, 35829  
and shall determine whether the school district's effective 35830  
value for the second preceding tax year is at least one per cent 35831  
less than its total value for that year certified under 35832  
divisions (A) (1) and (2) of section 3317.021 of the Revised 35833  
Code. If it is, the department shall recompute the basic state 35834  
aid payable to the district for the immediately preceding fiscal 35835  
year using the effective value in lieu of the amounts previously 35836  
certified under section 3317.021 of the Revised Code. The 35837  
difference between the original basic state aid amount computed 35838  
for the district for the preceding fiscal year and the 35839  
recomputed amount shall be paid to the district from the lottery 35840  
profits education fund before the end of the current fiscal 35841  
year. 35842

(D) Except as provided in division (E) of this section, 35843  
amounts received by a school district under division (C) of this 35844  
section shall be repaid to the department of ~~education-learning~~ 35845  
and achievement in any future year to the extent the district 35846  
receives payments of uncollectable taxes in such future year. 35847  
The department shall notify a district of any amount owed under 35848  
this division. 35849

(E) If a school district received a grant from the 35850  
catastrophic expenditures account pursuant to division (C) of 35851  
section 3316.20 of the Revised Code on the basis of the same 35852  
circumstances for which a recomputation is made under this 35853  
section, the amount of the recomputation shall be reduced and 35854

transferred in accordance with division (C) of section 3316.20 35855  
of the Revised Code. 35856

**Sec. 3317.0212.** (A) As used in this section: 35857

(1) "Qualifying riders" means resident students enrolled 35858  
in regular education in grades kindergarten to twelve who are 35859  
provided school bus service by a school district and who live 35860  
more than one mile from the school they attend, including 35861  
students with dual enrollment in a joint vocational school 35862  
district or a cooperative education school district, and 35863  
students enrolled in a community school, STEM school, or 35864  
nonpublic school. 35865

(2) "Qualifying ridership" means the average number of 35866  
qualifying riders who are provided school bus service by a 35867  
school district during the first full week of October. 35868

(3) "Rider density" means the total ADM per square mile of 35869  
a school district. 35870

(4) "School bus service" means a school district's 35871  
transportation of qualifying riders in any of the following 35872  
types of vehicles: 35873

(a) School buses owned or leased by the district; 35874

(b) School buses operated by a private contractor hired by 35875  
the district; 35876

(c) School buses operated by another school district or 35877  
entity with which the district has contracted, either as part of 35878  
a consortium for the provision of transportation or otherwise. 35879

(B) Not later than the fifteenth day of October each year, 35880  
each city, local, and exempted village school district shall 35881  
report to the department of ~~education~~ learning and achievement 35882

its qualifying ridership and any other information requested by 35883  
the department. Subsequent adjustments to the reported numbers 35884  
shall be made only in accordance with rules adopted by the 35885  
department. 35886

(C) The department shall calculate the statewide 35887  
transportation cost per student as follows: 35888

(1) Determine each city, local, and exempted village 35889  
school district's transportation cost per student by dividing 35890  
the district's total costs for school bus service in the 35891  
previous fiscal year by its qualifying ridership in the previous 35892  
fiscal year. 35893

(2) After excluding districts that do not provide school 35894  
bus service and the ten districts with the highest 35895  
transportation costs per student and the ten districts with the 35896  
lowest transportation costs per student, divide the aggregate 35897  
cost for school bus service for the remaining districts in the 35898  
previous fiscal year by the aggregate qualifying ridership of 35899  
those districts in the previous fiscal year. 35900

(D) The department shall calculate the statewide 35901  
transportation cost per mile as follows: 35902

(1) Determine each city, local, and exempted village 35903  
school district's transportation cost per mile by dividing the 35904  
district's total costs for school bus service in the previous 35905  
fiscal year by its total number of miles driven for school bus 35906  
service in the previous fiscal year. 35907

(2) After excluding districts that do not provide school 35908  
bus service and the ten districts with the highest 35909  
transportation costs per mile and the ten districts with the 35910  
lowest transportation costs per mile, divide the aggregate cost 35911

for school bus service for the remaining districts in the 35912  
previous fiscal year by the aggregate miles driven for school 35913  
bus service in those districts in the previous fiscal year. 35914

(E) The department shall calculate each city, local, and 35915  
exempted village school district's transportation payment as 35916  
follows: 35917

(1) Multiply the statewide transportation cost per student 35918  
by the district's qualifying ridership for the current fiscal 35919  
year. 35920

(2) Multiply the statewide transportation cost per mile by 35921  
the district's total number of miles driven for school bus 35922  
service in the current fiscal year. 35923

(3) Multiply the greater of the amounts calculated under 35924  
divisions (E) (1) and (2) of this section by the following: 35925

(a) For fiscal year 2018, the greater of thirty-seven and 35926  
one-half per cent or the district's state share index, as 35927  
defined in section 3317.02 of the Revised Code; 35928

(b) For fiscal year 2019, the greater of twenty-five per 35929  
cent or the district's state share index. 35930

(F) In addition to funds paid under division (E) of this 35931  
section, each city, local, and exempted village district shall 35932  
receive in accordance with rules adopted by the ~~state board of~~ 35933  
~~education department~~ a payment for students transported by means 35934  
other than school bus service and whose transportation is not 35935  
funded under division (C) of section 3317.024 of the Revised 35936  
Code. The rules shall include provisions for school district 35937  
reporting of such students. 35938

(G) (1) For purposes of division (G) of this section, a 35939

school district's "transportation supplement percentage" means 35940  
the following quotient: 35941

(50 - the district's rider density) / 100 35942

If the result of the calculation for a district under 35943  
division (G)(1) of this section is less than zero, the 35944  
district's transportation supplement percentage shall be zero. 35945

(2) The department shall pay each district a 35946  
transportation supplement calculated according to the following 35947  
formula: 35948

The district's transportation supplement percentage X the amount 35949  
calculated for the district under division (E)(2) of this 35950  
section X 0.55 35951

**Sec. 3317.0213.** (A) The department of ~~education-learning~~ 35952  
and achievement shall compute and pay in accordance with this 35953  
section additional state aid for preschool children with 35954  
disabilities to each city, local, and exempted village school 35955  
district and to each institution, as defined in section 3323.091 35956  
of the Revised Code. Funding shall be provided for children who 35957  
are not enrolled in kindergarten and who are under age six on 35958  
the thirtieth day of September of the academic year, or on the 35959  
first day of August of the academic year if the school district 35960  
in which the child is enrolled has adopted a resolution under 35961  
division (A)(3) of section 3321.01 of the Revised Code, but not 35962  
less than age three on the first day of December of the academic 35963  
year. 35964

The additional state aid shall be calculated under the 35965  
following formula: 35966

(\$4,000 X the number of students who are preschool 35967  
children with disabilities) + the sum of the following: 35968

(1) The district's or institution's category one special 35969  
education students who are preschool children with disabilities 35970  
X the amount specified in division (A) of section 3317.013 of 35971  
the Revised Code X the district's state share index X 0.50; 35972

(2) The district's or institution's category two special 35973  
education students who are preschool children with disabilities 35974  
X the amount specified in division (B) of section 3317.013 of 35975  
the Revised Code X the district's state share index X 0.50; 35976

(3) The district's or institution's category three special 35977  
education students who are preschool children with disabilities 35978  
X the amount specified in division (C) of section 3317.013 of 35979  
the Revised Code X the district's state share index X 0.50; 35980

(4) The district's or institution's category four special 35981  
education students who are preschool children with disabilities 35982  
X the amount specified in division (D) of section 3317.013 of 35983  
the Revised Code X the district's state share index X 0.50; 35984

(5) The district's or institution's category five special 35985  
education students who are preschool children with disabilities 35986  
X the amount specified in division (E) of section 3317.013 of 35987  
the Revised Code X the district's state share index X 0.50; 35988

(6) The district's or institution's category six special 35989  
education students who are preschool children with disabilities 35990  
X the amount specified in division (F) of section 3317.013 of 35991  
the Revised Code X the district's state share index X 0.50. 35992

The special education disability categories for preschool 35993  
children used in this section are the same categories prescribed 35994  
in section 3317.013 of the Revised Code. 35995

As used in division (A) of this section, the state share 35996  
index of a student enrolled in an institution is the state share 35997

index of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 35998  
35999  
36000

(B) If an educational service center is providing services to students who are preschool children with disabilities under agreement with the city, local, or exempted village school district in which the students are entitled to attend school, that district may authorize the department to transfer funds computed under this section to the service center providing those services. 36001  
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(C) If a county ~~DD~~-board of developmental disabilities is providing services to students who are preschool children with disabilities under agreement with the city, local, or exempted village school district in which the students are entitled to attend school, the department shall deduct from the district's payment computed under division (A) of this section the total amount of those funds that are attributable to the students served by the county ~~DD~~-board of developmental disabilities and pay that amount to that board. 36008  
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**Sec. 3317.0214.** (A) The department shall compute and pay in accordance with this section additional state aid to school districts for students in categories two through six special education ADM. If a district's costs for the fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, the district may submit to the ~~superintendent of public instruction department~~ documentation, as prescribed by the ~~superintendent department~~, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the 36017  
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district an amount equal to the sum of the following: 36028

(1) One-half of the district's costs for the student in 36029  
excess of the threshold catastrophic cost; 36030

(2) The product of one-half of the district's costs for 36031  
the student in excess of the threshold catastrophic cost 36032  
multiplied by the district's state share index. 36033

(B) For purposes of division (A) of this section, the 36034  
threshold catastrophic cost for serving a student equals: 36035

(1) For a student in the school district's category two, 36036  
three, four, or five special education ADM, twenty-seven 36037  
thousand three hundred seventy-five dollars; 36038

(2) For a student in the district's category six special 36039  
education ADM, thirty-two thousand eight hundred fifty dollars. 36040

(C) The district shall report under division (A) of this 36041  
section, and the department shall pay for, only the costs of 36042  
educational expenses and the related services provided to the 36043  
student in accordance with the student's individualized 36044  
education program. Any legal fees, court costs, or other costs 36045  
associated with any cause of action relating to the student may 36046  
not be included in the amount. 36047

**Sec. 3317.0215.** (A) For purposes of this section, "four- 36048  
year adjusted cohort graduation rate" has the same meaning as in 36049  
section 3302.01 of the Revised Code. 36050

(B) The department of ~~education~~ learning and achievement 36051  
shall annually calculate a graduation bonus for each city, 36052  
local, and exempted village school district according to the 36053  
following formula: 36054

The district's four-year adjusted cohort graduation rate on its 36055

most recent report card issued by the department under section 3302.03 of the Revised Code X 0.075 X the formula amount X the number of the district's graduates reported to the department, in accordance with the guidelines adopted under section 3301.0714 of the Revised Code, for the same school year for which the most recent report card was issued X the district's state share index

**Sec. 3317.0216.** (A) For purposes of this section, a city, local, or exempted village school district's "third-grade reading proficiency percentage" means the percentage of the district's students scoring at a proficient level of skill or higher on the third-grade English language arts assessment prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code for the immediately preceding school year, as reported on the district's report card under section 3302.03 of the Revised Code.

(B) The department of ~~education~~ learning and achievement shall annually calculate a third-grade reading bonus for each city, local, and exempted village school district according to the following formula:

The district's third-grade reading proficiency percentage X 0.075 X the formula amount X the number of the district's students scoring at a proficient level of skill or higher on the third-grade English language arts assessment prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code for the immediately preceding school year X the district's state share index

**Sec. 3317.0217.** Payment of the amount calculated for a school district under this section shall be made under division (A) of section 3317.022 of the Revised Code.

(A) The department of ~~education~~learning and achievement 36086  
shall annually compute targeted assistance funds to school 36087  
districts, as follows: 36088

(1) Calculate the local wealth per pupil of each school 36089  
district, which equals the following sum: 36090

(a) One-half times the quotient of (i) the district's 36091  
three-year average valuation divided by (ii) its formula ADM; 36092  
plus 36093

(b) One-half times the quotient of (i) the average of the 36094  
total federal adjusted gross income of the school district's 36095  
residents for the three years most recently reported under 36096  
section 3317.021 of the Revised Code divided by (ii) its formula 36097  
ADM. 36098

(2) Rank all school districts in order of local wealth per 36099  
pupil, from the district with the lowest local wealth per pupil 36100  
to the district with the highest local wealth per pupil. 36101

(3) Compute the statewide wealth per pupil, which equals 36102  
the following sum: 36103

(a) One-half times the quotient of (i) the sum of the 36104  
three-year average valuations for all school districts divided 36105  
by (ii) the sum of formula ADM counts for all school districts; 36106  
plus 36107

(b) One-half times the quotient of (i) the sum of the 36108  
three-year average total federal adjusted gross incomes for all 36109  
school districts divided by (ii) the sum of formula ADM counts 36110  
for all school districts. 36111

(4) Compute each district's wealth index by dividing the 36112  
statewide wealth per pupil by the district's local wealth per 36113

pupil. 36114

(5) Compute the per pupil targeted assistance for each 36115  
eligible school district in accordance with the following 36116  
formula: 36117

(Threshold local wealth per pupil - the district's local wealth 36118  
per pupil) X target millage X the district's wealth index 36119

Where: 36120

(a) An "eligible school district" means a school district 36121  
with a local wealth per pupil less than that of the school 36122  
district with the 490th lowest local wealth per pupil. 36123

(b) "Threshold local wealth per pupil" means the local 36124  
wealth per pupil of the school district with the 490th lowest 36125  
local wealth per pupil. 36126

(c) "Target millage" means 0.006. 36127

If the result of the calculation for a school district 36128  
under division (A) (5) of this section is less than zero, the 36129  
district's targeted assistance shall be zero. 36130

(6) Calculate the aggregate amount to be paid as targeted 36131  
assistance funds to each school district under division (A) of 36132  
section 3317.022 of the Revised Code by multiplying the per 36133  
pupil targeted assistance computed under division (A) (5) of this 36134  
section by the district's net formula ADM. 36135

As used in this division, a district's "net formula ADM" 36136  
means its formula ADM minus the number of community school 36137  
students certified under division (B) (3) (d) of section 3317.03 36138  
of the Revised Code X 0.75, the number of internet- and 36139  
computer-based community school students certified under 36140  
division (B) (3) (e) of that section, the number of science, 36141

technology, engineering, and mathematics school students 36142  
certified under division (B) (3) (j) of that section X 0.75, and 36143  
the number of scholarship students certified under divisions (B)  
(3) (f), (g), and (l) of that section. 36144  
36145

(B) The department shall annually compute supplemental 36146  
targeted assistance funds to school districts, as follows: 36147

(1) Compute each district's agricultural percentage as the 36148  
quotient of (a) the three-year average valuation of real 36149  
property in the district that is classified as agricultural 36150  
property divided by (b) the three-year average valuation of all 36151  
of the real property in the district. 36152

(2) Calculate the aggregate amount to be paid as 36153  
supplemental targeted assistance funds to each school district 36154  
under division (A) of section 3317.022 of the Revised Code, as 36155  
follows: 36156

(The district's agricultural percentage - 0.1) X (0.4 X the 36157  
formula amount) X the district's net formula ADM, as that term 36158  
is defined in division (A) of this section 36159

If the result of the calculation for a school district 36160  
under division (B) (2) of this section is less than zero, the 36161  
district's supplemental targeted assistance shall be zero. 36162

**Sec. 3317.0218.** The department of ~~education~~ learning and 36163  
achievement shall annually compute capacity aid funds to school 36164  
districts, as follows: 36165

(A) For each school district, multiply the district's 36166  
three-year average valuation by 0.001; 36167

(B) Determine the median amount of all of the amounts 36168  
calculated under division (A) of this section; 36169

(C) Calculate each school district's capacity ratio, which 36170  
equals the greater of zero or the amount calculated as follows: 36171  
  
(The amount determined under division (B) of this section / the 36172  
amount calculated for the district under division (A) of this 36173  
section) - 1 36174  
  
If the result of a calculation for a school district under 36175  
division (C) of this section is greater than 2.5, the district's 36176  
capacity ratio shall be 2.5. 36177  
  
(D) Calculate the capacity aid per pupil amount, which 36178  
equals the following quotient: 36179  
  
(The amount determined under division (B) of this section) / 36180  
(the average of the formula ADMs of all of the districts for 36181  
which the amount calculated under division (A) of this section 36182  
is less than the amount determined under division (B) of this 36183  
section) 36184  
  
(E) Calculate each school district's capacity aid, which 36185  
equals the following product: 36186  
  
The capacity aid per pupil amount calculated under division (D) 36187  
of this section X the district's formula ADM X 4.0 X the 36188  
district's capacity ratio calculated under division (C) of this 36189  
section 36190  
  
**Sec. 3317.03.** (A) The superintendent of each city, local, 36191  
and exempted village school district shall report to the ~~state-~~ 36192  
~~board of education~~ department of learning and achievement as of 36193  
the last day of October, March, and June of each year the 36194  
enrollment of students receiving services from schools under the 36195  
superintendent's supervision, and the numbers of other students 36196  
entitled to attend school in the district under section 3313.64 36197  
or 3313.65 of the Revised Code the superintendent is required to 36198

report under this section, so that the department ~~of education~~ 36199  
can calculate the district's formula ADM, total ADM, category 36200  
one through five career-technical education ADM, category one 36201  
through three limited English proficient ADM, category one 36202  
through six special education ADM, preschool scholarship ADM, 36203  
transportation ADM, and, for purposes of provisions of law 36204  
outside of Chapter 3317. of the Revised Code, average daily 36205  
membership. 36206

(1) The enrollment reported by the superintendent during 36207  
the reporting period shall consist of the number of students in 36208  
grades kindergarten through twelve receiving any educational 36209  
services from the district, except that the following categories 36210  
of students shall not be included in the determination: 36211

(a) Students enrolled in adult education classes; 36212

(b) Adjacent or other district students enrolled in the 36213  
district under an open enrollment policy pursuant to section 36214  
3313.98 of the Revised Code; 36215

(c) Students receiving services in the district pursuant 36216  
to a compact, cooperative education agreement, or a contract, 36217  
but who are entitled to attend school in another district 36218  
pursuant to section 3313.64 or 3313.65 of the Revised Code; 36219

(d) Students for whom tuition is payable pursuant to 36220  
sections 3317.081 and 3323.141 of the Revised Code; 36221

(e) Students receiving services in the district through a 36222  
scholarship awarded under either section 3310.41 or sections 36223  
3310.51 to 3310.64 of the Revised Code. 36224

When reporting students under division (A) (1) of this 36225  
section, the superintendent also shall report the district where 36226  
each student is entitled to attend school pursuant to sections 36227

3313.64 and 3313.65 of the Revised Code.	36228
(2) The department of <del>education</del> <u>learning and achievement</u>	36229
shall compile a list of all students reported to be enrolled in	36230
a district under division (A)(1) of this section and of the	36231
students entitled to attend school in the district pursuant to	36232
section 3313.64 or 3313.65 of the Revised Code on an FTE basis	36233
but receiving educational services in grades kindergarten	36234
through twelve from one or more of the following entities:	36235
(a) A community school pursuant to Chapter 3314. of the	36236
Revised Code, including any participation in a college pursuant	36237
to Chapter 3365. of the Revised Code while enrolled in such	36238
community school;	36239
(b) An alternative school pursuant to sections 3313.974 to	36240
3313.979 of the Revised Code as described in division (I)(2)(a)	36241
or (b) of this section;	36242
(c) A college pursuant to Chapter 3365. of the Revised	36243
Code, except when the student is enrolled in the college while	36244
also enrolled in a community school pursuant to Chapter 3314., a	36245
science, technology, engineering, and mathematics school	36246
established under Chapter 3326., or a college-preparatory	36247
boarding school established under Chapter 3328. of the Revised	36248
Code;	36249
(d) An adjacent or other school district under an open	36250
enrollment policy adopted pursuant to section 3313.98 of the	36251
Revised Code;	36252
(e) An educational service center or cooperative education	36253
district;	36254
(f) Another school district under a cooperative education	36255
agreement, compact, or contract;	36256

(g) A chartered nonpublic school with a scholarship paid 36257  
under section 3310.08 of the Revised Code, if the students 36258  
qualified for the scholarship under section 3310.03 of the 36259  
Revised Code; 36260

(h) An alternative public provider or a registered private 36261  
provider with a scholarship awarded under either section 3310.41 36262  
or sections 3310.51 to 3310.64 of the Revised Code. 36263

As used in this section, "alternative public provider" and 36264  
"registered private provider" have the same meanings as in 36265  
section 3310.41 or 3310.51 of the Revised Code, as applicable. 36266

(i) A science, technology, engineering, and mathematics 36267  
school established under Chapter 3326. of the Revised Code, 36268  
including any participation in a college pursuant to Chapter 36269  
3365. of the Revised Code while enrolled in the school; 36270

(j) A college-preparatory boarding school established 36271  
under Chapter 3328. of the Revised Code, including any 36272  
participation in a college pursuant to Chapter 3365. of the 36273  
Revised Code while enrolled in the school. 36274

(3) The department also shall compile a list of the 36275  
students entitled to attend school in the district under section 36276  
3313.64 or 3313.65 of the Revised Code who are enrolled in a 36277  
joint vocational school district or under a career-technical 36278  
education compact, excluding any students so entitled to attend 36279  
school in the district who are enrolled in another school 36280  
district through an open enrollment policy as reported under 36281  
division (A) (2) (d) of this section and then enroll in a joint 36282  
vocational school district or under a career-technical education 36283  
compact. 36284

The department shall provide each city, local, and 36285

exempted village school district with an opportunity to review 36286  
the list of students compiled under divisions (A) (2) and (3) of 36287  
this section to ensure that the students reported accurately 36288  
reflect the enrollment of students in the district. 36289

(B) To enable the department of ~~education~~ learning and 36290  
achievement to obtain the data needed to complete the 36291  
calculation of payments pursuant to this chapter, each 36292  
superintendent shall certify from the reports provided by the 36293  
department under division (A) of this section all of the 36294  
following: 36295

(1) The total student enrollment in regular learning day 36296  
classes included in the report under division (A) (1) or (2) of 36297  
this section for each of the individual grades kindergarten 36298  
through twelve in schools under the superintendent's 36299  
supervision; 36300

(2) The unduplicated count of the number of preschool 36301  
children with disabilities enrolled in the district for whom the 36302  
district is eligible to receive funding under section 3317.0213 36303  
of the Revised Code adjusted for the portion of the year each 36304  
child is so enrolled, in accordance with the disability 36305  
categories prescribed in section 3317.013 of the Revised Code; 36306

(3) The number of children entitled to attend school in 36307  
the district pursuant to section 3313.64 or 3313.65 of the 36308  
Revised Code who are: 36309

(a) Participating in a pilot project scholarship program 36310  
established under sections 3313.974 to 3313.979 of the Revised 36311  
Code as described in division (I) (2) (a) or (b) of this section; 36312

(b) Enrolled in a college under Chapter 3365. of the 36313  
Revised Code, except when the student is enrolled in the college 36314

while also enrolled in a community school pursuant to Chapter 36315  
3314. of the Revised Code, a science, technology, engineering, 36316  
and mathematics school established under Chapter 3326., or a 36317  
college-preparatory boarding school established under Chapter 36318  
3328. of the Revised Code; 36319

(c) Enrolled in an adjacent or other school district under 36320  
section 3313.98 of the Revised Code; 36321

(d) Enrolled in a community school established under 36322  
Chapter 3314. of the Revised Code that is not an internet- or 36323  
computer-based community school as defined in section 3314.02 of 36324  
the Revised Code, including any participation in a college 36325  
pursuant to Chapter 3365. of the Revised Code while enrolled in 36326  
such community school; 36327

(e) Enrolled in an internet- or computer-based community 36328  
school, as defined in section 3314.02 of the Revised Code, 36329  
including any participation in a college pursuant to Chapter 36330  
3365. of the Revised Code while enrolled in the school; 36331

(f) Enrolled in a chartered nonpublic school with a 36332  
scholarship paid under section 3310.08 of the Revised Code and 36333  
who qualified for the scholarship under section 3310.03 of the 36334  
Revised Code; 36335

(g) Enrolled in kindergarten through grade twelve in an 36336  
alternative public provider or a registered private provider 36337  
with a scholarship awarded under section 3310.41 of the Revised 36338  
Code; 36339

(h) Enrolled as a preschool child with a disability in an 36340  
alternative public provider or a registered private provider 36341  
with a scholarship awarded under section 3310.41 of the Revised 36342  
Code; 36343

(i) Participating in a program operated by a county board of developmental disabilities or a state institution;	36344 36345
(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	36346 36347 36348 36349 36350
(k) Enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	36351 36352 36353 36354
(l) Enrolled in an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code.	36355 36356 36357
(4) The total enrollment of pupils in joint vocational schools;	36358 36359
(5) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	36360 36361 36362 36363 36364 36365 36366 36367
(6) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program	36368 36369 36370 36371 36372

operated by an alternative public provider or a registered 36373  
private provider with a scholarship awarded under sections 36374  
3310.51 to 3310.64 of the Revised Code; 36375

(7) The combined enrollment of children with disabilities 36376  
reported under division (A) (1) or (2) of this section receiving 36377  
special education services for category three disabilities 36378  
described in division (C) of section 3317.013 of the Revised 36379  
Code, including children attending a special education program 36380  
operated by an alternative public provider or a registered 36381  
private provider with a scholarship awarded under sections 36382  
3310.51 to 3310.64 of the Revised Code; 36383

(8) The combined enrollment of children with disabilities 36384  
reported under division (A) (1) or (2) of this section receiving 36385  
special education services for category four disabilities 36386  
described in division (D) of section 3317.013 of the Revised 36387  
Code, including children attending a special education program 36388  
operated by an alternative public provider or a registered 36389  
private provider with a scholarship awarded under sections 36390  
3310.51 to 3310.64 of the Revised Code; 36391

(9) The combined enrollment of children with disabilities 36392  
reported under division (A) (1) or (2) of this section receiving 36393  
special education services for the category five disabilities 36394  
described in division (E) of section 3317.013 of the Revised 36395  
Code, including children attending a special education program 36396  
operated by an alternative public provider or a registered 36397  
private provider with a scholarship awarded under sections 36398  
3310.51 to 3310.64 of the Revised Code; 36399

(10) The combined enrollment of children with disabilities 36400  
reported under division (A) (1) or (2) and under division (B) (3) 36401  
(h) of this section receiving special education services for 36402

category six disabilities described in division (F) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code;

(11) The enrollment of pupils reported under division (A) (1) or (2) of this section on a full-time equivalency basis in category one career-technical education programs or classes, described in division (A) of section 3317.014 of the Revised Code, operated by the school district or by another district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division (G) of section 3317.02 of the Revised Code and division (C) (3) of this section;

(12) The enrollment of pupils reported under division (A) (1) or (2) of this section on a full-time equivalency basis in category two career-technical education programs or services, described in division (B) of section 3317.014 of the Revised Code, operated by the school district or another school district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division (G) of section 3317.02 of the Revised Code and division (C) (3) of this section;

(13) The enrollment of pupils reported under division (A) (1) or (2) of this section on a full-time equivalency basis in category three career-technical education programs or services, described in division (C) of section 3317.014 of the Revised

Code, operated by the school district or another school district 36433  
that is a member of the district's career-technical planning 36434  
district, other than a joint vocational school district, or by 36435  
an educational service center, notwithstanding division (G) of 36436  
section 3317.02 of the Revised Code and division (C) (3) of this 36437  
section; 36438

(14) The enrollment of pupils reported under division (A) 36439  
(1) or (2) of this section on a full-time equivalency basis in 36440  
category four career-technical education programs or services, 36441  
described in division (D) of section 3317.014 of the Revised 36442  
Code, operated by the school district or another school district 36443  
that is a member of the district's career-technical planning 36444  
district, other than a joint vocational school district, or by 36445  
an educational service center, notwithstanding division (G) of 36446  
section 3317.02 of the Revised Code and division (C) (3) of this 36447  
section; 36448

(15) The enrollment of pupils reported under division (A) 36449  
(1) or (2) of this section on a full-time equivalency basis in 36450  
category five career-technical education programs or services, 36451  
described in division (E) of section 3317.014 of the Revised 36452  
Code, operated by the school district or another school district 36453  
that is a member of the district's career-technical planning 36454  
district, other than a joint vocational school district, or by 36455  
an educational service center, notwithstanding division (G) of 36456  
section 3317.02 of the Revised Code and division (C) (3) of this 36457  
section; 36458

(16) The enrollment of pupils reported under division (A) 36459  
(1) or (2) of this section who are limited English proficient 36460  
students described in division (A) of section 3317.016 of the 36461  
Revised Code, excluding any student reported under division (B) 36462

(3) (e) of this section as enrolled in an internet- or computer-  
based community school; 36463  
36464

(17) The enrollment of pupils reported under division (A)  
(1) or (2) of this section who are limited English proficient 36465  
students described in division (B) of section 3317.016 of the 36466  
Revised Code, excluding any student reported under division (B) 36467  
(3) (e) of this section as enrolled in an internet- or computer- 36468  
based community school; 36469  
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(18) The enrollment of pupils reported under division (A)  
(1) or (2) of this section who are limited English proficient 36471  
students described in division (C) of section 3317.016 of the 36472  
Revised Code, excluding any student reported under division (B) 36473  
(3) (e) of this section as enrolled in an internet- or computer- 36474  
based community school; 36475  
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(19) The average number of children transported during the 36477  
reporting period by the school district on board-owned or 36478  
contractor-owned and -operated buses, reported in accordance 36479  
with rules adopted by the department of ~~education~~ learning and 36480  
achievement; 36481

(20) (a) The number of children, other than preschool 36482  
children with disabilities, the district placed with a county 36483  
board of developmental disabilities in fiscal year 1998. 36484  
Division (B) (20) (a) of this section does not apply after fiscal 36485  
year 2013. 36486

(b) The number of children with disabilities, other than 36487  
preschool children with disabilities, placed with a county board 36488  
of developmental disabilities in the current fiscal year to 36489  
receive special education services for the category one 36490  
disability described in division (A) of section 3317.013 of the 36491

Revised Code;	36492
(c) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code;	36493 36494 36495 36496 36497 36498
(d) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	36499 36500 36501 36502 36503 36504
(e) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	36505 36506 36507 36508 36509 36510
(f) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	36511 36512 36513 36514 36515 36516
(g) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category six disabilities	36517 36518 36519 36520

described in division (F) of section 3317.013 of the Revised Code. 36521  
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(21) The enrollment of students who are economically disadvantaged, as defined by the department, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school. A student shall not be categorically excluded from the number reported under division (B)(21) of this section based on anything other than family income. 36523  
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(C) (1) ~~The state board of education department of learning and achievement~~ shall adopt rules necessary for implementing divisions (A), (B), and (D) of this section. 36530  
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(2) A student enrolled in a community school established under Chapter 3314., a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code shall be counted in the formula ADM and, if applicable, the category one, two, three, four, five, or six special education ADM of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code for the same proportion of the school year that the student is counted in the enrollment of the community school, the science, technology, engineering, and mathematics school, or the college-preparatory boarding school for purposes of section 3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding the enrollment of students certified pursuant to division (B)(3)(d), (e), (j), or (k) of this section, the department may adjust the formula ADM of a school district to account for students entitled to attend school in the district under section 3313.64 or 3313.65 of the 36533  
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Revised Code who are enrolled in a community school, a science, 36551  
technology, engineering, and mathematics school, or a college- 36552  
preparatory boarding school for only a portion of the school 36553  
year. 36554

(3) No child shall be counted as more than a total of one 36555  
child in the sum of the enrollment of students of a school 36556  
district under division (A), divisions (B) (1) to (22), or 36557  
division (D) of this section, except as follows: 36558

(a) A child with a disability described in section 36559  
3317.013 of the Revised Code may be counted both in formula ADM 36560  
and in category one, two, three, four, five, or six special 36561  
education ADM and, if applicable, in category one, two, three, 36562  
four, or five career-technical education ADM. As provided in 36563  
division (G) of section 3317.02 of the Revised Code, such a 36564  
child shall be counted in category one, two, three, four, five, 36565  
or six special education ADM in the same proportion that the 36566  
child is counted in formula ADM. 36567

(b) A child enrolled in career-technical education 36568  
programs or classes described in section 3317.014 of the Revised 36569  
Code may be counted both in formula ADM and category one, two, 36570  
three, four, or five career-technical education ADM and, if 36571  
applicable, in category one, two, three, four, five, or six 36572  
special education ADM. Such a child shall be counted in category 36573  
one, two, three, four, or five career-technical education ADM in 36574  
the same proportion as the percentage of time that the child 36575  
spends in the career-technical education programs or classes. 36576

(4) Based on the information reported under this section, 36577  
the department of ~~education~~ learning and achievement shall 36578  
determine the total student count, as defined in section 36579  
3301.011 of the Revised Code, for each school district. 36580

(D) (1) The superintendent of each joint vocational school 36581  
district shall report and certify to the ~~superintendent of~~ 36582  
~~public instruction department of learning and achievement~~ as of 36583  
the last day of October, March, and June of each year the 36584  
enrollment of students receiving services from schools under the 36585  
superintendent's supervision so that the department can 36586  
calculate the district's formula ADM, total ADM, category one 36587  
through five career-technical education ADM, category one 36588  
through three limited English proficient ADM, category one 36589  
through six special education ADM, and for purposes of 36590  
provisions of law outside of Chapter 3317. of the Revised Code, 36591  
average daily membership. 36592

The enrollment reported and certified by the 36593  
superintendent, except as otherwise provided in this division, 36594  
shall consist of the the number of students in grades six 36595  
through twelve receiving any educational services from the 36596  
district, except that the following categories of students shall 36597  
not be included in the determination: 36598

(a) Students enrolled in adult education classes; 36599

(b) Adjacent or other district joint vocational students 36600  
enrolled in the district under an open enrollment policy 36601  
pursuant to section 3313.98 of the Revised Code; 36602

(c) Students receiving services in the district pursuant 36603  
to a compact, cooperative education agreement, or a contract, 36604  
but who are entitled to attend school in a city, local, or 36605  
exempted village school district whose territory is not part of 36606  
the territory of the joint vocational district; 36607

(d) Students for whom tuition is payable pursuant to 36608  
sections 3317.081 and 3323.141 of the Revised Code. 36609

(2) To enable the department of ~~education~~ learning and achievement to obtain the data needed to complete the calculation of payments pursuant to this chapter, each superintendent shall certify from the report provided under division (D)(1) of this section the enrollment for each of the following categories of students:

(a) Students enrolled in each individual grade included in the joint vocational district schools;

(b) Children with disabilities receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;

(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code;

(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;

(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;

(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;

(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;

(h) Students receiving category one career-technical education services, described in division (A) of section

3317.014 of the Revised Code;	36638
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	36639 36640 36641
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	36642 36643 36644
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	36645 36646 36647
(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;	36648 36649 36650
(m) Limited English proficient students described in division (A) of section 3317.016 of the Revised Code;	36651 36652
(n) Limited English proficient students described in division (B) of section 3317.016 of the Revised Code;	36653 36654
(o) Limited English proficient students described in division (C) of section 3317.016 of the Revised Code;	36655 36656
(p) Students who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (D) (2) (p) of this section based on anything other than family income.	36657 36658 36659 36660
The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	36661 36662 36663 36664 36665

(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school enrollment, which record shall accurately show, for each day the school is in session, the actual enrollment in regular day classes. For the purpose of determining the enrollment of students, the enrollment figure of any school shall not include any pupils except those pupils described by division (A) of this section. The record of enrollment for each school shall be maintained in such manner that no pupil shall be counted as enrolled prior to the actual date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school that pupil shall not be counted as enrolled from and after the date of such withdrawal. There shall not be included in the enrollment of any school any of the following:

(1) Any pupil who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any pupil who is not a resident of the state;

(3) Any pupil who was enrolled in the schools of the district during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section;

(4) Any pupil who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than

four years after termination of war or their honorable 36696  
discharge; 36697

(5) Any pupil who has a certificate of high school 36698  
equivalence as defined in section 5107.40 of the Revised Code. 36699

If, however, any veteran described by division (E) (4) of 36700  
this section elects to enroll in special courses organized for 36701  
veterans for whom tuition is paid under the provisions of 36702  
federal laws, or otherwise, that veteran shall not be included 36703  
in the enrollment of students determined under this section. 36704

Notwithstanding division (E) (3) of this section, the 36705  
enrollment of any school may include a pupil who did not take an 36706  
assessment required by section 3301.0711 of the Revised Code if 36707  
the ~~superintendent of public instruction~~ department of learning 36708  
and achievement grants a waiver from the requirement to take the 36709  
assessment to the specific pupil and a parent is not paying 36710  
tuition for the pupil pursuant to section 3313.6410 of the 36711  
Revised Code. The ~~superintendent~~ department may grant such a 36712  
waiver only for good cause in accordance with rules adopted by 36713  
the ~~state board of education~~ department. 36714

The formula ADM, total ADM, category one through five 36715  
career-technical education ADM, category one through three 36716  
limited English proficient ADM, category one through six special 36717  
education ADM, preschool scholarship ADM, transportation ADM, 36718  
and, for purposes of provisions of law outside of Chapter 3317. 36719  
of the Revised Code, average daily membership of any school 36720  
district shall be determined in accordance with rules adopted by 36721  
the ~~state board of education~~ department. 36722

(F) (1) If a student attending a community school under 36723  
Chapter 3314., a science, technology, engineering, and 36724

mathematics school established under Chapter 3326., or a 36725  
college-preparatory boarding school established under Chapter 36726  
3328. of the Revised Code is not included in the formula ADM 36727  
calculated for the school district in which the student is 36728  
entitled to attend school under section 3313.64 or 3313.65 of 36729  
the Revised Code, the department of ~~education~~learning and 36730  
achievement shall adjust the formula ADM of that school district 36731  
to include the student in accordance with division (C)(2) of 36732  
this section, and shall recalculate the school district's 36733  
payments under this chapter for the entire fiscal year on the 36734  
basis of that adjusted formula ADM. 36735

(2) If a student awarded an educational choice scholarship 36736  
is not included in the formula ADM of the school district from 36737  
which the department deducts funds for the scholarship under 36738  
section 3310.08 of the Revised Code, the department shall adjust 36739  
the formula ADM of that school district to include the student 36740  
to the extent necessary to account for the deduction, and shall 36741  
recalculate the school district's payments under this chapter 36742  
for the entire fiscal year on the basis of that adjusted formula 36743  
ADM. 36744

(3) If a student awarded a scholarship under the Jon 36745  
Peterson special needs scholarship program is not included in 36746  
the formula ADM of the school district from which the department 36747  
deducts funds for the scholarship under section 3310.55 of the 36748  
Revised Code, the department shall adjust the formula ADM of 36749  
that school district to include the student to the extent 36750  
necessary to account for the deduction, and shall recalculate 36751  
the school district's payments under this chapter for the entire 36752  
fiscal year on the basis of that adjusted formula ADM. 36753

(G) (1) (a) The superintendent of an institution operating a 36754

special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the ~~state board of education~~ department of learning and achievement, in the manner prescribed by the superintendent of public instruction, both of the following:

(i) The unduplicated count of the number of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions (A) to (F) of section 3317.013 of the Revised Code adjusted for the portion of the year each child is so enrolled;

(ii) The unduplicated count of the number of all preschool children with disabilities in classes or programs for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code.

(b) The superintendent of an institution with career-technical education units approved under section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the ~~state board of education~~ department the enrollment in those units, in the manner prescribed by the ~~superintendent of public instruction~~ department.

(2) The superintendent of each county board of developmental disabilities that maintains special education classes under section 3317.20 of the Revised Code or provides services to preschool children with disabilities pursuant to an agreement between the county board and the appropriate school district shall do both of the following:

(a) Certify to the ~~state board~~ department, in the manner 36784  
prescribed by the ~~board~~ department, the enrollment in classes 36785  
under section 3317.20 of the Revised Code for each school 36786  
district that has placed children in the classes; 36787

(b) Certify to the ~~state board~~ department, in the manner 36788  
prescribed by the ~~board~~ department, the unduplicated count of 36789  
the number of all preschool children with disabilities enrolled 36790  
in classes for which the ~~DD~~ board is eligible to receive funding 36791  
under section 3317.0213 of the Revised Code adjusted for the 36792  
portion of the year each child is so enrolled, reported 36793  
according to the categories prescribed in section 3317.013 of 36794  
the Revised Code, and the number of those classes. 36795

(H) Except as provided in division (I) of this section, 36796  
when any city, local, or exempted village school district 36797  
provides instruction for a nonresident pupil whose attendance is 36798  
unauthorized attendance as defined in section 3327.06 of the 36799  
Revised Code, that pupil's enrollment shall not be included in 36800  
that district's enrollment figure used in calculating the 36801  
district's payments under this chapter. The reporting official 36802  
shall report separately the enrollment of all pupils whose 36803  
attendance in the district is unauthorized attendance, and the 36804  
enrollment of each such pupil shall be credited to the school 36805  
district in which the pupil is entitled to attend school under 36806  
division (B) of section 3313.64 or section 3313.65 of the 36807  
Revised Code as determined by the department of ~~education~~ 36808  
learning and achievement. 36809

(I) (1) A city, local, exempted village, or joint 36810  
vocational school district admitting a scholarship student of a 36811  
pilot project district pursuant to division (C) of section 36812  
3313.976 of the Revised Code may count such student in its 36813

enrollment. 36814

(2) In any year for which funds are appropriated for pilot 36815  
project scholarship programs, a school district implementing a 36816  
state-sponsored pilot project scholarship program that year 36817  
pursuant to sections 3313.974 to 3313.979 of the Revised Code 36818  
may count in its enrollment: 36819

(a) All children residing in the district and utilizing a 36820  
scholarship to attend kindergarten in any alternative school, as 36821  
defined in section 3313.974 of the Revised Code; 36822

(b) All children who were enrolled in the district in the 36823  
preceding year who are utilizing a scholarship to attend an 36824  
alternative school. 36825

(J) The superintendent of each cooperative education 36826  
school district shall certify to the ~~superintendent of public~~ 36827  
~~instruction~~ department of learning and achievement, in a manner 36828  
prescribed by the ~~state board of education~~ department, the 36829  
applicable enrollments for all students in the cooperative 36830  
education district, also indicating the city, local, or exempted 36831  
village district where each pupil is entitled to attend school 36832  
under section 3313.64 or 3313.65 of the Revised Code. 36833

(K) If the ~~superintendent of public instruction~~ department 36834  
of learning and achievement determines that a component of the 36835  
enrollment certified or reported by a district superintendent, 36836  
or other reporting entity, is not correct, the ~~superintendent of~~ 36837  
~~public instruction~~ department may order that the formula ADM 36838  
used for the purposes of payments under any section of Title 36839  
XXXIII of the Revised Code be adjusted in the amount of the 36840  
error. 36841

**Sec. 3317.031.** A membership record shall be kept by grade 36842

level in each city, local, exempted village, joint vocational, 36843  
and cooperative education school district and such a record 36844  
shall be kept by grade level in each educational service center 36845  
that provides academic instruction to pupils, classes for pupils 36846  
with disabilities, or any other direct instructional services to 36847  
pupils. Such membership record shall show the following 36848  
information for each pupil enrolled: Name, date of birth, name 36849  
of parent, date entered school, date withdrawn from school, days 36850  
present, days absent, and the number of days school was open for 36851  
instruction while the pupil was enrolled. At the end of the 36852  
school year this membership record shall show the total days 36853  
present, the total days absent, and the total days due for all 36854  
pupils in each grade. Such membership record shall show the 36855  
pupils that are transported to and from school and it shall also 36856  
show the pupils that are transported living within one mile of 36857  
the school attended. This membership record shall also show any 36858  
other information prescribed by the ~~state board of education~~ 36859  
department of learning and achievement. 36860

This membership record shall be kept intact for at least 36861  
five years and shall be made available to the ~~state board of~~ 36862  
~~education~~ department of learning and achievement or its 36863  
representative in making an audit of the average daily 36864  
membership or the transportation of the district or educational 36865  
service center. 36866

The ~~state board of education~~ department of learning and 36867  
achievement may withhold any money due any school district or 36868  
educational service center under this chapter until it has 36869  
satisfactory evidence that the board of education or educational 36870  
service center governing board has fully complied with all of 36871  
the provisions of this section. 36872

Nothing in this section shall require any person to 36873  
release, or to permit access to, public school records in 36874  
violation of section 3319.321 of the Revised Code. 36875

**Sec. 3317.032.** Each city, local, exempted village, and 36876  
cooperative education school district, each educational service 36877  
center, each county board of developmental disabilities, and 36878  
each institution operating a special education program pursuant 36879  
to section 3323.091 of the Revised Code shall, in accordance 36880  
with procedures adopted by the ~~state board of education~~ 36881  
department of learning and achievement, maintain a record of 36882  
district membership of all preschool children with disabilities 36883  
who are served by a special education program. 36884

**Sec. 3317.033.** In accordance with rules which the ~~state~~ 36885  
~~board of education~~ department of learning and achievement shall 36886  
adopt, each joint vocational school district shall do both of 36887  
the following: 36888

(A) Maintain a record of district enrollment of any 36889  
persons who are not eligible to be included in the district's 36890  
formula ADM as that term is defined in section 3317.02 of the 36891  
Revised Code; 36892

(B) Annually certify to the ~~state board of education~~ 36893  
department of learning and achievement the number of persons for 36894  
whom a record is maintained under division (A) of this section. 36895  
These numbers shall be reported on a full-time equivalent basis. 36896

**Sec. 3317.036.** (A) The superintendent of each city, local, 36897  
and exempted village school district shall report to the ~~state~~ 36898  
~~board of education~~ department of learning and achievement as of 36899  
the last day of October, March, and June of each year the 36900  
enrollment under section 3317.23 of the Revised Code, on a full- 36901

time equivalency basis, of individuals who are at least twenty- 36902  
two years of age. This report shall be in addition to the 36903  
district's report of the enrollment of students entitled to 36904  
attend school in the district under section 3313.64 or 3313.65 36905  
of the Revised Code that is required under section 3317.03 of 36906  
the Revised Code. 36907

(B) The superintendent of each joint vocational school 36908  
district shall report and certify to the ~~superintendent of~~ 36909  
~~public instruction~~ department of learning and achievement as of 36910  
the last day of October, March, and June of each year the 36911  
enrollment of individuals receiving services from the district 36912  
on a full-time equivalency basis under section 3317.24 of the 36913  
Revised Code. This report shall be in addition to the district's 36914  
report of the enrollment of students that is required under 36915  
section 3317.03 of the Revised Code. 36916

**Sec. 3317.05.** (A) The department of ~~education~~ learning and 36917  
achievement shall determine for each institution, by the last 36918  
day of January of each year and based on information certified 36919  
under section 3317.03 of the Revised Code, the number of career- 36920  
technical education units or fractions of units approved by the 36921  
department on the basis of standards and rules adopted by the 36922  
~~state board of education~~ department of learning and achievement. 36923  
As used in this section, "institution" means an institution 36924  
operated by a department specified in section 3323.091 of the 36925  
Revised Code and that provides career-technical education 36926  
programs under the supervision of the division of career- 36927  
technical education of the department that meet the standards 36928  
and rules for these programs, including licensure of 36929  
professional staff involved in the programs, as established by 36930  
the ~~state board~~ department. 36931

(B) All of the arithmetical calculations made under this section shall be carried to the second decimal place. The total number of units for institutions approved annually under this section shall not exceed the number of units included in the estimate of cost for these units and appropriations made for them by the general assembly.

(C) The department shall pay each institution approved for career-technical education units under division (A) of this section an amount for the total of all the units approved under that division. The amount for each unit shall be the sum of the minimum salary for the teacher of the unit, calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior to July 1, 2001, plus fifteen per cent of that minimum salary amount, and nine thousand five hundred ten dollars. Each institution that receives unit funds under this division annually shall report to the department on the delivery of services and the performance of students and any other information required by the department to evaluate the institution's career-technical education program.

(D) For each unit allocated to an institution pursuant to division (A) of this section, the department, in addition to the amount specified in division (B) of this section, shall pay a supplemental unit allowance of \$7,227.

**Sec. 3317.051.** (A) As used in this section, "gifted unit ADM" means a school district's formula ADM minus the number of students reported by a district under divisions (A) (2) (a) and (i) of section 3317.03 of the Revised Code.

(B) The department of ~~education~~ learning and achievement

shall compute and pay to a school district funds based on units 36962  
for services to students identified as gifted under Chapter 36963  
3324. of the Revised Code as prescribed by this section. 36964

(C) The department shall allocate gifted units for a 36965  
school district as follows: 36966

(1) One gifted coordinator unit shall be allocated for 36967  
every 3,300 students in a district's gifted unit ADM, with a 36968  
minimum of 0.5 units and a maximum of 8 units allocated for the 36969  
district. 36970

(2) One gifted intervention specialist unit shall be 36971  
allocated for every 1,100 students in a district's gifted unit 36972  
ADM, with a minimum of 0.3 units allocated for the district. 36973

(D) The department shall pay the following amount to a 36974  
school district for gifted units: 36975

\$37,370 multiplied by the number of units allocated to a school 36976  
district under division (C) of this section 36977

(E) A school district may assign gifted unit funding that 36978  
it receives under division (D) of this section to another school 36979  
district, an educational service center, a community school, or 36980  
a STEM school as part of an arrangement to provide services to 36981  
the district. 36982

**Sec. 3317.06.** Moneys paid to school districts under 36983  
division (E) (1) of section 3317.024 of the Revised Code shall be 36984  
used for the following independent and fully severable purposes: 36985

(A) To purchase such secular textbooks or digital texts as 36986  
have been approved by the ~~superintendent of public instruction~~ 36987  
department of learning and achievement for use in public schools 36988  
in the state and to loan such textbooks or digital texts to 36989

pupils attending nonpublic schools within the district described 36990  
in division (E) (1) of section 3317.024 of the Revised Code or to 36991  
their parents and to hire clerical personnel to administer such 36992  
lending program. Such loans shall be based upon individual 36993  
requests submitted by such nonpublic school pupils or parents. 36994  
Such requests shall be submitted to the school district in which 36995  
the nonpublic school is located. Such individual requests for 36996  
the loan of textbooks or digital texts shall, for administrative 36997  
convenience, be submitted by the nonpublic school pupil or the 36998  
pupil's parent to the nonpublic school, which shall prepare and 36999  
submit collective summaries of the individual requests to the 37000  
school district. As used in this section: 37001

(1) "Textbook" means any book or book substitute that a 37002  
pupil uses as a consumable or nonconsumable text, text 37003  
substitute, or text supplement in a particular class or program 37004  
in the school the pupil regularly attends. 37005

(2) "Digital text" means a consumable book or book 37006  
substitute that a student accesses through the use of a computer 37007  
or other electronic medium or that is available through an 37008  
internet-based provider of course content, or any other material 37009  
that contributes to the learning process through electronic 37010  
means. 37011

(B) To provide speech and hearing diagnostic services to 37012  
pupils attending nonpublic schools within the district described 37013  
in division (E) (1) of section 3317.024 of the Revised Code. Such 37014  
service shall be provided in the nonpublic school attended by 37015  
the pupil receiving the service. 37016

(C) To provide physician, nursing, dental, and optometric 37017  
services to pupils attending nonpublic schools within the 37018  
district described in division (E) (1) of section 3317.024 of the 37019

Revised Code. Such services shall be provided in the school 37020  
attended by the nonpublic school pupil receiving the service. 37021

(D) To provide diagnostic psychological services to pupils 37022  
attending nonpublic schools within the district described in 37023  
division (E) (1) of section 3317.024 of the Revised Code. Such 37024  
services shall be provided in the school attended by the pupil 37025  
receiving the service. 37026

(E) To provide therapeutic psychological and speech and 37027  
hearing services to pupils attending nonpublic schools within 37028  
the district described in division (E) (1) of section 3317.024 of 37029  
the Revised Code. Such services shall be provided in the public 37030  
school, in nonpublic schools, in public centers, or in mobile 37031  
units located on or off of the nonpublic premises. If such 37032  
services are provided in the public school or in public centers, 37033  
transportation to and from such facilities shall be provided by 37034  
the school district in which the nonpublic school is located. 37035

(F) To provide guidance, counseling, and social work 37036  
services to pupils attending nonpublic schools within the 37037  
district described in division (E) (1) of section 3317.024 of the 37038  
Revised Code. Such services shall be provided in the public 37039  
school, in nonpublic schools, in public centers, or in mobile 37040  
units located on or off of the nonpublic premises. If such 37041  
services are provided in the public school or in public centers, 37042  
transportation to and from such facilities shall be provided by 37043  
the school district in which the nonpublic school is located. 37044

(G) To provide remedial services to pupils attending 37045  
nonpublic schools within the district described in division (E) 37046  
(1) of section 3317.024 of the Revised Code. Such services shall 37047  
be provided in the public school, in nonpublic schools, in 37048  
public centers, or in mobile units located on or off of the 37049

nonpublic premises. If such services are provided in the public 37050  
school or in public centers, transportation to and from such 37051  
facilities shall be provided by the school district in which the 37052  
nonpublic school is located. 37053

(H) To supply for use by pupils attending nonpublic 37054  
schools within the district described in division (E) (1) of 37055  
section 3317.024 of the Revised Code such standardized tests and 37056  
scoring services as are in use in the public schools of the 37057  
state; 37058

(I) To provide programs for children who attend nonpublic 37059  
schools within the district described in division (E) (1) of 37060  
section 3317.024 of the Revised Code and are children with 37061  
disabilities as defined in section 3323.01 of the Revised Code 37062  
or gifted children. Such programs shall be provided in the 37063  
public school, in nonpublic schools, in public centers, or in 37064  
mobile units located on or off of the nonpublic premises. If 37065  
such programs are provided in the public school or in public 37066  
centers, transportation to and from such facilities shall be 37067  
provided by the school district in which the nonpublic school is 37068  
located. 37069

(J) To hire clerical personnel to assist in the 37070  
administration of programs pursuant to divisions (B), (C), (D), 37071  
(E), (F), (G), and (I) of this section and to hire supervisory 37072  
personnel to supervise the providing of services and textbooks 37073  
pursuant to this section. 37074

(K) To purchase or lease any secular, neutral, and 37075  
nonideological computer application software designed to assist 37076  
students in performing a single task or multiple related tasks, 37077  
device management software, learning management software, site- 37078  
licensing, digital video on demand (DVD), wide area connectivity 37079

and related technology as it relates to internet access, 37080  
mathematics or science equipment and materials, instructional 37081  
materials, and school library materials that are in general use 37082  
in the public schools of the state and loan such items to pupils 37083  
attending nonpublic schools within the district described in 37084  
division (E) (1) of section 3317.024 of the Revised Code or to 37085  
their parents, and to hire clerical personnel to administer the 37086  
lending program. Only such items that are incapable of diversion 37087  
to religious use and that are susceptible of loan to individual 37088  
pupils and are furnished for the use of individual pupils shall 37089  
be purchased and loaned under this division. As used in this 37090  
section, "instructional materials" means prepared learning 37091  
materials that are secular, neutral, and nonideological in 37092  
character and are of benefit to the instruction of school 37093  
children. "Instructional materials" includes media content that 37094  
a student may access through the use of a computer or electronic 37095  
device. 37096

Mobile applications that are secular, neutral, and 37097  
nonideological in character and that are purchased for less than 37098  
twenty dollars for instructional use shall be considered to be 37099  
consumable and shall be distributed to students without the 37100  
expectation that the applications must be returned. 37101

(L) To purchase or lease instructional equipment, 37102  
including computer hardware and related equipment in general use 37103  
in the public schools of the state, for use by pupils attending 37104  
nonpublic schools within the district described in division (E) 37105  
(1) of section 3317.024 of the Revised Code and to loan such 37106  
items to pupils attending such nonpublic schools within the 37107  
district or to their parents, and to hire clerical personnel to 37108  
administer the lending program. "Computer hardware and related 37109  
equipment" includes desktop computers and workstations; laptop 37110

computers, computer tablets, and other mobile handheld devices; 37111  
their operating systems and accessories; and any equipment 37112  
designed to make accessible the environment of a classroom to a 37113  
student, who is physically unable to attend classroom activities 37114  
due to hospitalization or other circumstances, by allowing real- 37115  
time interaction with other students both one-on-one and in 37116  
group discussion. 37117

(M) To purchase mobile units to be used for the provision 37118  
of services pursuant to divisions (E), (F), (G), and (I) of this 37119  
section and to pay for necessary repairs and operating costs 37120  
associated with these units. 37121

(N) To reimburse costs the district incurred to store the 37122  
records of a chartered nonpublic school that closes. 37123  
Reimbursements under this division shall be made one time only 37124  
for each chartered nonpublic school described in division (E) (1) 37125  
of section 3317.024 of the Revised Code that closes. 37126

(O) To purchase life-saving medical or other emergency 37127  
equipment for placement in nonpublic schools within the district 37128  
described in division (E) (1) of section 3317.024 of the Revised 37129  
Code or to maintain such equipment. 37130

(P) To procure and pay for security services from a county 37131  
sheriff or a township or municipal police force or from a person 37132  
certified through the Ohio peace officer training commission, in 37133  
accordance with section 109.78 of the Revised Code, as a special 37134  
police, security guard, or as a privately employed person 37135  
serving in a police capacity for nonpublic schools in the 37136  
district described in division (E) (1) of section 3317.024 of the 37137  
Revised Code. 37138

(Q) To provide language and academic support services and 37139

other accommodations for English language learners attending 37140  
nonpublic schools within the district described in division (E) 37141  
(1) of section 3317.024 of the Revised Code. 37142

Clerical and supervisory personnel hired pursuant to 37143  
division (J) of this section shall perform their services in the 37144  
public schools, in nonpublic schools, public centers, or mobile 37145  
units where the services are provided to the nonpublic school 37146  
pupil, except that such personnel may accompany pupils to and 37147  
from the service sites when necessary to ensure the safety of 37148  
the children receiving the services. 37149

All services provided pursuant to this section may be 37150  
provided under contract with educational service centers, the 37151  
department of health, city or general health districts, or 37152  
private agencies whose personnel are properly licensed by an 37153  
appropriate state board or agency. 37154

Transportation of pupils provided pursuant to divisions 37155  
(E), (F), (G), and (I) of this section shall be provided by the 37156  
school district from its general funds and not from moneys paid 37157  
to it under division (E) (1) of section 3317.024 of the Revised 37158  
Code unless a special transportation request is submitted by the 37159  
parent of the child receiving service pursuant to such 37160  
divisions. If such an application is presented to the school 37161  
district, it may pay for the transportation from moneys paid to 37162  
it under division (E) (1) of section 3317.024 of the Revised 37163  
Code. 37164

No school district shall provide health or remedial 37165  
services to nonpublic school pupils as authorized by this 37166  
section unless such services are available to pupils attending 37167  
the public schools within the district. 37168

Materials, equipment, computer hardware or software, 37169  
textbooks, digital texts, and health and remedial services 37170  
provided for the benefit of nonpublic school pupils pursuant to 37171  
this section and the admission of pupils to such nonpublic 37172  
schools shall be provided without distinction as to race, creed, 37173  
color, or national origin of such pupils or of their teachers. 37174

No school district shall provide services, materials, or 37175  
equipment that contain religious content for use in religious 37176  
courses, devotional exercises, religious training, or any other 37177  
religious activity. 37178

As used in this section, "parent" includes a person 37179  
standing in loco parentis to a child. 37180

Notwithstanding section 3317.01 of the Revised Code, 37181  
payments shall be made under this section to any city, local, or 37182  
exempted village school district within which is located one or 37183  
more nonpublic elementary or high schools described in division 37184  
(E) (1) of section 3317.024 of the Revised Code and any payments 37185  
made to school districts under division (E) (1) of section 37186  
3317.024 of the Revised Code for purposes of this section may be 37187  
disbursed without submission to and approval of the controlling 37188  
board. 37189

The allocation of payments for materials, equipment, 37190  
textbooks, digital texts, health services, and remedial services 37191  
to city, local, and exempted village school districts shall be 37192  
on the basis of the ~~state board of education's~~ department of 37193  
learning and achievement's estimated annual average daily 37194  
membership in nonpublic elementary and high schools located in 37195  
the district described in division (E) (1) of section 3317.024 of 37196  
the Revised Code. 37197

Payments made to city, local, and exempted village school districts under this section shall be equal to specific appropriations made for the purpose. All interest earned by a school district on such payments shall be used by the district for the same purposes and in the same manner as the payments may be used.

The department of ~~education~~learning and achievement shall adopt guidelines and procedures under which such programs and services shall be provided, under which districts shall be reimbursed for administrative costs incurred in providing such programs and services, and under which any unexpended balance of the amounts appropriated by the general assembly to implement this section may be transferred to the auxiliary services personnel unemployment compensation fund established pursuant to section 4141.47 of the Revised Code. The department shall also adopt guidelines and procedures limiting the purchase and loan of the items described in division (K) of this section to items that are in general use in the public schools of the state, that are incapable of diversion to religious use, and that are susceptible to individual use rather than classroom use. Within thirty days after the end of each biennium, each board of education shall remit to the department all moneys paid to it under division (E)(1) of section 3317.024 of the Revised Code and any interest earned on those moneys that are not required to pay expenses incurred under this section during the biennium for which the money was appropriated and during which the interest was earned. If a board of education subsequently determines that the remittal of moneys leaves the board with insufficient money to pay all valid expenses incurred under this section during the biennium for which the remitted money was appropriated, the board may apply to the department of ~~education~~learning and

achievement for a refund of money, not to exceed the amount of 37229  
the insufficiency. If the department determines the expenses 37230  
were lawfully incurred and would have been lawful expenditures 37231  
of the refunded money, it shall certify its determination and 37232  
the amount of the refund to be made to the director of job and 37233  
family services who shall make a refund as provided in section 37234  
4141.47 of the Revised Code. 37235

Each school district shall label materials, equipment, 37236  
computer hardware or software, textbooks, and digital texts 37237  
purchased or leased for loan to a nonpublic school under this 37238  
section, acknowledging that they were purchased or leased with 37239  
state funds under this section. However, a district need not 37240  
label materials, equipment, computer hardware or software, 37241  
textbooks, or digital texts that the district determines are 37242  
consumable in nature or have a value of less than two hundred 37243  
dollars. 37244

**Sec. 3317.061.** The superintendent of each school district, 37245  
including each cooperative education and joint vocational school 37246  
district and the superintendent of each educational service 37247  
center, shall, on forms prescribed and furnished by the ~~state~~ 37248  
~~board of education~~ department of learning and achievement, 37249  
certify to the ~~state board of education~~ department, on or before 37250  
the fifteenth day of October of each year, the name of each 37251  
licensed employee employed, on an annual salary, in each school 37252  
under such superintendent's supervision during the first full 37253  
school week of said month of October, the number of years of 37254  
recognized college training such licensed employee has 37255  
completed, the college degrees from a recognized college earned 37256  
by such licensed employee, the type of teaching license held by 37257  
such licensed employee, the number of months such licensed 37258  
employee is employed in the school district, the annual salary 37259

of such licensed employee, and such other information as the 37260  
~~state board of education department~~ may request. For the 37261  
purposes of Chapter 3317. of the Revised Code, a licensed 37262  
employee is any employee in a position that requires a license 37263  
issued pursuant to sections 3319.22 to 3319.31 of the Revised 37264  
Code. 37265

Pursuant to standards adopted by the ~~state board of~~ 37266  
~~education department~~, experience of vocational teachers in trade 37267  
and industry shall be recognized by such board for the purpose 37268  
of complying with the requirements of recognized college 37269  
training provided by Chapter 3317. of the Revised Code. 37270

**Sec. 3317.062.** (A) Moneys paid to chartered nonpublic 37271  
schools under division (E) (2) of section 3317.024 of the Revised 37272  
Code shall be used for one or more of the following purposes: 37273

(1) To purchase secular textbooks or digital texts, as 37274  
defined in divisions (A) (1) and (2) of section 3317.06 of the 37275  
Revised Code, as have been approved by the ~~superintendent of~~ 37276  
~~public instruction director of learning and achievement~~ for use 37277  
in public schools in the state; 37278

(2) To provide the services described in divisions (B), 37279  
(C), (D), and (Q) of section 3317.06 of the Revised Code; 37280

(3) To provide the services described in divisions (E), 37281  
(F), (G), and (I) of section 3317.06 of the Revised Code. If 37282  
such services are provided in public schools or in public 37283  
centers, transportation to and from such facilities shall be 37284  
provided by the nonpublic school. 37285

(4) To supply for use by pupils attending the school such 37286  
standardized tests and scoring services as are in use in the 37287  
public schools of the state; 37288

(5) To hire clerical personnel to assist in the	37289
administration of divisions (A) (2), (3), and (4) of this section	37290
and to hire supervisory personnel to supervise the providing of	37291
services and textbooks pursuant to this section. These personnel	37292
shall perform their services in the public schools, in nonpublic	37293
schools, public centers, or mobile units where the services are	37294
provided to the nonpublic school pupil, except that such	37295
personnel may accompany pupils to and from the service sites	37296
when necessary to ensure the safety of the children receiving	37297
the services. All services provided pursuant to this section may	37298
be provided under contract with school districts, educational	37299
service centers, the department of health, city or general	37300
health districts, or private agencies whose personnel are	37301
properly licensed by an appropriate state board or agency.	37302
(6) To purchase any of the materials described in division	37303
(K) of section 3317.06 of the Revised Code;	37304
(7) To purchase any of the equipment described in division	37305
(L) of section 3317.06 of the Revised Code;	37306
(8) To purchase mobile units to be used for the provision	37307
of services pursuant to division (A) (3) of this section and to	37308
pay for necessary repairs and operating costs associated with	37309
these units;	37310
(9) To purchase the equipment described in division (O) of	37311
section 3317.06 of the Revised Code;	37312
(10) To procure and pay for security services described in	37313
division (P) of section 3317.06 of the Revised Code.	37314
(B) Materials, equipment, computer hardware and software,	37315
textbooks, digital texts, and health and remedial services	37316
provided pursuant to this section and the admission of pupils to	37317

nonpublic schools shall be provided without distinction as to 37318  
race, creed, color, or national origin of such pupils or of 37319  
their teachers. 37320

(C) Any interest earned by a chartered nonpublic school on 37321  
moneys paid to it under division (E) (2) of section 3317.024 of 37322  
the Revised Code shall be used by the school for the same 37323  
purposes and in the same manner as the payments may be used 37324  
under this section. 37325

(D) The department of ~~education~~ learning and achievement 37326  
shall adopt guidelines and procedures regarding both of the 37327  
following: 37328

(1) The expenditure of moneys under this section; 37329

(2) The audit of nonpublic schools receiving funds under 37330  
this section to ensure the appropriate use of funds. 37331

(E) The department shall adopt a rule specifying the party 37332  
that owns any property purchased by a chartered nonpublic school 37333  
with moneys paid under division (E) (2) of section 3317.024 of 37334  
the Revised Code. The rule shall include procedures for disposal 37335  
of the property by the designated owner when appropriate. 37336

(F) Within thirty days after the end of each biennium, 37337  
each chartered nonpublic school shall remit to the department 37338  
all moneys paid to it under division (E) (2) of section 3317.024 37339  
of the Revised Code and any interest earned on those moneys that 37340  
are not required to pay expenses incurred under this section 37341  
during the biennium for which the moneys were appropriated and 37342  
during which the interest was earned. If a school subsequently 37343  
determines that the remittal of moneys leaves the school with 37344  
insufficient money to pay all valid expenses incurred under this 37345  
section during the biennium for which the remitted moneys were 37346

appropriated, the school may apply to the department for a 37347  
refund of money, not to exceed the amount of the insufficiency. 37348  
If the department determines the expenses were lawfully incurred 37349  
and would have been lawful expenditures of the refunded money, 37350  
the department shall make a refund in the necessary amount. 37351

**Sec. 3317.063.** ~~The superintendent of public instruction-~~ 37352  
department of learning and achievement, in accordance with rules 37353  
~~adopted by the department of education,~~ shall annually reimburse 37354  
each chartered nonpublic school for the actual mandated service 37355  
administrative and clerical costs incurred by such school during 37356  
the preceding school year in preparing, maintaining, and filing 37357  
reports, forms, and records, and in providing such other 37358  
administrative and clerical services that are not an integral 37359  
part of the teaching process as may be required by state law or 37360  
rule or by requirements duly promulgated by city, exempted 37361  
village, or local school districts. The mandated service costs 37362  
reimbursed pursuant to this section shall include, but are not 37363  
limited to, the preparation, filing and maintenance of forms, 37364  
reports, or records and other clerical and administrative 37365  
services relating to state chartering or approval of the 37366  
nonpublic school, pupil attendance, pupil health and health 37367  
testing, transportation of pupils, federally funded education 37368  
programs, pupil appraisal, pupil progress, educator licensure, 37369  
unemployment and workers' compensation, transfer of pupils, and 37370  
such other education related data which are now or hereafter 37371  
shall be required of such nonpublic school by state law or rule, 37372  
or by requirements of the ~~state department of education,~~ other 37373  
state agencies, or city, exempted village, or local school 37374  
districts. 37375

The reimbursement required by this section shall be for 37376  
school years beginning on or after July 1, 1981. 37377

Each nonpublic school which seeks reimbursement pursuant 37378  
to this section shall submit to the ~~superintendent of public~~ 37379  
~~instruction department of learning and achievement~~ an 37380  
application together with such additional reports and documents 37381  
as the department ~~of education~~ may require. Such application, 37382  
reports, and documents shall contain such information as the 37383  
department ~~of education~~ may prescribe in order to carry out the 37384  
purposes of this section. No payment shall be made until the 37385  
~~superintendent of public instruction department~~ has approved 37386  
such application. 37387

Each nonpublic school which applies for reimbursement 37388  
pursuant to this section shall maintain a separate account or 37389  
system of accounts for the expenses incurred in rendering the 37390  
required services for which reimbursement is sought. Such 37391  
accounts shall contain such information as is required by the 37392  
department ~~of education~~ and shall be maintained in accordance 37393  
with rules adopted by the department ~~of education~~. 37394

Reimbursement payments to a nonpublic school pursuant to 37395  
this section shall not exceed an amount for each school year 37396  
equal to three hundred sixty dollars per pupil enrolled in that 37397  
nonpublic school. 37398

The ~~superintendent of public instruction department~~ may, 37399  
from time to time, examine any and all accounts and records of a 37400  
nonpublic school which have been maintained pursuant to this 37401  
section in support of an application for reimbursement, for the 37402  
purpose of determining the costs to such school of rendering the 37403  
services for which reimbursement is sought. If after such audit 37404  
it is determined that any school has received funds in excess of 37405  
the actual cost of providing such services, said school shall 37406  
immediately reimburse the state in such excess amount. 37407

Any payments made to chartered nonpublic schools under 37408  
this section may be disbursed without submission to and approval 37409  
of the controlling board. 37410

**Sec. 3317.064.** (A) There is hereby established in the 37411  
state treasury the auxiliary services reimbursement fund. By the 37412  
thirtieth day of January of each odd-numbered year, the director 37413  
of job and family services and the ~~superintendent of public~~ 37414  
~~instruction department of learning and achievement~~ shall 37415  
determine the amount of any excess moneys in the auxiliary 37416  
services personnel unemployment compensation fund not reasonably 37417  
necessary for the purposes of section 4141.47 of the Revised 37418  
Code, and shall certify such amount to the director of budget 37419  
and management for transfer to the auxiliary services 37420  
reimbursement fund. If the director of job and family services 37421  
and the ~~superintendent department~~ disagree on such amount, the 37422  
director of budget and management shall determine the amount to 37423  
be transferred. 37424

(B) Except as provided in divisions (C) and (D) of this 37425  
section, moneys in the auxiliary services reimbursement fund 37426  
shall be used for the relocation or for the replacement and 37427  
repair of mobile units used to provide the services specified in 37428  
division (E), (F), (G), or (I) of section 3317.06 of the Revised 37429  
Code. The ~~state board of education department of learning and~~ 37430  
~~achievement~~ shall adopt guidelines and procedures for 37431  
replacement, repair, and relocation of mobile units and the 37432  
procedures under which a school district may apply to receive 37433  
moneys with which to repair or replace or relocate such units. 37434

(C) School districts may apply to the department for 37435  
moneys from the auxiliary services reimbursement fund for 37436  
payment of incentives for early retirement and severance for 37437

school district personnel assigned to provide services 37438  
authorized by section 3317.06 of the Revised Code at chartered 37439  
nonpublic schools. The portion of the cost of any early 37440  
retirement or severance incentive for any employee that is paid 37441  
using money from the auxiliary services reimbursement fund shall 37442  
not exceed the percentage of such employee's total service 37443  
credit that the employee spent providing services to chartered 37444  
nonpublic school students under section 3317.06 of the Revised 37445  
Code. 37446

(D) The department of ~~education~~ learning and achievement 37447  
may use a portion of the moneys in the auxiliary services 37448  
reimbursement fund to make payments for chartered nonpublic 37449  
school students under section 3365.07 of the Revised Code, in 37450  
accordance with rules adopted pursuant to section 3365.071 of 37451  
the Revised Code. 37452

**Sec. 3317.07.** If the department of ~~education~~ learning and 37453  
achievement determines that a county board of developmental 37454  
disabilities no longer needs a school bus because the board no 37455  
longer transports children to a special education program 37456  
operated by the board, or if the department determines that a 37457  
school district no longer needs a school bus to transport pupils 37458  
to a nonpublic school or special education program, the 37459  
department may reassign a bus that was funded with payments 37460  
provided pursuant to the version of this section in effect prior 37461  
to the effective date of this amendment for the purpose of 37462  
transporting such pupils. The department may reassign a bus to a 37463  
county board of developmental disabilities or school district 37464  
that transports children to a special education program 37465  
designated in the children's individualized education programs, 37466  
or to a school district that transports pupils to a nonpublic 37467  
school, and needs an additional school bus. 37468

**Sec. 3317.08.** A board of education may admit to its 37469  
schools a child it is not required by section 3313.64 or 3313.65 37470  
of the Revised Code to admit, if tuition is paid for the child. 37471

Unless otherwise provided by law, tuition shall be 37472  
computed in accordance with this section. A district's tuition 37473  
charge for a school year shall be one of the following: 37474

(A) For any child, except a preschool child with a 37475  
disability described in division (B) of this section, the 37476  
quotient obtained by dividing the sum of the amounts described 37477  
in divisions (A)(1) and (2) of this section by the district's 37478  
formula ADM. 37479

(1) The district's total taxes charged and payable for 37480  
current expenses for the tax year preceding the tax year in 37481  
which the school year begins as certified under division (A)(3) 37482  
of section 3317.021 of the Revised Code. 37483

(2) The district's total taxes collected for current 37484  
expenses under a school district income tax adopted pursuant to 37485  
section 5748.03, 5748.08, or 5748.09 of the Revised Code that 37486  
are disbursed to the district during the fiscal year, excluding 37487  
any income tax receipts allocated for the project cost, debt 37488  
service, or maintenance set-aside associated with a state- 37489  
assisted classroom facilities project as authorized by section 37490  
3318.052 of the Revised Code. On or before the first day of June 37491  
of each year, the tax commissioner shall certify the amount to 37492  
be used in the calculation under this division for the next 37493  
fiscal year to the department of ~~education-learning and~~ 37494  
achievement and the office of budget and management for each 37495  
city, local, and exempted village school district that levies a 37496  
school district income tax. 37497

(B) For any preschool child with a disability, an amount computed for the school year as follows:	37498 37499
(1) For each type of special education service provided to the child for whom tuition is being calculated, determine the amount of the district's operating expenses in providing that type of service to all preschool children with disabilities;	37500 37501 37502 37503
(2) For each type of special education service for which operating expenses are determined under division (B)(1) of this section, determine the amount of such operating expenses that was paid from any state funds received under this chapter;	37504 37505 37506 37507
(3) For each type of special education service for which operating expenses are determined under division (B)(1) of this section, divide the difference between the amount determined under division (B)(1) of this section and the amount determined under division (B)(2) of this section by the total number of preschool children with disabilities who received that type of service;	37508 37509 37510 37511 37512 37513 37514
(4) Determine the sum of the quotients obtained under division (B)(3) of this section for all types of special education services provided to the child for whom tuition is being calculated.	37515 37516 37517 37518
The <del>state board of education</del> <u>department of learning and achievement</u> shall adopt rules defining the types of special education services and specifying the operating expenses to be used in the computation under this section.	37519 37520 37521 37522
If any child for whom a tuition charge is computed under this section for any school year is enrolled in a district for only part of that school year, the amount of the district's tuition charge for the child for the school year shall be	37523 37524 37525 37526

computed in proportion to the number of school days the child is 37527  
enrolled in the district during the school year. 37528

Except as otherwise provided in division (J) of section 37529  
3313.64 of the Revised Code, whenever a district admits a child 37530  
to its schools for whom tuition computed in accordance with this 37531  
section is an obligation of another school district, the amount 37532  
of the tuition shall be certified by the treasurer of the board 37533  
of education of the district of attendance, to the board of 37534  
education of the district required to pay tuition for its 37535  
approval and payment. If agreement as to the amount payable or 37536  
the district required to pay the tuition cannot be reached, or 37537  
the board of education of the district required to pay the 37538  
tuition refuses to pay that amount, the board of education of 37539  
the district of attendance shall notify the ~~superintendent of~~ 37540  
~~public instruction department~~. The ~~superintendent department~~ 37541  
shall determine the correct amount and the district required to 37542  
pay the tuition and shall deduct that amount, if any, under 37543  
division (D) of section 3317.023 of the Revised Code, from the 37544  
district required to pay the tuition and add that amount to the 37545  
amount allocated to the district attended under such division. 37546  
The ~~superintendent of public instruction department~~ shall send 37547  
to the district required to pay the tuition an itemized 37548  
statement showing such deductions at the time of such deduction. 37549

When a political subdivision owns and operates an airport, 37550  
welfare, or correctional institution or other project or 37551  
facility outside its corporate limits, the territory within 37552  
which the facility is located is exempt from taxation by the 37553  
school district within which such territory is located, and 37554  
there are school age children residing within such territory, 37555  
the political subdivision owning such tax exempt territory shall 37556  
pay tuition to the district in which such children attend 37557

school. The tuition for these children shall be computed as 37558  
provided for in this section. 37559

**Sec. 3317.081.** (A) Tuition shall be computed in accordance 37560  
with this section if: 37561

(1) The tuition is required by division (C) (3) (b) of 37562  
section 3313.64 of the Revised Code; or 37563

(2) Neither the child nor the child's parent resides in 37564  
this state and tuition is required by section 3327.06 of the 37565  
Revised Code. 37566

(B) Tuition computed in accordance with this section shall 37567  
equal the attendance district's tuition rate computed under 37568  
section 3317.08 of the Revised Code plus the amount in state 37569  
education aid, as defined in section 3317.02 of the Revised 37570  
Code, that district would have received for the child during the 37571  
school year had the department of ~~education-learning and~~ 37572  
achievement counted the child in the attendance district's 37573  
formula ADM for that school year under section 3317.03 of the 37574  
Revised Code. 37575

**Sec. 3317.082.** As used in this section, "institution" 37576  
means a residential facility that receives and cares for 37577  
children maintained by the department of youth services and that 37578  
operates a school chartered by the ~~state board of education-~~ 37579  
department of learning and achievement under section 3301.16 of 37580  
the Revised Code. 37581

(A) On or before the thirty-first day of each January and 37582  
July, the superintendent of each institution that during the 37583  
six-month period immediately preceding each January or July 37584  
provided an elementary or secondary education for any child, 37585  
other than a child receiving special education under section 37586

3323.091 of the Revised Code, shall prepare and submit to the 37587  
department of ~~education~~ learning and achievement, a statement 37588  
for each such child indicating the child's name, any school 37589  
district responsible to pay tuition for the child as determined 37590  
by the superintendent in accordance with division (C) (2) or (3) 37591  
of section 3313.64 of the Revised Code, and the period of time 37592  
during that six-month period that the child received an 37593  
elementary or secondary education. If any school district is 37594  
responsible to pay tuition for any such child, the department ~~of~~ 37595  
~~education~~, no later than the immediately succeeding last day of 37596  
February or August, as applicable, shall calculate the amount of 37597  
the tuition of the district under section 3317.08 of the Revised 37598  
Code for the period of time indicated on the statement and do 37599  
one of the following: 37600

(1) If the tuition amount is equal to or less than the 37601  
district's state education aid, pay to the institution 37602  
submitting the statement an amount equal to the tuition amount, 37603  
as provided under division (G) of section 3317.024 of the 37604  
Revised Code, and deduct the tuition amount from the state basic 37605  
aid funds payable to the district, as provided under division 37606  
(C) (2) of section 3317.023 of the Revised Code; 37607

(2) If the tuition amount is greater than the district's 37608  
state education aid, require the district to pay to the 37609  
institution submitting the statement an amount equal to the 37610  
tuition amount. 37611

(B) In the case of any disagreement about the school 37612  
district responsible to pay tuition for a child pursuant to this 37613  
section, the ~~superintendent of public instruction department~~ 37614  
shall make the determination in any such case in accordance with 37615  
division (C) (2) or (3) of section 3313.64 of the Revised Code. 37616

**Sec. 3317.09.** All moneys distributed to a school district, 37617  
including any cooperative education or joint vocational school 37618  
district and all moneys distributed to any educational service 37619  
center, by the state whether from a state or federal source, 37620  
shall be accounted for by the division of school finance of the 37621  
department of ~~education~~ learning and achievement. All moneys 37622  
distributed shall be coded as to county, school district or 37623  
educational service center, source, and other pertinent 37624  
information, and at the end of each month, a report of such 37625  
distribution shall be made by such division of school finance to 37626  
each school district and educational service center. If any 37627  
board of education fails to make the report required in section 37628  
3319.33 of the Revised Code, the ~~superintendent of public~~ 37629  
~~instruction~~ department shall be without authority to distribute 37630  
funds to that school district or educational service center 37631  
under this chapter until such time as the required reports are 37632  
filed with all specified officers, boards, or agencies. 37633

**Sec. 3317.10.** (A) On or before the first day of March of 37634  
each year, the department of job and family services shall 37635  
certify to the ~~state board of education~~ department of learning 37636  
and achievement the unduplicated number of children ages five 37637  
through seventeen residing in each school district and living in 37638  
a family that, during the preceding October, participated in 37639  
Ohio works first. 37640

The department of job and family services shall certify 37641  
this information according to the school district of residence 37642  
for each child. 37643

(B) Upon the transfer of part of the territory of one 37644  
school district to the territory of one or more other school 37645  
districts, the department of ~~education~~ learning and achievement 37646

may adjust the number of children certified under division (A) 37647  
of this section for any district gaining or losing territory in 37648  
such a transfer in order to take into account the effect of the 37649  
transfer on the number of such children who reside in the 37650  
district. Within sixty days of receipt of a request for 37651  
information from the department of ~~education~~ learning and 37652  
achievement, the department of job and family services shall 37653  
provide any information the department of ~~education~~ learning and 37654  
achievement determines is necessary to make such adjustments. 37655

**Sec. 3317.12.** Any board of education participating in 37656  
funds distributed under Chapter 3317. of the Revised Code shall 37657  
annually adopt a salary schedule for nonteaching school 37658  
employees based upon training, experience, and qualifications 37659  
with initial salaries no less than the salaries in effect on 37660  
October 13, 1967. Each board of education shall prepare and may 37661  
amend from time to time, specifications descriptive of duties, 37662  
responsibilities, requirements, and desirable qualifications of 37663  
the classifications of employees required to perform the duties 37664  
specified in the salary schedule. All nonteaching school 37665  
employees are to be notified of the position classification to 37666  
which they are assigned and the salary for the classification. 37667  
The compensation of all employees working for a particular 37668  
school board shall be uniform for like positions except as 37669  
compensation would be affected by salary increments based upon 37670  
length of service. 37671

On the fifteenth day of October each year the salary 37672  
schedule and the list of job classifications and salaries in 37673  
effect on that date shall be filed by each board of education 37674  
with the ~~superintendent of public instruction~~ department of 37675  
learning and achievement. If such salary schedule and 37676  
classification plan is not filed, the ~~superintendent of public~~ 37677

~~instruction department~~ shall order the board to file such 37678  
schedules forthwith. If this condition is not corrected within 37679  
ten days after receipt of the order from the ~~superintendent of~~ 37680  
~~public instruction~~ department, no money shall be distributed to 37681  
the district under Chapter 3317. of the Revised Code until the 37682  
~~superintendent~~ director of learning and achievement has 37683  
satisfactory evidence of the board of education's full 37684  
compliance with such order. 37685

**Sec. 3317.13.** (A) As used in this section and section 37686  
3317.14 of the Revised Code: 37687

(1) "Years of service" includes the following: 37688

(a) All years of teaching service in the same school 37689  
district or educational service center, regardless of training 37690  
level, with each year consisting of at least one hundred twenty 37691  
days under a teacher's contract; 37692

(b) All years of teaching service in a chartered, 37693  
nonpublic school located in Ohio as a teacher licensed pursuant 37694  
to section 3319.22 of the Revised Code or in another public 37695  
school, regardless of training level, with each year consisting 37696  
of at least one hundred twenty days under a teacher's contract; 37697

(c) All years of teaching service in a chartered school or 37698  
institution or a school or institution that subsequently became 37699  
chartered or a chartered special education program or a special 37700  
education program that subsequently became chartered operated by 37701  
the state or by a subdivision or other local governmental unit 37702  
of this state as a teacher licensed pursuant to section 3319.22 37703  
of the Revised Code, regardless of training level, with each 37704  
year consisting of at least one hundred twenty days; and 37705

(d) All years of active military service in the armed 37706

forces of the United States, as defined in section 3307.75 of 37707  
the Revised Code, to a maximum of five years. For purposes of 37708  
this calculation, a partial year of active military service of 37709  
eight continuous months or more in the armed forces shall be 37710  
counted as a full year. 37711

(2) "Teacher" means all teachers employed by the board of 37712  
education of any school district, including any cooperative 37713  
education or joint vocational school district and all teachers 37714  
employed by any educational service center governing board. 37715

(B) No teacher shall be paid a salary less than that 37716  
provided in the schedule set forth in division (C) of this 37717  
section. In calculating the minimum salary any teacher shall be 37718  
paid pursuant to this section, years of service shall include 37719  
the sum of all years of the teacher's teaching service included 37720  
in divisions (A) (1) (a), (b), (c), and (d) of this section; 37721  
except that any school district or educational service center 37722  
employing a teacher new to the district or educational service 37723  
center shall grant such teacher a total of not more than ten 37724  
years of service pursuant to divisions (A) (1) (b), (c), and (d) 37725  
of this section. 37726

Upon written complaint to the ~~superintendent of public-~~ 37727  
~~instruction~~ department of learning and achievement that the 37728  
board of education of a district or the governing board of an 37729  
educational service center governing board has failed or refused 37730  
to annually adopt a salary schedule or to pay salaries in 37731  
accordance with the salary schedule set forth in division (C) of 37732  
this section, the ~~superintendent of public instruction-~~ 37733  
department shall cause to be made an immediate investigation of 37734  
such complaint. If the ~~superintendent~~ director of learning and 37735  
achievement finds that the conditions complained of exist, the 37736

~~superintendent~~director shall order the board to correct such 37737  
 conditions within ten days from the date of the finding. No 37738  
 moneys shall be distributed to the district or educational 37739  
 service center under this chapter until the ~~superintendent~~ 37740  
director has satisfactory evidence of the board of education's 37741  
 full compliance with such order. 37742

Each teacher shall be fully credited with placement in the 37743  
 appropriate academic training level column in the district's or 37744  
 educational service center's salary schedule with years of 37745  
 service properly credited pursuant to this section or section 37746  
 3317.14 of the Revised Code. No rule shall be adopted or 37747  
 exercised by any board of education or educational service 37748  
 center governing board which restricts the placement or the 37749  
 crediting of annual salary increments for any teacher according 37750  
 to the appropriate academic training level column. 37751

(C) Minimum salaries exclusive of retirement and sick 37752  
 leave for teachers shall be as follows: 37753

Teachers		Teachers with		Teachers		Teachers			
Years with Less	Teachers with	Five Years of	with						
of than	a Bachelor's	Training, but	a Master's						
Service	Bachelor's Degree	no Master's	Degree or						
	Degree	Degree	Higher						
Per Dollar	Per Dollar	Per Dollar	Per Dollar	Per Dollar	Per Dollar	Per Dollar	Per Dollar		
Cent* Amount	Cent* Amount	Cent* Amount	Cent* Amount	Cent* Amount	Cent* Amount	Cent* Amount	Cent* Amount		
0	86.5	\$17,300	100.0	\$20,000	103.8	\$20,760	109.5	\$21,900	37762
1	90.0	18,000	103.8	20,760	108.1	21,620	114.3	22,860	37763

2	93.5	18,700	107.6	21,520	112.4	22,480	119.1	23,820	37764
3	97.0	19,400	111.4	22,280	116.7	23,340	123.9	24,780	37765
4	100.5	20,100	115.2	23,040	121.0	24,200	128.7	25,740	37766
5	104.0	20,800	119.0	23,800	125.3	25,060	133.5	26,700	37767
6	104.0	20,800	122.8	24,560	129.6	25,920	138.3	27,660	37768
7	104.0	20,800	126.6	25,320	133.9	26,780	143.1	28,620	37769
8	104.0	20,800	130.4	26,080	138.2	27,640	147.9	29,580	37770
9	104.0	20,800	134.2	26,840	142.5	28,500	152.7	30,540	37771
10	104.0	20,800	138.0	27,600	146.8	29,360	157.5	31,500	37772
11	104.0	20,800	141.8	28,360	151.1	30,220	162.3	32,460	37773

\* Percentages represent the percentage which each salary is of the base amount. 37774  
37775

For purposes of determining the minimum salary at any level of training and service, the base of one hundred per cent shall be the base amount. The percentages used in this section show the relationships between the minimum salaries required by this section and the base amount and shall not be construed as requiring any school district or educational service center to adopt a schedule containing salaries in excess of the amounts set forth in this section for corresponding levels of training and experience. 37776  
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As used in this division: 37785

(1) "Base amount" means twenty thousand dollars. 37786

(2) "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a recognized college or university. 37787  
37788  
37789

(D) For purposes of this section, all credited training 37790  
shall be from a recognized college or university. 37791

**Sec. 3317.14.** Any school district board of education or 37792  
educational service center governing board participating in 37793  
funds distributed under Chapter 3317. of the Revised Code shall 37794  
annually adopt a teachers' salary schedule with provision for 37795  
increments based upon training and years of service. 37796  
Notwithstanding sections 3317.13 and 3319.088 of the Revised 37797  
Code, the board may establish its own service requirements and 37798  
may grant service credit for such activities as teaching in 37799  
public or nonpublic schools in this state or in another state, 37800  
for service as an educational assistant other than as a 37801  
classroom aide employed in accordance with section 5107.541 of 37802  
the Revised Code, and for service in the military or in an 37803  
appropriate state or federal governmental agency, provided no 37804  
teacher receives less than the amount required to be paid 37805  
pursuant to section 3317.13 of the Revised Code and provided 37806  
full credit for a minimum of five years of actual teaching and 37807  
military experience as defined in division (A) of section 37808  
3317.13 of the Revised Code is given to each teacher. 37809

Each teacher who has completed training which would 37810  
qualify such teacher for a higher salary bracket pursuant to 37811  
this section shall file by the fifteenth day of September with 37812  
the treasurer of the board of education or educational service 37813  
center satisfactory evidence of the completion of such 37814  
additional training. The treasurer shall then immediately place 37815  
the teacher, pursuant to this section and section 3317.13 of the 37816  
Revised Code, in the proper salary bracket in accordance with 37817  
training and years of service before certifying such salary, 37818  
training, and years of service to the ~~superintendent of public~~ 37819  
instruction department of learning and achievement. No teacher 37820

shall be paid less than the salary to which such teacher is 37821  
entitled pursuant to section 3317.13 of the Revised Code. 37822

**Sec. 3317.141.** The board of education of any city, 37823  
exempted village, local, or joint vocational school district 37824  
that is the recipient of moneys from a grant awarded under the 37825  
federal race to the top program, Division (A), Title XIV, 37826  
Sections 14005 and 14006 of the "American Recovery and 37827  
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 37828  
shall comply with this section in accordance with the timeline 37829  
contained in the board's scope of work, as approved by the 37830  
~~superintendent of public instruction~~ department of learning and 37831  
achievement, and shall not be subject to sections 3317.13 and 37832  
3317.14 of the Revised Code. The board of education of any other 37833  
school district, and the governing board of each educational 37834  
service center, shall comply with either this section or 37835  
sections 3317.13 and 3317.14 of the Revised Code. 37836

(A) The board annually shall adopt a salary schedule for 37837  
teachers based upon performance as described in division (B) of 37838  
this section. 37839

(B) For purposes of the schedule, a board shall measure a 37840  
teacher's performance by considering all of the following: 37841

(1) The level of license issued under section 3319.22 of 37842  
the Revised Code that the teacher holds; 37843

(2) Whether the teacher is a highly qualified teacher, as 37844  
defined in section 3319.074 of the Revised Code; 37845

(3) Ratings received by the teacher on performance 37846  
evaluations conducted under section 3319.111 of the Revised 37847  
Code. 37848

(C) The schedule shall provide for annual adjustments 37849

based on performance on the evaluations conducted under section 37850  
3319.111 of the Revised Code. The annual performance-based 37851  
adjustment for a teacher rated as accomplished shall be greater 37852  
than the annual performance-based adjustment for a teacher rated 37853  
as skilled. 37854

(D) The salary schedule adopted under this section may 37855  
provide for additional compensation for teachers who agree to 37856  
perform duties, not contracted for under a supplemental 37857  
contract, that the employing board determines warrant additional 37858  
compensation. Those duties may include, but are not limited to, 37859  
assignment to a school building eligible for funding under Title 37860  
I of the "Elementary and Secondary Education Act of 1965," 20 37861  
U.S.C. 6301 et seq.; assignment to a building in "school 37862  
improvement" status under the "No Child Left Behind Act of 37863  
2001," as defined in section 3302.01 of the Revised Code; 37864  
teaching in a grade level or subject area in which the board has 37865  
determined there is a shortage within the district or service 37866  
center; or assignment to a hard-to-staff school, as determined 37867  
by the board. 37868

**Sec. 3317.15.** (A) As used in this section, "child with a 37869  
disability" has the same meaning as in section 3323.01 of the 37870  
Revised Code. 37871

(B) Each city, exempted village, local, and joint 37872  
vocational school district shall continue to comply with all 37873  
requirements of federal statutes and regulations, the Revised 37874  
Code, and rules adopted by the ~~state board of education~~ 37875  
department of learning and achievement governing education of 37876  
children with disabilities, including, but not limited to, 37877  
requirements that children with disabilities be served by 37878  
appropriately licensed or certificated education personnel. 37879

(C) Each city, exempted village, local, and joint vocational school district shall consult with the educational service center serving the county in which the school district is located and, if it elects to participate pursuant to section 5126.04 of the Revised Code, the county board of developmental disabilities of that county, in providing services that serve the best interests of children with disabilities.

(D) Each school district shall annually provide documentation to the department ~~of education~~ that it employs the appropriate number of licensed or certificated personnel to serve the district's students with disabilities.

(E) The department annually shall audit a sample of school districts to ensure that children with disabilities are being appropriately reported.

(F) Each school district shall provide speech-language pathology services at a ratio of one speech-language pathologist per two thousand students receiving any educational services from the district other than adult education. Each district shall provide school psychological services at a ratio of one school psychologist per two thousand five hundred students receiving any educational services from the district other than adult education. A district may obtain the services of speech-language pathologists and school psychologists by any means permitted by law, including contracting with an educational service center. If, however, a district is unable to obtain the services of the required number of speech-language pathologists or school psychologists, the district may request from the ~~superintendent of public instruction department~~, and the ~~superintendent department~~ may grant, a waiver of this provision for a period of time established by the ~~superintendent~~

department. 37910

**Sec. 3317.16.** (A) The department of ~~education~~learning and  
achievement shall compute and distribute state core foundation 37911  
funding to each joint vocational school district for the fiscal 37912  
year as prescribed in the following divisions: 37913  
37914

(1) An opportunity grant calculated according to the 37915  
following formula: 37916

(The formula amount X formula ADM) - (0.0005 X the district's 37917  
three-year average valuation) 37918

However, no district shall receive an opportunity grant 37919  
that is less than 0.05 times the formula amount times formula 37920  
ADM. 37921

(2) Additional state aid for special education and related 37922  
services provided under Chapter 3323. of the Revised Code 37923  
calculated as the sum of the following: 37924

(a) The district's category one special education ADM X 37925  
the amount specified in division (A) of section 3317.013 of the 37926  
Revised Code X the district's state share percentage; 37927

(b) The district's category two special education ADM X 37928  
the amount specified in division (B) of section 3317.013 of the 37929  
Revised Code X the district's state share percentage; 37930

(c) The district's category three special education ADM X 37931  
the amount specified in division (C) of section 3317.013 of the 37932  
Revised Code X the district's state share percentage; 37933

(d) The district's category four special education ADM X 37934  
the amount specified in division (D) of section 3317.013 of the 37935  
Revised Code X the district's state share percentage; 37936

(e) The district's category five special education ADM X 37937  
the amount specified in division (E) of section 3317.013 of the 37938  
Revised Code X the district's state share percentage; 37939

(f) The district's category six special education ADM X 37940  
the amount specified in division (F) of section 3317.013 of the 37941  
Revised Code X the district's state share percentage. 37942

(3) Economically disadvantaged funds calculated according 37943  
to the following formula: 37944

\$272 X the district's economically disadvantaged index X the 37945  
number of students who are economically disadvantaged as 37946  
certified under division (D) (2) (p) of section 3317.03 of the 37947  
Revised Code 37948

(4) Limited English proficiency funds calculated as the 37949  
sum of the following: 37950

(a) The district's category one limited English proficient 37951  
ADM X the amount specified in division (A) of section 3317.016 37952  
of the Revised Code X the district's state share percentage; 37953

(b) The district's category two limited English proficient 37954  
ADM X the amount specified in division (B) of section 3317.016 37955  
of the Revised Code X the district's state share percentage; 37956

(c) The district's category three limited English 37957  
proficient ADM X the amount specified in division (C) of section 37958  
3317.016 of the Revised Code X the district's state share 37959  
percentage; 37960

(5) Career-technical education funds calculated as the sum 37961  
of the following: 37962

(a) The district's category one career-technical education 37963  
ADM X the amount specified in division (A) of section 3317.014 37964

of the Revised Code X the district's state share percentage;	37965
(b) The district's category two career-technical education	37966
ADM X the amount specified in division (B) of section 3317.014	37967
of the Revised Code X the district's state share percentage;	37968
(c) The district's category three career-technical	37969
education ADM X the amount specified in division (C) of section	37970
3317.014 of the Revised Code X the district's state share	37971
percentage;	37972
(d) The district's category four career-technical	37973
education ADM X the amount specified in division (D) of section	37974
3317.014 of the Revised Code X the district's state share	37975
percentage;	37976
(e) The district's category five career-technical	37977
education ADM X the amount specified in division (E) of section	37978
3317.014 of the Revised Code X the district's state share	37979
percentage.	37980
Payment of funds under division (A) (5) of this section is	37981
subject to approval under section 3317.161 of the Revised Code.	37982
(6) Career-technical education associated services funds	37983
calculated under the following formula:	37984
The district's state share percentage X the amount for career-	37985
technical education associated services specified in section	37986
3317.014 of the Revised Code X the sum of categories one through	37987
five career-technical education ADM	37988
(7) A graduation bonus calculated according to the	37989
following formula:	37990
The district's graduation rate as reported on its most recent	37991
report card issued by the department under section 3302.033 of	37992

the Revised Code X 0.075 X the formula amount X the number of 37993  
the district's students who received high school or honors high 37994  
school diplomas as reported by the district to the department, 37995  
in accordance with the guidelines adopted under section 37996  
3301.0714 of the Revised Code, for the same school year for 37997  
which the most recent report card was issued X the district's 37998  
state share percentage 37999

(B) (1) If a joint vocational school district's costs for a 38000  
fiscal year for a student in its categories two through six 38001  
special education ADM exceed the threshold catastrophic cost for 38002  
serving the student, as specified in division (B) of section 38003  
3317.0214 of the Revised Code, the district may submit to the 38004  
~~superintendent of public instruction department~~ documentation, 38005  
as prescribed by the ~~superintendent department~~, of all of its 38006  
costs for that student. Upon submission of documentation for a 38007  
student of the type and in the manner prescribed, the department 38008  
shall pay to the district an amount equal to the sum of the 38009  
following: 38010

(a) One-half of the district's costs for the student in 38011  
excess of the threshold catastrophic cost; 38012

(b) The product of one-half of the district's costs for 38013  
the student in excess of the threshold catastrophic cost 38014  
multiplied by the district's state share percentage. 38015

(2) The district shall report under division (B) (1) of 38016  
this section, and the department shall pay for, only the costs 38017  
of educational expenses and the related services provided to the 38018  
student in accordance with the student's individualized 38019  
education program. Any legal fees, court costs, or other costs 38020  
associated with any cause of action relating to the student may 38021  
not be included in the amount. 38022

(C) (1) For each student with a disability receiving 38023  
special education and related services under an individualized 38024  
education program, as defined in section 3323.01 of the Revised 38025  
Code, at a joint vocational school district, the resident 38026  
district or, if the student is enrolled in a community school, 38027  
the community school shall be responsible for the amount of any 38028  
costs of providing those special education and related services 38029  
to that student that exceed the sum of the amount calculated for 38030  
those services attributable to that student under division (A) 38031  
of this section. 38032

Those excess costs shall be calculated using a formula 38033  
approved by the department. 38034

(2) The board of education of the joint vocational school 38035  
district may report the excess costs calculated under division 38036  
(C) (1) of this section to the department of ~~education~~ learning 38037  
and achievement. 38038

(3) If the board of education of the joint vocational 38039  
school district reports excess costs under division (C) (2) of 38040  
this section, the department shall pay the amount of excess cost 38041  
calculated under division (C) (2) of this section to the joint 38042  
vocational school district and shall deduct that amount as 38043  
provided in division (C) (3) (a) or (b) of this section, as 38044  
applicable: 38045

(a) If the student is not enrolled in a community school, 38046  
the department shall deduct the amount from the account of the 38047  
student's resident district pursuant to division (J) of section 38048  
3317.023 of the Revised Code. 38049

(b) If the student is enrolled in a community school, the 38050  
department shall deduct the amount from the account of the 38051

community school pursuant to section 3314.083 of the Revised Code. 38052  
38053

(D) (1) In any fiscal year, a school district receiving 38054  
funds under division (A) (5) of this section shall spend those 38055  
funds only for the purposes that the department designates as 38056  
approved for career-technical education expenses. Career- 38057  
technical education expenses approved by the department shall 38058  
include only expenses connected to the delivery of career- 38059  
technical programming to career-technical students. The 38060  
department shall require the school district to report data 38061  
annually so that the department may monitor the district's 38062  
compliance with the requirements regarding the manner in which 38063  
funding received under division (A) (5) of this section may be 38064  
spent. 38065

(2) All funds received under division (A) (5) of this 38066  
section shall be spent in the following manner: 38067

(a) At least seventy-five per cent of the funds shall be 38068  
spent on curriculum development, purchase, and implementation; 38069  
instructional resources and supplies; industry-based program 38070  
certification; student assessment, credentialing, and placement; 38071  
curriculum specific equipment purchases and leases; career- 38072  
technical student organization fees and expenses; home and 38073  
agency linkages; work-based learning experiences; professional 38074  
development; and other costs directly associated with career- 38075  
technical education programs including development of new 38076  
programs. 38077

(b) Not more than twenty-five per cent of the funds shall 38078  
be used for personnel expenditures. 38079

(E) In any fiscal year, a school district receiving funds 38080

under division (A) (6) of this section, or through a transfer of 38081  
funds pursuant to division (I) of section 3317.023 of the 38082  
Revised Code, shall spend those funds only for the purposes that 38083  
the department designates as approved for career-technical 38084  
education associated services expenses, which may include such 38085  
purposes as apprenticeship coordinators, coordinators for other 38086  
career-technical education services, career-technical 38087  
evaluation, and other purposes designated by the department. The 38088  
department may deny payment under division (A) (6) of this 38089  
section to any district that the department determines is not 38090  
operating those services or is using funds paid under division 38091  
(A) (6) of this section, or through a transfer of funds pursuant 38092  
to division (I) of section 3317.023 of the Revised Code, for 38093  
other purposes. 38094

(F) A joint vocational school district shall spend the 38095  
funds it receives under division (A) (3) of this section in 38096  
accordance with section 3317.25 of the Revised Code. 38097

(G) As used in this section: 38098

(1) "Community school" means a community school 38099  
established under Chapter 3314. of the Revised Code. 38100

(2) "Resident district" means the city, local, or exempted 38101  
village school district in which a student is entitled to attend 38102  
school under section 3313.64 or 3313.65 of the Revised Code. 38103

(3) "State share percentage" is equal to the following: 38104  
The amount computed under division (A) (1) of this section / (the 38105  
formula amount X formula ADM) 38106

**Sec. 3317.161.** (A) As used in this section, "lead 38107  
district" has the same meaning as in section 3317.023 of the 38108  
Revised Code. 38109

(B) (1) A career-technical education program of a city, local, or exempted village school district, community school, or STEM school shall be subject to approval under this section in order for the district or school to qualify for state funding for the program. Approval granted under this section shall be valid for the five fiscal years following the fiscal year in which the program is approved and may be renewed. Approval shall be subject to annual review under division (E) of this section.

(2) If a district or school becomes a new member of a career-technical planning district, its career-technical education programs shall be approved or disapproved by the lead district of the career-technical planning district during the fiscal year in which the district or school becomes a member of the career-technical planning district. Any program of the district or school that was approved by the department of ~~education~~ learning and achievement for an approval period that includes the fiscal year in which the district or school becomes a new member of the career-technical planning district shall retain its approved status during that fiscal year.

(3) If an existing member of a career-technical planning district develops a new career-technical education program, that program shall be approved or disapproved by the lead district of the career-technical planning district prior to the first fiscal year for which the district or school is seeking funding for the program.

(4) Except as provided in division (B) (2) of this section, if a career-technical education program was approved by the department prior to September 29, 2013, that approval remains valid for the unexpired remainder of the approval period specified by the department. Approval of that program may then

be renewed in accordance with this section on a date prior to 38140  
the expiration of the approval period. 38141

(C) (1) The lead district of a career-technical planning 38142  
district shall approve or disapprove for a five-year period each 38143  
career-technical education program of the city, local, and 38144  
exempted village school districts, community schools, and STEM 38145  
schools that are assigned by the department to the career- 38146  
technical planning district. The lead district's decision to 38147  
approve or disapprove a program shall be based on requirements 38148  
for career-technical education programs that are specified in 38149  
rules adopted by the department. These requirements shall 38150  
include, but are not limited to, all of the following: 38151

(a) Demand for the career-technical education program by 38152  
industries in the state; 38153

(b) Quality of the program; 38154

(c) Potential for a student enrolled in the program to 38155  
receive the training that will qualify the student for industry 38156  
credentials or post-secondary education; 38157

(d) Admission requirements of the lead district; 38158

(e) Past performance of the district or school that is 38159  
offering the program; 38160

(f) Traveling distance; 38161

(g) Sustainability; 38162

(h) Capacity; 38163

(i) Availability of the program within the career- 38164  
technical planning district; 38165

(j) In the case of a new program, the cost to begin the 38166

program. 38167

(2) The lead district shall approve or disapprove each 38168  
program not later than the first day of March prior to the first 38169  
fiscal year for which the district or school is seeking funding 38170  
for the program. If a program is approved, the lead district 38171  
shall notify the department of its decision. If a program is 38172  
disapproved, the lead district shall notify the district or 38173  
school of its decision. 38174

If the lead district disapproves the program or does not 38175  
take any action to approve or disapprove the program by the 38176  
first day of March, the district or school may appeal the lead 38177  
district's decision or failure to take action to the department 38178  
by the fifteenth day of March. 38179

(D) (1) Upon receiving notification of a lead district's 38180  
approval of a district's or school's career-technical education 38181  
program, the department shall review the lead district's 38182  
decision and determine whether to approve or disapprove the 38183  
program not later than the fifteenth day of May prior to the 38184  
first fiscal year for which the district or school is seeking 38185  
funding for the program. The department shall notify the 38186  
district or school and the lead district of the district's or 38187  
school's career-technical planning district of its 38188  
determination. 38189

(2) Upon receiving an appeal from a district or school of 38190  
a lead district's disapproval of a career-technical education 38191  
program or failure to take action to approve or disapprove the 38192  
program, the department shall review the lead district's 38193  
disapproval or failure to take action. The department shall 38194  
decide whether to approve or disapprove the program as a result 38195  
of this review not later than the fifteenth day of May prior to 38196

the first fiscal year for which the district or school is 38197  
seeking funding for the program. The department shall notify the 38198  
lead district and the appealing district or school of its 38199  
determination. 38200

(3) In conducting a review under division (D) (1) or (2) of 38201  
this section, the department shall consider the criteria 38202  
prescribed under division (C) (1) of this section. 38203

(4) If the department approves a program under division 38204  
(D) (1) or (2) of this section, it shall authorize the payment to 38205  
the district, or the deduction from the state education aid of a 38206  
district and payment to a community school or STEM school, of 38207  
the funds attributed to the career-technical students enrolled 38208  
in that program in the next fiscal year according to a payment 38209  
schedule prescribed by the department. 38210

(5) The department's decisions under divisions (D) (1) and 38211  
(2) of this section shall be final and not appealable. 38212

(6) The ~~superintendent of public instruction department~~ 38213  
may adopt guidelines identifying circumstances in which the 38214  
department may, after consulting with a lead district, approve 38215  
or disapprove a program that has been approved or disapproved by 38216  
the lead district after the deadline prescribed in division (D) 38217  
(1) or (2) of this section has passed. 38218

(E) The department and the lead district of each career- 38219  
technical planning district shall conduct an annual review of 38220  
each career-technical education program in the lead district's 38221  
career-technical planning district that receives approval under 38222  
this section. Continued funding of the program during the five- 38223  
year approval period shall be subject to the school's compliance 38224  
with any directives for performance improvement that are issued 38225

by the department or the lead district as a result of any review 38226  
conducted under this section. 38227

**Sec. 3317.18.** (A) As used in this section, the terms 38228  
"Chapter 133. securities," "credit enhancement facilities," 38229  
"debt charges," "general obligation," "legislation," "public 38230  
obligations," and "securities" have the same meanings as in 38231  
section 133.01 of the Revised Code. 38232

(B) The board of education of any school district 38233  
authorizing the issuance of securities under section 133.10 or 38234  
3313.372 of the Revised Code or general obligation Chapter 133. 38235  
securities may adopt legislation requesting the state department 38236  
of ~~education~~learning and achievement to approve, and enter into 38237  
an agreement with the school district and the primary paying 38238  
agent or fiscal agent for such securities providing for, the 38239  
withholding and deposit of funds, otherwise due the district 38240  
under Chapter 3317. of the Revised Code, for the payment of debt 38241  
service charges on such securities. 38242

The board of education shall deliver to the state 38243  
department a copy of such resolution and any additional 38244  
pertinent information the state department may require. 38245

The department of ~~education~~learning and achievement and 38246  
the office of budget and management shall evaluate each request 38247  
received from a school district under this section and the 38248  
department, with the advice and consent of the director of 38249  
budget and management, shall approve or deny each request based 38250  
on all of the following: 38251

(1) Whether approval of the request will enhance the 38252  
marketability of the securities for which the request is made; 38253

(2) Any other pertinent factors or limitations established 38254

in rules made under division (I) of this section, including: 38255

(a) Current and projected obligations of funds due to the 38256  
requesting school district under Chapter 3317. of the Revised 38257  
Code including obligations of those funds to public obligations 38258  
or relevant credit enhancement facilities under this section, 38259  
Chapter 133. and section 3313.483 of the Revised Code, and under 38260  
any other similar provisions of law; 38261

(b) Whether the department of ~~education~~learning and 38262  
achievement or the office of budget and management has any 38263  
reason to believe the requesting school district will be unable 38264  
to pay when due the debt charges on the securities for which the 38265  
request is made. 38266

The department may require a school district to establish 38267  
schedules for the payment of all debt charges that take into 38268  
account the amount and timing of anticipated distributions of 38269  
funds to the district under Chapter 3317. of the Revised Code. 38270

(C) If the department approves the request of a school 38271  
district to withhold and deposit funds pursuant to this section, 38272  
the department shall enter into a written agreement with the 38273  
district and the primary paying agent or fiscal agent for the 38274  
securities which shall provide for the withholding of funds 38275  
pursuant to this section for the payment of debt charges on 38276  
those securities, and may include both of the following: 38277

(1) Provisions for certification by the district to the 38278  
department, at a time prior to any date for the payment of 38279  
applicable debt charges, whether the district is able to pay 38280  
those debt charges when due; 38281

(2) Requirements that the district deposit amounts for the 38282  
payment of debt charges on the securities with the primary 38283

paying agent or fiscal agent for the securities prior to the 38284  
date on which those debt charge payments are due to the owners 38285  
or holders of the securities. 38286

(D) Whenever a district notifies the department ~~of~~ 38287  
~~education~~ that it will be unable to pay debt charges when they 38288  
are due, subject to the withholding provisions of this section, 38289  
or whenever the applicable paying agent or fiscal agent notifies 38290  
the department that it has not timely received from a school 38291  
district the full amount needed for the payment when due of 38292  
those debt charges to the holders or owners of such securities, 38293  
the department shall immediately contact the school district and 38294  
the paying agent or fiscal agent to confirm or determine whether 38295  
the district is unable to make the required payment by the date 38296  
on which it is due. 38297

Upon demand of the treasurer of state while holding a 38298  
school district obligation purchased under division (G) (1) of 38299  
section 135.143 of the Revised Code, the state department of 38300  
~~education~~ learning and achievement, without a request of the 38301  
school district, shall withhold and deposit funds pursuant to 38302  
this section for payment of debt service charges on that 38303  
obligation. 38304

If the department confirms or determines that the district 38305  
will be unable to make such payment and payment will not be made 38306  
pursuant to a credit enhancement facility, the department shall 38307  
promptly pay to the applicable primary paying agent or fiscal 38308  
agent the lesser of the amount due for debt charges or the 38309  
amount due the district for the remainder of the fiscal year 38310  
under Chapter 3317. of the Revised Code. If this amount is 38311  
insufficient to pay the total amount then due the agent for the 38312  
payment of debt charges, the department shall pay to the agent 38313

each fiscal year thereafter, and until the full amount due the agent for unpaid debt charges is paid in full, the lesser of the remaining amount due the agent for debt charges or the amount due the district for the fiscal year under Chapter 3317. of the Revised Code.

(E) The state department may make any payments under this division by direct deposit of funds by electronic transfer.

Any amount received by a paying agent or fiscal agent under this section shall be applied only to the payment of debt charges on the securities of the school district subject to this section or to the reimbursement to the provider of a credit enhancement facility that has paid such debt charges.

(F) To the extent a school district whose securities are subject to this section is unable to pay applicable debt charges because of the failure to collect property taxes levied for the payment of those debt charges, the district may transfer to or deposit into any fund that would have received payments under Chapter 3317. of the Revised Code that were withheld under this section any such delinquent property taxes when later collected, provided that transfer or deposit shall be limited to the amounts withheld from that fund under this section.

(G) The department may make payments under this section to paying agents or fiscal agents only from and to the extent that money is appropriated by the general assembly for Chapter 3317. of the Revised Code or for the purposes of this section. No securities of a school district to which this section is made applicable constitute an obligation or a debt or a pledge of the faith, credit, or taxing power of the state, and the holders or owners of such securities have no right to have taxes levied or appropriations made by the general assembly for the payment of

debt charges on those securities, and those securities, if the department requires, shall contain a statement to that effect. The agreement for or the actual withholding and payment of moneys under this section does not constitute the assumption by the state of any debt of a school district.

(H) In the case of securities subject to the withholding provisions of this section, the issuing board of education shall appoint a paying agent or fiscal agent who is not an officer or employee of the school district.

(I) The department of ~~education~~ learning and achievement, with the advice of the office of budget and management, may adopt reasonable rules not inconsistent with this section for the implementation of this section and division (B) of section 133.25 of the Revised Code as it relates to the withholding and depositing of payments under Chapter 3317. of the Revised Code to secure payment of debt charges on school district securities. Those rules shall include criteria for the evaluation and approval or denial of school district requests for withholding under this section and limits on the obligation for the purpose of paying debt charges or reimbursing credit enhancement facilities of funds otherwise to be paid to school districts under Chapter 3317. of the Revised Code.

(J) The authority granted by this section is in addition to and not a limitation on any other authorizations granted by or pursuant to law for the same or similar purposes.

**Sec. 3317.19.** The ~~state board of education~~ department of learning and achievement shall compute and distribute to each cooperative education school district for each fiscal year an amount equal to the sum of the following:

(A) An amount equal to the total of the amounts credited 38373  
to the cooperative education school district pursuant to 38374  
division (H) of section 3317.023 of the Revised Code; 38375

(B) An amount for assisting in providing free lunches to 38376  
needy children pursuant to division (D) of section 3317.024 of 38377  
the Revised Code. 38378

**Sec. 3317.201.** This section does not apply to preschool 38379  
children with disabilities. 38380

(A) As used in this section, the "total special education 38381  
amount" for an institution means the sum of the following 38382  
amounts: 38383

(1) The number of children certified by the institution 38384  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 38385  
Code as receiving services for a disability described in 38386  
division (A) of section 3317.013 of the Revised Code multiplied 38387  
by the amount specified in that division; 38388

(2) The number of children certified by the institution 38389  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 38390  
Code as receiving services for a disability described in 38391  
division (B) of section 3317.013 of the Revised Code multiplied 38392  
by the amount specified in that division; 38393

(3) The number of children certified by the institution 38394  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 38395  
Code as receiving services for a disability described in 38396  
division (C) of section 3317.013 of the Revised Code multiplied 38397  
by the amount specified in that division; 38398

(4) The number of children certified by the institution 38399  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 38400  
Code as receiving services for a disability described in 38401

division (D) of section 3317.013 of the Revised Code multiplied 38402  
by the amount specified in that division; 38403

(5) The number of children certified by the institution 38404  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 38405  
Code as receiving services for a disability described in 38406  
division (E) of section 3317.013 of the Revised Code multiplied 38407  
by the amount specified in that division; 38408

(6) The number of children certified by the institution 38409  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 38410  
Code as receiving services for a disability described in 38411  
division (F) of section 3317.013 of the Revised Code multiplied 38412  
by the amount specified in that division. 38413

(B) For each fiscal year, the department of ~~education-~~ 38414  
learning and achievement shall pay each state institution 38415  
required to provide special education services under division 38416  
(A) of section 3323.091 of the Revised Code an amount equal to 38417  
the institution's total special education amount. 38418

**Sec. 3317.23.** (A) For purposes of this section;: 38419

(1) "Competency-based educational program" means any 38420  
system of academic instruction, assessment, grading, and 38421  
reporting where students receive credit based on demonstrations 38422  
and assessments of their learning rather than the amount of time 38423  
they spend studying a subject. A competency-based educational 38424  
program shall encourage accelerated learning among students who 38425  
master academic materials quickly while providing additional 38426  
instructional support time for students who need it. 38427

(2) An "eligible individual" is an individual who 38428  
satisfies both of the following criteria: 38429

(a) The individual is at least twenty-two years of age. 38430

(b) The individual has not been awarded a high school diploma or a certificate of high school equivalence as defined in section 4109.06 of the Revised Code.

(B) An eligible individual may enroll in a city, local, or exempted village school district that operates a dropout prevention and recovery program for up to two consecutive school years for the purpose of earning a high school diploma. An individual enrolled under this division may elect to satisfy the requirements to earn a high school diploma by successfully completing a competency-based educational program that complies with the standards adopted by the department of ~~education~~ learning and achievement under section 3317.231 of the Revised Code. The district shall report that individual's enrollment on a full-time equivalency basis under division (A) of section 3317.036 of the Revised Code and shall not report that individual's enrollment under section 3317.03 of the Revised Code. An individual enrolled under this division shall not be assigned to classes or settings with students who are younger than eighteen years of age.

(C) (1) For each district that enrolls individuals under division (B) of this section, the department annually shall certify the enrollment and attendance, on a full-time equivalency basis, of each individual reported by the district under division (A) of section 3317.036 of the Revised Code.

(2) For each individual enrolled in a district under division (B) of this section, the department annually shall pay the district up to \$5,000, as determined by the department based on the extent of the individual's successful completion of the graduation requirements prescribed under sections 3313.603, 3313.61, 3313.611, and 3313.614 of the Revised Code.

(D) A district that enrolls individuals under division (B) 38461  
of this section shall be subject to the program administration 38462  
standards adopted by the department under section 3317.231 of 38463  
the Revised Code, as applicable. 38464

**Sec. 3317.231.** The department of ~~education~~learning and 38465  
achievement shall adopt rules regarding the administration of 38466  
programs that enroll individuals who are at least twenty-two 38467  
years of age under sections 3314.38, 3317.23, 3317.24, and 38468  
3345.86 of the Revised Code, including data collection, the 38469  
reporting and certification of enrollment in the programs, the 38470  
measurement of the academic performance of individuals enrolled 38471  
in the programs, and the standards for competency-based 38472  
educational programs, as defined in section 3317.23 of the 38473  
Revised Code. 38474

**Sec. 3317.24.** (A) For purposes of this section, 38475  
"competency-based educational program" and "eligible individual" 38476  
have the same meanings as in section 3317.23 of the Revised 38477  
Code. 38478

(B) An eligible individual may enroll in a joint 38479  
vocational school district that operates an adult education 38480  
program for up to two cumulative school years for the purpose of 38481  
completing the requirements to earn a high school diploma. An 38482  
individual enrolled under this division may elect to satisfy 38483  
these requirements by successfully completing a competency-based 38484  
educational program that complies with the standards adopted by 38485  
the department of ~~education~~learning and achievement under 38486  
section 3317.231 of the Revised Code. The district shall report 38487  
an individual's enrollment under this division on a full-time 38488  
equivalency basis under division (B) of section 3317.036 of the 38489  
Revised Code and shall not report that individual's enrollment 38490

under section 3317.03 of the Revised Code. An individual 38491  
enrolled under this division shall not be assigned to classes or 38492  
settings with students who are younger than eighteen years of 38493  
age. 38494

(C) (1) For each joint vocational school district that 38495  
enrolls individuals under division (B) of this section, the 38496  
department annually shall certify the enrollment and attendance, 38497  
on a full-time equivalency basis, of each individual reported by 38498  
the district under division (B) of section 3317.036 of the 38499  
Revised Code. 38500

(2) For each individual enrolled in a joint vocational 38501  
school district under division (B) of this section, the 38502  
department annually shall pay the district up to \$5,000, as 38503  
determined by the department based on the extent of the 38504  
individual's successful completion of the graduation 38505  
requirements prescribed under sections 3313.603, 3313.61, 38506  
3313.611, and 3313.614 of the Revised Code. 38507

(D) If an individual enrolled in a joint vocational school 38508  
district under division (B) of this section completes the 38509  
requirements to earn a high school diploma, the joint vocational 38510  
school district shall certify the completion of those 38511  
requirements to the city, local, or exempted village school 38512  
district in which the individual resides. Upon receiving 38513  
certification under this division, the city, local, or exempted 38514  
village school district in which the individual resides shall 38515  
issue a high school diploma to the individual within sixty days 38516  
of receiving the certification. 38517

(E) A joint vocational school district that enrolls 38518  
individuals under division (B) of this section shall be subject 38519  
to the program administration standards adopted by the 38520

department under section 3317.231 of the Revised Code, as 38521  
applicable. 38522

**Sec. 3317.25.** (A) As used in this section, "economically 38523  
disadvantaged funds" means the following: 38524

(1) For a city, local, or exempted village school 38525  
district, the funds received under division (A) (5) of section 38526  
3317.022 of the Revised Code; 38527

(2) For a joint vocational school district, the funds 38528  
received under division (A) (3) of section 3317.16 of the Revised 38529  
Code; 38530

(3) For a community school established under Chapter 3314. 38531  
of the Revised Code, the funds received under division (C) (1) (e) 38532  
of section 3314.08 of the Revised Code; 38533

(4) For a STEM school established under Chapter 3326. of 38534  
the Revised Code, the funds received under division (E) of 38535  
section 3326.33 of the Revised Code. 38536

(B) In any fiscal year, a city, local, exempted village, 38537  
or joint vocational school district, community school, or STEM 38538  
school shall spend the economically disadvantaged funds it 38539  
receives for any of the following initiatives or a combination 38540  
of any of the following initiatives: 38541

(1) Extended school day and school year; 38542

(2) Reading improvement and intervention; 38543

(3) Instructional technology or blended learning; 38544

(4) Professional development in reading instruction for 38545  
teachers of students in kindergarten through third grade; 38546

(5) Dropout prevention; 38547

(6) School safety and security measures;	38548
(7) Community learning centers that address barriers to learning;	38549 38550
(8) Academic interventions for students in any of grades six through twelve;	38551 38552
(9) Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal. As used in this section, "bright new leaders for Ohio schools program" has the same meaning as in section 3319.271 of the Revised Code.	38553 38554 38555 38556 38557
(C) At the end of each fiscal year, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of <del>education</del> <u>learning and achievement</u> describing the initiative or initiatives on which the district's or school's economically disadvantaged funds were spent during that fiscal year.	38558 38559 38560 38561 38562 38563
(D) Starting in 2015, the department shall submit a report of the information it receives under division (C) of this section to the General Assembly not later than the first day of December of each odd-numbered year in accordance with section 101.68 of the Revised Code.	38564 38565 38566 38567 38568
<b>Sec. 3317.27.</b> (A) In any fiscal year, if a city, exempted village, local, or joint vocational school district experiences at least a fifty per cent decrease in valuation of public utility personal property, as certified to the department of <del>education</del> <u>learning and achievement</u> under division (A) (2) of section 3317.021 of the Revised Code, from the tax year immediately preceding the most recent tax year for which data is available to the most recent tax year for which data is	38569 38570 38571 38572 38573 38574 38575 38576

available, the department shall develop a payment structure to 38577  
recommend to the general assembly that would provide additional 38578  
state funds to the district to compensate the district for a 38579  
percentage of that decrease in valuation. This payment structure 38580  
shall take into consideration the effect the valuation decrease 38581  
has on the amount of state foundation aid received by the 38582  
district under this chapter and any temporary transitional aid 38583  
or payment limitations imposed by the general assembly that 38584  
apply to the district. 38585

(B) Annually, the department shall submit to the general 38586  
assembly, in accordance with section 101.68 of the Revised Code, 38587  
the recommended structure for each district to which division 38588  
(A) of this section applies for the current fiscal year. 38589

**Sec. 3317.40.** (A) As used in this section, "subgroup" 38590  
means one of the following subsets of the entire student 38591  
population of a school district or a school building: 38592

(1) Students with disabilities; 38593

(2) Economically disadvantaged students; 38594

(3) Limited English proficient students; 38595

(4) Students identified as gifted in superior cognitive 38596  
ability and specific academic ability fields under Chapter 3324. 38597  
of the Revised Code. 38598

(B) It is the intent of the general assembly that funds 38599  
provided under this chapter shall be used for the provision of a 38600  
system of common schools and the advancement of the knowledge of 38601  
all students. As such, school districts and schools shall be 38602  
held accountable for those funds to ensure that all students are 38603  
provided an opportunity to graduate from high school prepared 38604  
for a career or for post-secondary education. 38605

(C) When funds are provided under this chapter 38606  
specifically for services for a subgroup of students, the 38607  
general assembly has determined that these students experience 38608  
unique challenges requiring additional resources and intends 38609  
that the funds so provided be used for services that will allow 38610  
students in those subgroups to master the knowledge base 38611  
required for high school graduation. 38612

(D) If a district or school fails to show satisfactory 38613  
achievement and progress, as determined by the ~~state board of~~ 38614  
~~education~~ department of learning and achievement, for any 38615  
subgroup of students based on performance measures reported or 38616  
graded under section 3302.03 of the Revised Code, the district 38617  
or school shall submit an improvement plan to the department for 38618  
approval. The plan may be included in any other improvement plan 38619  
required of the district or school under state or federal law. 38620  
The department may require that a plan required under division 38621  
(C) of this section include an agreement to partner with another 38622  
organization that has demonstrated the ability to improve the 38623  
educational outcome for that subgroup of students to provide 38624  
services to those students. The partner organization may be 38625  
another school, district, or other education provider. 38626

Not later than December 31, 2014, the ~~state board of~~ 38627  
~~education~~ department of learning and achievement shall establish 38628  
measures of satisfactory achievement and progress, which 38629  
include, but are not limited to, performance measures under 38630  
section 3302.03 of the Revised Code. The department shall make 38631  
the initial determination of satisfactory achievement and 38632  
progress under this section using those measures not later than 38633  
September 1, 2015, and then make determinations under this 38634  
section annually thereafter. 38635

The department shall publish a list of schools, school districts, and other educational providers that have demonstrated an ability to serve each subgroup of students.

**Sec. 3317.50.** The telecommunity education fund is hereby created in the state treasury. The fund shall consist of certain excess local exchange telephone company contributions transferred from the reserve fund of the Ohio telecommunications advisory board pursuant to an agreement between the public utilities commission of Ohio and the Ohio department of ~~education~~ learning and achievement. The fund shall be used by the ~~chancellor of the Ohio board of regents~~ department, in the amounts appropriated, to finance technology grants to state-chartered elementary and secondary schools. Investment earnings of the fund shall be credited to the fund.

**Sec. 3317.51.** (A) The distance learning fund is hereby created in the state treasury. The fund shall consist of moneys paid by any telephone company as a part of a settlement agreement between such company and the public utilities commission in fiscal year 1995 in part to establish distance learning throughout the state. The ~~chancellor of the Ohio board of regents~~ department of learning and achievement shall administer the fund and expend moneys from it to finance technology grants to eligible schools chartered by the ~~state board of education~~ department to establish distance learning in those schools. Chartered schools are eligible for funds if they are within the service area of the telephone company. Investment earnings of the fund shall be credited to the fund.

(B) For purposes of this section, "distance learning" means the creation of a learning environment involving a school setting and at least one other location outside of the school

which allows for information available at one site to be 38666  
accessed at the other through the use of such educational 38667  
applications as one-way or two-way transmission of data, voice, 38668  
and video, singularly or in appropriate combinations. 38669

**Sec. 3318.011.** For purposes of providing assistance under 38670  
sections 3318.01 to 3318.20 of the Revised Code, the department 38671  
of ~~education~~ learning and achievement shall annually do all of 38672  
the following: 38673

(A) Calculate the adjusted valuation per pupil of each 38674  
city, local, and exempted village school district according to 38675  
the following formula: 38676

The district's valuation per pupil - [ $\$30,000 \times (1 - \text{the}$  38677  
district's income factor)]. 38678

For purposes of this calculation: 38679

(1) Except for a district with an open enrollment net gain 38680  
that is ten per cent or more of its formula ADM, "valuation per 38681  
pupil" for a district means its average taxable value, divided 38682  
by its formula ADM for the previous fiscal year. "Valuation per 38683  
pupil," for a district with an open enrollment net gain that is 38684  
ten per cent or more of its formula ADM, means its average 38685  
taxable value, divided by the sum of its formula ADM for the 38686  
previous fiscal year plus its open enrollment net gain for the 38687  
previous fiscal year. 38688

(2) "Average taxable value" means the average of the sum 38689  
of the amounts certified for a district under divisions (A) (1) 38690  
and (2) of section 3317.021 of the Revised Code in the second, 38691  
third, and fourth preceding fiscal years. 38692

(3) "Entitled to attend school" means entitled to attend 38693  
school in a city, local, or exempted village school district 38694

under section 3313.64 or 3313.65 of the Revised Code.	38695
(4) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code.	38696 38697
(5) "Native student" has the same meaning as in section 3313.98 of the Revised Code.	38698 38699
(6) "Open enrollment net gain" for a district means (a) the number of the students entitled to attend school in another district but who are enrolled in the schools of the district under its open enrollment policy minus (b) the number of the district's native students who are enrolled in the schools of another district under the other district's open enrollment policy, both numbers as certified to the department under section 3313.981 of the Revised Code. If the difference is a negative number, the district's "open enrollment net gain" is zero.	38700 38701 38702 38703 38704 38705 38706 38707 38708 38709
(7) "Open enrollment policy" means an interdistrict open enrollment policy adopted under section 3313.98 of the Revised Code.	38710 38711 38712
(8) "District median income" means the median Ohio adjusted gross income certified for a school district under section 3317.021 of the Revised Code.	38713 38714 38715
(9) "Statewide median income" means the median district median income of all city, exempted village, and local school districts in the state.	38716 38717 38718
(10) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the statewide median income.	38719 38720 38721
(B) Calculate for each district the three-year average of	38722

the adjusted valuations per pupil calculated for the district 38723  
for the current and two preceding fiscal years; 38724

(C) Rank all such districts in order of adjusted valuation 38725  
per pupil from the district with the lowest three-year average 38726  
adjusted valuation per pupil to the district with the highest 38727  
three-year average adjusted valuation per pupil; 38728

(D) Divide such ranking into percentiles with the first 38729  
percentile containing the one per cent of school districts 38730  
having the lowest three-year average adjusted valuations per 38731  
pupil and the one-hundredth percentile containing the one per 38732  
cent of school districts having the highest three-year average 38733  
adjusted valuations per pupil; 38734

(E) Determine the school districts that have three-year 38735  
average adjusted valuations per pupil that are greater than the 38736  
median three-year average adjusted valuation per pupil for all 38737  
school districts in the state; 38738

(F) On or before the first day of September, certify the 38739  
information described in divisions (A) to (E) of this section to 38740  
the Ohio facilities construction commission. 38741

**Sec. 3318.033.** (A) As used in this section: 38742

(1) "Formula ADM" has the same meaning as in section 38743  
3317.02 of the Revised Code. 38744

(2) "Open enrollment net gain" has the same meaning as in 38745  
section 3318.011 of the Revised Code. 38746

(B) This section applies to each school district that 38747  
meets the following criteria: 38748

(1) The Ohio facilities construction commission certified 38749  
its conditional approval of the district's project under 38750

sections 3318.01 to 3318.20 of the Revised Code after July 1, 38751  
2006, and prior to September 29, 2007, and the project had not 38752  
been completed as of September 29, 2007. 38753

(2) Within one year after the date of the commission's 38754  
certification of its conditional approval, the district's 38755  
electors approved a bond issue to pay the district's portion of 38756  
the basic project cost or the district board of education 38757  
complied with section 3318.052 of the Revised Code. 38758

(3) In the fiscal year prior to the fiscal year in which 38759  
the district's project was conditionally approved, the district 38760  
had an open enrollment net gain that was ten per cent or more of 38761  
its formula ADM. 38762

(C) For each school district to which this section 38763  
applies, the department of ~~education~~ learning and achievement 38764  
shall recalculate the district's percentile ranking under 38765  
section 3318.011 of the Revised Code for the fiscal year prior 38766  
to the fiscal year in which the district's project was 38767  
conditionally approved and shall report the recalculated 38768  
percentile ranking to the commission. For this purpose, the 38769  
department shall recalculate every school district's percentile 38770  
ranking for that fiscal year using the district's "valuation per 38771  
pupil" as that term is defined in section 3318.011 of the 38772  
Revised Code on and after September 29, 2007. 38773

(D) For each school district to which this section 38774  
applies, the commission shall use the recalculated percentile 38775  
ranking reported under division (C) of this section to determine 38776  
the district's portion of the basic project cost under section 38777  
3318.032 of the Revised Code. The commission shall not use the 38778  
recalculated percentile ranking for any other purpose, and the 38779  
recalculated ranking shall not affect any other district's 38780

portion of the basic project cost under section 3318.032 of the Revised Code or any district's eligibility for assistance under sections 3318.01 to 3318.20 of the Revised Code. The commission shall revise the agreement entered into under section 3318.08 of the Revised Code to reflect the district's new portion of the basic project cost as determined under this division.

**Sec. 3318.051.** (A) Any city, exempted village, or local school district that commences a project under sections 3318.01 to 3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or after September 5, 2006, need not levy the tax otherwise required under division (B) of section 3318.05 of the Revised Code, if the district board of education adopts a resolution petitioning the Ohio facilities construction commission to approve the transfer of money in accordance with this section and the commission approves that transfer. If so approved, the commission and the district board shall enter into an agreement under which the board, in each of twenty-three consecutive years beginning in the year in which the board and the commission enter into the project agreement under section 3318.08 of the Revised Code, shall transfer into the maintenance fund required by division (D) of section 3318.05 of the Revised Code not less than an amount equal to one-half mill for each dollar of the district's valuation unless and until the agreement to make those transfers is rescinded by the district board pursuant to division (F) of this section.

(B) On the first day of July each year, or on an alternative date prescribed by the commission, the district treasurer shall certify to the commission and the auditor of state that the amount required for the year has been transferred. The auditor of state shall include verification of the transfer as part of any audit of the district under section

117.11 of the Revised Code. If the auditor of state finds that  
less than the required amount has been deposited into a  
district's maintenance fund, the auditor of state shall notify  
the district board of education in writing of that fact and  
require the board to deposit into the fund, within ninety days  
after the date of the notice, the amount by which the fund is  
deficient for the year. If the district board fails to  
demonstrate to the auditor of state's satisfaction that the  
board has made the deposit required in the notice, the auditor  
of state shall notify the department of ~~education~~ learning and  
achievement. At that time, the department shall withhold an  
amount equal to ten per cent of the district's funds calculated  
for the current fiscal year under Chapter 3317. of the Revised  
Code until the auditor of state notifies the department that the  
auditor of state is satisfied that the board has made the  
required transfer.

(C) Money transferred to the maintenance fund shall be  
used for the maintenance of the facilities acquired under the  
district's project.

(D) The transfers to the maintenance fund under this  
section does not affect a district's obligation to establish and  
maintain a capital and maintenance fund under section 3315.18 of  
the Revised Code.

(E) Any decision by the commission to approve or not  
approve the transfer of money under this section is final and  
not subject to appeal. The commission shall not be responsible  
for errors or miscalculations made in deciding whether to  
approve a petition to make transfers under this section.

(F) If the district board determines that it no longer can  
continue making the transfers agreed to under this section, the

board may rescind the agreement only so long as the electors of 38842  
the district have approved, in accordance with section 3318.063 38843  
of the Revised Code, the levy of a tax for the maintenance of 38844  
the classroom facilities acquired under the district's project 38845  
and that levy continues to be collected as approved by the 38846  
electors. That levy shall be for a number of years that is equal 38847  
to the difference between twenty-three years and the number of 38848  
years that the district made transfers under this section and 38849  
shall be at the rate of not less than one-half mill for each 38850  
dollar of the district's valuation. The district board shall 38851  
continue to make the transfers agreed to under this section 38852  
until that levy has been approved by the electors. 38853

**Sec. 3318.08.** Except in the case of a joint vocational 38854  
school district that receives assistance under sections 3318.40 38855  
to 3318.45 of the Revised Code, if the requisite favorable vote 38856  
on the election is obtained, or if the school district board has 38857  
resolved to apply the proceeds of a property tax levy or the 38858  
proceeds of an income tax, or a combination of proceeds from 38859  
such taxes, as authorized in section 3318.052 of the Revised 38860  
Code, the Ohio facilities construction commission, upon 38861  
certification to it of either the results of the election or the 38862  
resolution under section 3318.052 of the Revised Code, shall 38863  
enter into a written agreement with the school district board 38864  
for the construction and sale of the project. In the case of a 38865  
joint vocational school district that receives assistance under 38866  
sections 3318.40 to 3318.45 of the Revised Code, if the school 38867  
district board of education and the school district electors 38868  
have satisfied the conditions prescribed in division (D) (1) of 38869  
section 3318.41 of the Revised Code, the commission shall enter 38870  
into an agreement with the school district board for the 38871  
construction and sale of the project. In either case, the 38872

agreement shall include, but need not be limited to, the 38873  
following provisions: 38874

(A) The sale and issuance of bonds or notes in 38875  
anticipation thereof, as soon as practicable after the execution 38876  
of the agreement, in an amount equal to the school district's 38877  
portion of the basic project cost, including any securities 38878  
authorized under division (J) of section 133.06 of the Revised 38879  
Code and dedicated by the school district board to payment of 38880  
the district's portion of the basic project cost of the project; 38881  
provided, that if at that time the county treasurer of each 38882  
county in which the school district is located has not commenced 38883  
the collection of taxes on the general duplicate of real and 38884  
public utility property for the year in which the controlling 38885  
board approved the project, the school district board shall 38886  
authorize the issuance of a first installment of bond 38887  
anticipation notes in an amount specified by the agreement, 38888  
which amount shall not exceed an amount necessary to raise the 38889  
net bonded indebtedness of the school district as of the date of 38890  
the controlling board's approval to within five thousand dollars 38891  
of the required level of indebtedness for the preceding year. In 38892  
the event that a first installment of bond anticipation notes is 38893  
issued, the school district board shall, as soon as practicable 38894  
after the county treasurer of each county in which the school 38895  
district is located has commenced the collection of taxes on the 38896  
general duplicate of real and public utility property for the 38897  
year in which the controlling board approved the project, 38898  
authorize the issuance of a second and final installment of bond 38899  
anticipation notes or a first and final issue of bonds. 38900

The combined value of the first and second installment of 38901  
bond anticipation notes or the value of the first and final 38902  
issue of bonds shall be equal to the school district's portion 38903

of the basic project cost. The proceeds of any such bonds shall 38904  
be used first to retire any bond anticipation notes. Otherwise, 38905  
the proceeds of such bonds and of any bond anticipation notes, 38906  
except the premium and accrued interest thereon, shall be 38907  
deposited in the school district's project construction fund. In 38908  
determining the amount of net bonded indebtedness for the 38909  
purpose of fixing the amount of an issue of either bonds or bond 38910  
anticipation notes, gross indebtedness shall be reduced by 38911  
moneys in the bond retirement fund only to the extent of the 38912  
moneys therein on the first day of the year preceding the year 38913  
in which the controlling board approved the project. Should 38914  
there be a decrease in the tax valuation of the school district 38915  
so that the amount of indebtedness that can be incurred on the 38916  
tax duplicates for the year in which the controlling board 38917  
approved the project is less than the amount of the first 38918  
installment of bond anticipation notes, there shall be paid from 38919  
the school district's project construction fund to the school 38920  
district's bond retirement fund to be applied against such notes 38921  
an amount sufficient to cause the net bonded indebtedness of the 38922  
school district, as of the first day of the year following the 38923  
year in which the controlling board approved the project, to be 38924  
within five thousand dollars of the required level of 38925  
indebtedness for the year in which the controlling board 38926  
approved the project. The maximum amount of indebtedness to be 38927  
incurred by any school district board as its share of the cost 38928  
of the project is either an amount that will cause its net 38929  
bonded indebtedness, as of the first day of the year following 38930  
the year in which the controlling board approved the project, to 38931  
be within five thousand dollars of the required level of 38932  
indebtedness, or an amount equal to the required percentage of 38933  
the basic project costs, whichever is greater. All bonds and 38934  
bond anticipation notes shall be issued in accordance with 38935

Chapter 133. of the Revised Code, and notes may be renewed as	38936
provided in section 133.22 of the Revised Code.	38937
(B) The transfer of such funds of the school district	38938
board available for the project, together with the proceeds of	38939
the sale of the bonds or notes, except premium, accrued	38940
interest, and interest included in the amount of the issue, to	38941
the school district's project construction fund;	38942
(C) For all school districts except joint vocational	38943
school districts that receive assistance under sections 3318.40	38944
to 3318.45 of the Revised Code, the following provisions as	38945
applicable:	38946
(1) If section 3318.052 of the Revised Code applies, the	38947
earmarking of the proceeds of a tax levied under section 5705.21	38948
of the Revised Code for general permanent improvements or under	38949
section 5705.218 of the Revised Code for the purpose of	38950
permanent improvements, or the proceeds of a school district	38951
income tax levied under Chapter 5748. of the Revised Code, or	38952
the proceeds from a combination of those two taxes, in an amount	38953
to pay all or part of the service charges on bonds issued to pay	38954
the school district portion of the project and an amount	38955
equivalent to all or part of the tax required under division (B)	38956
of section 3318.05 of the Revised Code;	38957
(2) If section 3318.052 of the Revised Code does not	38958
apply, one of the following:	38959
(a) The levy of the tax authorized at the election for the	38960
payment of maintenance costs, as specified in division (B) of	38961
section 3318.05 of the Revised Code;	38962
(b) If the school district electors have approved a	38963
continuing tax for general permanent improvements under section	38964

5705.21 of the Revised Code and that tax can be used for 38965  
maintenance, the earmarking of an amount of the proceeds from 38966  
such tax for maintenance of classroom facilities as specified in 38967  
division (B) of section 3318.05 of the Revised Code; 38968

(c) If, in lieu of the tax otherwise required under 38969  
division (B) of section 3318.05 of the Revised Code, the 38970  
commission has approved the transfer of money to the maintenance 38971  
fund in accordance with section 3318.051 of the Revised Code, a 38972  
requirement that the district board comply with the provisions 38973  
of that section. The district board may rescind the provision 38974  
prescribed under division (C) (2) (c) of this section only so long 38975  
as the electors of the district have approved, in accordance 38976  
with section 3318.063 of the Revised Code, the levy of a tax for 38977  
the maintenance of the classroom facilities acquired under the 38978  
district's project and that levy continues to be collected as 38979  
approved by the electors. 38980

(D) For joint vocational school districts that receive 38981  
assistance under sections 3318.40 to 3318.45 of the Revised 38982  
Code, provision for deposit of school district moneys dedicated 38983  
to maintenance of the classroom facilities acquired under those 38984  
sections as prescribed in section 3318.43 of the Revised Code; 38985

(E) Dedication of any local donated contribution as 38986  
provided for under section 3318.084 of the Revised Code, 38987  
including a schedule for depositing such moneys applied as an 38988  
offset of the district's obligation to levy the tax described in 38989  
division (B) of section 3318.05 of the Revised Code as required 38990  
under division (D) (2) of section 3318.084 of the Revised Code; 38991

(F) Ownership of or interest in the project during the 38992  
period of construction, which shall be divided between the 38993  
commission and the school district board in proportion to their 38994

respective contributions to the school district's project	38995
construction fund;	38996
(G) Maintenance of the state's interest in the project	38997
until any obligations issued for the project under section	38998
3318.26 of the Revised Code are no longer outstanding;	38999
(H) The insurance of the project by the school district	39000
from the time there is an insurable interest therein and so long	39001
as the state retains any ownership or interest in the project	39002
pursuant to division (F) of this section, in such amounts and	39003
against such risks as the commission shall require; provided,	39004
that the cost of any required insurance until the project is	39005
completed shall be a part of the basic project cost;	39006
(I) The certification by the director of budget and	39007
management that funds are available and have been set aside to	39008
meet the state's share of the basic project cost as approved by	39009
the controlling board pursuant to either section 3318.04 or	39010
division (B) (1) of section 3318.41 of the Revised Code;	39011
(J) Authorization of the school district board to	39012
advertise for and receive construction bids for the project, for	39013
and on behalf of the commission, and to award contracts in the	39014
name of the state subject to approval by the commission;	39015
(K) Provisions for the disbursement of moneys from the	39016
school district's project account upon issuance by the	39017
commission or the commission's designated representative of	39018
vouchers for work done to be certified to the commission by the	39019
treasurer of the school district board;	39020
(L) Disposal of any balance left in the school district's	39021
project construction fund upon completion of the project;	39022
(M) Limitations upon use of the project or any part of it	39023

so long as any obligations issued to finance the project under 39024  
section 3318.26 of the Revised Code are outstanding; 39025

(N) Provision for vesting the state's interest in the 39026  
project to the school district board when the obligations issued 39027  
to finance the project under section 3318.26 of the Revised Code 39028  
are outstanding; 39029

(O) Provision for deposit of an executed copy of the 39030  
agreement in the office of the commission; 39031

(P) Provision for termination of the contract and release 39032  
of the funds encumbered at the time of the conditional approval, 39033  
if the proceeds of the sale of the bonds of the school district 39034  
board are not paid into the school district's project 39035  
construction fund and if bids for the construction of the 39036  
project have not been taken within such period after the 39037  
execution of the agreement as may be fixed by the commission; 39038

(Q) Provision for the school district to maintain the 39039  
project in accordance with a plan approved by the commission; 39040

(R) Provision that all state funds reserved and encumbered 39041  
to pay the state share of the cost of the project and the funds 39042  
provided by the school district to pay for its share of the 39043  
project cost, including the respective shares of the cost of a 39044  
segment if the project is divided into segments, be spent on the 39045  
construction and acquisition of the project or segment 39046  
simultaneously in proportion to the state's and the school 39047  
district's respective shares of that basic project cost as 39048  
determined under section 3318.032 of the Revised Code or, if the 39049  
district is a joint vocational school district, under section 39050  
3318.42 of the Revised Code. However, if the school district 39051  
certifies to the commission that expenditure by the school 39052

district is necessary to maintain the federal tax status or tax- 39053  
exempt status of notes or bonds issued by the school district to 39054  
pay for its share of the project cost or to comply with 39055  
applicable temporary investment periods or spending exceptions 39056  
to rebate as provided for under federal law in regard to those 39057  
notes or bonds, the school district may commit to spend, or 39058  
spend, a greater portion of the funds it provides during any 39059  
specific period than would otherwise be required under this 39060  
division. 39061

(S) A provision stipulating that the commission may 39062  
prohibit the district from proceeding with any project if the 39063  
commission determines that the site is not suitable for 39064  
construction purposes. The commission may perform soil tests in 39065  
its determination of whether a site is appropriate for 39066  
construction purposes. 39067

(T) A provision stipulating that, unless otherwise 39068  
authorized by the commission, any contingency reserve portion of 39069  
the construction budget prescribed by the commission shall be 39070  
used only to pay costs resulting from unforeseen job conditions, 39071  
to comply with rulings regarding building and other codes, to 39072  
pay costs related to design clarifications or corrections to 39073  
contract documents, and to pay the costs of settlements or 39074  
judgments related to the project as provided under section 39075  
3318.086 of the Revised Code; 39076

(U) A provision stipulating that for continued release of 39077  
project funds the school district board shall comply with 39078  
sections 3313.41, 3313.411, and 3313.413 of the Revised Code 39079  
throughout the project and shall notify the department of 39080  
~~education~~ learning and achievement and the Ohio community school 39081  
association when the board plans to dispose of facilities by 39082

sale under that section; 39083

(V) A provision stipulating that the commission shall not 39084  
approve a contract for demolition of a facility until the school 39085  
district board has complied with sections 3313.41, 3313.411, and 39086  
3313.413 of the Revised Code relative to that facility, unless 39087  
demolition of that facility is to clear a site for construction 39088  
of a replacement facility included in the district's project; 39089

(W) A requirement for the school district to adhere to a 39090  
facilities maintenance plan approved by the commission. 39091

**Sec. 3318.084.** (A) Notwithstanding anything to the 39092  
contrary in Chapter 3318. of the Revised Code, a school district 39093  
board may apply any local donated contribution toward any of the 39094  
following: 39095

(1) The district's portion of the basic project cost of a 39096  
project under either sections 3318.01 to 3318.20 or sections 39097  
3318.40 to 3318.45 of the Revised Code to reduce the amount of 39098  
bonds the district otherwise must issue in order to receive 39099  
state assistance under those sections; 39100

(2) If the school district is not a joint vocational 39101  
school district proceeding under sections 3318.40 to 3318.45 of 39102  
the Revised Code, an offset of all or part of a district's 39103  
obligation to levy the tax described in division (B) of section 39104  
3318.05 of the Revised Code, which shall be applied only in the 39105  
manner prescribed in division (B) of this section; 39106

(3) If the school district is a joint vocational school 39107  
district proceeding under sections 3318.40 to 3318.45 of the 39108  
Revised Code, all or part of the amount the school district is 39109  
obligated to set aside for maintenance of the classroom 39110  
facilities acquired under that project pursuant to section 39111

3318.43 of the Revised Code. 39112

(B) No school district board shall apply any local donated 39113  
contribution under division (A) (2) of this section unless the 39114  
Ohio facilities construction commission first approves that 39115  
application. 39116

Upon the request of the school district board to apply 39117  
local donated contribution under division (A) (2) of this 39118  
section, the commission in consultation with the department of 39119  
taxation shall determine the amount of total revenue that likely 39120  
would be generated by one-half mill of the tax described in 39121  
division (B) of section 3318.05 of the Revised Code over the 39122  
entire twenty-three-year period required under that section and 39123  
shall deduct from that amount any amount of local donated 39124  
contribution that the board has committed to apply under 39125  
division (A) (2) of this section. The commission then shall 39126  
determine in consultation with the department of taxation the 39127  
rate of tax over twenty-three years necessary to generate the 39128  
amount of a one-half mill tax not offset by the local donated 39129  
contribution. Notwithstanding anything to the contrary in 39130  
section 3318.06, 3318.061, or 3318.361 of the Revised Code, the 39131  
rate determined by the commission shall be the rate for which 39132  
the district board shall seek elector approval under those 39133  
sections to meet its obligation under division (B) of section 39134  
3318.05 of the Revised Code. In the case of a complete offset of 39135  
the district's obligation under division (B) of section 3318.05 39136  
of the Revised Code, the district shall not be required to levy 39137  
the tax otherwise required under that section. At the end of the 39138  
twenty-three-year period of the tax required under division (B) 39139  
of section 3318.05 of the Revised Code, whether or not the tax 39140  
is actually levied, the commission in consultation of the 39141  
department of taxation shall recalculate the amount that would 39142

have been generated by the tax if it had been levied at one-half mill. If the total amount actually generated over that period from both the tax that was actually levied and any local donated contribution applied under division (A) (2) of this section is less than the amount that would have been raised by a one-half mill tax, the district shall pay any difference. If the total amount actually raised in such manner is greater than the amount that would have been raised by a one-half mill tax the difference shall be zero and no payments shall be made by either the district or the commission.

(C) As used in this section, "local donated contribution" means any of the following:

(1) Any moneys irrevocably donated or granted to a school district board by a source other than the state which the board has the authority to apply to the school district's project under sections 3318.01 to 3318.20 of the Revised Code and which the board has pledged for that purpose by resolution adopted by a majority of its members;

(2) Any irrevocable letter of credit issued on behalf of a school district which the school district board has encumbered for payment of the school district's share of its project under sections 3318.01 to 3318.20 of the Revised Code that has been approved by the commission in consultation with the department of ~~education~~ learning and achievement;

(3) Any cash a school district has on hand that the school district board has encumbered for payment of the school district's share of its project under sections 3318.01 to 3318.20 of the Revised Code that has been approved by the commission in consultation with the department of ~~education~~ learning and achievement, including the following:

(a) Any year-end operating fund balances that can be spent 39173  
for classroom facilities; 39174

(b) Any cash resulting from a lease-purchase agreement 39175  
that the school district board has entered into under section 39176  
3313.375 of the Revised Code, provided that the agreement and 39177  
the related financing documents contain provisions protecting 39178  
the state's superior interest in the project. 39179

(4) Any moneys spent by a source other than the school 39180  
district or the state for construction or renovation of specific 39181  
classroom facilities that have been approved by the commission 39182  
as part of the basic project cost of the district's project. The 39183  
school district, the commission, and the entity providing the 39184  
local donated contribution under division (C) (4) of this section 39185  
shall enter into an agreement identifying the classroom 39186  
facilities to be acquired by the expenditures made by that 39187  
entity. The agreement shall include, but not be limited to, 39188  
stipulations that require an audit by the commission of such 39189  
expenditures made on behalf of the district and that specify the 39190  
maximum amount of credit to be allowed for those expenditures. 39191  
Upon completion of the construction or renovation, the 39192  
commission shall determine the actual amount that the commission 39193  
will credit, at the request of the district board, toward the 39194  
district's portion of the basic project cost, any project cost 39195  
overruns, or the basic project cost of future segments if the 39196  
project has been divided into segments under section 3318.38 of 39197  
the Revised Code. The actual amount of the credit shall not 39198  
exceed the lesser of the amount specified in the agreement or 39199  
the actual cost of the construction or renovation. 39200

(D) No state moneys shall be released for a project to 39201  
which this section applies until: 39202

(1) Any local donated contribution authorized under 39203  
division (A)(1) of this section is first deposited into the 39204  
school district's project construction fund. 39205

(2) The school district board and the commission have 39206  
included a stipulation in their agreement entered into under 39207  
section 3318.08 of the Revised Code under which the board will 39208  
deposit into a fund approved by the commission according to a 39209  
schedule that does not extend beyond the anticipated completion 39210  
date of the project the total amount of any local donated 39211  
contribution authorized under division (A)(2) or (3) of this 39212  
section and dedicated by the board for that purpose. 39213

However, if any local donated contribution as described in 39214  
division (C)(4) of this section has been approved under this 39215  
section, the state moneys may be released even if the entity 39216  
providing that local donated contribution has not spent the 39217  
moneys so dedicated as long as the agreement required under that 39218  
section has been executed. 39219

**Sec. 3318.18.** (A) As used in this section: 39220

(1) "Valuation" of a school district means the sum of the 39221  
amounts described in divisions (A)(1) and (2) of section 39222  
3317.021 of the Revised Code as most recently certified for the 39223  
district before the annual computation is made under division 39224  
(B) of this section. 39225

(2) "Valuation per pupil" of a school district means the 39226  
district's valuation divided by the district's formula ADM as 39227  
most recently calculated under section 3317.03 of the Revised 39228  
Code before the annual computation is made under division (B) of 39229  
this section. 39230

(3) "Statewide average valuation per pupil" means the 39231

total of the valuations of all school districts divided by the 39232  
total of the formula ADMs of all school districts as most 39233  
recently calculated under section 3317.03 of the Revised Code 39234  
before the annual computation is made under division (C) of this 39235  
section. 39236

(4) "Maintenance levy requirement" means the tax required 39237  
to be levied pursuant to division (C) (2) (a) of section 3318.08 39238  
and division (B) of section 3318.05 of the Revised Code or the 39239  
application of proceeds of another levy to paying the costs of 39240  
maintaining classroom facilities pursuant to division (A) (2) of 39241  
section 3318.052, division (C) (1) or (C) (2) (b) of section 39242  
3318.08, or division (D) (2) of section 3318.36 of the Revised 39243  
Code, or a combination thereof. 39244

(5) "Project agreement" means an agreement between a 39245  
school district and the Ohio facilities construction commission 39246  
under section 3318.08 or division (B) (1) of section 3318.36 of 39247  
the Revised Code. 39248

(B) On or before July 1, 2006, the department of ~~education~~ 39249  
learning and achievement shall compute the statewide average 39250  
valuation per pupil and the valuation per pupil of each school 39251  
district, and provide them to the Ohio facilities construction 39252  
commission. On or before the first day of July each year 39253  
beginning in 2007, the department of ~~education~~ learning and 39254  
achievement shall compute the statewide average valuation per 39255  
pupil and the valuation per pupil of each school district that 39256  
has not already entered into a project agreement, and provide 39257  
the results of those computations to the commission. 39258

(C) (1) At the time the Ohio facilities construction 39259  
commission enters into a project agreement with a school 39260  
district, the commission shall compute the difference between 39261

the district's valuation per pupil and the statewide average 39262  
valuation per pupil as most recently provided to the commission 39263  
under division (B) of this section. If the school district's 39264  
valuation per pupil is less than the average statewide valuation 39265  
per pupil, the commission shall multiply the difference between 39266  
those amounts by one-half mill times the formula ADM of the 39267  
district as most recently reported to the department of 39268  
~~education~~ learning and achievement for October under division 39269  
(A) of section 3317.03 of the Revised Code. The commission shall 39270  
certify the resulting product to the department of ~~education~~ 39271  
learning and achievement, along with the date on which the 39272  
maintenance levy requirement terminates as provided in the 39273  
project agreement between the school district board and the 39274  
commission. 39275

(2) In the case of a school district that entered into a 39276  
project agreement after July 1, 1997, but before July 1, 2006, 39277  
the commission shall make the computation described in division 39278  
(C) (1) of this section on the basis of the district's valuation 39279  
per pupil and the statewide average valuation per pupil computed 39280  
as of September 1, 2006, and the district's formula ADM reported 39281  
for October 2005. 39282

(3) The amount computed for a school district under 39283  
division (C) (1) or (2) of this section shall not change for the 39284  
period during which payments are made to the district under 39285  
division (D) of this section. 39286

(4) A computation need not be made under division (C) (1) 39287  
or (2) of this section for a school district that certified a 39288  
resolution to the commission under division (D) (3) of section 39289  
3318.36 of the Revised Code until the district becomes eligible 39290  
for state assistance as provided in that division. 39291

(D) In the fourth quarter of each fiscal year, for each school district for which a computation has been made under division (C) of this section, the department of ~~education~~ learning and achievement shall pay the amount computed to each such school district. Payments shall be made to a school district each year until and including the tax year in which the district's maintenance levy requirement terminates. Payments shall be paid from the half-mill equalization fund, subject to appropriation by the general assembly. However, the department shall make no payments under this section to any district that elects the procedure authorized by section 3318.051 of the Revised Code.

(E) Payments made to a school district under this section shall be credited to the district's classroom facilities maintenance fund and shall be used only for the purpose of maintaining facilities constructed or renovated under the project agreement.

(F) There is hereby created in the state treasury the half-mill equalization fund. The fund shall receive transfers pursuant to section 5727.85 of the Revised Code. The fund shall be used first to make annual payments under division (D) of this section. If a balance remains in the fund after such payments are made in full for a year, the Ohio facilities construction commission may request the controlling board to transfer a reasonable amount from such remaining balance to the public school building fund created under section 3318.15 of the Revised Code for the purposes of this chapter.

All investment earnings arising from investment of money in the half-mill equalization fund shall be credited to the fund.

**Sec. 3318.363.** (A) This section applies beginning in 39322  
fiscal year 2003 and only to a school district participating in 39323  
the school building assistance expedited local partnership 39324  
program under section 3318.36 of the Revised Code. 39325

(B) If there is a decrease in the tax valuation of a 39326  
school district to which this section applies by ten per cent or 39327  
greater from one tax year to the next due to a decrease in the 39328  
assessment rate of the taxable property of an electric company 39329  
that owns property in the district, as provided for in section 39330  
5727.111 of the Revised Code as amended by Am. Sub. S.B. 3 of 39331  
the 123rd General Assembly, the Ohio facilities construction 39332  
commission shall calculate or recalculate the state and school 39333  
district portions of the basic project cost of the school 39334  
district's project by determining the percentile rank in which 39335  
the district would be located if such ranking were made using 39336  
the adjusted valuation per pupil calculated under division (C) 39337  
of this section rather than the three-year average adjusted 39338  
valuation per pupil, calculated under division (B) of section 39339  
3318.011 of the Revised Code. For such district, the required 39340  
percentage of the basic project cost used to determine the state 39341  
and school district shares of that cost under division (C) of 39342  
section 3318.36 of the Revised Code shall be based on the 39343  
percentile rank as calculated under this section rather than as 39344  
otherwise provided in division (C)(1) of section 3318.36 of the 39345  
Revised Code. If the commission has determined the state and 39346  
school district portion of the basic project cost of such a 39347  
district's project under section 3318.36 of the Revised Code 39348  
prior to that decrease in tax valuation, the commission shall 39349  
adjust the state and school district shares of the basic project 39350  
cost of such project in accordance with this section. 39351

(C)(1) As used in divisions (C) and (D) of this section, 39352

"total taxable value" and "formula ADM" have the same meanings 39353  
as in section 3317.02 of the Revised Code, and "income factor" 39354  
has the same meaning as in section 3318.011 of the Revised Code. 39355

(2) The adjusted valuation per pupil for a school district 39356  
to which this section applies shall be calculated using the 39357  
following formula: 39358

(The district's total taxable value for the tax year 39359  
preceding the calendar year in which the current fiscal year 39360  
begins / the district's formula ADM for the previous fiscal 39361  
year) - [\$30,000 x (1 - the district's income factor)]. 39362

(D) At the request of the Ohio facilities construction 39363  
commission, the department of ~~education~~learning and achievement 39364  
shall report a district's total taxable value for the tax year 39365  
preceding the calendar year in which the current fiscal year 39366  
begins for any district to which this section applies as that 39367  
information has been certified to the department by the tax 39368  
commissioner pursuant to section 3317.021 of the Revised Code. 39369

**Sec. 3318.42.** (A) Not later than the sixty-first day after 39370  
March 14, 2003, and subsequently not later than the sixty-first 39371  
day after the first day of each ensuing fiscal year, the 39372  
department of ~~education~~learning and achievement shall do all of 39373  
the following: 39374

(1) Calculate the valuation per pupil of each joint 39375  
vocational school district according to the following formula: 39376

The school district's average taxable value divided by the 39377  
school district's formula ADM calculated under section 3317.03 39378  
of the Revised Code for the previous fiscal year. For purposes 39379  
of this calculation: 39380

(a) "Average taxable value" means the average of the 39381

amounts certified for a school district in the second, third, 39382  
and fourth preceding tax years under divisions (A) (1) and (2) of 39383  
section 3317.021 of the Revised Code. 39384

(b) "Formula ADM" has the same meaning as defined in 39385  
section 3317.02 of the Revised Code. 39386

(2) Calculate for each school district the three-year 39387  
average of the valuations per pupil calculated for the school 39388  
district for the current and two preceding fiscal years; 39389

(3) Rank all joint vocational school districts in order 39390  
from the school district with the lowest three-year average 39391  
valuation per pupil to the school district with the highest 39392  
three-year average valuation per pupil; 39393

(4) Divide the ranking under division (A) (3) of this 39394  
section into percentiles with the first percentile containing 39395  
the one per cent of school districts having the lowest three- 39396  
year average valuations per pupil and the one-hundredth 39397  
percentile containing the one per cent of school districts 39398  
having the highest three-year average valuations per pupil; 39399

(5) Certify the information described in divisions (A) (1) 39400  
to (4) of this section to the Ohio facilities construction 39401  
commission. 39402

(B) The commission annually shall select school districts 39403  
for assistance under sections 3318.40 to 3318.45 of the Revised 39404  
Code in the order of the school districts' three-year average 39405  
valuations per pupil such that the school district with the 39406  
lowest three-year average valuation per pupil shall be given the 39407  
highest priority for assistance. 39408

(C) Each joint vocational school district's portion of the 39409  
basic project cost of the school district's project under 39410

sections 3318.40 to 3318.45 of the Revised Code shall be one per 39411  
cent times the percentile in which the district ranks, except 39412  
that no school district's portion shall be less than twenty-five 39413  
per cent or greater than ninety-five per cent of the basic 39414  
project cost. 39415

**Sec. 3319.02.** (A) (1) As used in this section, "other 39416  
administrator" means any of the following: 39417

(a) Except as provided in division (A) (2) of this section, 39418  
any employee in a position for which a board of education 39419  
requires a license designated by rule of the department of 39420  
~~education~~ learning and achievement for being an administrator 39421  
issued under section 3319.22 of the Revised Code, including a 39422  
professional pupil services employee or administrative 39423  
specialist or an equivalent of either one who is not employed as 39424  
a school counselor and spends less than fifty per cent of the 39425  
time employed teaching or working with students; 39426

(b) Any nonlicensed employee whose job duties enable such 39427  
employee to be considered as either a "supervisor" or a 39428  
"management level employee," as defined in section 4117.01 of 39429  
the Revised Code; 39430

(c) A business manager appointed under section 3319.03 of 39431  
the Revised Code. 39432

(2) As used in this section, "other administrator" does 39433  
not include a superintendent, assistant superintendent, 39434  
principal, or assistant principal. 39435

(B) The board of education of each school district and the 39436  
governing board of an educational service center may appoint one 39437  
or more assistant superintendents and such other administrators 39438  
as are necessary. An assistant educational service center 39439

superintendent or service center supervisor employed on a part- 39440  
time basis may also be employed by a local board as a teacher. 39441  
The board of each city, exempted village, and local school 39442  
district shall employ principals for all high schools and for 39443  
such other schools as the board designates, and those boards may 39444  
appoint assistant principals for any school that they designate. 39445

(C) In educational service centers and in city, exempted 39446  
village, and local school districts, assistant superintendents, 39447  
principals, assistant principals, and other administrators shall 39448  
only be employed or reemployed in accordance with nominations of 39449  
the superintendent, except that a board of education of a school 39450  
district or the governing board of a service center, by a three- 39451  
fourths vote of its full membership, may reemploy any assistant 39452  
superintendent, principal, assistant principal, or other 39453  
administrator whom the superintendent refuses to nominate. 39454

The board of education or governing board shall execute a 39455  
written contract of employment with each assistant 39456  
superintendent, principal, assistant principal, and other 39457  
administrator it employs or reemploys. The term of such contract 39458  
shall not exceed three years except that in the case of a person 39459  
who has been employed as an assistant superintendent, principal, 39460  
assistant principal, or other administrator in the district or 39461  
center for three years or more, the term of the contract shall 39462  
be for not more than five years and, unless the superintendent 39463  
of the district recommends otherwise, not less than two years. 39464  
If the superintendent so recommends, the term of the contract of 39465  
a person who has been employed by the district or service center 39466  
as an assistant superintendent, principal, assistant principal, 39467  
or other administrator for three years or more may be one year, 39468  
but all subsequent contracts granted such person shall be for a 39469  
term of not less than two years and not more than five years. 39470

When a teacher with continuing service status becomes an 39471  
assistant superintendent, principal, assistant principal, or 39472  
other administrator with the district or service center with 39473  
which the teacher holds continuing service status, the teacher 39474  
retains such status in the teacher's nonadministrative position 39475  
as provided in sections 3311.77, 3319.08, and 3319.09 of the 39476  
Revised Code. 39477

A board of education or governing board may reemploy an 39478  
assistant superintendent, principal, assistant principal, or 39479  
other administrator at any regular or special meeting held 39480  
during the period beginning on the first day of January of the 39481  
calendar year immediately preceding the year of expiration of 39482  
the employment contract and ending on the first day of June of 39483  
the year the employment contract expires. 39484

Except by mutual agreement of the parties thereto, no 39485  
assistant superintendent, principal, assistant principal, or 39486  
other administrator shall be transferred during the life of a 39487  
contract to a position of lesser responsibility. No contract may 39488  
be terminated by a board except pursuant to section 3319.16 of 39489  
the Revised Code. No contract may be suspended except pursuant 39490  
to section 3319.17 or 3319.171 of the Revised Code. The salaries 39491  
and compensation prescribed by such contracts shall not be 39492  
reduced by a board unless such reduction is a part of a uniform 39493  
plan affecting the entire district or center. The contract shall 39494  
specify the employee's administrative position and duties as 39495  
included in the job description adopted under division (D) of 39496  
this section, the salary and other compensation to be paid for 39497  
performance of duties, the number of days to be worked, the 39498  
number of days of vacation leave, if any, and any paid holidays 39499  
in the contractual year. 39500

An assistant superintendent, principal, assistant principal, or other administrator is, at the expiration of the current term of employment, deemed reemployed at the same salary plus any increments that may be authorized by the board, unless such employee notifies the board in writing to the contrary on or before the fifteenth day of June, or unless such board, on or before the first day of June of the year in which the contract of employment expires, either reemploys such employee for a succeeding term or gives written notice of its intention not to reemploy the employee. The term of reemployment of a person reemployed under this paragraph shall be one year, except that if such person has been employed by the school district or service center as an assistant superintendent, principal, assistant principal, or other administrator for three years or more, the term of reemployment shall be two years.

(D) (1) Each board shall adopt procedures for the evaluation of all assistant superintendents, principals, assistant principals, and other administrators and shall evaluate such employees in accordance with those procedures. The procedures for the evaluation of principals and assistant principals shall be based on principles comparable to the teacher evaluation policy adopted by the board under section 3319.111 of the Revised Code, but shall be tailored to the duties and responsibilities of principals and assistant principals and the environment in which they work. An evaluation based upon procedures adopted under this division shall be considered by the board in deciding whether to renew the contract of employment of an assistant superintendent, principal, assistant principal, or other administrator.

(2) The evaluation shall measure each assistant superintendent's, principal's, assistant principal's, and other

administrator's effectiveness in performing the duties included 39532  
in the job description and the evaluation procedures shall 39533  
provide for, but not be limited to, the following: 39534

(a) Each assistant superintendent, principal, assistant 39535  
principal, and other administrator shall be evaluated annually 39536  
through a written evaluation process. 39537

(b) The evaluation shall be conducted by the 39538  
superintendent or designee. 39539

(c) In order to provide time to show progress in 39540  
correcting the deficiencies identified in the evaluation 39541  
process, the evaluation process shall be completed as follows: 39542

(i) In any school year that the employee's contract of 39543  
employment is not due to expire, at least one evaluation shall 39544  
be completed in that year. A written copy of the evaluation 39545  
shall be provided to the employee no later than the end of the 39546  
employee's contract year as defined by the employee's annual 39547  
salary notice. 39548

(ii) In any school year that the employee's contract of 39549  
employment is due to expire, at least a preliminary evaluation 39550  
and at least a final evaluation shall be completed in that year. 39551  
A written copy of the preliminary evaluation shall be provided 39552  
to the employee at least sixty days prior to any action by the 39553  
board on the employee's contract of employment. The final 39554  
evaluation shall indicate the superintendent's intended 39555  
recommendation to the board regarding a contract of employment 39556  
for the employee. A written copy of the evaluation shall be 39557  
provided to the employee at least five days prior to the board's 39558  
acting to renew or not renew the contract. 39559

(3) Termination of an assistant superintendent, principal, 39560

assistant principal, or other administrator's contract shall be 39561  
pursuant to section 3319.16 of the Revised Code. Suspension of 39562  
any such employee shall be pursuant to section 3319.17 or 39563  
3319.171 of the Revised Code. 39564

(4) Before taking action to renew or nonrenew the contract 39565  
of an assistant superintendent, principal, assistant principal, 39566  
or other administrator under this section and prior to the first 39567  
day of June of the year in which such employee's contract 39568  
expires, the board shall notify each such employee of the date 39569  
that the contract expires and that the employee may request a 39570  
meeting with the board. Upon request by such an employee, the 39571  
board shall grant the employee a meeting in executive session. 39572  
In that meeting, the board shall discuss its reasons for 39573  
considering renewal or nonrenewal of the contract. The employee 39574  
shall be permitted to have a representative, chosen by the 39575  
employee, present at the meeting. 39576

(5) The establishment of an evaluation procedure shall not 39577  
create an expectancy of continued employment. Nothing in 39578  
division (D) of this section shall prevent a board from making 39579  
the final determination regarding the renewal or nonrenewal of 39580  
the contract of any assistant superintendent, principal, 39581  
assistant principal, or other administrator. However, if a board 39582  
fails to provide evaluations pursuant to division (D) (2) (c) (i) 39583  
or (ii) of this section, or if the board fails to provide at the 39584  
request of the employee a meeting as prescribed in division (D) 39585  
(4) of this section, the employee automatically shall be 39586  
reemployed at the same salary plus any increments that may be 39587  
authorized by the board for a period of one year, except that if 39588  
the employee has been employed by the district or service center 39589  
as an assistant superintendent, principal, assistant principal, 39590  
or other administrator for three years or more, the period of 39591

reemployment shall be for two years. 39592

(E) On nomination of the superintendent of a service 39593  
center a governing board may employ supervisors who shall be 39594  
employed under written contracts of employment for terms not to 39595  
exceed five years each. Such contracts may be terminated by a 39596  
governing board pursuant to section 3319.16 of the Revised Code. 39597  
Any supervisor employed pursuant to this division may terminate 39598  
the contract of employment at the end of any school year after 39599  
giving the board at least thirty days' written notice prior to 39600  
such termination. On the recommendation of the superintendent 39601  
the contract or contracts of any supervisor employed pursuant to 39602  
this division may be suspended for the remainder of the term of 39603  
any such contract pursuant to section 3319.17 or 3319.171 of the 39604  
Revised Code. 39605

(F) A board may establish vacation leave for any 39606  
individuals employed under this section. Upon such an 39607  
individual's separation from employment, a board that has such 39608  
leave may compensate such an individual at the individual's 39609  
current rate of pay for all lawfully accrued and unused vacation 39610  
leave credited at the time of separation, not to exceed the 39611  
amount accrued within three years before the date of separation. 39612  
In case of the death of an individual employed under this 39613  
section, such unused vacation leave as the board would have paid 39614  
to the individual upon separation under this section shall be 39615  
paid in accordance with section 2113.04 of the Revised Code, or 39616  
to the estate. 39617

(G) The board of education of any school district may 39618  
contract with the governing board of the educational service 39619  
center from which it otherwise receives services to conduct 39620  
searches and recruitment of candidates for assistant 39621

superintendent, principal, assistant principal, and other 39622  
administrator positions authorized under this section. 39623

**Sec. 3319.073.** (A) The board of education of each city and 39624  
exempted village school district and the governing board of each 39625  
educational service center shall adopt or adapt the curriculum 39626  
developed by the department of ~~education-learning and~~ 39627  
achievement for, or shall develop in consultation with public or 39628  
private agencies or persons involved in child abuse prevention 39629  
or intervention programs, a program of in-service training in 39630  
the prevention of child abuse, violence, and substance abuse and 39631  
the promotion of positive youth development. Each person 39632  
employed by any school district or service center to work in a 39633  
school as a nurse, teacher, counselor, school psychologist, or 39634  
administrator shall complete at least four hours of the in- 39635  
service training within two years of commencing employment with 39636  
the district or center, and every five years thereafter. A 39637  
person who is employed by any school district or service center 39638  
to work in an elementary school as a nurse, teacher, counselor, 39639  
school psychologist, or administrator on March 30, 2007, shall 39640  
complete at least four hours of the in-service training not 39641  
later than March 30, 2009, and every five years thereafter. A 39642  
person who is employed by any school district or service center 39643  
to work in a middle or high school as a nurse, teacher, 39644  
counselor, school psychologist, or administrator on October 16, 39645  
2009, shall complete at least four hours of the in-service 39646  
training not later than October 16, 2011, and every five years 39647  
thereafter. 39648

(B) Each board shall incorporate training in school safety 39649  
and violence prevention, including human trafficking content, 39650  
into the in-service training required by division (A) of this 39651  
section. For this purpose, the board shall adopt or adapt the 39652

curriculum developed by the department or shall develop its own 39653  
curriculum in consultation with public or private agencies or 39654  
persons involved in school safety and violence prevention 39655  
programs. 39656

(C) Each board shall incorporate training on the board's 39657  
harassment, intimidation, or bullying policy adopted under 39658  
section 3313.666 of the Revised Code into the in-service 39659  
training required by division (A) of this section. Each board 39660  
also shall incorporate training in the prevention of dating 39661  
violence into the in-service training required by that division 39662  
for middle and high school employees. The board shall develop 39663  
its own curricula for these purposes. 39664

(D) Each board shall incorporate training in youth suicide 39665  
awareness and prevention into the in-service training required 39666  
by division (A) of this section for each person employed by a 39667  
school district or service center to work in a school as a 39668  
nurse, teacher, counselor, school psychologist, or 39669  
administrator, and any other personnel that the board determines 39670  
appropriate. For this purpose, the board shall adopt or adapt 39671  
the curriculum developed by the department or shall develop its 39672  
own curriculum in consultation with public or private agencies 39673  
or persons involved in youth suicide awareness and prevention 39674  
programs. 39675

The training completed under this division shall count 39676  
toward the satisfaction of requirements for professional 39677  
development required by the school district or service center 39678  
board, and the training may be accomplished through self-review 39679  
of suitable suicide prevention materials approved by the board. 39680

**Sec. 3319.074.** (A) As used in this section: 39681

- (1) "Core subject area" means reading and English language arts, mathematics, science, foreign language, government, economics, fine arts, history, and geography. 39682  
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- (2) "Fully licensed" means having successfully completed all requirements for an educator license commensurate with years of teaching experience pursuant to section 3319.22 of the Revised Code and not having had any such requirements waived on an emergency, temporary, or provisional basis. 39685  
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- (3) "Highly qualified teacher" means a classroom teacher who satisfies all of the following conditions: 39690  
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- (a) Holds a baccalaureate degree; 39692
- (b) Is fully licensed or is participating in an alternative route to licensure in which the teacher receives professional development and mentoring, teaches for not longer than three years, and demonstrates satisfactory progress toward becoming fully licensed; 39693  
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- (c) If teaching in grades kindergarten through six, satisfies at least one of the following: 39698  
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- (i) Passage of an assessment of subject matter content and professional knowledge required for licensure; 39700  
39701
- (ii) Successful completion of a graduate degree or advanced certification in the teaching assignment; 39702  
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- (iii) Achievement of one hundred points on the Ohio highly qualified teacher rubric developed by the ~~Ohio~~ department of education learning and achievement; 39704  
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- (iv) Completion of an individual professional development program approved by the applicable local professional development committee that includes ninety hours of high quality 39707  
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39709

professional development incorporating grade appropriate 39710  
academic subject matter knowledge, teaching skills, and state 39711  
academic content standards. 39712

(d) If teaching in grades seven through twelve, satisfies 39713  
at least one of the following: 39714

(i) Passage of an assessment of subject matter content 39715  
required for licensure; 39716

(ii) Successful completion of either an undergraduate 39717  
academic major, coursework equivalent to such major, a graduate 39718  
degree, or advanced certification in each subject area in which 39719  
the teacher provides instruction; 39720

(iii) Achievement of one hundred points on the Ohio highly 39721  
qualified teacher rubric developed by the department; 39722

(iv) Completion of an individual professional development 39723  
program approved by the applicable local professional 39724  
development committee that includes ninety hours of high quality 39725  
professional development incorporating grade appropriate 39726  
academic subject matter knowledge, teaching skills, and state 39727  
academic content standards. 39728

(B) No city, exempted village, local, joint vocational, or 39729  
cooperative education school district shall employ any classroom 39730  
teacher hired after July 1, 2002, to provide instruction in a 39731  
core subject area to any student enrolled in a school that 39732  
receives funds under Title I, Part A of the "Elementary and 39733  
Secondary Education Act of 1965," 115 Stat. 1425, 20 U.S.C. 6301 39734  
et seq., unless such teacher is a highly qualified teacher. 39735

(C) Each school district annually shall notify through a 39736  
school wide publication the parent or guardian of each student 39737  
enrolled in a school that receives funds under Title I, Part A 39738

of the "Elementary and Secondary Education Act of 1965," 115 39739  
Stat. 1425, 20 U.S.C. 6301 et seq., that the parent or guardian 39740  
may request information on the professional qualifications of 39741  
each classroom teacher who provides instruction to the parent's 39742  
or guardian's child. The district shall provide the information 39743  
on each applicable teacher to any parent or guardian who 39744  
requests it. Such information shall include all of the 39745  
following: 39746

(1) Whether the teacher has satisfied all requirements for 39747  
licensure adopted by the ~~state board of education~~ department of 39748  
learning and achievement pursuant to section 3319.22 of the 39749  
Revised Code for the grade levels and subject areas in which the 39750  
teacher provides instruction or whether the teacher provides 39751  
instruction under a waiver of any such requirements; 39752

(2) The major subject area in which the teacher was 39753  
awarded a baccalaureate degree and, if applicable, any other 39754  
degrees or certification; 39755

(3) Whether a paraprofessional provides any services to 39756  
the student and, if so, the qualifications of the 39757  
paraprofessional. 39758

**Sec. 3319.075.** Once the ~~state board of education~~ 39759  
department of learning and achievement adopts professional 39760  
development standards pursuant to section 3319.61 of the Revised 39761  
Code, the board of education of each school district shall use 39762  
the standards for the following purposes: 39763

(A) To guide the design of teacher education programs 39764  
serving both teacher candidates and experienced teachers; 39765

(B) To guide school-based professional development that is 39766  
aligned with student achievement; 39767

(C) To determine what types of professional development the school district and the schools within the district should provide; 39768  
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(D) To guide how state and federal funding for professional development should be spent; 39771  
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(E) To develop criteria for decision making by the local professional development committees established under section 3319.22 of the Revised Code; 39773  
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(F) To guide the school district in the hiring of third-party providers of instructional services who use or meet the professional development standards; 39776  
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(G) To guide all licensed school personnel in developing their own plans for professional growth. 39779  
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**Sec. 3319.08.** (A) The board of education of each city, 39781  
exempted village, local, and joint vocational school district 39782  
and the governing board of each educational service center shall 39783  
enter into written contracts for the employment and reemployment 39784  
of all teachers. Contracts for the employment of teachers shall 39785  
be of two types, limited contracts and continuing contracts. The 39786  
board of each school district or service center that authorizes 39787  
compensation in addition to the salary paid under section 39788  
3317.14 or 3317.141 of the Revised Code for the performance of 39789  
duties by a teacher that are in addition to the teacher's 39790  
regular teaching duties, shall enter into a supplemental written 39791  
contract with each teacher who is to perform additional duties. 39792  
Such supplemental written contracts shall be limited contracts. 39793  
Such written contracts and supplemental written contracts shall 39794  
set forth the teacher's duties and shall specify the salaries 39795  
and compensation to be paid for regular teaching duties and 39796

additional teaching duties, respectively, either or both of 39797  
which may be increased but not diminished during the term for 39798  
which the contract is made, except as provided in section 39799  
3319.12 of the Revised Code. 39800

If a board adopts a motion or resolution to employ a 39801  
teacher under a limited or continuing contract and the teacher 39802  
accepts such employment, the failure of such parties to execute 39803  
a written contract shall not void such employment contract. 39804

(B) Teachers must be paid for all time lost when the 39805  
schools in which they are employed are closed due to an epidemic 39806  
or other public calamity, and for time lost due to illness or 39807  
otherwise for not less than five days annually as authorized by 39808  
regulations which each board shall adopt. 39809

(C) A limited contract is: 39810

(1) For a superintendent, a contract for such term as 39811  
authorized by section 3319.01 of the Revised Code; 39812

(2) For an assistant superintendent, principal, assistant 39813  
principal, or other administrator, a contract for such term as 39814  
authorized by section 3319.02 of the Revised Code; 39815

(3) For all other teachers, a contract for a term not to 39816  
exceed five years. 39817

(D) A continuing contract is a contract that remains in 39818  
effect until the teacher resigns, elects to retire, or is 39819  
retired pursuant to former section 3307.37 of the Revised Code, 39820  
or until it is terminated or suspended and shall be granted only 39821  
to the following: 39822

(1) Any teacher holding a professional, permanent, or life 39823  
teacher's certificate; 39824

- (2) Any teacher who meets the following conditions: 39825
- (a) The teacher was initially issued a teacher's certificate or educator license prior to January 1, 2011. 39826  
39827
- (b) The teacher holds a professional educator license issued under section 3319.22 or 3319.222 or former section 3319.22 of the Revised Code or a senior professional educator license or lead professional educator license issued under section 3319.22 of the Revised Code. 39828  
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- (c) The teacher has completed the applicable one of the following: 39833  
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- (i) If the teacher did not hold a master's degree at the time of initially receiving a teacher's certificate under former law or an educator license, thirty semester hours of coursework in the area of licensure or in an area related to the teaching field since the initial issuance of such certificate or license, as specified in rules which the ~~state board of education~~ department of learning and achievement shall adopt; 39835  
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- (ii) If the teacher held a master's degree at the time of initially receiving a teacher's certificate under former law or an educator license, six semester hours of graduate coursework in the area of licensure or in an area related to the teaching field since the initial issuance of such certificate or license, as specified in rules which the ~~state board~~ department shall adopt. 39842  
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- (3) Any teacher who meets the following conditions: 39849
- (a) The teacher never held a teacher's certificate and was initially issued an educator license on or after January 1, 2011. 39850  
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(b) The teacher holds a professional educator license, 39853  
senior professional educator license, or lead professional 39854  
educator license issued under section 3319.22 of the Revised 39855  
Code. 39856

(c) The teacher has held an educator license for at least 39857  
seven years. 39858

(d) The teacher has completed the applicable one of the 39859  
following: 39860

(i) If the teacher did not hold a master's degree at the 39861  
time of initially receiving an educator license, thirty semester 39862  
hours of coursework in the area of licensure or in an area 39863  
related to the teaching field since the initial issuance of that 39864  
license, as specified in rules which the ~~state board~~ department 39865  
shall adopt; 39866

(ii) If the teacher held a master's degree at the time of 39867  
initially receiving an educator license, six semester hours of 39868  
graduate coursework in the area of licensure or in an area 39869  
related to the teaching field since the initial issuance of that 39870  
license, as specified in rules which the ~~state board~~ department 39871  
shall adopt. 39872

(E) Division (D) of this section applies only to 39873  
continuing contracts entered into on or after October 16, 2009. 39874  
Nothing in that division shall be construed to void or otherwise 39875  
affect a continuing contract entered into prior to that date. 39876

Notwithstanding any provision to the contrary in Chapter 39877  
4117. of the Revised Code, the requirements of division (D) (3) 39878  
of this section prevail over any conflicting provisions of a 39879  
collective bargaining agreement entered into on or after October 39880  
16, 2009. 39881

(F) Wherever the term "educator license" is used in this section without reference to a specific type of educator license, the term does not include an educator license for substitute teaching issued under section 3319.226 of the Revised Code.

**Sec. 3319.088.** As used in this section, "educational assistant" means any nonteaching employee in a school district who directly assists a teacher as defined in section 3319.09 of the Revised Code, by performing duties for which a license issued pursuant to sections 3319.22 to 3319.30 of the Revised Code is not required.

(A) The state board of education shall issue educational aide permits and educational paraprofessional licenses for educational assistants and the department of learning and achievement shall adopt rules for the issuance and renewal of such permits and licenses which shall be consistent with the provisions of this section. Educational aide permits and educational paraprofessional licenses may be of several types and the rules shall prescribe the minimum qualifications of education, health, and character for the service to be authorized under each type. The prescribed minimum qualifications may require special training or educational courses designed to qualify a person to perform effectively the duties authorized under an educational aide permit or educational paraprofessional license.

(B) (1) Any application for a permit or license, or a renewal or duplicate of a permit or license, under this section shall be accompanied by the payment of a fee in the amount established under division (A) of section 3319.51 of the Revised Code. Any fees received under this division shall be paid into

the state treasury to the credit of the state board of education 39912  
licensure fund established under division (B) of section 3319.51 39913  
of the Revised Code. 39914

(2) Any person applying for or holding a permit or license 39915  
pursuant to this section is subject to sections 3123.41 to 39916  
3123.50 of the Revised Code and any applicable rules adopted 39917  
under section 3123.63 of the Revised Code and sections 3319.31 39918  
and 3319.311 of the Revised Code. 39919

(C) Educational assistants shall at all times while in the 39920  
performance of their duties be under the supervision and 39921  
direction of a teacher as defined in section 3319.09 of the 39922  
Revised Code. Educational assistants may assist a teacher to 39923  
whom assigned in the supervision of pupils, in assisting with 39924  
instructional tasks, and in the performance of duties which, in 39925  
the judgment of the teacher to whom the assistant is assigned, 39926  
may be performed by a person not licensed pursuant to sections 39927  
3319.22 to 3319.30 of the Revised Code and for which a teaching 39928  
license, issued pursuant to sections 3319.22 to 3319.30 of the 39929  
Revised Code is not required. The duties of an educational 39930  
assistant shall not include the assignment of grades to pupils. 39931  
The duties of an educational assistant need not be performed in 39932  
the physical presence of the teacher to whom assigned, but the 39933  
activity of an educational assistant shall at all times be under 39934  
the direction of the teacher to whom assigned. The assignment of 39935  
an educational assistant need not be limited to assisting a 39936  
single teacher. In the event an educational assistant is 39937  
assigned to assist more than one teacher the assignments shall 39938  
be clearly delineated and so arranged that the educational 39939  
assistant shall never be subject to simultaneous supervision or 39940  
direction by more than one teacher. 39941

Educational assistants assigned to supervise children 39942  
shall, when the teacher to whom assigned is not physically 39943  
present, maintain the degree of control and discipline that 39944  
would be maintained by the teacher. 39945

Educational assistants may not be used in place of 39946  
classroom teachers or other employees and any payment of 39947  
compensation by boards of education to educational assistants 39948  
for such services is prohibited. The ratio between the number of 39949  
licensed teachers and the pupils in a school district may not be 39950  
decreased by utilization of educational assistants and no 39951  
grouping, or other organization of pupils, for utilization of 39952  
educational assistants shall be established which is 39953  
inconsistent with sound educational practices and procedures. A 39954  
school district may employ up to one full time equivalent 39955  
educational assistant for each six full time equivalent licensed 39956  
employees of the district. Educational assistants shall not be 39957  
counted as licensed employees for purposes of state support in 39958  
the school foundation program and no grouping or regrouping of 39959  
pupils with educational assistants may be counted as a class or 39960  
unit for school foundation program purposes. Neither special 39961  
courses required by the regulations of the ~~state board of~~ 39962  
education department of learning and achievement, prescribing 39963  
minimum qualifications of education for an educational 39964  
assistant, nor years of service as an educational assistant 39965  
shall be counted in any way toward qualifying for a teacher 39966  
license, for a teacher contract of any type, or for determining 39967  
placement on a salary schedule in a school district as a 39968  
teacher. 39969

(D) Educational assistants employed by a board of 39970  
education shall have all rights, benefits, and legal protection 39971  
available to other nonteaching employees in the school district, 39972

except that provisions of Chapter 124. of the Revised Code shall 39973  
not apply to any person employed as an educational assistant, 39974  
and shall be members of the school employees retirement system. 39975  
Educational assistants shall be compensated according to a 39976  
salary plan adopted annually by the board. 39977

Except as provided in this section nonteaching employees 39978  
shall not serve as educational assistants without first 39979  
obtaining an appropriate educational aide permit or educational 39980  
paraprofessional license from the state board of education. A 39981  
nonteaching employee who is the holder of a valid educational 39982  
aide permit or educational paraprofessional license shall 39983  
neither render nor be required to render services inconsistent 39984  
with the type of services authorized by the permit or license 39985  
held. No person shall receive compensation from a board of 39986  
education for services rendered as an educational assistant in 39987  
violation of this provision. 39988

Nonteaching employees whose functions are solely 39989  
secretarial-clerical and who do not perform any other duties as 39990  
educational assistants, even though they assist a teacher and 39991  
work under the direction of a teacher shall not be required to 39992  
hold a permit or license issued pursuant to this section. 39993  
Students preparing to become licensed teachers or educational 39994  
assistants shall not be required to hold an educational aide 39995  
permit or paraprofessional license for such periods of time as 39996  
such students are assigned, as part of their training program, 39997  
to work with a teacher in a school district. Such students shall 39998  
not be compensated for such services. 39999

Following the determination of the assignment and general 40000  
job description of an educational assistant and subject to 40001  
supervision by the teacher's immediate administrative officer, a 40002

teacher to whom an educational assistant is assigned shall make 40003  
all final determinations of the duties to be assigned to such 40004  
assistant. Teachers shall not be required to hold a license 40005  
designated for being a supervisor or administrator in order to 40006  
perform the necessary supervision of educational assistants. 40007

(E) No person who is, or who has been employed as an 40008  
educational assistant shall divulge, except to the teacher to 40009  
whom assigned, or the administrator of the school in the absence 40010  
of the teacher to whom assigned, or when required to testify in 40011  
a court or proceedings, any personal information concerning any 40012  
pupil in the school district which was obtained or obtainable by 40013  
the educational assistant while so employed. Violation of this 40014  
provision is grounds for disciplinary action or dismissal, or 40015  
both. 40016

(F) Notwithstanding anything to the contrary in this 40017  
section, the superintendent of a school district may allow an 40018  
employee who does not hold a permit or license issued under this 40019  
section to work as a substitute for an educational assistant who 40020  
is absent on account of illness or on a leave of absence, or to 40021  
fill a temporary position created by an emergency, provided that 40022  
the superintendent believes the employee's application materials 40023  
indicate that the employee is qualified to obtain a permit or 40024  
license under this section. 40025

An employee shall begin work as a substitute under this 40026  
division not earlier than on the date on which the employee 40027  
files an application with the state board for a permit or 40028  
license under this section. An employee shall cease working as a 40029  
substitute under this division on the earliest of the following: 40030

(1) The date on which the employee files a valid permit or 40031  
license issued under this section with the superintendent; 40032

(2) The date on which the employee is denied a permit or license under this section; 40033  
40034

(3) Sixty days following the date on which the employee began work as a substitute under this division. 40035  
40036

The superintendent shall ensure that an employee assigned to work as a substitute under division (F) of this section has undergone a criminal records check in accordance with section 3319.391 of the Revised Code. 40037  
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**Sec. 3319.09.** As used in sections 3319.08 to 3319.18, inclusive, of the Revised Code: 40041  
40042

(A) "Teacher" means all persons licensed to teach and who are employed in the public schools of this state as instructors, principals, supervisors, superintendents, or in any other educational position for which the ~~state board of education~~ department of learning and achievement requires licensure under sections 3319.22 to 3319.31 of the Revised Code including persons having a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in an educational position, as determined by the ~~state board of education~~ department of learning and achievement, under programs provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirements for the position can be made under the provisions of such federal acts or regulations. 40043  
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(B) "Year" as applied to term of service means actual service of not less than one hundred twenty days within a school year; provided that any board of education may grant a leave of absence for professional advancement with full credit for service. 40057  
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(C) "Continuing service status" for a teacher means 40062  
employment under a continuing contract. 40063

**Sec. 3319.111.** Notwithstanding section 3319.09 of the 40064  
Revised Code, this section applies to any person who is employed 40065  
under a teacher license issued under this chapter, or under a 40066  
professional or permanent teacher's certificate issued under 40067  
former section 3319.222 of the Revised Code, and who spends at 40068  
least fifty per cent of the time employed providing student 40069  
instruction. However, this section does not apply to any person 40070  
who is employed as a substitute teacher or as an instructor of 40071  
adult education. 40072

~~(A) Not later than July 1, 2013(1) Prior to the effective~~ 40073  
~~date of this amendment,~~ the board of education of each school 40074  
district, in consultation with teachers employed by the board, 40075  
shall adopt a standards-based teacher evaluation policy that 40076  
conforms with the framework for evaluation of teachers developed 40077  
under section 3319.112 of the Revised Code, as that section 40078  
existed prior to the effective date of this amendment. The 40079  
policy shall ~~become operative at the expiration of~~ apply to any 40080  
collective bargaining agreement covering teachers employed by 40081  
the board that is in effect ~~on~~ between September 29, 2011, and 40082  
the effective date of this amendment. 40083

(2) Upon the effective date of this amendment, the board 40084  
of education of each school district, in consultation with 40085  
teachers employed by the board, shall adopt a standards-based 40086  
teacher evaluation policy that conforms with the framework for 40087  
evaluation of teachers developed under section 3319.112 of the 40088  
Revised Code, as that section exists on and after the effective 40089  
date of this amendment. The policy shall apply to any collective 40090  
bargaining agreement covering teachers employed by the board 40091

that is entered into on and after the effective date of this 40092  
amendment, and shall be included in apply to any renewal or 40093  
extension of such an agreement. 40094

(B) When using measures of student academic growth as a 40095  
component of a teacher's evaluation, those measures shall 40096  
include the value-added progress dimension prescribed by section 40097  
3302.021 of the Revised Code or an alternative student academic 40098  
progress measure if adopted under division (C) (1) (e) of section 40099  
3302.03 of the Revised Code. For teachers of grade levels and 40100  
subjects for which the value-added progress dimension or 40101  
alternative student academic progress measure is not applicable, 40102  
the board shall administer assessments on the list developed 40103  
under division (B) (2) of section 3319.112 of the Revised Code. 40104

(C) (1) The board shall conduct an evaluation of each 40105  
teacher employed by the board at least once each school year, 40106  
except as provided in division (C) (2) of this section. The 40107  
evaluation shall be completed by the first day of May and the 40108  
teacher shall receive a written report of the results of the 40109  
evaluation by the tenth day of May. 40110

(2) (a) The board may evaluate each teacher who received a 40111  
rating of accomplished on the teacher's most recent evaluation 40112  
conducted under this section once every three school years, so 40113  
long as the teacher's student academic growth measure, for the 40114  
most recent school year for which data is available, is average 40115  
or higher, as determined by the department of ~~education~~ learning 40116  
and achievement. 40117

(b) The board may evaluate each teacher who received a 40118  
rating of skilled on the teacher's most recent evaluation 40119  
conducted under this section once every two years, so long as 40120  
the teacher's student academic growth measure, for the most 40121

recent school year for which data is available, is average or 40122  
higher, as determined by the department of ~~education~~ learning 40123  
and achievement. 40124

(c) For each teacher who is evaluated pursuant to division 40125  
(C) (2) of this section, the evaluation shall be completed by the 40126  
first day of May of the applicable school year, and the teacher 40127  
shall receive a written report of the results of the evaluation 40128  
by the tenth day of May of that school year. 40129

(d) ~~Beginning with the 2014-2015 school year, the~~ The 40130  
board may elect not to conduct an evaluation of a teacher who 40131  
meets one of the following requirements: 40132

(i) The teacher was on leave from the school district for 40133  
fifty per cent or more of the school year, as calculated by the 40134  
board. 40135

(ii) The teacher has submitted notice of retirement and 40136  
that notice has been accepted by the board not later than the 40137  
first day of December of the school year in which the evaluation 40138  
is otherwise scheduled to be conducted. 40139

(e) Beginning with the 2017-2018 school year, the board 40140  
may elect not to conduct an evaluation of a teacher who is 40141  
participating in the teacher residency program established under 40142  
section 3319.223 of the Revised Code for the year during which 40143  
that teacher takes, for the first time, at least half of the 40144  
performance-based assessment prescribed by the ~~state board of~~ 40145  
~~education~~ department of learning and achievement for resident 40146  
educators. 40147

(3) In any year that a teacher is not formally evaluated 40148  
pursuant to division (C) of this section as a result of 40149  
receiving a rating of accomplished or skilled on the teacher's 40150

most recent evaluation, an individual qualified to evaluate a 40151  
teacher under division (D) of this section shall conduct at 40152  
least one observation of the teacher and hold at least one 40153  
conference with the teacher. 40154

(D) Each evaluation conducted pursuant to this section 40155  
shall be conducted by one or more of the following persons who 40156  
hold a credential established by the department of ~~education~~ 40157  
learning and achievement for being an evaluator: 40158

(1) A person who is under contract with the board pursuant 40159  
to section 3319.01 or 3319.02 of the Revised Code and holds a 40160  
license designated for being a superintendent, assistant 40161  
superintendent, or principal issued under section 3319.22 of the 40162  
Revised Code; 40163

(2) A person who is under contract with the board pursuant 40164  
to section 3319.02 of the Revised Code and holds a license 40165  
designated for being a vocational director, administrative 40166  
specialist, or supervisor in any educational area issued under 40167  
section 3319.22 of the Revised Code; 40168

(3) A person designated to conduct evaluations under an 40169  
agreement entered into by the board, including an agreement 40170  
providing for peer review entered into by the board and 40171  
representatives of teachers employed by the board; 40172

(4) A person who is employed by an entity contracted by 40173  
the board to conduct evaluations and who holds a license 40174  
designated for being a superintendent, assistant superintendent, 40175  
principal, vocational director, administrative specialist, or 40176  
supervisor in any educational area issued under section 3319.22 40177  
of the Revised Code or is qualified to conduct evaluations. 40178

(E) Notwithstanding division (A) (3) of section 3319.112 of 40179

the Revised Code: 40180

(1) The board shall require at least three formal 40181  
observations of each teacher who is under consideration for 40182  
nonrenewal and with whom the board has entered into a limited 40183  
contract or an extended limited contract under section 3319.11 40184  
of the Revised Code. 40185

(2) The board may elect, by adoption of a resolution, to 40186  
require only one formal observation of a teacher who received a 40187  
rating of accomplished on the teacher's most recent evaluation 40188  
conducted under this section, provided the teacher completes a 40189  
project that has been approved by the board to demonstrate the 40190  
teacher's continued growth and practice at the accomplished 40191  
level. 40192

(F) The board shall include in its evaluation policy 40193  
procedures for using the evaluation results for retention and 40194  
promotion decisions and for removal of poorly performing 40195  
teachers. Seniority shall not be the basis for a decision to 40196  
retain a teacher, except when making a decision between teachers 40197  
who have comparable evaluations. 40198

(G) For purposes of section 3333.0411 of the Revised Code, 40199  
the board annually shall report to the department of ~~education~~ 40200  
learning and achievement the number of teachers for whom an 40201  
evaluation was conducted under this section and the number of 40202  
teachers assigned each rating prescribed under division (B) (1) 40203  
of section 3319.112 of the Revised Code, aggregated by the 40204  
teacher preparation programs from which and the years in which 40205  
the teachers graduated. The department shall establish 40206  
guidelines for reporting the information required by this 40207  
division. The guidelines shall not permit or require that the 40208  
name of, or any other personally identifiable information about, 40209

any teacher be reported under this division. 40210

(H) Notwithstanding any provision to the contrary in 40211  
Chapter 4117. of the Revised Code, the requirements of this 40212  
section prevail over any conflicting provisions of a collective 40213  
bargaining agreement entered into on or after September 24, 40214  
2012. 40215

**Sec. 3319.112.** (A) ~~Not later than December 31, 2011, the~~ 40216  
~~state board of education~~ The department of learning and 40217  
achievement shall develop a standards-based state framework for 40218  
the evaluation of teachers. The ~~state board~~ department may 40219  
update the framework periodically by adoption of a resolution. 40220  
The framework shall establish an evaluation system that does the 40221  
following: 40222

(1) Provides for multiple evaluation factors. One factor 40223  
shall be student academic growth which shall account for fifty 40224  
per cent of each evaluation, except as otherwise prescribed by 40225  
the alternative framework under section 3319.114 of the Revised 40226  
Code. When applicable to the grade level or subject area taught 40227  
by a teacher, the value-added progress dimension established 40228  
under section 3302.021 of the Revised Code or an alternative 40229  
student academic progress measure if adopted under division (C) 40230  
(1)(e) of section 3302.03 of the Revised Code shall be used in 40231  
the student academic growth portion of an evaluation in 40232  
proportion to the part of a teacher's schedule of courses or 40233  
subjects for which the value-added progress dimension is 40234  
applicable. 40235

If a teacher's schedule is comprised only of courses or 40236  
subjects for which the value-added progress dimension is 40237  
applicable, ~~one of the following applies:~~ 40238

~~(a) Beginning with March 22, 2013, until June 30, 2014, the majority of the student academic growth factor of the evaluation shall be based on the value-added progress dimension.~~ 40239  
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~~(b) On or after July 1, 2014, the entire student academic growth factor of the evaluation shall be based on the value-added progress dimension. In calculating student academic growth for an evaluation, a student shall not be included if the student has forty-five or more excused or unexcused absences during the full academic year.~~ 40242  
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(2) Is aligned with the standards for teachers adopted under section 3319.61 of the Revised Code; 40248  
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(3) Requires observation of the teacher being evaluated, including at least two formal observations by the evaluator of at least thirty minutes each and classroom walkthroughs; 40250  
40251  
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(4) Assigns a rating on each evaluation in accordance with division (B) of this section or section 3319.114 of the Revised Code, whichever is applicable; 40253  
40254  
40255

(5) Requires each teacher to be provided with a written report of the results of the teacher's evaluation; 40256  
40257

(6) Identifies measures of student academic growth for grade levels and subjects for which the value-added progress dimension prescribed by section 3302.021 of the Revised Code or an alternative student academic progress measure if adopted under division (C) (1) (e) of section 3302.03 of the Revised Code does not apply; 40258  
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(7) Implements a classroom-level, value-added program developed by a nonprofit organization described in division (B) of section 3302.021 of the Revised Code or an alternative student academic progress measure if adopted under division (C) 40264  
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- (1) (e) of section 3302.03 of the Revised Code; 40268
- (8) Provides for professional development to accelerate 40269  
and continue teacher growth and provide support to poorly 40270  
performing teachers; 40271
- (9) Provides for the allocation of financial resources to 40272  
support professional development. 40273
- (B) For purposes of the framework developed under this 40274  
section, the ~~state board~~ department also shall do the following: 40275
- (1) Develop specific standards and criteria that 40276  
distinguish between the following levels of performance for 40277  
teachers and principals for the purpose of assigning ratings on 40278  
the evaluations conducted under sections 3311.80, 3311.84, 40279  
3319.02, and 3319.111 of the Revised Code: 40280
- (a) Accomplished; 40281
- (b) Skilled; 40282
- (c) Developing; 40283
- (d) Ineffective. 40284
- (2) For grade levels and subjects for which the 40285  
assessments prescribed under sections 3301.0710 and 3301.0712 of 40286  
the Revised Code and the value-added progress dimension 40287  
prescribed by section 3302.021 of the Revised Code, or 40288  
alternative student academic progress measure, do not apply, 40289  
develop a list of student assessments that measure mastery of 40290  
the course content for the appropriate grade level, which may 40291  
include nationally normed standardized assessments, industry 40292  
certification examinations, or end-of-course examinations. 40293
- (C) The ~~state board~~ department shall consult with experts, 40294

teachers and principals employed in public schools, and 40295  
representatives of stakeholder groups in developing the 40296  
standards and criteria required by division (B) (1) of this 40297  
section. 40298

(D) To assist school districts in developing evaluation 40299  
policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 40300  
of the Revised Code, the department shall do both of the 40301  
following: 40302

(1) Serve as a clearinghouse of promising evaluation 40303  
procedures and evaluation models that districts may use; 40304

(2) Provide technical assistance to districts in creating 40305  
evaluation policies. 40306

~~(E) Not later than June 30, 2013, the state board~~ The 40307  
department, in consultation with state agencies that employ 40308  
teachers, shall develop a standards-based framework for the 40309  
evaluation of teachers employed by those agencies. ~~Each~~ 40310

(1) Prior to the effective date of this amendment, each 40311  
state agency that employs teachers shall adopt a standards-based 40312  
teacher evaluation policy that conforms with the framework 40313  
developed under this division, as it existed prior to the 40314  
effective date of this amendment. The policy shall ~~become~~ 40315  
~~operative at the expiration of~~ apply to any collective 40316  
bargaining agreement covering teachers employed by the agency 40317  
that is in effect ~~on~~ between September 24, 2012, and the 40318  
effective date of this amendment. 40319

(2) Upon the effective date of this amendment, each state 40320  
agency that employs teachers shall adopt a standards-based 40321  
teacher evaluation policy that conforms with the framework 40322  
developed under this division, as it exists on and after the 40323

effective date of this amendment. The policy shall apply to any 40324  
collective bargaining agreement covering teachers employed by 40325  
the agency that is entered into on and after the effective date 40326  
of this amendment, and shall ~~be included in~~ apply to any renewal 40327  
or extension of such an agreement. ~~However, this division~~ 40328

Division (E) of this section does not apply to any person 40329  
who is employed as a substitute teacher or as an instructor of 40330  
adult education. 40331

**Sec. 3319.113.** (A) ~~Not later than May 31, 2016, the state~~ 40332  
~~board of education~~ The department of learning and achievement 40333  
shall develop a standards-based state framework for the 40334  
evaluation of school counselors. The ~~state board~~ department may 40335  
update the framework periodically by adoption of a resolution. 40336  
The framework shall establish an evaluation system that does the 40337  
following: 40338

(1) Requires school counselors to demonstrate their 40339  
ability to produce positive student outcomes using metrics, 40340  
including those from the school or school district's report card 40341  
issued under section 3302.03 of the Revised Code when 40342  
appropriate; 40343

(2) Is aligned with the standards for school counselors 40344  
adopted under section 3319.61 of the Revised Code and requires 40345  
school counselors to demonstrate their ability in all the areas 40346  
identified by those standards; 40347

(3) Requires that all school counselors be evaluated 40348  
annually, except as otherwise appropriate for high-performing 40349  
school counselors or as specified in division (D) of this 40350  
section; 40351

(4) Assigns a rating on each evaluation in accordance with 40352

division (B) of this section; 40353

(5) Designates the personnel that may conduct evaluations 40354  
of school counselors in accordance with this framework; 40355

(6) Requires that each school counselor be provided with a 40356  
written report of the results of that school counselor's 40357  
evaluation; 40358

(7) Provides for professional development to accelerate 40359  
and continue school counselor growth and provide support to 40360  
poorly performing school counselors. 40361

(B) (1) The ~~state board~~ department shall develop specific 40362  
standards and criteria that distinguish between the following 40363  
levels of performance for school counselors for the purposes of 40364  
assigning ratings on the evaluations conducted under this 40365  
section: 40366

(a) Accomplished; 40367

(b) Skilled; 40368

(c) Developing; 40369

(d) Ineffective. 40370

(2) The ~~state board~~ department shall consult with experts, 40371  
school counselors and principals employed in public schools, and 40372  
representatives of stakeholder groups in developing the 40373  
standards and criteria required by division (B) (1) of this 40374  
section. 40375

(C) (1) ~~Not later than September 30, 2016~~ (a) Prior to the 40376  
effective date of this amendment, each school district board of 40377  
education shall adopt a standards-based school counselor 40378  
evaluation policy that conforms with the framework for the 40379

evaluation of school counselors developed under this section, as 40380  
it existed prior to the effective date of this amendment. The 40381  
policy shall ~~become operative at the expiration of~~ apply to any 40382  
collective bargaining agreement covering school counselors 40383  
employed by the board that is in effect ~~on~~ between September 29, 40384  
2015, and the effective date of this amendment. 40385

(b) Upon the effective date of this amendment, each school 40386  
district board of education shall adopt a standards-based school 40387  
counselor evaluation policy that conforms with the framework for 40388  
the evaluation of school counselors developed under this 40389  
section, as it exists on and after the effective date of this 40390  
amendment. The policy shall apply to any collective bargaining 40391  
agreement covering school counselors employed by the board that 40392  
is entered into on and after the effective date of this 40393  
amendment, and shall be included in any renewal or extension of 40394  
such an agreement. 40395

(2) A district board shall include both of the following 40396  
in its evaluation policy: 40397

(a) The implementation of the framework for the evaluation 40398  
of school counselors developed under this section beginning in 40399  
the 2016-2017 school year; 40400

(b) Procedures for using the evaluation results, beginning 40401  
in the 2017-2018 school year, for both of the following: 40402

(i) Decisions regarding retention and promotion of school 40403  
counselors; 40404

(ii) Removal of poorly performing school counselors. 40405

(D) Beginning with the 2017-2018 school year, a district 40406  
board may elect not to conduct an evaluation of a school 40407  
counselor who meets one of the following requirements: 40408

(1) The school counselor was on leave from the school district for fifty per cent or more of the school year, as calculated by the board. 40409  
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40411

(2) The school counselor has submitted notice of retirement and that notice has been accepted by the board not later than the first day of December of the school year in which the evaluation is otherwise scheduled to be conducted. 40412  
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(E) Each district board shall annually submit a report to the department of ~~education~~ learning and achievement, in a form and manner prescribed by the department, regarding its implementation of division (C) of this section. At no time shall the department permit or require that the name or personally identifiable information of any school counselor be reported to the department under this division. 40416  
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(F) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, ~~the~~ : 40423  
40424

(1) The requirements of this section, as it existed prior to the effective date of this amendment, prevail over any conflicting provision of a collective bargaining agreement entered into ~~on or after~~ between September 29, 2015, and the effective date of this amendment. 40425  
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(2) The requirements of this section, as it exists on and after the effective date of this amendment, prevail over any conflicting provisions of agreements between employee organizations and public employers entered into on or after the effective date of this amendment. 40430  
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**Sec. 3319.114.** (A) Beginning with the 2014-2015 school year, a district or school may choose to use the alternative framework prescribed by divisions (B) and (C) of this section 40435  
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when evaluating teachers under section 3319.111 of the Revised Code. 40438  
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(B) If a district or school chooses to use the alternative framework for the 2014-2015 school year, that district or school shall calculate ratings assigned for teacher evaluations according to the following: 40440  
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(1) The teacher performance measure, as defined by the department of ~~education~~ learning and achievement, shall account for forty-two and one-half per cent of each rating. 40444  
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(2) The student academic growth measure, as defined by the department, shall account for forty-two and one-half per cent of each rating. 40447  
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(3) Only one of the following components shall account for fifteen per cent of each rating: 40450  
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(a) Student surveys; 40452

(b) Teacher self-evaluations; 40453

(c) Peer review evaluations; 40454

(d) Student portfolios. 40455

(C) If a district or school chooses to use the alternative framework for the 2015-2016 school year or any school year thereafter, that district or school shall calculate ratings assigned for teacher evaluations according to the following: 40456  
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40458  
40459

(1) The teacher performance measure, as defined by the department, shall account for fifty per cent of each rating. 40460  
40461

(2) The student academic growth measure, as defined by the department, shall account for thirty-five per cent of each rating. 40462  
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40464

(3) The remainder shall be one, or any combination, of the following components:

- (a) Student surveys;
- (b) Teacher self-evaluations;
- (c) Peer review evaluations;
- (d) Student portfolios;
- (e) Any other component determined appropriate by the district board or school governing authority.

(D) The department shall compile a list of approved instruments that districts and schools may use, beginning with the 2014-2015 school year, when evaluating the components described under divisions (B) (3) and (C) (3) of this section.

**Sec. 3319.143.** Notwithstanding section 3319.141 of the Revised Code, the board of education of a city, exempted village, local or joint vocational school district may adopt a policy of assault leave by which an employee who is absent due to physical disability resulting from an assault which occurs in the course of board employment will be maintained on full pay status during the period of such absence. A board of education electing to effect such a policy of assault leave shall establish rules for the entitlement, crediting, and use of assault leave and file a copy of same with the ~~state board of education~~ department of learning and achievement. A board of education adopting this policy shall require an employee to furnish a signed statement on forms prescribed by such board to justify the use of assault leave. If medical attention is required, a certificate from a licensed physician stating the nature of the disability and its duration shall be required before assault leave can be approved for payment. Falsification

of either a signed statement or a physician's certificate is 40494  
ground for suspension or termination of employment under section 40495  
3311.82 or 3319.16 of the Revised Code. 40496

Assault leave granted under rules adopted by a board of 40497  
education pursuant to this section shall not be charged against 40498  
sick leave earned or earnable under section 3319.141 of the 40499  
Revised Code or leave granted under rules adopted by a board of 40500  
education pursuant to section 3311.77 or 3319.08 of the Revised 40501  
Code. This section shall be uniformly administered in those 40502  
districts where such policy is adopted. 40503

**Sec. 3319.22.** (A) (1) The state board of education shall 40504  
issue the following educator licenses: 40505

(a) A resident educator license, which shall be valid for 40506  
four years and shall be renewable for reasons specified by rules 40507  
adopted by the ~~state board~~ department of learning and 40508  
achievement pursuant to division (A) (3) of this section. The 40509  
state board, on a case-by-case basis, may extend the license's 40510  
duration as necessary to enable the license holder to complete 40511  
the Ohio teacher residency program established under section 40512  
3319.223 of the Revised Code; 40513

(b) A professional educator license, which shall be valid 40514  
for five years and shall be renewable; 40515

(c) A senior professional educator license, which shall be 40516  
valid for five years and shall be renewable; 40517

(d) A lead professional educator license, which shall be 40518  
valid for five years and shall be renewable. 40519

(2) The state board may issue any additional educator 40520  
licenses of categories, types, and levels the board elects to 40521  
provide. 40522

(3) The ~~state board~~ department of learning and achievement 40523  
shall adopt rules establishing the standards and requirements 40524  
for obtaining each educator license issued under this section. 40525  
The rules shall also include the reasons for which a resident 40526  
educator license may be renewed under division (A) (1) (a) of this 40527  
section. 40528

(B) The rules adopted under this section shall require at 40529  
least the following standards and qualifications for the 40530  
educator licenses described in division (A) (1) of this section: 40531

(1) An applicant for a resident educator license shall 40532  
hold at least a bachelor's degree from an accredited teacher 40533  
preparation program or be a participant in the teach for America 40534  
program and meet the qualifications required under section 40535  
3319.227 of the Revised Code. 40536

(2) An applicant for a professional educator license 40537  
shall: 40538

(a) Hold at least a bachelor's degree from an institution 40539  
of higher education accredited by a regional accrediting 40540  
organization; 40541

(b) Have successfully completed the Ohio teacher residency 40542  
program established under section 3319.223 of the Revised Code, 40543  
if the applicant's current or most recently issued license is a 40544  
resident educator license issued under this section or an 40545  
alternative resident educator license issued under section 40546  
3319.26 of the Revised Code. 40547

(3) An applicant for a senior professional educator 40548  
license shall: 40549

(a) Hold at least a master's degree from an institution of 40550  
higher education accredited by a regional accrediting 40551

organization; 40552

(b) Have previously held a professional educator license 40553  
issued under this section or section 3319.222 or under former 40554  
section 3319.22 of the Revised Code; 40555

(c) Meet the criteria for the accomplished or 40556  
distinguished level of performance, as described in the 40557  
standards for teachers adopted by the ~~state board~~ department 40558  
under section 3319.61 of the Revised Code. 40559

(4) An applicant for a lead professional educator license 40560  
shall: 40561

(a) Hold at least a master's degree from an institution of 40562  
higher education accredited by a regional accrediting 40563  
organization; 40564

(b) Have previously held a professional educator license 40565  
or a senior professional educator license issued under this 40566  
section or a professional educator license issued under section 40567  
3319.222 or former section 3319.22 of the Revised Code; 40568

(c) Meet the criteria for the distinguished level of 40569  
performance, as described in the standards for teachers adopted 40570  
by the ~~state board~~ department under section 3319.61 of the 40571  
Revised Code; 40572

(d) Either hold a valid certificate issued by the national 40573  
board for professional teaching standards or meet the criteria 40574  
for a master teacher or other criteria for a lead teacher 40575  
adopted by the educator standards board under division (F) (4) or 40576  
(5) of section 3319.61 of the Revised Code. 40577

(C) The ~~state board~~ department shall align the standards 40578  
and qualifications for obtaining a principal license with the 40579

standards for principals adopted by the ~~state board~~ department 40580  
under section 3319.61 of the Revised Code. 40581

~~(D) If the state board requires any examinations for 40582  
educator licensure, the department of education shall provide 40583  
the results of such examinations received by the department to 40584  
the chancellor of higher education, in the manner and to the 40585  
extent permitted by state and federal law. 40586~~

~~(E) Any rules the state board of education department 40587  
adopts, amends, or rescinds for educator licenses under this 40588  
section, division (D) of section 3301.07 of the Revised Code, or 40589  
any other law shall be adopted, amended, or rescinded under 40590  
Chapter 119. of the Revised Code except as follows: 40591~~

~~(1) Notwithstanding division (E) of section 119.03 and 40592  
division (A)(1) of section 119.04 of the Revised Code, in the 40593  
case of the adoption of any rule or the amendment or rescission 40594  
of any rule that necessitates institutions' offering preparation 40595  
programs for educators and other school personnel that are 40596  
approved ~~by the chancellor of higher education~~ under section 40597  
3333.048 of the Revised Code to revise the curriculum of those 40598  
programs, the effective date shall not be as prescribed in 40599  
division (E) of section 119.03 and division (A)(1) of section 40600  
119.04 of the Revised Code. Instead, the effective date of such 40601  
rules, or the amendment or rescission of such rules, shall be 40602  
the date prescribed by section 3333.048 of the Revised Code. 40603~~

~~(2) Notwithstanding the authority to adopt, amend, or 40604  
rescind emergency rules in division (G) of section 119.03 of the 40605  
Revised Code, this authority shall not apply to the ~~state board~~ 40606  
~~of education~~ department with regard to rules for educator 40607  
licenses. 40608~~

~~(F)~~(E)(1) The rules adopted under this section 40609  
establishing standards requiring additional coursework for the 40610  
renewal of any educator license shall require a school district 40611  
and a chartered nonpublic school to establish local professional 40612  
development committees. In a nonpublic school, the chief 40613  
administrative officer shall establish the committees in any 40614  
manner acceptable to such officer. The committees established 40615  
under this division shall determine whether coursework that a 40616  
district or chartered nonpublic school teacher proposes to 40617  
complete meets the requirement of the rules. The department ~~of~~ 40618  
~~education~~ shall provide technical assistance and support to 40619  
committees as the committees incorporate the professional 40620  
development standards adopted by the ~~state board of education~~ 40621  
department pursuant to section 3319.61 of the Revised Code into 40622  
their review of coursework that is appropriate for license 40623  
renewal. The rules shall establish a procedure by which a 40624  
teacher may appeal the decision of a local professional 40625  
development committee. 40626

(2) In any school district in which there is no exclusive 40627  
representative established under Chapter 4117. of the Revised 40628  
Code, the professional development committees shall be 40629  
established as described in division ~~(F)~~(E)(2) of this section. 40630

Not later than the effective date of the rules adopted 40631  
under this section, the board of education of each school 40632  
district shall establish the structure for one or more local 40633  
professional development committees to be operated by such 40634  
school district. The committee structure so established by a 40635  
district board shall remain in effect unless within thirty days 40636  
prior to an anniversary of the date upon which the current 40637  
committee structure was established, the board provides notice 40638  
to all affected district employees that the committee structure 40639

is to be modified. Professional development committees may have 40640  
a district-level or building-level scope of operations, and may 40641  
be established with regard to particular grade or age levels for 40642  
which an educator license is designated. 40643

Each professional development committee shall consist of 40644  
at least three classroom teachers employed by the district, one 40645  
principal employed by the district, and one other employee of 40646  
the district appointed by the district superintendent. For 40647  
committees with a building-level scope, the teacher and 40648  
principal members shall be assigned to that building, and the 40649  
teacher members shall be elected by majority vote of the 40650  
classroom teachers assigned to that building. For committees 40651  
with a district-level scope, the teacher members shall be 40652  
elected by majority vote of the classroom teachers of the 40653  
district, and the principal member shall be elected by a 40654  
majority vote of the principals of the district, unless there 40655  
are two or fewer principals employed by the district, in which 40656  
case the one or two principals employed shall serve on the 40657  
committee. If a committee has a particular grade or age level 40658  
scope, the teacher members shall be licensed to teach such grade 40659  
or age levels, and shall be elected by majority vote of the 40660  
classroom teachers holding such a license and the principal 40661  
shall be elected by all principals serving in buildings where 40662  
any such teachers serve. The district superintendent shall 40663  
appoint a replacement to fill any vacancy that occurs on a 40664  
professional development committee, except in the case of 40665  
vacancies among the elected classroom teacher members, which 40666  
shall be filled by vote of the remaining members of the 40667  
committee so selected. 40668

Terms of office on professional development committees 40669  
shall be prescribed by the district board establishing the 40670

committees. The conduct of elections for members of professional 40671  
development committees shall be prescribed by the district board 40672  
establishing the committees. A professional development 40673  
committee may include additional members, except that the 40674  
majority of members on each such committee shall be classroom 40675  
teachers employed by the district. Any member appointed to fill 40676  
a vacancy occurring prior to the expiration date of the term for 40677  
which a predecessor was appointed shall hold office as a member 40678  
for the remainder of that term. 40679

The initial meeting of any professional development 40680  
committee, upon election and appointment of all committee 40681  
members, shall be called by a member designated by the district 40682  
superintendent. At this initial meeting, the committee shall 40683  
select a chairperson and such other officers the committee deems 40684  
necessary, and shall adopt rules for the conduct of its 40685  
meetings. Thereafter, the committee shall meet at the call of 40686  
the chairperson or upon the filing of a petition with the 40687  
district superintendent signed by a majority of the committee 40688  
members calling for the committee to meet. 40689

(3) In the case of a school district in which an exclusive 40690  
representative has been established pursuant to Chapter 4117. of 40691  
the Revised Code, professional development committees shall be 40692  
established in accordance with any collective bargaining 40693  
agreement in effect in the district that includes provisions for 40694  
such committees. 40695

If the collective bargaining agreement does not specify a 40696  
different method for the selection of teacher members of the 40697  
committees, the exclusive representative of the district's 40698  
teachers shall select the teacher members. 40699

If the collective bargaining agreement does not specify a 40700

different structure for the committees, the board of education 40701  
of the school district shall establish the structure, including 40702  
the number of committees and the number of teacher and 40703  
administrative members on each committee; the specific 40704  
administrative members to be part of each committee; whether the 40705  
scope of the committees will be district levels, building 40706  
levels, or by type of grade or age levels for which educator 40707  
licenses are designated; the lengths of terms for members; the 40708  
manner of filling vacancies on the committees; and the frequency 40709  
and time and place of meetings. However, in all cases, except as 40710  
provided in division ~~(F)~~(E) (4) of this section, there shall be a 40711  
majority of teacher members of any professional development 40712  
committee, there shall be at least five total members of any 40713  
professional development committee, and the exclusive 40714  
representative shall designate replacement members in the case 40715  
of vacancies among teacher members, unless the collective 40716  
bargaining agreement specifies a different method of selecting 40717  
such replacements. 40718

(4) Whenever an administrator's coursework plan is being 40719  
discussed or voted upon, the local professional development 40720  
committee shall, at the request of one of its administrative 40721  
members, cause a majority of the committee to consist of 40722  
administrative members by reducing the number of teacher members 40723  
voting on the plan. 40724

~~(G)~~(F) (1) The department ~~of education~~, educational service 40725  
centers, county boards of developmental disabilities, regional 40726  
professional development centers, special education regional 40727  
resource centers, college and university departments of 40728  
education, head start programs, and the Ohio education computer 40729  
network may establish local professional development committees 40730  
to determine whether the coursework proposed by their employees 40731

who are licensed or certificated under this section or section 40732  
3319.222 of the Revised Code, or under the former version of 40733  
either section as it existed prior to October 16, 2009, meet the 40734  
requirements of the rules adopted under this section. They may 40735  
establish local professional development committees on their own 40736  
or in collaboration with a school district or other agency 40737  
having authority to establish them. 40738

Local professional development committees established by 40739  
county boards of developmental disabilities shall be structured 40740  
in a manner comparable to the structures prescribed for school 40741  
districts in divisions ~~(F)~~(E) (2) and (3) of this section, as 40742  
shall the committees established by any other entity specified 40743  
in division ~~(G)~~(F) (1) of this section that provides educational 40744  
services by employing or contracting for services of classroom 40745  
teachers licensed or certificated under this section or section 40746  
3319.222 of the Revised Code, or under the former version of 40747  
either section as it existed prior to October 16, 2009. All 40748  
other entities specified in division ~~(G)~~(F) (1) of this section 40749  
shall structure their committees in accordance with guidelines 40750  
which shall be issued by the ~~state board~~ department. 40751

(2) Any public agency that is not specified in division 40752  
~~(G)~~(F) (1) of this section but provides educational services and 40753  
employs or contracts for services of classroom teachers licensed 40754  
or certificated under this section or section 3319.222 of the 40755  
Revised Code, or under the former version of either section as 40756  
it existed prior to October 16, 2009, may establish a local 40757  
professional development committee, subject to the approval of 40758  
the ~~department of education~~. The committee shall be structured 40759  
in accordance with guidelines issued by the ~~state board~~ 40760  
department. 40761

~~(H) Not later than July 1, 2016, the state board~~(G) The 40762  
department, in accordance with Chapter 119. of the Revised Code, 40763  
shall adopt rules pursuant to division (A) (3) of this section 40764  
that do both of the following: 40765

(1) Exempt consistently high-performing teachers from the 40766  
requirement to complete any additional coursework for the 40767  
renewal of an educator license issued under this section or 40768  
section 3319.26 of the Revised Code. The rules also shall 40769  
specify that such teachers are exempt from any requirements 40770  
prescribed by professional development committees established 40771  
under divisions ~~(F)~~(E) and ~~(G)~~(F) of this section. 40772

(2) For purposes of division ~~(H)~~(G) (1) of this section, 40773  
the ~~state board~~department shall define the term "consistently 40774  
high-performing teacher." 40775

**Sec. 3319.221.** (A) The ~~state board of education~~department 40776  
of learning and achievement shall adopt rules establishing the 40777  
standards and requirements for obtaining a school nurse license 40778  
and a school nurse wellness coordinator license. At a minimum, 40779  
the rules shall require that an applicant for a school nurse 40780  
license be licensed as a registered nurse under Chapter 4723. of 40781  
the Revised Code. 40782

~~(B) If the state board requires any examinations for~~ 40783  
~~licensure under this section, the department of education shall~~ 40784  
~~provide the examination results received by the department to~~ 40785  
~~the chancellor of the Ohio board of regents, in the manner and~~ 40786  
~~to the extent permitted by state and federal law.~~ 40787

~~(C)~~ Any rules for licenses described in this section that 40788  
the ~~state board~~department adopts, amends, or rescinds under 40789  
this section, division (D) of section 3301.07 of the Revised 40790

Code, or any other law shall be adopted, amended, or rescinded 40791  
under Chapter 119. of the Revised Code, except that the 40792  
authority to adopt, amend, or rescind emergency rules under 40793  
division (G) of section 119.03 of the Revised Code shall not 40794  
apply to the ~~state board department~~ with respect to rules for 40795  
licenses described in this section. 40796

~~(D)~~ (C) Any registered nurse employed by a school district 40797  
in the capacity of school nurse on January 1, 1973, or any 40798  
registered nurse employed by a city or general health district 40799  
on January 1, 1973, to serve full-time in the capacity of school 40800  
nurse in one or more school districts, shall be considered to 40801  
have fulfilled the requirements for the issuance of a school 40802  
nurse license under this section. 40803

**Sec. 3319.223.** (A) ~~Not later than January 1, 2011, the~~ 40804  
~~superintendent of public instruction and the chancellor of~~ 40805  
~~higher education jointly~~ The department of learning and 40806  
achievement shall establish the Ohio teacher residency program, 40807  
which shall be a four-year, entry-level program for classroom 40808  
teachers. Except as provided in division (B) of this section, 40809  
the teacher residency program shall include at least the 40810  
following components: 40811

(1) Mentoring by teachers for the first two years of the 40812  
program; 40813

(2) Counseling, as determined necessary by the school 40814  
district or school, to ensure that program participants receive 40815  
needed professional development; 40816

(3) Measures of appropriate progression through the 40817  
program, which shall include the performance-based assessment 40818  
prescribed by the ~~state board of education department~~ for 40819

resident educators in the third year of the program. 40820

(B) (1) For an individual who is teaching career-technical 40821  
courses under an alternative resident educator license issued 40822  
under section 3319.26 of the Revised Code or rule of the ~~state-~~ 40823  
~~board~~ department, the Ohio teacher residency program shall 40824  
include the following components: 40825

(a) Conditions that, as of September 29, 2015, were 40826  
necessary for a participant in the third and fourth year of the 40827  
program to complete prior to applying for the professional 40828  
educator license under division (A) (2) of section 3319.22 of the 40829  
Revised Code, except as provided in division (B) (2) (b) of this 40830  
section; 40831

(b) Four years of successful teaching experience under the 40832  
alternative resident educator license, as verified by the 40833  
superintendent of the employing school district; 40834

(c) Successful completion of a career-technical workforce 40835  
development teacher preparation program that consists of not 40836  
less than twenty-four semester hours, or the equivalent, from a 40837  
state university. The teacher preparation program shall include 40838  
a performance-based assessment, to be verified by the 40839  
institution. 40840

(2) No individual who is teaching career-technical courses 40841  
under an alternative resident educator license issued under 40842  
section 3319.26 of the Revised Code or rule of the ~~state-board-~~ 40843  
~~department~~ shall be required to do either of the following: 40844

(a) Complete the conditions of the Ohio teacher residency 40845  
program that a participant, as of September 29, 2015, would have 40846  
been required to complete during the participant's first and 40847  
second year of teaching under an alternative resident educator 40848

license. 40849

(b) Take the performance-based assessment prescribed by 40850  
the state board for resident educators. 40851

(C) The teacher residency program shall be aligned with 40852  
the standards for teachers adopted by the ~~state board~~ department 40853  
under section 3319.61 of the Revised Code and best practices 40854  
identified by the ~~superintendent of public instruction~~ 40855  
department. 40856

(D) Each person who holds a resident educator license 40857  
issued under section 3319.22 or 3319.227 of the Revised Code or 40858  
an alternative resident educator license issued under section 40859  
3319.26 of the Revised Code shall participate in the teacher 40860  
residency program. Successful completion of the program shall be 40861  
required to qualify any such person for a professional educator 40862  
license issued under section 3319.22 of the Revised Code. 40863

**Sec. 3319.224.** Notwithstanding section 3319.30 of the 40864  
Revised Code, a school district or educational service center 40865  
may contract with a provider licensed under Chapter 4753. of the 40866  
Revised Code for speech and language services or for audiology 40867  
services. The contracted services shall be retained only after 40868  
the district or service center has demonstrated to the 40869  
department of ~~education~~ learning and achievement that attempts 40870  
to obtain the services of a speech and language or audiology 40871  
provider licensed under this chapter have been unsuccessful. 40872

**Sec. 3319.226.** The state board of education shall issue 40873  
educator licenses for substitute teaching that are valid for 40874  
terms of one year, five years, and any other length of time up 40875  
to five years that the ~~state board~~ department of learning and 40876  
achievement determines is appropriate. 40877

**Sec. 3319.227.** (A) Notwithstanding any other provision of 40878  
the Revised Code or any rule adopted by the ~~state board of~~ 40879  
~~education department of learning and achievement~~ to the 40880  
contrary, the state board shall issue a resident educator 40881  
license under section 3319.22 of the Revised Code to each person 40882  
who is assigned to teach in this state as a participant in the 40883  
teach for America program and who satisfies the following 40884  
conditions for the duration of the program: 40885

(1) Holds a bachelor's degree from an accredited 40886  
institution of higher education; 40887

(2) Maintained a cumulative undergraduate grade point 40888  
average of at least 2.5 out of 4.0, or its equivalent; 40889

(3) Has passed an examination prescribed by the ~~state~~ 40890  
~~board department~~ in the subject area to be taught; 40891

(4) Has successfully completed the summer training 40892  
institute operated by teach for America; 40893

(5) Remains an active member of the teach for America two- 40894  
year support program. 40895

(B) The state board shall issue a resident educator 40896  
license under this section for teaching in any grade level or 40897  
subject area for which a person may obtain a resident educator 40898  
license under section 3319.22 of the Revised Code. The ~~state~~ 40899  
~~board department~~ shall not adopt rules establishing any 40900  
additional qualifications for the license beyond those specified 40901  
in this section. 40902

(C) Notwithstanding any other provision of the Revised 40903  
Code or any rule adopted by the ~~state board department~~ to the 40904  
contrary, the state board shall issue a resident educator 40905  
license under section 3319.22 of the Revised Code to any 40906

applicant who has completed at least two years of teaching in 40907  
another state as a participant in the teach for America program 40908  
and meets all of the conditions of divisions (A) (1) to (4) of 40909  
this section. The state board shall credit an applicant under 40910  
this division as having completed two years of the teacher 40911  
residency program under section 3319.223 of the Revised Code. 40912

(D) In order to place teachers in this state, the teach 40913  
for America program shall enter into an agreement with one or 40914  
more accredited four-year public or private institutions of 40915  
higher education in the state to provide optional training of 40916  
teach for America participants for the purpose of enabling those 40917  
participants to complete an optional master's degree or an 40918  
equivalent amount of coursework. Nothing in this division shall 40919  
require any teach for America participant to complete a master's 40920  
degree as a condition of holding a license issued under this 40921  
section. 40922

(E) The state board shall revoke a resident educator 40923  
license issued to a participant in the teach for America program 40924  
who is assigned to teach in this state if the participant 40925  
resigns or is dismissed from the program prior to completion of 40926  
the two-year teach for America support program. 40927

**Sec. 3319.228.** (A) This section applies only to a person 40928  
who meets the following conditions: 40929

(1) Holds a minimum of a baccalaureate degree; 40930

(2) Has been licensed and employed as a teacher in another 40931  
state for each of the preceding five years; 40932

(3) Was initially licensed as a teacher in any state 40933  
within the preceding fifteen years; 40934

(4) Has not had a teacher's license suspended or revoked 40935

in any state. 40936

(B) (1) ~~Not later than July 1, 2012, the superintendent of~~ 40937  
~~public instruction~~ The department of learning and achievement 40938  
shall develop a list of states that the ~~superintendent~~ 40939  
department considers to have standards for teacher licensure 40940  
that are inadequate to ensure that a person to whom this section 40941  
applies and who was most recently licensed to teach in that 40942  
state is qualified for a professional educator license issued 40943  
under section 3319.22 of the Revised Code. 40944

(2) Following development of the list, the ~~superintendent~~ 40945  
department shall establish a panel of experts to evaluate the 40946  
adequacy of the teacher licensure standards of each state on the 40947  
list. ~~Each person selected by the superintendent to be a member~~ 40948  
~~of the panel shall be approved by the state board of education.~~ 40949  
In evaluating the ~~superintendent's~~ department's list, the panel 40950  
shall provide an opportunity for representatives of the 40951  
department of education, or similar state-level agency, of each 40952  
state on the list to provide evidence to refute the state's 40953  
placement on the list. 40954

~~Not later than April 1, 2013, the~~ The panel shall 40955  
recommend to the ~~state board~~ department that the list be 40956  
approved without changes or that specified states be removed 40957  
from the list prior to approval. ~~Not later than July 1, 2013,~~ 40958  
~~the state board~~ The department shall approve a final list of 40959  
states with standards for teacher licensure that are inadequate 40960  
to ensure that a person to whom this section applies and who was 40961  
most recently licensed to teach in that state is qualified for a 40962  
professional educator license issued under section 3319.22 of 40963  
the Revised Code. 40964

(C) Except as otherwise provided in division (E) (1) of 40965

this section, until the date on which the ~~state board~~ department 40966  
approves a final list of states with inadequate teacher 40967  
licensure standards under division (B) (2) of this section, the 40968  
state board of education shall issue a one-year provisional 40969  
educator license to any applicant to whom this section applies. 40970  
On and after that date, neither the state board nor the 40971  
department of ~~education~~ learning and achievement shall be party 40972  
to any reciprocity agreement with a state on that list that 40973  
requires the state board to issue a person to whom this section 40974  
applies any type of professional educator license on the basis 40975  
of the person's licensure and teaching experience in that state. 40976

(D) Upon the expiration of a provisional license issued to 40977  
a person under division (C) of this section, the state board 40978  
shall issue the person a professional educator license, if the 40979  
person satisfies either of the following conditions: 40980

(1) The person was issued the provisional license prior to 40981  
the development of the list ~~by the state superintendent~~ under 40982  
division (B) (1) of this section and, prior to issuance of the 40983  
provisional license, the person was most recently licensed to 40984  
teach by a state not on the ~~superintendent's~~ department's list 40985  
or, if the final list of states with inadequate teacher 40986  
licensure standards has been approved by the ~~state board~~ 40987  
department under division (B) (2) of this section, by a state not 40988  
on that list. 40989

(2) All of the following apply to the person: 40990

(a) Prior to obtaining the provisional license, the person 40991  
was most recently licensed to teach by a state on the 40992  
~~superintendent's~~ department's list or, if the final list of 40993  
states with inadequate teacher licensure standards has been 40994  
approved by the ~~state board~~ department under division (B) (2) of 40995

this section, by a state on that list. 40996

(b) The person was employed under the provisional license 40997  
by a school district; community school established under Chapter 40998  
3314. of the Revised Code; science, technology, engineering, and 40999  
mathematics school established under Chapter 3326. of the 41000  
Revised Code; or an entity contracted by such a district or 41001  
school to provide internet- or computer-based instruction or 41002  
distance learning programs to students. 41003

(c) The district or school certifies to the state board 41004  
that the person's teaching was satisfactory while employed or 41005  
contracted by the district or school. 41006

(E) (1) ~~From July 1, 2012, until~~ Until the date on which 41007  
the ~~state board~~ department approves a final list of states with 41008  
inadequate teacher licensure standards under division (B) (2) of 41009  
this section, the state board shall issue a professional 41010  
educator license to any applicant to whom this section applies 41011  
and who was most recently licensed to teach by a state that is 41012  
not on the list developed by the ~~state superintendent~~ department 41013  
under division (B) (1) of this section. 41014

(2) Beginning on the date on which the ~~state board~~ 41015  
department approves a final list of states with inadequate 41016  
teacher licensure standards under division (B) (2) of this 41017  
section, the state board shall issue a professional educator 41018  
license to any applicant to whom this section applies and who 41019  
was most recently licensed to teach by a state that is not on 41020  
that list. 41021

**Sec. 3319.229.** The rules adopted under section 3319.22 of 41022  
the Revised Code shall include requirements for the issuance and 41023  
renewal of professional career-technical teaching licenses, 41024

including, but not limited to, requirements relating to life 41025  
experience, professional certification, and practical ability. 41026  
Nothing in sections 3319.22 to 3319.31 of the Revised Code 41027  
requires, and the ~~state board of education~~ department of 41028  
learning and achievement shall not adopt a rule requiring, an 41029  
applicant for the issuance or renewal of a professional career- 41030  
technical teaching license who meets the requirements relating 41031  
to life experience, professional certification, and practical 41032  
ability to complete a degree applicable to the career field, 41033  
classroom teaching, or an area of licensure. 41034

**Sec. 3319.231.** As used in this section, "community 41035  
service" has the same meaning as in section 3313.605 of the 41036  
Revised Code. 41037

The ~~state board of education~~ department of learning and 41038  
achievement shall adopt rules establishing qualifications for 41039  
the teaching of community service education for high school 41040  
credit under division (C) of section 3313.605 of the Revised 41041  
Code. In addition, the ~~board~~ department shall provide technical 41042  
assistance to school districts providing community service 41043  
instructional programs for teachers. 41044

**Sec. 3319.232.** The ~~state board of education~~ department of 41045  
learning and achievement shall adopt standards for attaining a 41046  
license for teaching students with visual disabilities that 41047  
require the licensee to demonstrate competency in reading and 41048  
writing braille. The standards for demonstrating competency 41049  
shall be consistent with those adopted for teachers by the 41050  
national library service for the blind and physically 41051  
handicapped of the library of congress. 41052

**Sec. 3319.233.** (A) Beginning July 1, 2017, all new 41053  
educator licenses issued for grades pre-kindergarten through 41054

three or four through nine shall require the applicant to attain 41055  
a passing score on a rigorous examination of principles of 41056  
scientifically research-based reading instruction that is 41057  
aligned with the reading competencies adopted by the ~~state board~~ 41058  
~~of education~~ department of learning and achievement under 41059  
section 3301.077 of the Revised Code. 41060

(B) The ~~state board~~ department shall adopt rules in 41061  
accordance with Chapter 119. of the Revised Code prescribing 41062  
criteria and procedures necessary to implement the requirements 41063  
of this section. 41064

**Sec. 3319.234.** The teacher quality partnership, a 41065  
consortium of teacher preparation programs that have been 41066  
approved by the ~~chancellor of the Ohio board of regents~~ 41067  
department of learning and achievement under section 3333.048 of 41068  
the Revised Code, shall study the relationship of teacher 41069  
performance on educator licensure assessments, as adopted by the 41070  
~~state board of education~~ department under section 3319.22 of the 41071  
Revised Code, to teacher effectiveness in the classroom. ~~Not~~ 41072  
~~later than September 1, 2008, the~~ The partnership shall ~~begin~~ 41073  
~~submitting~~ submit annual data reports along with any other data 41074  
on teacher effectiveness the partnership determines appropriate 41075  
to the governor, the president and minority leader of the 41076  
senate, the speaker and minority leader of the house of 41077  
representatives, the chairpersons and ranking minority members 41078  
of the standing committees of the senate and the house of 41079  
representatives that consider education legislation, ~~the~~ 41080  
~~superintendent of public instruction, the state board of~~ 41081  
~~education, and the chancellor of the Ohio board of regents~~ 41082  
department of learning and achievement. 41083

**Sec. 3319.235.** (A) The standards for the preparation of 41084

teachers adopted under section 3333.048 of the Revised Code 41085  
shall require any institution that provides a course of study 41086  
for the training of teachers to ensure that graduates of such 41087  
course of study are skilled at integrating educational 41088  
technology in the instruction of children, as evidenced by the 41089  
graduate having either demonstrated proficiency in such skills 41090  
in a manner prescribed by the department of ~~education~~ learning 41091  
and achievement or completed a course that includes training in 41092  
such skills. 41093

(B) The ~~chancellor of the Ohio board of regents, in~~ 41094  
~~consultation with the department of education, department of~~ 41095  
learning and achievement shall establish model professional 41096  
development programs to assist teachers who completed their 41097  
teacher preparation prior to the effective date of division (A) 41098  
of this section to become skilled at integrating educational 41099  
technology in the instruction of children. The ~~chancellor~~ 41100  
department shall provide technical assistance to school 41101  
districts wishing to establish such programs. 41102

**Sec. 3319.26.** (A) The ~~state board of education~~ department 41103  
of learning and achievement shall adopt rules establishing the 41104  
standards and requirements for obtaining an alternative resident 41105  
educator license for teaching in grades kindergarten to twelve, 41106  
or the equivalent, in a designated subject area or in the area 41107  
of intervention specialist, as defined by rule of the ~~state~~ 41108  
~~board~~ department. The rules shall also include the reasons for 41109  
which an alternative resident educator license may be renewed 41110  
under division (D) of this section. 41111

(B) The ~~superintendent of public instruction and the~~ 41112  
~~chancellor of the Ohio board of regents jointly~~ department shall 41113  
develop an intensive pedagogical training institute to provide 41114

instruction in the principles and practices of teaching for 41115  
individuals seeking an alternative resident educator license. 41116  
The instruction shall cover such topics as student development 41117  
and learning, pupil assessment procedures, curriculum 41118  
development, classroom management, and teaching methodology. 41119

(C) The rules adopted under this section shall require 41120  
applicants for the alternative resident educator license to 41121  
satisfy the following conditions prior to issuance of the 41122  
license, but they shall not require applicants to have completed 41123  
a major or coursework in the subject area for which application 41124  
is being made: 41125

(1) Hold a minimum of a baccalaureate degree; 41126

(2) Successfully complete the pedagogical training 41127  
institute described in division (B) of this section or a summer 41128  
training institute provided to participants of a teacher 41129  
preparation program that is operated by a nonprofit organization 41130  
and has been approved by the ~~chancellor~~ department. The 41131  
~~chancellor~~ department shall approve any such program that 41132  
requires participants to hold a bachelor's degree; have a 41133  
cumulative undergraduate grade point average of at least 2.5 out 41134  
of 4.0, or its equivalent; and successfully complete the 41135  
program's summer training institute. 41136

(3) Pass an examination in the subject area for which 41137  
application is being made. 41138

(D) An alternative resident educator license shall be 41139  
valid for four years and shall be renewable for reasons 41140  
specified by rules adopted by the ~~state board~~ department 41141  
pursuant to division (A) of this section. The state board of 41142  
education, on a case-by-case basis, may extend the license's 41143

duration as necessary to enable the license holder to complete 41144  
the Ohio teacher residency program established under section 41145  
3319.223 of the Revised Code. 41146

(E) The rules shall require the holder of an alternative 41147  
resident educator license, as a condition of continuing to hold 41148  
the license, to do all of the following: 41149

(1) Participate in the Ohio teacher residency program; 41150

(2) Show satisfactory progress in taking and successfully 41151  
completing one of the following: 41152

(a) At least twelve additional semester hours, or the 41153  
equivalent, of college coursework in the principles and 41154  
practices of teaching in such topics as student development and 41155  
learning, pupil assessment procedures, curriculum development, 41156  
classroom management, and teaching methodology; 41157

(b) Professional development provided by a teacher 41158  
preparation program that has been approved by the ~~chancellor-~~ 41159  
department under division (C)(2) of this section. 41160

(3) Take an assessment of professional knowledge in the 41161  
second year of teaching under the license. 41162

(F) The rules shall provide for the granting of a 41163  
professional educator license to a holder of an alternative 41164  
resident educator license upon successfully completing all of 41165  
the following: 41166

(1) Four years of teaching under the alternative license; 41167

(2) The additional college coursework or professional 41168  
development described in division (E)(2) of this section; 41169

(3) The assessment of professional knowledge described in 41170

division (E) (3) of this section. The standards for successfully 41171  
completing this assessment and the manner of conducting the 41172  
assessment shall be the same as for any other individual who is 41173  
required to take the assessment pursuant to rules adopted by the 41174  
~~state board~~ department under section 3319.22 of the Revised 41175  
Code. 41176

(4) The Ohio teacher residency program; 41177

(5) All other requirements for a professional educator 41178  
license adopted by the ~~state board~~ department under section 41179  
3319.22 of the Revised Code. 41180

(G) A person who is assigned to teach in this state as a 41181  
participant in the teach for America program or who has 41182  
completed two years of teaching in another state as a 41183  
participant in that program shall be eligible for a license only 41184  
under section 3319.227 of the Revised Code and shall not be 41185  
eligible for a license under this section. 41186

**Sec. 3319.261.** (A) Notwithstanding any other provision of 41187  
the Revised Code or any rule adopted by the ~~state board of~~ 41188  
~~education~~ department of learning and achievement to the 41189  
contrary, the state board of education shall issue an 41190  
alternative resident educator license under division (C) of 41191  
section 3319.26 of the Revised Code to each applicant who meets 41192  
the following conditions: 41193

(1) Holds a bachelor's degree from an accredited 41194  
institution of higher education; 41195

(2) Has successfully completed a teacher education program 41196  
offered by one of the following entities: 41197

(a) The American Montessori society; 41198

(b) The association Montessori internationale; 41199

(c) An institution accredited by the Montessori 41200  
accreditation council for teacher education. 41201

(3) Is employed in a school that operates a program that 41202  
uses the Montessori method endorsed by the American Montessori 41203  
society, the Montessori accreditation council for teacher 41204  
education, or the association Montessori internationale as its 41205  
primary method of instruction. 41206

(B) The holder of an alternative resident educator license 41207  
issued under this section shall be subject to divisions (A), 41208  
(B), (D), and (E) of section 3319.26 of the Revised Code and 41209  
shall be granted a professional educator license upon successful 41210  
completion of the requirements described in division (F) of 41211  
section 3319.26 of the Revised Code. 41212

**Sec. 3319.27.** (A) The ~~state board of education~~ department 41213  
of learning and achievement shall adopt rules that establish an 41214  
alternative principal license. The rules establishing an 41215  
alternative principal license shall include a requirement that 41216  
an applicant have obtained classroom teaching experience. 41217  
Beginning on the effective date of the rules, the state board of 41218  
education shall cease to issue temporary educator licenses 41219  
pursuant to section 3319.225 of the Revised Code for employment 41220  
as a principal. Any person who on the effective date of the 41221  
rules holds a valid temporary educator license issued under that 41222  
section and is employed as a principal shall be allowed to 41223  
continue employment as a principal until the expiration of the 41224  
license. Employment of any such person as a principal by a 41225  
school district after the expiration of the temporary educator 41226  
license shall be contingent upon the state board issuing the 41227  
person an alternative principal license in accordance with the 41228

rules adopted under this division. 41229

(B) The ~~state board~~ department shall adopt rules that 41230  
establish an alternative administrator license, which shall be 41231  
valid for employment as a superintendent or in any other 41232  
administrative position except principal. Beginning on the 41233  
effective date of the rules, the state board shall cease to 41234  
issue temporary educator licenses pursuant to section 3319.225 41235  
of the Revised Code for employment as a superintendent or in any 41236  
other administrative position except principal. Any person who 41237  
on the effective date of the rules holds a valid temporary 41238  
educator license issued under that section and is employed as a 41239  
superintendent or in any other administrative position except 41240  
principal shall be allowed to continue employment in that 41241  
position until the expiration of the license. Employment of any 41242  
such person as a superintendent or in any other administrative 41243  
position except principal by a school district after the 41244  
expiration of the temporary educator license shall be contingent 41245  
upon the state board issuing the person an alternative 41246  
administrator license in accordance with the rules adopted under 41247  
this division. 41248

**Sec. 3319.272.** (A) As used in this section, the "bright 41249  
new leaders for Ohio schools program" means the program created 41250  
and implemented by the nonprofit corporation incorporated 41251  
pursuant to section 3319.271 of the Revised Code to provide an 41252  
alternative path for individuals to receive training and 41253  
development in the administration of primary and secondary 41254  
education and leadership, enable those individuals to earn 41255  
degrees and obtain licenses in public school administration, and 41256  
promote the placement of those individuals in public schools 41257  
that have a poverty percentage greater than fifty per cent. 41258

(B) The state board of education shall issue an 41259  
alternative principal license or an administrator license, as 41260  
applicable, to an individual who successfully completes the 41261  
bright new leaders for Ohio schools program and satisfies the 41262  
requirements in rules adopted by the ~~state board~~ department 41263  
under division (C) of this section. 41264

(C) The ~~state board~~ department, in consultation with the 41265  
board of directors of the bright new leaders for Ohio schools 41266  
program, shall adopt rules that prescribe the requirements for 41267  
obtaining an alternative principal license or an administrator 41268  
license under this section. The ~~state board~~ department shall use 41269  
the rules adopted under section 3319.27 of the Revised Code as 41270  
guidance in developing the rules adopted under this division. 41271

**Sec. 3319.28.** (A) As used in this section, "STEM school" 41272  
means a science, technology, engineering, and mathematics school 41273  
established under Chapter 3326. of the Revised Code. 41274

(B) Notwithstanding any other provision of the Revised 41275  
Code or any rule adopted by the ~~state board of education~~ 41276  
department of learning and achievement to the contrary, the 41277  
state board of education shall issue a two-year provisional 41278  
educator license for teaching science, technology, engineering, 41279  
or mathematics in grades six through twelve in a STEM school to 41280  
any applicant who meets the following conditions: 41281

(1) Holds a bachelor's degree from an accredited 41282  
institution of higher education in a field related to the 41283  
subject area to be taught; 41284

(2) Has passed an examination prescribed by the ~~state~~ 41285  
~~board~~ department in the subject area to be taught. 41286

(C) The holder of a provisional educator license issued 41287

under this section shall complete a structured apprenticeship program provided by an educational service center or a teacher preparation program approved under section 3333.048 of the Revised Code, in partnership with the STEM school that employs the license holder. The apprenticeship program shall include the following:

(1) Mentoring by a teacher or administrator who regularly observes the license holder's classroom instruction, provides feedback on the license holder's teaching strategies and classroom management, and engages the license holder in discussions about methods for fostering and measuring student learning;

(2) Regularly scheduled seminars or meetings that address the following topics:

(a) The statewide academic standards adopted by the ~~state board department~~ under section 3301.079 of the Revised Code and the importance of aligning curriculum with those standards;

(b) The achievement assessments prescribed by section 3301.0710 of the Revised Code;

(c) The school district and building accountability system established under Chapter 3302. of the Revised Code;

(d) Instructional methods and strategies;

(e) Student development;

(f) Assessing student progress and providing remediation and intervention, as necessary, to meet students' special needs;

(g) Classroom management and record keeping.

(D) After two years of teaching under a provisional

educator license issued under this section, a person may apply 41315  
for a five-year professional educator license in the same 41316  
subject area named in the provisional license. The state board 41317  
shall issue the applicant a professional educator license if the 41318  
applicant meets the following conditions: 41319

(1) The applicant completed the apprenticeship program 41320  
described in division (C) of this section. 41321

(2) The applicant receives a positive recommendation 41322  
indicating that the applicant is an effective teacher from both 41323  
of the following: 41324

(a) The chief administrative officer of the STEM school 41325  
that most recently employed the applicant as a classroom 41326  
teacher; 41327

(b) The educational service center or teacher preparation 41328  
program administrator in charge of the apprenticeship program 41329  
completed by the applicant. 41330

(3) The applicant meets all other requirements for a 41331  
professional educator license adopted by the ~~state board~~ 41332  
department under section 3319.22 of the Revised Code. 41333

(E) The department ~~of education~~ shall evaluate the 41334  
experiences of STEM schools with classroom teachers holding 41335  
provisional educator licenses issued under this section. The 41336  
evaluation shall cover the first two school years for which 41337  
licenses are issued and shall consider at least the schools' 41338  
satisfaction with the teachers and the operation of the 41339  
apprenticeship programs. 41340

**Sec. 3319.291.** (A) The ~~state board of education~~ department 41341  
of learning and achievement shall require each of the following 41342  
persons, at the times prescribed by division (A) of this 41343

section, to undergo a criminal records check, unless the person 41344  
has undergone a records check under this section or a former 41345  
version of this section less than five years prior to that time. 41346

(1) Any person initially applying for any certificate, 41347  
license, or permit described in this chapter or in division (B) 41348  
of section 3301.071 or in section 3301.074 of the Revised Code 41349  
at the time that application is made; 41350

(2) Any person applying for renewal of any certificate, 41351  
license, or permit described in division (A)(1) of this section 41352  
at the time that application is made; 41353

(3) Any person who is teaching under a professional 41354  
teaching certificate issued under former section 3319.222 of the 41355  
Revised Code upon a date prescribed by the ~~state board~~ 41356  
department; 41357

(4) Any person who is teaching under a permanent teaching 41358  
certificate issued under former section 3319.22 as it existed 41359  
prior to October 29, 1996, or under former section 3319.222 of 41360  
the Revised Code upon a date prescribed by the ~~state board~~ 41361  
department and every five years thereafter. 41362

(B)(1) Except as otherwise provided in division (B)(2) of 41363  
this section, the ~~state board~~ department shall require each 41364  
person subject to a criminal records check under this section to 41365  
submit two complete sets of fingerprints and written permission 41366  
that authorizes the superintendent of public instruction to 41367  
forward the fingerprints to the bureau of criminal 41368  
identification and investigation pursuant to division (F) of 41369  
section 109.57 of the Revised Code and that authorizes that 41370  
bureau to forward the fingerprints to the federal bureau of 41371  
investigation for purposes of obtaining any criminal records 41372

that the federal bureau maintains on the person. 41373

(2) If both of the following conditions apply to a person 41374  
subject to a criminal records check under this section, the 41375  
~~state board~~department shall require the person to submit one 41376  
complete set of fingerprints and written permission that 41377  
authorizes the superintendent of public instruction to forward 41378  
the fingerprints to the bureau of criminal identification and 41379  
investigation so that bureau may forward the fingerprints to the 41380  
federal bureau of investigation for purposes of obtaining any 41381  
criminal records that the federal bureau maintains on the 41382  
person: 41383

(a) Under this section or any former version of this 41384  
section, the state board ~~or of education,~~ the superintendent of 41385  
public instruction, the department of education, or the 41386  
department of learning and achievement previously requested the 41387  
superintendent of the bureau of criminal identification and 41388  
investigation to determine whether the bureau has any 41389  
information, gathered pursuant to division (A) of section 109.57 41390  
of the Revised Code, on the person. 41391

(b) The person presents proof that the person has been a 41392  
resident of this state for the five-year period immediately 41393  
prior to the date upon which the person becomes subject to a 41394  
criminal records check under this section. 41395

(C) Except as provided in division (D) of this section, 41396  
prior to issuing or renewing any certificate, license, or permit 41397  
for a person described in division (A) (1) or (2) of this section 41398  
who is subject to a criminal records check and in the case of a 41399  
person described in division (A) (3) or (4) of this section who 41400  
is subject to a criminal records check, the state board or the 41401  
superintendent of public instruction shall do one of the 41402

following: 41403

(1) If the person is required to submit fingerprints and 41404  
written permission under division (B) (1) of this section, 41405  
request the superintendent of the bureau of criminal 41406  
identification and investigation to determine whether the bureau 41407  
has any information, gathered pursuant to division (A) of 41408  
section 109.57 of the Revised Code, pertaining to the person and 41409  
to obtain any criminal records that the federal bureau of 41410  
investigation has on the person. 41411

(2) If the person is required to submit fingerprints and 41412  
written permission under division (B) (2) of this section, 41413  
request the superintendent of the bureau of criminal 41414  
identification and investigation to obtain any criminal records 41415  
that the federal bureau of investigation has on the person. 41416

(D) The state board or the state superintendent ~~of public~~ 41417  
~~instruction~~ may choose not to request any information about a 41418  
person required by division (C) of this section if the person 41419  
provides proof that a criminal records check that satisfies the 41420  
requirements of that division was conducted on the person as a 41421  
condition of employment pursuant to section 3319.39 of the 41422  
Revised Code within the immediately preceding year. The state 41423  
board or the state superintendent ~~of public instruction~~ may 41424  
accept a certified copy of records that were issued by the 41425  
bureau of criminal identification and investigation and that are 41426  
presented by the person in lieu of requesting that information 41427  
under division (C) of this section if the records were issued by 41428  
the bureau within the immediately preceding year. 41429

(E) (1) If a person described in division (A) (3) or (4) of 41430  
this section who is subject to a criminal records check fails to 41431  
submit fingerprints and written permission by the date specified 41432

in the applicable division, and the state board or the state 41433  
superintendent ~~of public instruction~~ does not apply division (D) 41434  
of this section to the person, or if a person who is subject to 41435  
division (G) of this section fails to submit fingerprints and 41436  
written permission by the date prescribed under that division, 41437  
the state superintendent shall prepare a written notice stating 41438  
that if the person does not submit the fingerprints and written 41439  
permission within fifteen days after the date the notice was 41440  
mailed, the person's application will be rejected or the 41441  
person's professional or permanent teaching certificate or 41442  
license will be inactivated. The superintendent shall send the 41443  
notification by regular mail to the person's last known 41444  
residence address or last known place of employment, as 41445  
indicated in the department of ~~education's~~ learning and 41446  
achievement's records, or both. 41447

If the person fails to submit the fingerprints and written 41448  
permission within fifteen days after the date the notice was 41449  
mailed, the state superintendent ~~of public instruction~~, on 41450  
behalf of the state board, shall issue a written order rejecting 41451  
the application or inactivating the person's professional or 41452  
permanent teaching certificate or license. The rejection or 41453  
inactivation shall remain in effect until the person submits the 41454  
fingerprints and written permission. The state superintendent 41455  
shall send the order by regular mail to the person's last known 41456  
residence address or last known place of employment, as 41457  
indicated in the department's records, or both. The order shall 41458  
state the reason for the rejection or inactivation and shall 41459  
explain that the rejection or inactivation remains in effect 41460  
until the person submits the fingerprints and written 41461  
permission. 41462

The rejection or inactivation of a professional or 41463

permanent teaching certificate or license under division (E) (1) 41464  
of this section does not constitute a suspension or revocation 41465  
of the certificate or license by the state board under section 41466  
3319.31 of the Revised Code and the state board ~~and the~~ 41467  
~~superintendent of public instruction~~ need not provide the person 41468  
with an opportunity for a hearing with respect to the rejection 41469  
or inactivation. 41470

(2) If a person whose professional or permanent teaching 41471  
certificate or license has been rejected or inactivated under 41472  
division (E) (1) of this section submits fingerprints and written 41473  
permission as required by division (B) or (G) of this section, 41474  
the state ~~superintendent of public instruction~~, on behalf of the 41475  
state board, shall issue a written order issuing or reactivating 41476  
the certificate or license. The state superintendent shall send 41477  
the order to the person by regular mail. 41478

(F) Notwithstanding divisions (A) to (C) of this section, 41479  
if a person holds more than one certificate, license, or permit 41480  
described in division (A) (1) of this section, the following 41481  
shall apply: 41482

(1) If the certificates, licenses, or permits are of 41483  
different durations, the person shall be subject to divisions 41484  
(A) to (C) of this section only when applying for renewal of the 41485  
certificate, license, or permit that is of the longest duration. 41486  
Prior to renewing any certificate, license, or permit with a 41487  
shorter duration, the state board or the state superintendent ~~of~~ 41488  
~~public instruction~~ shall determine whether the department of 41489  
education or the department of learning and achievement has 41490  
received any information about the person pursuant to section 41491  
109.5721 of the Revised Code, but the person shall not be 41492  
subject to divisions (A) to (C) of this section as long as the 41493

person's certificate, license, or permit with the longest 41494  
duration is valid. 41495

(2) If the certificates, licenses, or permits are of the 41496  
same duration but do not expire in the same year, the person 41497  
shall designate one of the certificates, licenses, or permits as 41498  
the person's primary certificate, license, or permit and shall 41499  
notify the department of that designation. The person shall be 41500  
subject to divisions (A) to (C) of this section only when 41501  
applying for renewal of the person's primary certificate, 41502  
license, or permit. Prior to renewing any certificate, license, 41503  
or permit that is not the person's primary certificate, license, 41504  
or permit, the state board or the state superintendent of public  
instruction shall determine whether the department of education 41505  
or the department of learning and achievement has received any 41506  
information about the person pursuant to section 109.5721 of the 41507  
Revised Code, but the person shall not be subject to divisions 41508  
(A) to (C) of this section as long as the person's primary 41509  
certificate, license, or permit is valid. 41510  
41511

(3) If the certificates, licenses, or permits are of the 41512  
same duration and expire in the same year and the person applies 41513  
for renewal of the certificates, licenses, or permits at the 41514  
same time, the state board or the superintendent of public 41515  
instruction shall request only one criminal records check of the 41516  
person under division (C) of this section. 41517

(G) If the department is unable to enroll a person who has 41518  
submitted an application for licensure, or to whom the state 41519  
board has issued a license, in the retained applicant 41520  
fingerprint database established under section 109.5721 of the 41521  
Revised Code because the person has not satisfied the 41522  
requirements for enrollment, the department shall require the 41523

person to satisfy the requirements for enrollment, including 41524  
requiring the person to submit, by a date prescribed by the 41525  
department, one complete set of fingerprints and written 41526  
permission that authorizes the superintendent of public 41527  
instruction to forward the fingerprints to the bureau of 41528  
criminal identification and investigation for the purpose of 41529  
enrolling the person in the database. If the person fails to 41530  
comply by the prescribed date, the department shall reject the 41531  
application or shall take action to inactivate the person's 41532  
license in accordance with division (E) of this section. 41533

**Sec. 3319.292.** As used in this section, "license" has the 41534  
same meaning as in section 3319.31 of the Revised Code. 41535

The state board of education and the ~~department of~~ 41536  
~~education superintendent of public instruction~~ may question an 41537  
applicant for issuance or renewal of any license with respect to 41538  
any criminal offense committed or alleged to have been committed 41539  
by the applicant. If the record of a conviction, plea of guilty, 41540  
bail forfeiture, or other disposition of a criminal offense 41541  
committed or alleged to have been committed by the applicant has 41542  
been sealed or expunged, the state board and the ~~department~~ 41543  
~~state superintendent~~ need not assert or demonstrate that its 41544  
questioning with respect to the offense bears a direct and 41545  
substantial relationship to the issuance or renewal of the 41546  
license or to the position in which the applicant will work 41547  
under the license. 41548

Any questions regarding a record of a conviction, plea of 41549  
guilty, bail forfeiture, or other disposition of a criminal 41550  
offense committed or alleged to have been committed by the 41551  
applicant that has been sealed or expunged and the responses of 41552  
the applicant to such questions shall not be a public record 41553

under section 149.43 of the Revised Code. 41554

**Sec. 3319.301.** (A) As used in this section, "STEM school" 41555  
means a science, technology, engineering, and mathematics school 41556  
established under Chapter 3326. of the Revised Code. 41557

(B) The state board of education shall issue permits to 41558  
individuals who are not licensed as required by sections 3319.22 41559  
to 3319.30 of the Revised Code, but who are otherwise qualified, 41560  
to teach classes for not more than a total of twelve hours a 41561  
week, except that an individual teaching in a STEM school may 41562  
teach classes for not more than a total of forty hours a week. 41563  
~~The state board~~ department of learning and achievement, by rule, 41564  
shall set forth the qualifications, other than licensure under 41565  
sections 3319.22 to 3319.30 of the Revised Code, to be met by 41566  
individuals in order to be issued a permit as provided in this 41567  
section. Such qualifications shall include the possession of a 41568  
baccalaureate, master's, or doctoral degree in, or significant 41569  
experience related to, the subject the individual is to teach. 41570  
Applications for permits pursuant to this section shall be made 41571  
in accordance with section 3319.29 of the Revised Code. 41572

~~The state board~~ department, by rule, shall authorize the 41573  
board of education of each school district and each STEM school 41574  
to engage individuals holding permits issued under this section 41575  
to teach classes for not more than the total number of hours a 41576  
week specified in the permit. The rules shall include provisions 41577  
with regard to each of the following: 41578

(1) That a board of education or STEM school shall engage 41579  
a nonlicensed individual to teach pursuant to this section on a 41580  
volunteer basis, or by entering into a contract with the 41581  
individual or the individual's employer on such terms and 41582  
conditions as are agreed to between the board or school and the 41583

individual or the individual's employer; 41584

(2) That an employee of the board of education or STEM 41585  
school who is licensed under sections 3319.22 to 3319.30 of the 41586  
Revised Code shall directly supervise a nonlicensed individual 41587  
who is engaged to teach pursuant to this section until the 41588  
superintendent of the school district or the chief 41589  
administrative officer of the STEM school is satisfied that the 41590  
nonlicensed individual has sufficient understanding of, and 41591  
experience in, effective teaching methods to teach without 41592  
supervision. 41593

(C) A nonlicensed individual engaged to teach pursuant to 41594  
this section is a teacher for the purposes of Title XXXIII of 41595  
the Revised Code except for the purposes of Chapters 3307. and 41596  
3317. and sections 3319.07 to 3319.31 of the Revised Code. Such 41597  
an individual is not an employee of the board of education or 41598  
STEM school for the purpose of Titles I or XLI or Chapter 3309. 41599  
of the Revised Code. 41600

(D) Students enrolled in a class taught by a nonlicensed 41601  
individual pursuant to this section and rules adopted thereunder 41602  
shall receive the same credit as if the class had been taught by 41603  
an employee licensed pursuant to sections 3319.22 to 3319.30 of 41604  
the Revised Code. 41605

(E) No board of education of any school district shall 41606  
engage any one or more nonlicensed individuals if such 41607  
employment displaces from employment an existing licensed 41608  
employee of the district. 41609

**Sec. 3319.303.** (A) The state board of education department 41610  
of learning and achievement shall adopt rules establishing 41611  
standards and requirements for obtaining a pupil-activity 41612

program permit for any individual who does not hold a valid 41613  
educator license, certificate, or permit issued by the state 41614  
board of education under section 3319.22, 3319.26, or 3319.27 of 41615  
the Revised Code. The permit issued under this section shall be 41616  
issued by the state board and shall be valid for coaching, 41617  
supervising, or directing a pupil-activity program under section 41618  
3313.53 of the Revised Code. Subject to the provisions of 41619  
section 3319.31 of the Revised Code, a permit issued under this 41620  
division shall be valid for three years and shall be renewable. 41621

(B) The ~~state board~~ department shall adopt rules 41622  
applicable to individuals who hold valid educator licenses, 41623  
certificates, or permits issued by the state board under section 41624  
3319.22, 3319.26, or 3319.27 of the Revised Code setting forth 41625  
standards to assure any such individual's competence to direct, 41626  
supervise, or coach a pupil-activity program described in 41627  
section 3313.53 of the Revised Code. The rules adopted under 41628  
this division shall not be more stringent than the standards set 41629  
forth in rules applicable to individuals who do not hold such 41630  
licenses, certificates, or permits adopted under division (A) of 41631  
this section. Subject to the provisions of section 3319.31 of 41632  
the Revised Code, a permit issued to an individual under this 41633  
division shall be valid for the same number of years as the 41634  
individual's educator license, certificate, or permit issued 41635  
under section 3319.22, 3319.26, or 3319.27 of the Revised Code 41636  
and shall be renewable. 41637

(C) As a condition to issuing or renewing a pupil-activity 41638  
program permit to coach interscholastic athletics: 41639

(1) The state board shall require each individual applying 41640  
for a first permit on or after April 26, 2013, to successfully 41641  
complete a training program that is specifically focused on 41642

brain trauma and brain injury management. 41643

(2) The state board shall require each individual applying 41644  
for a permit renewal on or after that date to present evidence 41645  
that the individual has successfully completed, within the 41646  
previous three years, a training program in recognizing the 41647  
symptoms of concussions and head injuries to which the 41648  
department of health has provided a link on its internet web 41649  
site under section 3707.52 of the Revised Code or a training 41650  
program authorized and required by an organization that 41651  
regulates interscholastic athletic competition and conducts 41652  
interscholastic athletic events. 41653

**Sec. 3319.31.** (A) As used in this section and sections 41654  
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 41655  
means a certificate, license, or permit described in this 41656  
chapter or in division (B) of section 3301.071 or in section 41657  
3301.074 of the Revised Code. 41658

(B) For any of the following reasons, the state board of 41659  
education, in accordance with Chapter 119. and section 3319.311 41660  
of the Revised Code, may refuse to issue a license to an 41661  
applicant; may limit a license it issues to an applicant; may 41662  
suspend, revoke, or limit a license that has been issued to any 41663  
person; or may revoke a license that has been issued to any 41664  
person and has expired: 41665

(1) Engaging in an immoral act, incompetence, negligence, 41666  
or conduct that is unbecoming to the applicant's or person's 41667  
position; 41668

(2) A plea of guilty to, a finding of guilt by a jury or 41669  
court of, or a conviction of any of the following: 41670

(a) A felony other than a felony listed in division (C) of 41671

this section; 41672

(b) An offense of violence other than an offense of violence listed in division (C) of this section; 41673  
41674

(c) A theft offense, as defined in section 2913.01 of the Revised Code, other than a theft offense listed in division (C) of this section; 41675  
41676  
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(d) A drug abuse offense, as defined in section 2925.01 of the Revised Code, that is not a minor misdemeanor, other than a drug abuse offense listed in division (C) of this section; 41678  
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(e) A violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in divisions (B) (2) (a) to (d) of this section. 41681  
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(3) A judicial finding of eligibility for intervention in lieu of conviction under section 2951.041 of the Revised Code, or agreeing to participate in a pre-trial diversion program under section 2935.36 of the Revised Code, or a similar diversion program under rules of a court, for any offense listed in division (B) (2) or (C) of this section; 41684  
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(4) Failure to comply with section ~~3313.536~~, 3314.40, 3319.313, 3326.24, 3328.19, ~~or~~ 5126.253, or 5502.262 of the Revised Code. 41690  
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Adjudication and investigation of a denial, suspension, revocation, or limitation of a certificate issued under section 3319.101 or a permit issued under section 3319.088 of the Revised Code shall be conducted by the state board of education in accordance with this section and section 3319.311 of the Revised Code. 41693  
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(C) Upon learning of a plea of guilty to, a finding of 41699

guilt by a jury or court of, or a conviction of any of the 41700  
offenses listed in this division by a person who holds a current 41701  
or expired license or is an applicant for a license or renewal 41702  
of a license, the state board or the superintendent of public 41703  
instruction, if the state board has delegated the duty pursuant 41704  
to division (D) of this section, shall by a written order revoke 41705  
the person's license or deny issuance or renewal of the license 41706  
to the person. The state board or the state superintendent shall 41707  
revoke a license that has been issued to a person to whom this 41708  
division applies and has expired in the same manner as a license 41709  
that has not expired. 41710

Revocation of a license or denial of issuance or renewal 41711  
of a license under this division is effective immediately at the 41712  
time and date that the state board or state superintendent 41713  
issues the written order and is not subject to appeal in 41714  
accordance with Chapter 119. of the Revised Code. Revocation of 41715  
a license or denial of issuance or renewal of license under this 41716  
division remains in force during the pendency of an appeal by 41717  
the person of the plea of guilty, finding of guilt, or 41718  
conviction that is the basis of the action taken under this 41719  
division. 41720

The state board or state superintendent shall take the 41721  
action required by this division for a violation of division (B) 41722  
(1), (2), (3), or (4) of section 2919.22 of the Revised Code; a 41723  
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 41724  
2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 41725  
2905.11, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 41726  
2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 41727  
2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 41728  
2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 41729  
2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 2917.31, 41730

2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 2921.04, 41731  
2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 41732  
2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 41733  
2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.32, 41734  
2925.36, 2925.37, 2927.24, or 3716.11 of the Revised Code; a 41735  
violation of section 2905.04 of the Revised Code as it existed 41736  
prior to July 1, 1996; a violation of section 2919.23 of the 41737  
Revised Code that would have been a violation of section 2905.04 41738  
of the Revised Code as it existed prior to July 1, 1996, had the 41739  
violation been committed prior to that date; felonious sexual 41740  
penetration in violation of former section 2907.12 of the 41741  
Revised Code; or a violation of an ordinance of a municipal 41742  
corporation that is substantively comparable to an offense 41743  
listed in this paragraph. 41744

(D) The state board may delegate to the superintendent of 41745  
public instruction the authority to revoke a person's license or 41746  
to deny issuance or renewal of a license to a person under 41747  
division (C) or (F) of this section. 41748

(E) (1) If the plea of guilty, finding of guilt, or 41749  
conviction that is the basis of the action taken under division 41750  
(B) (2) or (C) of this section, or under the version of division 41751  
(F) of section 3319.311 of the Revised Code in effect prior to 41752  
September 12, 2008, is overturned on appeal, upon exhaustion of 41753  
the criminal appeal, the clerk of the court that overturned the 41754  
plea, finding, or conviction or, if applicable, the clerk of the 41755  
court that accepted an appeal from the court that overturned the 41756  
plea, finding, or conviction, shall notify the state board that 41757  
the plea, finding, or conviction has been overturned. Within 41758  
thirty days after receiving the notification, the state board 41759  
shall initiate proceedings to reconsider the revocation or 41760  
denial of the person's license in accordance with division (E) 41761

(2) of this section. In addition, the person whose license was 41762  
revoked or denied may file with the state board a petition for 41763  
reconsideration of the revocation or denial along with 41764  
appropriate court documents. 41765

(2) Upon receipt of a court notification or a petition and 41766  
supporting court documents under division (E) (1) of this 41767  
section, the state board, after offering the person an 41768  
opportunity for an adjudication hearing under Chapter 119. of 41769  
the Revised Code, shall determine whether the person committed 41770  
the act in question in the prior criminal action against the 41771  
person that is the basis of the revocation or denial and may 41772  
continue the revocation or denial, may reinstate the person's 41773  
license, with or without limits, or may grant the person a new 41774  
license, with or without limits. The decision of the state board 41775  
shall be based on grounds for revoking, denying, suspending, or 41776  
limiting a license adopted by rule under division (G) of this 41777  
section and in accordance with the evidentiary standards the 41778  
board employs for all other licensure hearings. The decision of 41779  
the state board under this division is subject to appeal under 41780  
Chapter 119. of the Revised Code. 41781

(3) A person whose license is revoked or denied under 41782  
division (C) of this section shall not apply for any license if 41783  
the plea of guilty, finding of guilt, or conviction that is the 41784  
basis of the revocation or denial, upon completion of the 41785  
criminal appeal, either is upheld or is overturned but the state 41786  
board continues the revocation or denial under division (E) (2) 41787  
of this section and that continuation is upheld on final appeal. 41788

(F) The state board may take action under division (B) of 41789  
this section, and the state board or the state superintendent 41790  
shall take the action required under division (C) of this 41791

section, on the basis of substantially comparable conduct 41792  
occurring in a jurisdiction outside this state or occurring 41793  
before a person applies for or receives any license. 41794

(G) The state board may adopt rules in accordance with 41795  
Chapter 119. of the Revised Code to carry out this section and 41796  
section 3319.311 of the Revised Code. 41797

**Sec. 3319.313.** (A) As used in this section: 41798

(1) "Conduct unbecoming to the teaching profession" shall 41799  
be as described in rules adopted by the ~~state board of education~~ 41800  
department of learning and achievement. 41801

(2) "Intervention in lieu of conviction" means 41802  
intervention in lieu of conviction under section 2951.041 of the 41803  
Revised Code. 41804

(3) "License" has the same meaning as in section 3319.31 41805  
of the Revised Code. 41806

(4) "Pre-trial diversion program" means a pre-trial 41807  
diversion program under section 2935.36 of the Revised Code or a 41808  
similar diversion program under rules of a court. 41809

(B) The superintendent of each school district and each 41810  
educational service center or the president of the district or 41811  
service center board, if division (C) (1) of this section 41812  
applies, and the chief administrator of each chartered nonpublic 41813  
school or the president or chairperson of the governing 41814  
authority of the nonpublic school, if division (C) (2) of this 41815  
section applies, shall promptly submit to the superintendent of 41816  
public instruction the information prescribed in division (D) of 41817  
this section when any of the following conditions applies to an 41818  
employee of the district, service center, or nonpublic school 41819  
who holds a license issued by the state board of education: 41820

(1) The superintendent, chief administrator, president, or chairperson knows that the employee has pleaded guilty to, has been found guilty by a jury or court of, has been convicted of, has been found to be eligible for intervention in lieu of conviction for, or has agreed to participate in a pre-trial diversion program for an offense described in division (B) (2) or (C) of section 3319.31 or division (B) (1) of section 3319.39 of the Revised Code;

(2) The district board of education, service center governing board, or nonpublic school chief administrator or governing authority has initiated termination or nonrenewal proceedings against, has terminated, or has not renewed the contract of the employee because the board of education, governing board, or chief administrator has reasonably determined that the employee has committed an act that is unbecoming to the teaching profession or an offense described in division (B) (2) or (C) of section 3319.31 or division (B) (1) of section 3319.39 of the Revised Code;

(3) The employee has resigned under threat of termination or nonrenewal as described in division (B) (2) of this section;

(4) The employee has resigned because of or in the course of an investigation by the board of education, governing board, or chief administrator regarding whether the employee has committed an act that is unbecoming to the teaching profession or an offense described in division (B) (2) or (C) of section 3319.31 or division (B) (1) of section 3319.39 of the Revised Code.

(C) (1) If the employee to whom any of the conditions prescribed in divisions (B) (1) to (4) of this section applies is the superintendent or treasurer of a school district or

educational service center, the president of the board of 41851  
education of the school district or of the governing board of 41852  
the educational service center shall make the report required 41853  
under this section. 41854

(2) If the employee to whom any of the conditions 41855  
prescribed in divisions (B) (1) to (4) of this section applies is 41856  
the chief administrator of a chartered nonpublic school, the 41857  
president or chairperson of the governing authority of the 41858  
chartered nonpublic school shall make the report required under 41859  
this section. 41860

(D) If a report is required under this section, the 41861  
superintendent, chief administrator, president, or chairperson 41862  
shall submit to the superintendent of public instruction the 41863  
name and social security number of the employee about whom the 41864  
information is required and a factual statement regarding any of 41865  
the conditions prescribed in divisions (B) (1) to (4) of this 41866  
section that applies to the employee. 41867

(E) A determination made by the board of education, 41868  
governing board, chief administrator, or governing authority as 41869  
described in division (B) (2) of this section or a termination, 41870  
nonrenewal, resignation, or other separation described in 41871  
divisions (B) (2) to (4) of this section does not create a 41872  
presumption of the commission or lack of the commission by the 41873  
employee of an act unbecoming to the teaching profession or an 41874  
offense described in division (B) (2) or (C) of section 3319.31 41875  
or division (B) (1) of section 3319.39 of the Revised Code. 41876

(F) No individual required to submit a report under 41877  
division (B) of this section shall knowingly fail to comply with 41878  
that division. 41879

(G) An individual who provides information to the superintendent of public instruction in accordance with this section in good faith shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the provision of that information.

**Sec. 3319.316.** The department of ~~education, on behalf of the state board of education,~~ learning and achievement shall be a participating public office for purposes of the retained applicant fingerprint database established under section 109.5721 of the Revised Code and shall receive notification from the bureau of criminal identification and investigation of the arrest or conviction of persons to whom the state board of education has issued a license, as defined in section 3319.31 of the Revised Code.

**Sec. 3319.317.** (A) As used in this section, "license" has the same meaning as in section 3319.31 of the Revised Code.

(B) No employee of a school district or educational service center shall do either of the following:

(1) Knowingly make a false report to the district or service center superintendent, or the superintendent's designee, alleging misconduct by another employee of the district or service center;

(2) Knowingly cause the district or service center superintendent, or the superintendent's designee, to make a false report of the alleged misconduct to the department of learning and achievement, the superintendent of public instruction, or the state board of education.

(C) Any employee of a school district or educational

service center who in good faith reports to the district or 41909  
service center superintendent, or the superintendent's designee, 41910  
information about alleged misconduct committed by another 41911  
employee of the district or service center shall be immune from 41912  
any civil liability that otherwise might be incurred or imposed 41913  
for injury, death, or loss to person or property as a result of 41914  
the reporting of that information. 41915

If the alleged misconduct involves a person who holds a 41916  
license but the district or service center superintendent is not 41917  
required to submit a report to the superintendent of public 41918  
instruction under section 3319.313 of the Revised Code and the 41919  
district or service center superintendent, or the 41920  
superintendent's designee, in good faith reports the alleged 41921  
misconduct to the department, the state superintendent of public 41922  
instruction, or the state board, the district or service center 41923  
superintendent, or the superintendent's designee, shall be 41924  
immune from any civil liability that otherwise might be incurred 41925  
or imposed for injury, death, or loss to person or property as a 41926  
result of the reporting of that information. 41927

(D) No employee of a chartered nonpublic school shall do 41928  
either of the following: 41929

(1) Knowingly make a false report to the chief 41930  
administrator of the school, or the chief administrator's 41931  
designee, alleging misconduct by another employee of the school; 41932

(2) Knowingly cause the chief administrator, or the chief 41933  
administrator's designee, to make a false report of the alleged 41934  
misconduct to the department, the state superintendent of public 41935  
instruction, or the state board. 41936

(E) Any employee of a chartered nonpublic school who in 41937

good faith reports to the chief administrator of the school, or 41938  
the chief administrator's designee, information about alleged 41939  
misconduct committed by another employee of the school shall be 41940  
immune from any civil liability that otherwise might be incurred 41941  
or imposed for injury, death, or loss to person or property as a 41942  
result of the reporting of that information. 41943

If the alleged misconduct involves a person who holds a 41944  
license but the chief administrator is not required to submit a 41945  
report to the superintendent of public instruction under section 41946  
3319.313 of the Revised Code and the chief administrator, or the 41947  
chief administrator's designee, in good faith reports the 41948  
alleged misconduct to the department, the state superintendent 41949  
~~of public instruction,~~ or the state board, the chief 41950  
administrator, or the chief administrator's designee, shall be 41951  
immune from any civil liability that otherwise might be incurred 41952  
or imposed for injury, death, or loss to person or property as a 41953  
result of the reporting of that information. 41954

(F) (1) In any civil action brought against a person in 41955  
which it is alleged and proved that the person violated division 41956  
(B) or (D) of this section, the court shall award the prevailing 41957  
party reasonable attorney's fees and costs that the prevailing 41958  
party incurred in the civil action or as a result of the false 41959  
report that was the basis of the violation. 41960

(2) If a person is convicted of or pleads guilty to a 41961  
violation of division (B) or (D) of this section, if the subject 41962  
of the false report that was the basis of the violation was 41963  
charged with any violation of a law or ordinance as a result of 41964  
the false report, and if the subject of the false report is 41965  
found not to be guilty of the charges brought against the 41966  
subject as a result of the false report or those charges are 41967

dismissed, the court that sentences the person for the violation 41968  
of division (B) or (D) of this section, as part of the sentence, 41969  
shall order the person to pay restitution to the subject of the 41970  
false report, in an amount equal to reasonable attorney's fees 41971  
and costs that the subject of the false report incurred as a 41972  
result of or in relation to the charges. 41973

**Sec. 3319.33.** On or before the first day of August in each 41974  
year, the board of education of each city, exempted village, and 41975  
local school district shall report to the ~~state board of~~ 41976  
~~education~~ department of learning and achievement the school 41977  
statistics of its district. Such report shall be made on forms 41978  
furnished by the ~~state board of education~~ department and shall 41979  
contain such information as the ~~state board of education~~ 41980  
department requires. The report shall also set forth with 41981  
respect to each civil proceeding in which the board of education 41982  
is a defendant and each civil proceeding in which the board of 41983  
education is a party and is not a defendant and in which one of 41984  
the other parties is a board of education in this state or an 41985  
officer, board, or official of this state: 41986

(A) The nature of the proceeding; 41987

(B) The capacity in which the board is a party to the 41988  
proceeding; 41989

(C) The total expenses incurred by the board with respect 41990  
to the proceeding; 41991

(D) The total expenses incurred by the board with respect 41992  
to the proceeding during the reporting period. 41993

Divisions (A) to (D) of this section do not apply to any 41994  
proceeding for which no expenses have been incurred during the 41995  
reporting period. 41996

The board of education of each city, exempted village, and local school district may prepare and publish annually a report of the condition and administration of the schools under its supervision which shall include therein an exhibit of the financial affairs of the district and the information required in divisions (A) to (D) of this section. Such annual report shall be for a full year.

**Sec. 3319.35.** If the superintendent or treasurer of any school district or educational service center fails to prepare any required report, that superintendent shall be liable in the sum of three hundred dollars, to be recovered by a civil action. In the case of reports required to be submitted to the superintendent, such action shall be instituted in the name of the governing board of the service center upon the complaint of the service center superintendent and the amount collected shall be paid into the service center's general fund. In the case of reports to be submitted to the ~~state board of education~~ department of learning and achievement, the action shall be instituted in the name of the state on complaint of the board and the amount collected shall be paid into the general revenue fund.

**Sec. 3319.36.** (A) No treasurer of a board of education or educational service center shall draw a check for the payment of a teacher for services until the teacher files with the treasurer both of the following:

(1) Such reports as are required by the ~~state board of education~~ department of learning and achievement, the school district board of education, or the superintendent of schools;

(2) Except for a teacher who is engaged pursuant to section 3319.301 of the Revised Code, a written statement from

the city, exempted village, or local school district 42027  
superintendent or the educational service center superintendent 42028  
that the teacher has filed with the treasurer a legal educator 42029  
license, or true copy of it, to teach the subjects or grades 42030  
taught, with the dates of its validity. The state board of 42031  
education shall prescribe the record and administration for such 42032  
filing of educator licenses in educational service centers. 42033

(B) Notwithstanding division (A) of this section, the 42034  
treasurer may pay any of the following: 42035

(1) Any teacher for services rendered during the first two 42036  
months of the teacher's initial employment with the school 42037  
district or educational service center, provided such teacher is 42038  
the holder of a bachelor's degree or higher and has filed with 42039  
the state board of education an application for the issuance of 42040  
an educator license described in division (A) (1) of section 42041  
3319.22 of the Revised Code. 42042

(2) Any substitute teacher for services rendered while 42043  
conditionally employed under section 3319.101 of the Revised 42044  
Code. 42045

(3) Any employee for services rendered under division (F) 42046  
of section 3319.088 of the Revised Code. 42047

(C) Upon notice to the treasurer given by the state board 42048  
of education or any superintendent having jurisdiction that 42049  
reports required of a teacher have not been made, the treasurer 42050  
shall withhold the salary of the teacher until the required 42051  
reports are completed and furnished. 42052

**Sec. 3319.39.** (A) (1) Except as provided in division (F) (2) 42053  
(b) of section 109.57 of the Revised Code, the appointing or 42054  
hiring officer of the board of education of a school district, 42055

the governing board of an educational service center, or of a 42056  
chartered nonpublic school shall request the superintendent of 42057  
the bureau of criminal identification and investigation to 42058  
conduct a criminal records check with respect to any applicant 42059  
who has applied to the school district, educational service 42060  
center, or school for employment in any position. The appointing 42061  
or hiring officer shall request that the superintendent include 42062  
information from the federal bureau of investigation in the 42063  
criminal records check, unless all of the following apply to the 42064  
applicant: 42065

(a) The applicant is applying to be an instructor of adult 42066  
education. 42067

(b) The duties of the position for which the applicant is 42068  
applying do not involve routine interaction with a child or 42069  
regular responsibility for the care, custody, or control of a 42070  
child or, if the duties do involve such interaction or 42071  
responsibility, during any period of time in which the 42072  
applicant, if hired, has such interaction or responsibility, 42073  
another employee of the school district, educational service 42074  
center, or chartered nonpublic school will be present in the 42075  
same room with the child or, if outdoors, will be within a 42076  
thirty-yard radius of the child or have visual contact with the 42077  
child. 42078

(c) The applicant presents proof that the applicant has 42079  
been a resident of this state for the five-year period 42080  
immediately prior to the date upon which the criminal records 42081  
check is requested or provides evidence that within that five- 42082  
year period the superintendent has requested information about 42083  
the applicant from the federal bureau of investigation in a 42084  
criminal records check. 42085

(2) A person required by division (A) (1) of this section 42086  
to request a criminal records check shall provide to each 42087  
applicant a copy of the form prescribed pursuant to division (C) 42088  
(1) of section 109.572 of the Revised Code, provide to each 42089  
applicant a standard impression sheet to obtain fingerprint 42090  
impressions prescribed pursuant to division (C) (2) of section 42091  
109.572 of the Revised Code, obtain the completed form and 42092  
impression sheet from each applicant, and forward the completed 42093  
form and impression sheet to the superintendent of the bureau of 42094  
criminal identification and investigation at the time the person 42095  
requests a criminal records check pursuant to division (A) (1) of 42096  
this section. 42097

(3) An applicant who receives pursuant to division (A) (2) 42098  
of this section a copy of the form prescribed pursuant to 42099  
division (C) (1) of section 109.572 of the Revised Code and a 42100  
copy of an impression sheet prescribed pursuant to division (C) 42101  
(2) of that section and who is requested to complete the form 42102  
and provide a set of fingerprint impressions shall complete the 42103  
form or provide all the information necessary to complete the 42104  
form and shall provide the impression sheet with the impressions 42105  
of the applicant's fingerprints. If an applicant, upon request, 42106  
fails to provide the information necessary to complete the form 42107  
or fails to provide impressions of the applicant's fingerprints, 42108  
the board of education of a school district, governing board of 42109  
an educational service center, or governing authority of a 42110  
chartered nonpublic school shall not employ that applicant for 42111  
any position. 42112

(4) Notwithstanding any provision of this section to the 42113  
contrary, an applicant who meets the conditions prescribed in 42114  
divisions (A) (1) (a) and (b) of this section and who, within the 42115  
two-year period prior to the date of application, was the 42116

subject of a criminal records check under this section prior to 42117  
being hired for short-term employment with the school district, 42118  
educational service center, or chartered nonpublic school to 42119  
which application is being made shall not be required to undergo 42120  
a criminal records check prior to the applicant's rehiring by 42121  
that district, service center, or school. 42122

(B) (1) Except as provided in rules adopted by the 42123  
department of ~~education~~ learning and achievement in accordance 42124  
with division (E) of this section and as provided in division 42125  
(B) (3) of this section, no board of education of a school 42126  
district, no governing board of an educational service center, 42127  
and no governing authority of a chartered nonpublic school shall 42128  
employ a person if the person previously has been convicted of 42129  
or pleaded guilty to any of the following: 42130

(a) A violation of section 2903.01, 2903.02, 2903.03, 42131  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 42132  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 42133  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 42134  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 42135  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 42136  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 42137  
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 42138  
section 2905.04 of the Revised Code as it existed prior to July 42139  
1, 1996, a violation of section 2919.23 of the Revised Code that 42140  
would have been a violation of section 2905.04 of the Revised 42141  
Code as it existed prior to July 1, 1996, had the violation been 42142  
committed prior to that date, a violation of section 2925.11 of 42143  
the Revised Code that is not a minor drug possession offense, or 42144  
felonious sexual penetration in violation of former section 42145  
2907.12 of the Revised Code; 42146

(b) A violation of an existing or former law of this state, another state, or the United States that is substantially equivalent to any of the offenses or violations described in division (B) (1) (a) of this section.

(2) A board, governing board of an educational service center, or a governing authority of a chartered nonpublic school may employ an applicant conditionally until the criminal records check required by this section is completed and the board or governing authority receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B) (1) of this section, the applicant does not qualify for employment, the board or governing authority shall release the applicant from employment.

(3) No board and no governing authority of a chartered nonpublic school shall employ a teacher who previously has been convicted of or pleaded guilty to any of the offenses listed in section 3319.31 of the Revised Code.

(C) (1) Each board and each governing authority of a chartered nonpublic school shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C) (3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (A) (1) of this section of the appointing or hiring officer of the board or governing authority.

(2) A board and the governing authority of a chartered nonpublic school may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the board or governing authority pays under division (C) (1)

of this section. If a fee is charged under this division, the 42177  
board or governing authority shall notify the applicant at the 42178  
time of the applicant's initial application for employment of 42179  
the amount of the fee and that, unless the fee is paid, the 42180  
board or governing authority will not consider the applicant for 42181  
employment. 42182

(D) The report of any criminal records check conducted by 42183  
the bureau of criminal identification and investigation in 42184  
accordance with section 109.572 of the Revised Code and pursuant 42185  
to a request under division (A) (1) of this section is not a 42186  
public record for the purposes of section 149.43 of the Revised 42187  
Code and shall not be made available to any person other than 42188  
the applicant who is the subject of the criminal records check 42189  
or the applicant's representative, the board or governing 42190  
authority requesting the criminal records check or its 42191  
representative, and any court, hearing officer, or other 42192  
necessary individual involved in a case dealing with the denial 42193  
of employment to the applicant. 42194

(E) The department of ~~education~~learning and achievement 42195  
shall adopt rules pursuant to Chapter 119. of the Revised Code 42196  
to implement this section, including rules specifying 42197  
circumstances under which the board or governing authority may 42198  
hire a person who has been convicted of an offense listed in 42199  
division (B) (1) or (3) of this section but who meets standards 42200  
in regard to rehabilitation set by the department. 42201

The department shall amend rule 3301-83-23 of the Ohio 42202  
Administrative Code that took effect August 27, 2009, and that 42203  
specifies the offenses that disqualify a person for employment 42204  
as a school bus or school van driver and establishes 42205  
rehabilitation standards for school bus and school van drivers. 42206

(F) Any person required by division (A) (1) of this section 42207  
to request a criminal records check shall inform each person, at 42208  
the time of the person's initial application for employment, of 42209  
the requirement to provide a set of fingerprint impressions and 42210  
that a criminal records check is required to be conducted and 42211  
satisfactorily completed in accordance with section 109.572 of 42212  
the Revised Code if the person comes under final consideration 42213  
for appointment or employment as a precondition to employment 42214  
for the school district, educational service center, or school 42215  
for that position. 42216

(G) As used in this section: 42217

(1) "Applicant" means a person who is under final 42218  
consideration for appointment or employment in a position with a 42219  
board of education, governing board of an educational service 42220  
center, or a chartered nonpublic school, except that "applicant" 42221  
does not include a person already employed by a board or 42222  
chartered nonpublic school who is under consideration for a 42223  
different position with such board or school. 42224

(2) "Teacher" means a person holding an educator license 42225  
or permit issued under section 3319.22 or 3319.301 of the 42226  
Revised Code and teachers in a chartered nonpublic school. 42227

(3) "Criminal records check" has the same meaning as in 42228  
section 109.572 of the Revised Code. 42229

(4) "Minor drug possession offense" has the same meaning 42230  
as in section 2925.01 of the Revised Code. 42231

(H) If the board of education of a local school district 42232  
adopts a resolution requesting the assistance of the educational 42233  
service center in which the local district has territory in 42234  
conducting criminal records checks of substitute teachers and 42235

substitutes for other district employees under this section, the 42236  
appointing or hiring officer of such educational service center 42237  
shall serve for purposes of this section as the appointing or 42238  
hiring officer of the local board in the case of hiring 42239  
substitute teachers and other substitute employees for the local 42240  
district. 42241

**Sec. 3319.391.** This section applies to any person hired by 42242  
a school district, educational service center, or chartered 42243  
nonpublic school in any position that does not require a 42244  
"license" issued by the state board of education, as defined in 42245  
section 3319.31 of the Revised Code, and is not for the 42246  
operation of a vehicle for pupil transportation. 42247

(A) For each person to whom this section applies who is 42248  
hired on or after November 14, 2007, the employer shall request 42249  
a criminal records check in accordance with section 3319.39 of 42250  
the Revised Code and shall request a subsequent criminal records 42251  
check by the fifth day of September every fifth year thereafter. 42252  
For each person to whom this division applies who is hired prior 42253  
to November 14, 2007, the employer shall request a criminal 42254  
records check by a date prescribed by the department of 42255  
~~education-learning and achievement~~ and shall request a 42256  
subsequent criminal records check by the fifth day of September 42257  
every fifth year thereafter. 42258

(B) (1) Each request for a criminal records check under 42259  
this section shall be made to the superintendent of the bureau 42260  
of criminal identification and investigation in the manner 42261  
prescribed in section 3319.39 of the Revised Code, except that 42262  
if both of the following conditions apply to the person subject 42263  
to the records check, the employer shall request the 42264  
superintendent only to obtain any criminal records that the 42265

federal bureau of investigation has on the person: 42266

(a) The employer previously requested the superintendent 42267  
to determine whether the bureau of criminal identification and 42268  
investigation has any information, gathered pursuant to division 42269  
(A) of section 109.57 of the Revised Code, on the person in 42270  
conjunction with a criminal records check requested under 42271  
section 3319.39 of the Revised Code or under this section. 42272

(b) The person presents proof that the person has been a 42273  
resident of this state for the five-year period immediately 42274  
prior to the date upon which the person becomes subject to a 42275  
criminal records check under this section. 42276

(2) Upon receipt of a request under division (B)(1) of 42277  
this section, the superintendent shall conduct the criminal 42278  
records check in accordance with section 109.572 of the Revised 42279  
Code as if the request had been made under section 3319.39 of 42280  
the Revised Code. However, as specified in division (B)(2) of 42281  
section 109.572 of the Revised Code, if the employer requests 42282  
the superintendent only to obtain any criminal records that the 42283  
federal bureau of investigation has on the person for whom the 42284  
request is made, the superintendent shall not conduct the review 42285  
prescribed by division (B)(1) of that section. 42286

(C) Any person who is the subject of a criminal records 42287  
check under this section and has been convicted of or pleaded 42288  
guilty to any offense described in division (B)(1) of section 42289  
3319.39 of the Revised Code shall not be hired or shall be 42290  
released from employment, as applicable, unless the person meets 42291  
the rehabilitation standards adopted by the department under 42292  
division (E) of that section. 42293

**Sec. 3319.40.** (A) As used in this section, "license" has 42294

the same meaning as in section 3319.31 of the Revised Code. 42295

(B) If a person who is employed by a school district or 42296  
chartered nonpublic school is arrested, summoned, or indicted 42297  
for an alleged violation of an offense listed in division (C) of 42298  
section 3319.31 of the Revised Code, if the person holds a 42299  
license, or an offense listed in division (B) (1) of section 42300  
3319.39 of the Revised Code, if the person does not hold a 42301  
license, the superintendent of the district or the chief 42302  
administrative officer of the chartered nonpublic school shall 42303  
suspend that person from all duties that require the care, 42304  
custody, or control of a child during the pendency of the 42305  
criminal action against the person. If the person who is 42306  
arrested, summoned, or indicted for an alleged violation of an 42307  
offense listed in division (C) of section 3319.31 or division 42308  
(B) (1) of section 3319.39 of the Revised Code is a person whose 42309  
duties are assigned by the district treasurer under division (B) 42310  
of section 3313.31 of the Revised Code, the treasurer shall 42311  
suspend the person from all duties that require the care, 42312  
custody, or control of a child. If the person who is arrested, 42313  
summoned, or indicted for an alleged violation of an offense 42314  
listed in division (C) of section 3319.31 or division (B) (1) of 42315  
section 3319.39 of the Revised Code is the superintendent or 42316  
treasurer of the district, the district board shall suspend the 42317  
superintendent or treasurer from all duties that require the 42318  
care, custody, or control of a child. If the person who is 42319  
arrested, summoned, or indicted for an alleged violation of an 42320  
offense listed in division (C) of section 3319.31 or division 42321  
(B) (1) of section 3319.39 of the Revised Code is the chief 42322  
administrative officer of the chartered nonpublic school, the 42323  
governing authority of the chartered nonpublic school shall 42324  
suspend the chief administrative officer from all duties that 42325

require the care, custody, or control of a child. 42326

(C) When a person who holds a license is suspended in 42327  
accordance with this section, the superintendent, treasurer, 42328  
board of education, chief administrative officer, or governing 42329  
authority that imposed the suspension promptly shall report the 42330  
person's suspension to the department of education and 42331  
department of learning and achievement. The report shall include 42332  
the offense for which the person was arrested, summoned, or 42333  
indicted. 42334

**Sec. 3319.43.** The "designated state official" defined 42335  
pursuant to article II of section 3319.42 of the Revised Code 42336  
shall be the ~~superintendent of public instruction~~ director of 42337  
learning and achievement. ~~He~~ The director shall enter into 42338  
contracts pursuant to article III of section 3319.42 of the 42339  
Revised Code only with the approval of the specific text thereof 42340  
by the ~~state board of education~~ governor. 42341

**Sec. 3319.44.** True copies of all contracts made on behalf 42342  
of this state pursuant to sections 3319.42 and 3319.43 of the 42343  
Revised Code shall be kept on file in the offices of the ~~state~~ 42344  
department of ~~education~~ learning and achievement and of the 42345  
secretary of state. The ~~state~~ department of ~~education~~ shall 42346  
publish all such contracts in convenient form. 42347

**Sec. 3319.46.** The ~~state board of education~~ department of 42348  
learning and achievement shall adopt rules under Chapter 119. of 42349  
the Revised Code that establish a policy and standards for the 42350  
implementation of positive behavior intervention supports and 42351  
the use of physical restraint or seclusion on students. 42352

Each school district board of education shall comply with 42353  
the policy and standards adopted by the ~~state board~~ department 42354

under this section. 42355

**Sec. 3319.52.** (A) As used in this section: 42356

(1) "Intervention in lieu of conviction" means 42357  
intervention in lieu of conviction under section 2951.041 of the 42358  
Revised Code. 42359

(2) "License" has the same meaning as in section 3319.31 42360  
of the Revised Code. 42361

(3) "Pre-trial diversion program" means a pre-trial 42362  
diversion program under section 2935.36 of the Revised Code or a 42363  
similar diversion program under rules of a court. 42364

(4) "Prosecutor" has the same meaning as in section 42365  
2935.01 of the Revised Code. 42366

(B) If there is any judicial finding of guilt or any 42367  
conviction or a judicial finding of eligibility for intervention 42368  
in lieu of conviction against a license holder, or if a license 42369  
holder agrees to participate in a pre-trial diversion program, 42370  
for any of the offenses listed in division (B)(2) or (C) of 42371  
section 3319.31 of the Revised Code, the prosecutor in the case, 42372  
on forms that the ~~state board of education~~ department of 42373  
learning and achievement shall prescribe and furnish, promptly 42374  
shall notify the state board of education and, if known, any 42375  
school district or chartered nonpublic school employing the 42376  
license holder of the license holder's name and residence 42377  
address, and the fact that the license holder pleaded guilty to, 42378  
was convicted of, has been found eligible for intervention in 42379  
lieu of conviction for, or has agreed to a diversion program for 42380  
the offense. 42381

**Sec. 3319.55.** (A) A grant program is hereby established to 42382  
recognize and reward teachers in public and chartered nonpublic 42383

schools who hold valid teaching certificates or licenses issued 42384  
by the national board for professional teaching standards. The 42385  
~~superintendent of public instruction~~ department of learning and 42386  
achievement shall administer this program in accordance with 42387  
this section and rules which the ~~state board of education~~ 42388  
department shall adopt in accordance with Chapter 119. of the 42389  
Revised Code. 42390

In each fiscal year that the general assembly appropriates 42391  
funds for purposes of this section, the ~~superintendent of public~~ 42392  
~~instruction~~ director of learning and achievement shall award a 42393  
grant to each person who, by the first day of April of that year 42394  
and in accordance with the rules adopted under this section, 42395  
submits to the ~~superintendent~~ director evidence indicating both 42396  
of the following: 42397

(1) The person holds a valid certificate or license issued 42398  
by the national board for professional teaching standards; 42399

(2) The person has been employed full-time as a teacher by 42400  
the board of education of a school district or by a chartered 42401  
nonpublic school in this state during the current school year. 42402

An individual may receive a grant under this section in 42403  
each fiscal year the person is eligible for a grant and submits 42404  
evidence of that eligibility in accordance with this section. No 42405  
person may receive a grant after the expiration of the person's 42406  
initial certification or license issued by the national board. 42407

(B) The amount of the grant awarded to each eligible 42408  
person under division (A) of this section in any fiscal year 42409  
shall equal two thousand five hundred dollars. However, if the 42410  
funds appropriated for purposes of this section in any fiscal 42411  
year are not sufficient to award the full grant amount to each 42412

person who is eligible in that fiscal year, the ~~superintendent-~~ 42413  
director shall prorate the amount of the grant awarded in that 42414  
fiscal year to each eligible person. 42415

**Sec. 3319.56.** The department of ~~education-learning and~~ 42416  
achievement shall identify promising practices in Ohio and 42417  
throughout the country for engaging teachers certified by the 42418  
national board for professional teaching standards, and lead 42419  
teachers who meet the criteria adopted by the educator standards 42420  
board pursuant to section 3319.61 of the Revised Code, in ways 42421  
that add value beyond their own classrooms. Practices identified 42422  
by the department as promising may include placing national 42423  
board certified and lead teachers in key roles in peer review 42424  
programs; having such teachers serve as coaches, mentors, and 42425  
trainers for other teachers; or having such teachers develop 42426  
curricula or instructional integration strategies. 42427

Once the department has identified promising practices, 42428  
the department shall inform all school districts of the 42429  
practices by posting such information on the department's world 42430  
wide web site. 42431

**Sec. 3319.57.** (A) A grant program is hereby established 42432  
under which the department of ~~education-learning and achievement~~ 42433  
shall award grants to assist certain schools in a city, exempted 42434  
village, local, or joint vocational school district in 42435  
implementing one of the following innovations: 42436

(1) The use of instructional specialists to mentor and 42437  
support classroom teachers; 42438

(2) The use of building managers to supervise the 42439  
administrative functions of school operation so that a school 42440  
principal can focus on supporting instruction, providing 42441

- instructional leadership, and engaging teachers as part of the instructional leadership team; 42442  
42443
- (3) The reconfiguration of school leadership structure in a manner that allows teachers to serve in leadership roles so that teachers may share the responsibility for making and implementing school decisions; 42444  
42445  
42446  
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- (4) The adoption of new models for restructuring the school day or school year, such as including teacher planning and collaboration time as part of the school day; 42448  
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- (5) The creation of smaller schools or smaller units within larger schools for the purpose of facilitating teacher collaboration to improve and advance the professional practice of teaching; 42451  
42452  
42453  
42454
- (6) The implementation of "grow your own" recruitment strategies that are designed to assist individuals who show a commitment to education become licensed teachers, to assist experienced teachers obtain licensure in subject areas for which there is need, and to assist teachers in becoming principals; 42455  
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42457  
42458  
42459
- (7) The provision of better conditions for new teachers, such as reduced teaching load and reduced class size; 42460  
42461
- (8) The provision of incentives to attract qualified mathematics, science, or special education teachers; 42462  
42463
- (9) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas; 42464  
42465  
42466
- (10) The implementation of a program to increase the cultural competency of both new and veteran teachers; 42467  
42468
- (11) The implementation of a program to increase the 42469

subject matter competency of veteran teachers. 42470

(B) To qualify for a grant to implement one of the 42471  
innovations described in division (A) of this section, a school 42472  
must meet both of the following criteria: 42473

(1) Be hard to staff, as defined by the department. 42474

(2) Use existing school district funds for the 42475  
implementation of the innovation in an amount equal to the grant 42476  
amount multiplied by (1 - the district's state share index for 42477  
the fiscal year in which the grant is awarded). 42478

For purposes of division (B) (2) of this section, "state 42479  
share index" has the same meaning as in section 3317.02 of the 42480  
Revised Code. 42481

(C) The amount and number of grants awarded under this 42482  
section shall be determined by the department based on any 42483  
appropriations made by the general assembly for grants under 42484  
this section. 42485

(D) The ~~state board of education~~ department shall adopt 42486  
rules for the administration of this grant program. 42487

**Sec. 3319.58.** (A) As used in this section, "core subject 42488  
area" has the same meaning as in section 3319.074 of the Revised 42489  
Code. 42490

(B) Each year, beginning with the 2015-2016 school year, 42491  
the board of education of each city, exempted village, local, 42492  
and joint vocational school district shall require each 42493  
classroom teacher who is currently teaching in a core subject 42494  
area and has received a rating of ineffective on the evaluations 42495  
conducted under section 3319.111 of the Revised Code for two of 42496  
the three most recent school years to register for and take all 42497

written examinations of content knowledge selected by the 42498  
department of ~~education~~ learning and achievement as appropriate 42499  
to determine expertise to teach that core subject area and the 42500  
grade level to which the teacher is assigned. 42501

(C) Each year, beginning with the 2015-2016 school year, 42502  
the governing authority of each community school established 42503  
under Chapter 3314. of the Revised Code except a community 42504  
school to which section 3314.017 of the Revised Code applies and 42505  
governing body of each STEM school established under Chapter 42506  
3326. of the Revised Code with a building ranked in the lowest 42507  
ten per cent of all public school buildings according to 42508  
performance index score, under section 3302.21 of the Revised 42509  
Code, shall require each classroom teacher currently teaching in 42510  
a core subject area in such a building to register for and take 42511  
all written examinations of content knowledge selected by the 42512  
department as appropriate to determine expertise to teach that 42513  
core subject area and the grade level to which the teacher is 42514  
assigned. 42515

(D) If a teacher who takes an examination under division 42516  
(B) of this section passes that examination and provides proof 42517  
of that passage to the teacher's employer, the employer shall 42518  
require the teacher, at the teacher's expense, to complete 42519  
professional development that is targeted to the deficiencies 42520  
identified in the teacher's evaluations conducted under section 42521  
3319.111 of the Revised Code. The receipt by the teacher of a 42522  
rating of ineffective on the teacher's next evaluation after 42523  
completion of the professional development, or the failure of 42524  
the teacher to complete the professional development, shall be 42525  
grounds for termination of the teacher under section 3319.16 of 42526  
the Revised Code. 42527

(E) If a teacher who takes an examination under this section passes that examination and provides proof of that passage to the teacher's employer, the teacher shall not be required to take the examination again for three years, regardless of the teacher's evaluation ratings or the performance index score ranking of the building in which the teacher teaches. No teacher shall be responsible for the cost of taking an examination under this section.

(F) Each district board of education, each community school governing authority, and each STEM school governing body may use the results of a teacher's examinations required under division (B) or (C) of this section in developing and revising professional development plans and in deciding whether or not to continue employing the teacher in accordance with the provisions of this chapter or Chapter 3314. or 3326. of the Revised Code. However, no decision to terminate or not to renew a teacher's employment contract shall be made solely on the basis of the results of a teacher's examination under this section until and unless the teacher has not attained a passing score on the same required examination for at least three consecutive administrations of that examination.

**Sec. 3319.60.** There is hereby established the educator standards board. The board shall develop and recommend to the ~~state board of education~~ department of learning and achievement standards for entering and continuing in the educator professions and standards for educator professional development. The board membership shall reflect the diversity of the state in terms of gender, race, ethnic background, and geographic distribution.

(A) The board shall consist of the following members:

(1) The following ~~eighteen~~twenty-one members appointed by 42558  
the ~~state board of education~~ department of learning and 42559  
achievement: 42560

(a) Ten persons employed as teachers in a school district. 42561  
Three persons appointed under this division shall be employed as 42562  
teachers in a secondary school, two persons shall be employed as 42563  
teachers in a middle school, three persons shall be employed as 42564  
teachers in an elementary school, one person shall be employed 42565  
as a teacher in a pre-kindergarten classroom, and one person 42566  
shall be a teacher who serves on a local professional 42567  
development committee pursuant to section 3319.22 of the Revised 42568  
Code. At least one person appointed under this division shall 42569  
hold a teaching certificate or license issued by the national 42570  
board for professional teaching standards. The Ohio education 42571  
association shall submit a list of fourteen nominees for these 42572  
appointments and the ~~state board~~ department shall appoint seven 42573  
members to the educator standards board from that list. The Ohio 42574  
federation of teachers shall submit a list of six nominees for 42575  
these appointments and the ~~state board~~ department shall appoint 42576  
three members to the educator standards board from that list. If 42577  
there is an insufficient number of nominees from both lists to 42578  
satisfy the membership requirements of this division, the ~~state-~~ 42579  
~~board~~ department shall request additional nominees who satisfy 42580  
those requirements. 42581

(b) One person employed as a teacher in a chartered, 42582  
nonpublic school. Stakeholder groups selected by the ~~state board~~ 42583  
department shall submit a list of two nominees for this 42584  
appointment. 42585

(c) Five persons employed as school administrators in a 42586  
school district. Of those five persons, one person shall be 42587

employed as a secondary school principal, one person shall be 42588  
employed as a middle school principal, one person shall be 42589  
employed as an elementary school principal, one person shall be 42590  
employed as a school district treasurer or business manager, and 42591  
one person shall be employed as a school district 42592  
superintendent. The buckeye association of school administrators 42593  
shall submit a list of two nominees for the school district 42594  
superintendent, the Ohio association of school business 42595  
officials shall submit a list of two nominees for the school 42596  
district treasurer or business manager, the Ohio association of 42597  
elementary school administrators shall submit a list of two 42598  
nominees for the elementary school principal, and the Ohio 42599  
association of secondary school administrators shall submit a 42600  
list of two nominees for the middle school principal and a list 42601  
of two nominees for the secondary school principal. 42602

(d) One person who is a member of a school district board 42603  
of education. The Ohio school boards association shall submit a 42604  
list of two nominees for this appointment. 42605

(e) One person who is a parent of a student currently 42606  
enrolled in a school operated by a school district. The Ohio 42607  
parent teacher association shall submit a list of two nominees 42608  
for this appointment. 42609

~~(2) The chancellor of the Ohio board of regents shall~~ 42610  
~~appoint three~~ (f) Three persons employed by institutions of 42611  
higher education that offer educator preparation programs. One 42612  
person shall be employed by an institution of higher education 42613  
that has a certificate of authorization under Chapter 1713. of 42614  
the Revised Code; one person shall be employed by a state 42615  
university, as defined in section 3345.011 of the Revised Code, 42616  
or a university branch; and one person shall be employed by a 42617

state community college, community college, or technical 42618  
college. Of the two persons appointed from an institution of 42619  
higher education that has a certificate of authorization under 42620  
Chapter 1713. of the Revised Code and from a state university or 42621  
university branch, one shall be employed in a college of 42622  
education and one shall be employed in a college of arts and 42623  
sciences. 42624

~~(3) (2) The superintendent of public instruction director~~ 42625  
~~of learning and achievement, or a designee of the superintendent~~ 42626  
~~director, the chancellor of the Ohio board of regents or a~~ 42627  
~~designee of the chancellor, and the chairpersons and the ranking~~ 42628  
minority members of the education committees of the senate and 42629  
house of representatives shall serve as nonvoting, ex officio 42630  
members. 42631

(B) Terms of office shall be for two years. Each member 42632  
shall hold office from the date of the member's appointment 42633  
until the end of the term for which the member was appointed. At 42634  
the first meeting, appointed members shall select a chairperson 42635  
and a vice-chairperson. Vacancies on the board shall be filled 42636  
in the same manner as prescribed for appointments under division 42637  
(A) of this section. Any member appointed to fill a vacancy 42638  
occurring prior to the expiration of the term for which the 42639  
member's predecessor was appointed shall hold office for the 42640  
remainder of such term. Any member shall continue in office 42641  
subsequent to the expiration date of the member's term until the 42642  
member's successor takes office, or until a period of sixty days 42643  
has elapsed, whichever occurs first. The terms of office of 42644  
members are renewable. 42645

(C) Members shall receive no compensation for their 42646  
services. 42647

(D) The board shall establish guidelines for its operation. These guidelines shall require the creation of a standing subcommittee on higher education, and shall permit the creation of other standing subcommittees when necessary. The board shall determine the membership of any subcommittee it creates. The board may select persons who are not members of the board to participate in the deliberations of any subcommittee as representatives of stakeholder groups, but no such person shall vote on any issue before the subcommittee.

**Sec. 3319.61.** (A) The educator standards board, in consultation with the ~~chancellor of higher education~~ department of learning and achievement, shall do all of the following:

(1) Develop state standards for teachers and principals that reflect what teachers and principals are expected to know and be able to do at all stages of their careers. These standards shall be aligned with the statewide academic content standards for students adopted pursuant to section 3301.079 of the Revised Code, be primarily based on educator performance instead of years of experience or certain courses completed, and rely on evidence-based factors. These standards shall also be aligned with the operating standards adopted under division (D) (3) of section 3301.07 of the Revised Code.

(a) The standards for teachers shall reflect the following additional criteria:

(i) Alignment with the interstate new teacher assessment and support consortium standards;

(ii) Differentiation among novice, experienced, and advanced teachers;

(iii) Reliance on competencies that can be measured;

(iv) Reliance on content knowledge, teaching skills,	42677
discipline-specific teaching methods, and requirements for	42678
professional development;	42679
(v) Alignment with a career-long system of professional	42680
development and evaluation that ensures teachers receive the	42681
support and training needed to achieve the teaching standards as	42682
well as reliable feedback about how well they meet the	42683
standards;	42684
(vi) The standards under section 3301.079 of the Revised	42685
Code, including standards on collaborative learning environments	42686
and interdisciplinary, project-based, real-world learning and	42687
differentiated instruction;	42688
(vii) The Ohio leadership framework.	42689
(b) The standards for principals shall be aligned with the	42690
interstate school leaders licensing consortium standards.	42691
(2) Develop standards for school district superintendents	42692
that reflect what superintendents are expected to know and be	42693
able to do at all stages of their careers. The standards shall	42694
reflect knowledge of systems theory and effective management	42695
principles and be aligned with the buckeye association of school	42696
administrators standards and the operating standards developed	42697
under division (D) (3) of section 3301.07 of the Revised Code.	42698
(3) Develop standards for school district treasurers and	42699
business managers that reflect what treasurers and business	42700
managers are expected to know and be able to do at all stages of	42701
their careers. The standards shall reflect knowledge of systems	42702
theory and effective management principles and be aligned with	42703
the association of school business officials international	42704
standards and the operating standards developed under division	42705

(D) (3) of section 3301.07 of the Revised Code.	42706
(4) Develop standards for the renewal of licenses under sections 3301.074 and 3319.22 of the Revised Code;	42707 42708
(5) Develop standards for educator professional development;	42709 42710
(6) Investigate and make recommendations for the creation, expansion, and implementation of school building and school district leadership academies;	42711 42712 42713
(7) Develop standards for school counselors that reflect what school counselors are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of academic, personal, and social counseling for students and effective principles to implement an effective school counseling program. The standards also shall reflect Ohio-specific knowledge of career counseling for students and education options that provide flexibility for earning credit, such as earning units of high school credit using the methods adopted by the <del>state board of education</del> <u>department of learning and achievement</u> under division (J) of section 3313.603 of the Revised Code and earning college credit through the college credit plus program established under Chapter 3365. of the Revised Code. The standards shall align with the American school counselor association's professional standards and the operating standards developed under division (D) (3) of section 3301.07 of the Revised Code.	42714 42715 42716 42717 42718 42719 42720 42721 42722 42723 42724 42725 42726 42727 42728 42729 42730
The <del>superintendent of public instruction, the chancellor of higher education,</del> <u>director of learning and achievement</u> or the education standards board itself may request that the educator standards board update, review, or reconsider any standards	42731 42732 42733 42734

developed under this section. 42735

(B) The educator standards board shall incorporate 42736  
indicators of cultural competency into the standards developed 42737  
under division (A) of this section. For this purpose, the 42738  
educator standards board shall develop a definition of cultural 42739  
competency based upon content and experiences that enable 42740  
educators to know, understand, and appreciate the students, 42741  
families, and communities that they serve and skills for 42742  
addressing cultural diversity in ways that respond equitably and 42743  
appropriately to the cultural needs of individual students. 42744

(C) In developing the standards under division (A) of this 42745  
section, the educator standards board shall consider the impact 42746  
of the standards on closing the achievement gap between students 42747  
of different subgroups. 42748

(D) In developing the standards under division (A) of this 42749  
section, the educator standards board shall ensure both of the 42750  
following: 42751

(1) That teachers have sufficient knowledge to provide 42752  
appropriate instruction for students identified as gifted 42753  
pursuant to Chapter 3324. of the Revised Code and to assist in 42754  
the identification of such students, and have sufficient 42755  
knowledge that will enable teachers to provide learning 42756  
opportunities for all children to succeed; 42757

(2) That principals, superintendents, school treasurers, 42758  
and school business managers have sufficient knowledge to 42759  
provide principled, collaborative, foresighted, and data-based 42760  
leadership that will provide learning opportunities for all 42761  
children to succeed. 42762

(E) The standards for educator professional development 42763

developed under division (A) (5) of this section shall include 42764  
the following: 42765

(1) Standards for the inclusion of local professional 42766  
development committees established under section 3319.22 of the 42767  
Revised Code in the planning and design of professional 42768  
development; 42769

(2) Standards that address the crucial link between 42770  
academic achievement and mental health issues. 42771

(F) The educator standards board shall also perform the 42772  
following functions: 42773

(1) Monitor compliance with the standards developed under 42774  
division (A) of this section and make recommendations to the 42775  
~~state board of education department of learning and achievement~~ 42776  
for appropriate corrective action if such standards are not met; 42777

(2) Research, develop, and recommend policies on the 42778  
professions of teaching and school administration; 42779

(3) Recommend policies to close the achievement gap 42780  
between students of different subgroups; 42781

(4) Define a "master teacher" in a manner that can be used 42782  
uniformly by all school districts; 42783

(5) Adopt criteria that a candidate for a lead 42784  
professional educator license under section 3319.22 of the 42785  
Revised Code who does not hold a valid certificate issued by the 42786  
national board for professional teaching standards must meet to 42787  
be considered a lead teacher for purposes of division (B) (4) (d) 42788  
of that section. It is the intent of the general assembly that 42789  
the educator standards board shall adopt multiple, equal- 42790  
weighted criteria to use in determining whether a person is a 42791

lead teacher. The criteria shall be in addition to the other 42792  
standards and qualifications prescribed in division (B)(4) of 42793  
section 3319.22 of the Revised Code. The criteria may include, 42794  
but shall not be limited to, completion of educational levels 42795  
beyond a master's degree or other professional development 42796  
courses or demonstration of a leadership role in the teacher's 42797  
school building or district. The board shall determine the 42798  
number of criteria that a teacher shall satisfy to be recognized 42799  
as a lead teacher, which shall not be the total number of 42800  
criteria adopted by the board. 42801

(6) Develop model teacher and principal evaluation 42802  
instruments and processes. The models shall be based on the 42803  
standards developed under division (A) of this section. 42804

(7) Develop a method of measuring the academic improvement 42805  
made by individual students during a one-year period and make 42806  
recommendations for incorporating the measurement as one of 42807  
multiple evaluation criteria into each of the following: 42808

(a) Eligibility for a professional educator license, 42809  
senior professional educator license, lead professional educator 42810  
license, or principal license issued under section 3319.22 of 42811  
the Revised Code; 42812

(b) The Ohio teacher residency program established under 42813  
section 3319.223 of the Revised Code; 42814

(c) The model teacher and principal evaluation instruments 42815  
and processes developed under division (F)(6) of this section. 42816

(G) The educator standards board shall submit 42817  
recommendations of standards developed under division (A) of 42818  
this section to the ~~state board of education not later than~~ 42819  
~~September 1, 2010~~ department of learning and achievement. The 42820

~~state board of education department~~ shall review those 42821  
recommendations ~~at the state board's regular meeting that next~~ 42822  
~~succeeds the date that the recommendations are submitted to the~~ 42823  
~~state board. At that meeting, the state board of education and~~ 42824  
shall ~~vote to~~ either adopt standards based on those 42825  
recommendations or request that the educator standards board 42826  
reconsider its recommendations. The ~~state board of education~~ 42827  
~~department~~ shall articulate reasons for requesting 42828  
reconsideration of the recommendations but shall not direct the 42829  
content of the recommendations. The educator standards board 42830  
shall reconsider its recommendations if the ~~state board of~~ 42831  
~~education department~~ so requests, may revise the 42832  
recommendations, and shall resubmit the recommendations, whether 42833  
revised or not, to the ~~state board department~~ not later than ~~two~~ 42834  
~~weeks prior to the state board's regular meeting that next~~ 42835  
~~succeeds the meeting at which the state board requested one~~ 42836  
~~month after the department requests~~ reconsideration of the 42837  
initial recommendations. The ~~state board of education department~~ 42838  
shall review the recommendations as resubmitted by the educator 42839  
standards board ~~at the state board's regular meeting that next~~ 42840  
~~succeeds the meeting at which the state board requested~~ 42841  
~~reconsideration of the initial recommendations~~ and may adopt the 42842  
standards as resubmitted or, if the resubmitted standards have 42843  
not addressed the ~~state board's department's~~ concerns, the ~~state~~ 42844  
~~board department~~ may modify the standards prior to adopting 42845  
them. The final responsibility to determine whether to adopt 42846  
standards as described in division (A) of this section and the 42847  
content of those standards, if adopted, belongs solely to the 42848  
~~state board of education department.~~ 42849

**Sec. 3319.611.** The subcommittee on standards for 42850  
superintendents of the education standards board is hereby 42851

established. The subcommittee shall consist of the following 42852  
members: 42853

(A) The school district superintendent appointed to the 42854  
educator standards board under section 3319.60 of the Revised 42855  
Code, who shall act as chairperson of the subcommittee; 42856

(B) Three additional school district superintendents 42857  
appointed by the ~~state board of education~~ department of learning 42858  
and achievement, for terms of two years. The buckeye association 42859  
of school administrators shall submit a list of six nominees for 42860  
appointments under this section. 42861

(C) Three additional members of the educator standards 42862  
board, appointed by the chairperson of the educator standards 42863  
board; 42864

(D) The ~~superintendent of public instruction and the~~ 42865  
~~chancellor of the Ohio board of regents~~ director of learning and 42866  
achievement, or ~~their designees~~ the director's designee, who 42867  
shall serve as a nonvoting, ex officio ~~members~~ member of the 42868  
subcommittee. 42869

Members of the subcommittee shall receive no compensation 42870  
for their services. The members appointed under divisions (B) 42871  
and (C) of this section may be reappointed. 42872

The subcommittee shall assist the educator standards board 42873  
in developing the standards for superintendents and with any 42874  
additional matters the educator standards board directs the 42875  
subcommittee to examine. 42876

**Sec. 3319.612.** The subcommittee on standards for school 42877  
treasurers and business managers of the educator standards board 42878  
is hereby established. The subcommittee shall consist of the 42879  
following members: 42880

(A) The school district treasurer or business manager 42881  
appointed to the educator standards board under section 3319.60 42882  
of the Revised Code, who shall act as chairperson of the 42883  
subcommittee; 42884

(B) Three additional school district treasurers or 42885  
business managers appointed by the ~~state board of education-~~ 42886  
department of learning and achievement for terms of two years. 42887  
The Ohio association of school business officials shall submit a 42888  
list of six nominees for appointments under this section. 42889

(C) Three additional members of the educator standards 42890  
board, appointed by the chairperson of the educator standards 42891  
board; 42892

(D) The ~~superintendent of public instruction and the~~ 42893  
~~chancellor of the Ohio board of regents~~ director of learning and 42894  
achievement, or ~~their designees~~ the director's designee, who 42895  
shall serve as a nonvoting, ex officio ~~members~~ member of the 42896  
subcommittee. 42897

Members of the subcommittee shall receive no compensation 42898  
for their services. The members appointed under divisions (B) 42899  
and (C) of this section may be reappointed. 42900

The subcommittee shall assist the educator standards board 42901  
in developing the standards for school treasurers and business 42902  
managers and with any additional matters the educator standards 42903  
board directs the subcommittee to examine. 42904

**Sec. 3319.65.** The ~~state board of education~~ department of 42905  
learning and achievement shall establish a credential review 42906  
board. The credential review board shall carry out any functions 42907  
assigned to it by the ~~state board~~ department with respect to 42908  
assessing individuals pursuing alternative routes to educator 42909

licensure and out of state educators seeking licensure in Ohio. 42910  
The credential review board may also carry out any other duties 42911  
the ~~state board~~ department considers appropriate. 42912

**Sec. 3321.01.** (A) (1) As used in this chapter, "parent," 42913  
"guardian," or "other person having charge or care of a child" 42914  
means either parent unless the parents are separated or divorced 42915  
or their marriage has been dissolved or annulled, in which case 42916  
"parent" means the parent who is the residential parent and 42917  
legal custodian of the child. If the child is in the legal or 42918  
permanent custody of a person or government agency, "parent" 42919  
means that person or government agency. When a child is a 42920  
resident of a home, as defined in section 3313.64 of the Revised 42921  
Code, and the child's parent is not a resident of this state, 42922  
"parent," "guardian," or "other person having charge or care of 42923  
a child" means the head of the home. 42924

A child between six and eighteen years of age is "of 42925  
compulsory school age" for the purpose of sections 3321.01 to 42926  
3321.13 of the Revised Code. A child under six years of age who 42927  
has been enrolled in kindergarten also shall be considered "of 42928  
compulsory school age" for the purpose of sections 3321.01 to 42929  
3321.13 of the Revised Code unless at any time the child's 42930  
parent or guardian, at the parent's or guardian's discretion and 42931  
in consultation with the child's teacher and principal, formally 42932  
withdraws the child from kindergarten. The compulsory school age 42933  
of a child shall not commence until the beginning of the term of 42934  
such schools, or other time in the school year fixed by the 42935  
rules of the board of the district in which the child resides. 42936

(2) In a district in which all children are admitted to 42937  
kindergarten and the first grade in August or September, a child 42938  
shall be admitted if the child is five or six years of age, 42939

respectively, by the thirtieth day of September of the year of 42940  
admittance, or by the first day of a term or semester other than 42941  
one beginning in August or September in school districts 42942  
granting admittance at the beginning of such term or semester. A 42943  
child who does not meet the age requirements of this section for 42944  
admittance to kindergarten or first grade, but who will be five 42945  
or six years old, respective, prior to the first day of January 42946  
of the school year in which admission is requested, shall be 42947  
evaluated for early admittance in accordance with district 42948  
policy upon referral by the child's parent or guardian, an 42949  
educator employed by the district, a preschool educator who 42950  
knows the child, or a pediatrician or psychologist who knows the 42951  
child. Following an evaluation in accordance with a referral 42952  
under this section, the district board shall decide whether to 42953  
admit the child. If a child for whom admission to kindergarten 42954  
or first grade is requested will not be five or six years of 42955  
age, respectively, prior to the first day of January of the 42956  
school year in which admission is requested, the child shall be 42957  
admitted only in accordance with the district's acceleration 42958  
policy adopted under section 3324.10 of the Revised Code. 42959

(3) Notwithstanding division (A)(2) of this section, 42960  
beginning with the school year that starts in 2001 and 42961  
continuing thereafter the board of education of any district may 42962  
adopt a resolution establishing the first day of August in lieu 42963  
of the thirtieth day of September as the required date by which 42964  
students must have attained the age specified in that division. 42965

(4) After a student has been admitted to kindergarten in a 42966  
school district or chartered nonpublic school, no board of 42967  
education of a school district to which the student transfers 42968  
shall deny that student admission based on the student's age. 42969

(B) As used in division (C) of this section, "successfully completed kindergarten" means that the child has completed the kindergarten requirements at one of the following:	42970 42971 42972
(1) A public or chartered nonpublic school;	42973
(2) A kindergarten class that is both of the following:	42974
(a) Offered by a day-care provider licensed under Chapter 5104. of the Revised Code;	42975 42976
(b) If offered after July 1, 1991, is directly taught by a teacher who holds one of the following:	42977 42978
(i) A valid educator license issued under section 3319.22 of the Revised Code;	42979 42980
(ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale;	42981 42982 42983
(iii) Certification determined under division (F) of this section to be equivalent to that described in division (B) (2) (b) (ii) of this section;	42984 42985 42986
(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code.	42987 42988
(C) (1) Except as provided in division (A) (2) of this section, no school district shall admit to the first grade any child who has not successfully completed kindergarten.	42989 42990 42991
(2) Notwithstanding division (A) (2) of this section, any student who has successfully completed kindergarten in accordance with section (B) of this section shall be admitted to first grade.	42992 42993 42994 42995
(D) The scheduling of times for kindergarten classes and	42996

length of the school day for kindergarten shall be determined by 42997  
the board of education of a city, exempted village, or local 42998  
school district. 42999

(E) Any kindergarten class offered by a day-care provider 43000  
or school described by division (B) (1) or (B) (2) (a) of this 43001  
section shall be developmentally appropriate. 43002

(F) Upon written request of a day-care provider described 43003  
by division (B) (2) (a) of this section, the department of 43004  
~~education~~ learning and achievement shall determine whether 43005  
certification held by a teacher employed by the provider meets 43006  
the requirement of division (B) (2) (b) (iii) of this section and, 43007  
if so, shall furnish the provider a statement to that effect. 43008

(G) As used in this division, "all-day kindergarten" has 43009  
the same meaning as in section 3321.05 of the Revised Code. 43010

(1) A school district that is offering all-day 43011  
kindergarten for the first time or that charged fees or tuition 43012  
for all-day kindergarten in the 2012-2013 school year may charge 43013  
fees or tuition for a student enrolled in all-day kindergarten 43014  
in any school year following the 2012-2013 school year. The 43015  
department shall adjust the district's average daily membership 43016  
certification under section 3317.03 of the Revised Code by one- 43017  
half of the full-time equivalency for each student charged fees 43018  
or tuition for all-day kindergarten under this division. If a 43019  
district charges fees or tuition for all-day kindergarten under 43020  
this division, the district shall develop a sliding fee scale 43021  
based on family incomes. 43022

(2) The department of ~~education~~ learning and achievement 43023  
shall conduct an annual survey of each school district described 43024  
in division (G) (1) of this section to determine the following: 43025

(a) Whether the district charges fees or tuition for students enrolled in all-day kindergarten; 43026  
43027

(b) The amount of the fees or tuition charged; 43028

(c) How many of the students for whom tuition is charged are eligible for free lunches under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, and how many of the students for whom tuition is charged are eligible for reduced price lunches under those acts; 43029  
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(d) How many students are enrolled in traditional half-day kindergarten rather than all-day kindergarten. 43035  
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Each district shall report to the department, in the manner prescribed by the department, the information described in divisions (G)(2)(a) to (d) of this section. 43037  
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The department shall issue an annual report on the results of the survey and shall post the report on its web site. The department shall issue the first report not later than April 30, 2008, and shall issue a report not later than the thirtieth day of April each year thereafter. 43040  
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**Sec. 3321.03.** As used in this section and section 3321.04 of the Revised Code, "special education program" means a school or the educational agency that provides special education and related services to children with disabilities in accordance with Chapter 3323. of the Revised Code. 43045  
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Except as provided in this section, the parent of a child of compulsory school age shall cause such child to attend a school in the school district in which the child is entitled to attend school under division (B) or (F) of section 3313.64 or section 3313.65 of the Revised Code, to participate in a special 43050  
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education program under Chapter 3323. of the Revised Code, or to 43055  
otherwise cause the child to be instructed in accordance with 43056  
law. Every child of compulsory school age shall attend a school 43057  
or participate in a special education program that conforms to 43058  
the minimum standards prescribed by the ~~state board of education~~ 43059  
department of learning and achievement until the child: 43060

(A) Receives a diploma granted by the board of education 43061  
or other governing authority, successfully completes the 43062  
curriculum of any high school, or successfully completes the 43063  
individualized education program developed for the student by 43064  
any high school pursuant to Chapter 3323. of the Revised Code; 43065

(B) Receives an age and schooling certificate as provided 43066  
in section 3331.01 of the Revised Code; or 43067

(C) Is excused from school under standards adopted by the 43068  
~~state board of education~~ department of learning and achievement 43069  
pursuant to section 3321.04 of the Revised Code, or if in need 43070  
of special education, the child is excused from such programs 43071  
pursuant to section 3321.04 of the Revised Code. 43072

**Sec. 3321.04.** Notwithstanding division (D) of section 43073  
3311.19 and division (D) of section 3311.52 of the Revised Code, 43074  
this section does not apply to any joint vocational or 43075  
cooperative education school district or its superintendent. 43076

Every parent of any child of compulsory school age who is 43077  
not employed under an age and schooling certificate must send 43078  
such child to a school or a special education program that 43079  
conforms to the minimum standards prescribed by the ~~state board~~ 43080  
of education department of learning and achievement, for the 43081  
full time the school or program attended is in session, which 43082  
shall not be for less than thirty-two weeks per school year. 43083

Such attendance must begin within the first week of the school term or program or within one week of the date on which the child begins to reside in the district or within one week after the child's withdrawal from employment.

For the purpose of operating a school or program on a trimester plan, "full time the school attended is in session," as used in this section means the two trimesters to which the child is assigned by the board of education. For the purpose of operating a school or program on a quarterly plan, "full time the school attended is in session," as used in this section, means the three quarters to which the child is assigned by the board of education. For the purpose of operating a school or program on a pentamester plan, "full time the school is in session," as used in this section, means the four pentamesters to which the child is assigned by the board of education.

Excuses from future attendance at or past absence from school or a special education program may be granted for the causes, by the authorities, and under the following conditions:

(A) The superintendent of the school district in which the child resides may excuse the child from attendance for any part of the remainder of the current school year upon satisfactory showing of either of the following facts:

(1) That the child's bodily or mental condition does not permit attendance at school or a special education program during such period; this fact is certified in writing by a licensed physician or, in the case of a mental condition, by a licensed physician, a licensed psychologist, licensed school psychologist or a certificated school psychologist; and provision is made for appropriate instruction of the child, in accordance with Chapter 3323. of the Revised Code;

(2) That the child is being instructed at home by a person 43114  
qualified to teach the branches in which instruction is 43115  
required, and such additional branches, as the advancement and 43116  
needs of the child may, in the opinion of such superintendent, 43117  
require. In each such case the issuing superintendent shall file 43118  
in the superintendent's office, with a copy of the excuse, 43119  
papers showing how the inability of the child to attend school 43120  
or a special education program or the qualifications of the 43121  
person instructing the child at home were determined. All such 43122  
excuses shall become void and subject to recall upon the removal 43123  
of the disability of the child or the cessation of proper home 43124  
instruction; and thereupon the child or the child's parents may 43125  
be proceeded against after due notice whether such excuse be 43126  
recalled or not. 43127

(B) The ~~state board of education~~ department of learning 43128  
and achievement may adopt rules authorizing the superintendent 43129  
of schools of the district in which the child resides to excuse 43130  
a child over fourteen years of age from attendance for a future 43131  
limited period for the purpose of performing necessary work 43132  
directly and exclusively for the child's parents or legal 43133  
guardians. 43134

All excuses provided for in divisions (A) and (B) of this 43135  
section shall be in writing and shall show the reason for 43136  
excusing the child. A copy thereof shall be sent to the person 43137  
in charge of the child. 43138

(C) The board of education of the school district or the 43139  
governing authorities of a private or parochial school may in 43140  
the rules governing the discipline in such schools, prescribe 43141  
the authority by which and the manner in which any child may be 43142  
excused for absence from such school for good and sufficient 43143

reasons. 43144

The ~~state board of education~~ department of learning and 43145  
achievement may by rule prescribe conditions governing the 43146  
issuance of excuses, which shall be binding upon the authorities 43147  
empowered to issue them. 43148

**Sec. 3321.07.** If any child attends upon instruction 43149  
elsewhere than in a public school such instruction shall be in a 43150  
school which conforms to the minimum standards prescribed by the 43151  
~~state board of education~~ department of learning and achievement. 43152  
The hours and term of attendance exacted shall be equivalent to 43153  
the hours and term of attendance required of children in the 43154  
public schools of the district. This section does not require a 43155  
child to attend a high school instead of a vocational, 43156  
commercial, or other special type of school, provided the 43157  
instruction therein is for a term and for hours equivalent to 43158  
those of the high school, and provided ~~his~~ the child's 43159  
attendance at such school will not interfere with a continuous 43160  
program of education for the child to the age of sixteen. 43161

**Sec. 3321.09.** Attendance at a part-time school or class 43162  
provided by an employer, by a partnership, corporation, or 43163  
individual, by a private or parochial school, by a college, or 43164  
by a philanthropic or similar agency shall serve in lieu of 43165  
attendance at a part-time school or class provided by a board of 43166  
education in case the given school or class is conducted for 43167  
substantially a term and hours equivalent to those of the part- 43168  
time schools or classes provided by the local board, and in case 43169  
the school or class is approved by the ~~state board of education~~ 43170  
department of learning and achievement. When such school or 43171  
class is conducted within or in connection with the 43172  
establishment in which the child is working the obligation of 43173

attendance at part-time school or class indicated in section 43174  
3321.08 of the Revised Code, shall apply to the children holding 43175  
age and schooling certificates who are employed in the given 43176  
establishment regardless of the accessibility of public part- 43177  
time schools or classes. 43178

**Sec. 3321.12.** Notwithstanding division (D) of section 43179  
3311.19 and division (D) of section 3311.52 of the Revised Code, 43180  
the provisions of this section that require reporting to the 43181  
treasurer of a city school district do not require reporting to 43182  
the treasurer of any joint vocational or cooperative education 43183  
school district. 43184

The principal or teacher in charge of any public, private, 43185  
or parochial school, shall report to the treasurer of the board 43186  
of education of the city, local, or exempted village school 43187  
district in which the school is situated, the names, ages, and 43188  
places of residence of all pupils below eighteen years of age in 43189  
attendance at their schools together with such other facts as 43190  
said treasurer requires to facilitate the carrying out of the 43191  
laws relating to compulsory education and the employment of 43192  
minors. Such report shall be made within the first two weeks of 43193  
the beginning of school in each school year, and shall be 43194  
corrected with the entry of such items as are prescribed by the 43195  
~~state board of education~~ department of learning and achievement 43196  
within the first week of each subsequent school month of the 43197  
year. 43198

Nothing in this section shall require any person to 43199  
release, or to permit access to, public school records in 43200  
violation of section 3319.321 of the Revised Code. 43201

**Sec. 3321.13.** (A) Whenever any child of compulsory school 43202  
age withdraws from school the teacher of that child shall 43203

ascertain the reason for withdrawal. The fact of the withdrawal 43204  
and the reason for it shall be immediately transmitted by the 43205  
teacher to the superintendent of the city, local, or exempted 43206  
village school district. If the child who has withdrawn from 43207  
school has done so because of change of residence, the next 43208  
residence shall be ascertained and shall be included in the 43209  
notice thus transmitted. The superintendent shall thereupon 43210  
forward a card showing the essential facts regarding the child 43211  
and stating the place of the child's new residence to the 43212  
superintendent of schools of the district to which the child has 43213  
moved. 43214

The ~~superintendent of public instruction department of~~ 43215  
learning and achievement may prescribe the forms to be used in 43216  
the operation of this division. 43217

(B) (1) Upon receipt of information that a child of 43218  
compulsory school age has withdrawn from school for a reason 43219  
other than because of change of residence and is not enrolled in 43220  
and attending in accordance with school policy an approved 43221  
program to obtain a diploma or its equivalent, the 43222  
superintendent shall notify the registrar of motor vehicles and 43223  
the juvenile judge of the county in which the district is 43224  
located of the withdrawal and failure to enroll in and attend an 43225  
approved program to obtain a diploma or its equivalent. A 43226  
notification to the registrar required by this division shall be 43227  
given in the manner the registrar by rule requires and a 43228  
notification to the juvenile judge required by this division 43229  
shall be given in writing. Each notification shall be given 43230  
within two weeks after the withdrawal and failure to enroll in 43231  
and attend an approved program or its equivalent. 43232

(2) The board of education of a school district may adopt 43233

a resolution providing that the provisions of division (B) (2) of 43234  
this section apply within the district. The provisions of 43235  
division (B) (2) of this section do not apply within any school 43236  
district, and no superintendent of a school district shall send 43237  
a notification of the type described in division (B) (2) of this 43238  
section to the registrar of motor vehicles or the juvenile judge 43239  
of the county in which the district is located, unless the board 43240  
of education of the district has adopted such a resolution. If 43241  
the board of education of a school district adopts a resolution 43242  
providing that the provisions of division (B) (2) of this section 43243  
apply within the district, and if the superintendent of schools 43244  
of that district receives information that, during any semester 43245  
or term, a child of compulsory school age has been absent 43246  
without legitimate excuse from the school the child is supposed 43247  
to attend for more than sixty consecutive hours in a single 43248  
month or for at least ninety hours in a school year, the 43249  
superintendent shall notify the child and the child's parent, 43250  
guardian, or custodian, in writing, that the information has 43251  
been provided to the superintendent, that as a result of that 43252  
information the child's temporary instruction permit or driver's 43253  
license will be suspended or the opportunity to obtain such a 43254  
permit or license will be denied, and that the child and the 43255  
child's parent, guardian, or custodian may appear in person at a 43256  
scheduled date, time, and place before the superintendent or a 43257  
designee to challenge the information provided to the 43258  
superintendent. 43259

The notification to the child and the child's parent, 43260  
guardian, or custodian required by division (B) (2) of this 43261  
section shall set forth the information received by the 43262  
superintendent and shall inform the child and the child's 43263  
parent, guardian, or custodian of the scheduled date, time, and 43264

place of the appearance that they may have before the 43265  
superintendent or a designee. The date scheduled for the 43266  
appearance shall be no earlier than three and no later than five 43267  
days after the notification is given, provided that an extension 43268  
may be granted upon request of the child or the child's parent, 43269  
guardian, or custodian. If an extension is granted, the 43270  
superintendent shall schedule a new date, time, and place for 43271  
the appearance and shall inform the child and the child's 43272  
parent, guardian, or custodian of the new date, time, and place. 43273

If the child and the child's parent, guardian, or 43274  
custodian do not appear before the superintendent or a designee 43275  
on the scheduled date and at the scheduled time and place, or if 43276  
the child and the child's parent, guardian, or custodian appear 43277  
before the superintendent or a designee on the scheduled date 43278  
and at the scheduled time and place but the superintendent or a 43279  
designee determines that the information the superintendent 43280  
received indicating that, during the semester or term, the child 43281  
had been absent without legitimate excuse from the school the 43282  
child was supposed to attend for more than sixty consecutive 43283  
hours or for at least ninety total hours, the superintendent 43284  
shall notify the registrar of motor vehicles and the juvenile 43285  
judge of the county in which the district is located that the 43286  
child has been absent for that period of time and that the child 43287  
does not have any legitimate excuse for the habitual absence. A 43288  
notification to the registrar required by this division shall be 43289  
given in the manner the registrar by rule requires and a 43290  
notification to the juvenile judge required by this division 43291  
shall be given in writing. Each notification shall be given 43292  
within two weeks after the receipt of the information of the 43293  
habitual absence from school without legitimate excuse, or, if 43294  
the child and the child's parent, guardian, or custodian appear 43295

before the superintendent or a designee to challenge the 43296  
information, within two weeks after the appearance. 43297

For purposes of division (B) (2) of this section, a 43298  
legitimate excuse for absence from school includes, but is not 43299  
limited to, the fact that the child in question has enrolled in 43300  
another school or school district in this or another state, the 43301  
fact that the child in question was excused from attendance for 43302  
any of the reasons specified in section 3321.04 of the Revised 43303  
Code, or the fact that the child in question has received an age 43304  
and schooling certificate in accordance with section 3331.01 of 43305  
the Revised Code. 43306

(3) Whenever a pupil is suspended or expelled from school 43307  
pursuant to section 3313.66 of the Revised Code and the reason 43308  
for the suspension or expulsion is the use or possession of 43309  
alcohol, a drug of abuse, or alcohol and a drug of abuse, the 43310  
superintendent of schools of that district may notify the 43311  
registrar and the juvenile judge of the county in which the 43312  
district is located of such suspension or expulsion. Any such 43313  
notification of suspension or expulsion shall be given to the 43314  
registrar, in the manner the registrar by rule requires and 43315  
shall be given to the juvenile judge in writing. The 43316  
notifications shall be given within two weeks after the 43317  
suspension or expulsion. 43318

(4) Whenever a pupil is suspended, expelled, removed, or 43319  
permanently excluded from a school for misconduct included in a 43320  
policy that the board of education of a city, exempted village, 43321  
or local school district has adopted under division (A) of 43322  
section 3313.661 of the Revised Code, and the misconduct 43323  
involves a firearm or a knife or other weapon as defined in that 43324  
policy, the superintendent of schools of that district shall 43325

notify the registrar and the juvenile judge of the county in 43326  
which the district is located of the suspension, expulsion, 43327  
removal, or permanent exclusion. The notification shall be given 43328  
to the registrar in the manner the registrar, by rule, requires 43329  
and shall be given to the juvenile judge in writing. The 43330  
notifications shall be given within two weeks after the 43331  
suspension, expulsion, removal, or permanent exclusion. 43332

(C) A notification of withdrawal, habitual absence without 43333  
legitimate excuse, suspension, or expulsion given to the 43334  
registrar or a juvenile judge under division (B) (1), (2), (3), 43335  
or (4) of this section shall contain the name, address, date of 43336  
birth, school, and school district of the child. If the 43337  
superintendent finds, after giving a notification of withdrawal, 43338  
habitual absence without legitimate excuse, suspension, or 43339  
expulsion to the registrar and the juvenile judge under division 43340  
(B) (1), (2), (3), or (4) of this section, that the notification 43341  
was given in error, the superintendent immediately shall notify 43342  
the registrar and the juvenile judge of that fact. 43343

**Sec. 3321.18.** The attendance officer provided for by 43344  
section 3321.14 or 3321.15 of the Revised Code shall institute 43345  
proceedings against any officer, parent, guardian, or other 43346  
person violating laws relating to compulsory education and the 43347  
employment of minors, and otherwise discharge the duties 43348  
described in sections 3321.14 to 3321.21 of the Revised Code, 43349  
and perform any other service that the superintendent of schools 43350  
or board of education of the district by which the attendance 43351  
officer is employed considers necessary to preserve the morals 43352  
and secure the good conduct of school children, and to enforce 43353  
those laws. 43354

The attendance officer shall be furnished with copies of 43355

the enumeration in each school district in which the attendance officer serves and of the lists of pupils enrolled in the schools and shall report to the superintendent discrepancies between these lists and the enumeration.

The attendance officer and assistants shall cooperate with the director of commerce in enforcing the laws relating to the employment of minors. The attendance officer shall furnish upon request any data that the attendance officer and the attendance officer's assistants have collected in their reports of children from six to eighteen years of age and also concerning employers to the director and upon request to the ~~state board of education~~ department of learning and achievement. The attendance officer shall keep a record of the attendance officer's transactions for the inspection and information of the superintendent of schools and the board of education; and shall make reports to the superintendent of schools as often as required by the superintendent. The ~~state board of education~~ department of learning and achievement may prescribe forms for the use of attendance officers in the performance of their duties. The blank forms and record books or indexes shall be furnished to the attendance officers by the boards of education by which they are employed.

**Sec. 3321.19.** (A) As used in this section and section 3321.191 of the Revised Code, "habitual truant" has the same meaning as in section 2151.011 of the Revised Code.

(B) When a board of education of any city, exempted village, local, joint vocational, or cooperative education school district or the governing board of any educational service center determines that a student in its district has been truant and the parent, guardian, or other person having

care of the child has failed to cause the student's attendance 43386  
at school, the board may require the parent, guardian, or other 43387  
person having care of the child pursuant to division (B) of this 43388  
section to attend an educational program established pursuant to 43389  
rules adopted by the ~~state board of education~~ department of 43390  
learning and achievement for the purpose of encouraging parental 43391  
involvement in compelling the attendance of the child at school. 43392

No parent, guardian, or other person having care of a 43393  
child shall fail without good cause to attend an educational 43394  
program described in this division if the parent, guardian, or 43395  
other person has been served notice pursuant to division (C) of 43396  
this section. 43397

(C) On the request of the superintendent of schools, the 43398  
superintendent of any educational service center, the board of 43399  
education of any city, exempted village, local, joint 43400  
vocational, or cooperative education school district, or the 43401  
governing board of any educational service center or when it 43402  
otherwise comes to the notice of the attendance officer or other 43403  
appropriate officer of the school district, the attendance 43404  
officer or other appropriate officer shall examine into any case 43405  
of supposed truancy within the district and shall warn the 43406  
child, if found truant, and the child's parent, guardian, or 43407  
other person having care of the child, in writing, of the legal 43408  
consequences of being truant. When any child of compulsory 43409  
school age, in violation of law, is not attending school, the 43410  
attendance or other appropriate officer shall notify the parent, 43411  
guardian, or other person having care of that child of the fact, 43412  
and require the parent, guardian, or other person to cause the 43413  
child to attend school immediately. The parent, guardian, or 43414  
other person having care of the child shall cause the child's 43415  
attendance at school. Upon the failure of the parent, guardian, 43416

or other person having care of the child to do so, the 43417  
attendance officer or other appropriate officer, if so directed 43418  
by the superintendent, the district board, or the educational 43419  
service center governing board, shall send notice requiring the 43420  
attendance of that parent, guardian, or other person at a 43421  
parental education program established pursuant to division (B) 43422  
of this section and, subject to divisions (D) and (E) of this 43423  
section, may file a complaint against the parent, guardian, or 43424  
other person having care of the child in any court of competent 43425  
jurisdiction. 43426

(D) (1) Upon the failure of the parent, guardian, or other 43427  
person having care of the child to cause the child's attendance 43428  
at school, if the child is considered an habitual truant, the 43429  
board of education of the school district or the governing board 43430  
of the educational service center, within ten days, subject to 43431  
division (E) of this section, shall assign the student to an 43432  
absence intervention team as described in division (C) of 43433  
section 3321.191 of the Revised Code. 43434

(2) The attendance officer shall file a complaint in the 43435  
juvenile court of the county in which the child has a residence 43436  
or legal settlement or in which the child is supposed to attend 43437  
school jointly against the child and the parent, guardian, or 43438  
other person having care of the child, in accordance with the 43439  
timelines and conditions set forth in division (B) of section 43440  
3321.16 of the Revised Code. A complaint filed in the juvenile 43441  
court under this division shall allege that the child is an 43442  
unruly child for being an habitual truant and that the parent, 43443  
guardian, or other person having care of the child has violated 43444  
section 3321.38 of the Revised Code. 43445

(E) A school district with a chronic absenteeism 43446

percentage that is less than five per cent, as displayed on the 43447  
district's most recent report card issued under section 3302.03 43448  
of the Revised Code, and the school buildings within that 43449  
district, shall be exempt from the requirement to assign 43450  
habitually truant students to an absence intervention team for 43451  
the following school year and shall instead take any appropriate 43452  
action as an intervention strategy contained in the policy 43453  
developed by the district board pursuant to divisions (A) and 43454  
(B) of section 3321.191 of the Revised Code. In the event that 43455  
those intervention strategies fail, within sixty-one days after 43456  
their implementation, the attendance officer shall file a 43457  
complaint, provided that the conditions described in division 43458  
(B) of section 3321.16 of the Revised Code are satisfied. 43459

**Sec. 3321.191.** (A) Effective beginning with the 2017-2018 43460  
school year, the board of education of each city, exempted 43461  
village, local, joint vocational, and cooperative education 43462  
school district and the governing board of each educational 43463  
service center shall adopt a new or amended policy to guide 43464  
employees of the school district or service center in addressing 43465  
and ameliorating student absences. In developing the policy, the 43466  
appropriate board shall consult with the judge of the juvenile 43467  
court of the county or counties in which the district or service 43468  
center is located, with the parents, guardians, or other persons 43469  
having care of the pupils attending school in the district, and 43470  
with appropriate state and local agencies. 43471

(B) The policy developed under division (A) of this 43472  
section shall include as an intervention strategy all of the 43473  
following actions, if applicable: 43474

(1) Providing a truancy intervention plan for any student 43475  
who is excessively absent from school, as described in the first 43476

paragraph of division (C) of this section; 43477

(2) Providing counseling for an habitual truant; 43478

(3) Requesting or requiring a parent, guardian, or other 43479  
person having care of an habitual truant to attend parental 43480  
involvement programs, including programs adopted under section 43481  
3313.472 or 3313.663 of the Revised Code; 43482

(4) Requesting or requiring a parent, guardian, or other 43483  
person having care of an habitual truant to attend truancy 43484  
prevention mediation programs; 43485

(5) Notification of the registrar of motor vehicles under 43486  
section 3321.13 of the Revised Code; 43487

(6) Taking legal action under section 2919.222, 3321.20, 43488  
or 3321.38 of the Revised Code. 43489

(C) (1) In the event that a child of compulsory school age 43490  
is absent with or without legitimate excuse from the public 43491  
school the child is supposed to attend for thirty-eight or more 43492  
hours in one school month, or sixty-five or more hours in a 43493  
school year, the attendance officer of that school shall notify 43494  
the child's parent, guardian, or custodian of the child's 43495  
absences, in writing, within seven days after the date after the 43496  
absence that triggered the notice requirement. At the time 43497  
notice is given, the school also may take any appropriate action 43498  
as an intervention strategy contained in the policy developed by 43499  
the board pursuant to division (A) of this section. 43500

(2) (a) If the absences of a student surpass the threshold 43501  
for an habitual truant as set forth in section 2151.011 of the 43502  
Revised Code, the principal or chief administrator of the school 43503  
or the superintendent of the school district shall assign the 43504  
student to an absence intervention team. Within fourteen school 43505

days after the assignment of a student to an absence 43506  
intervention team, the team shall develop an intervention plan 43507  
for that student in an effort to reduce or eliminate further 43508  
absences. Each intervention plan shall vary based on the 43509  
individual needs of the student, but the plan shall state that 43510  
the attendance officer shall file a complaint not later than 43511  
sixty-one days after the date the plan was implemented, if the 43512  
child has refused to participate in, or failed to make 43513  
satisfactory progress on, the intervention plan or an 43514  
alternative to adjudication under division (C) (2) (b) of section 43515  
3321.191 of the Revised Code. Within seven days after the 43516  
development of the plan, the school district or school shall 43517  
make reasonable efforts to provide the student's parent, 43518  
guardian, custodian, guardian ad litem, or temporary custodian 43519  
with written notice of the plan. 43520

(b) As part of the absence intervention plan described in 43521  
division (C) (2) of this section, the school district or school, 43522  
in its discretion, may contact the appropriate juvenile court 43523  
and ask to have a student informally enrolled in any alternative 43524  
to adjudication described in division (G) of section 2151.27 of 43525  
the Revised Code. If the school district or school chooses to 43526  
have students informally enrolled in an alternative to 43527  
adjudication, the school district or school shall develop a 43528  
written policy regarding the use of, and selection process for, 43529  
offering alternatives to adjudication to ensure fairness. 43530

(c) The superintendent of each school district, or the 43531  
superintendent's designee, shall establish an absence 43532  
intervention team for the district to be used by any schools of 43533  
the district that do not establish their own absence 43534  
intervention team as permitted under division (C) (2) (d) of this 43535  
section. Membership of each absence intervention team may vary 43536

based on the needs of each individual student but shall include 43537  
a representative from the child's school district or school, 43538  
another representative from the child's school district or 43539  
school who knows the child, and the child's parent or parent's 43540  
designee, or the child's guardian, custodian, guardian ad litem, 43541  
or temporary custodian. The team also may include a school 43542  
psychologist, counselor, social worker, or representative of a 43543  
public or nonprofit agency designed to assist students and their 43544  
families in reducing absences. 43545

(d) The principal or chief administrator of each school 43546  
may establish an absence intervention team or series of teams to 43547  
be used in lieu of the district team established pursuant to 43548  
division (C) (2) (c) of this section. Membership of each absence 43549  
intervention team may vary based on the needs of each individual 43550  
student but shall include a representative from the child's 43551  
school district or school, another representative from the 43552  
child's school district or school who knows the child, and the 43553  
child's parent or parent's designee, or the child's guardian, 43554  
custodian, guardian ad litem, or temporary custodian. The team 43555  
also may include a school psychologist, counselor, social 43556  
worker, or representative of a public or nonprofit agency 43557  
designed to assist students and their families in reducing 43558  
absences. 43559

(e) A superintendent, as described in division (C) (2) (c) 43560  
of this section, or principal or chief administrator, as 43561  
described in division (C) (2) (d) of this section, shall select 43562  
the members of an absence intervention team within seven school 43563  
days of the triggering event described in division (C) (2) (a) of 43564  
this section. The superintendent, principal, or chief 43565  
administrator, within the same period of seven school days, 43566  
shall make at least three meaningful, good faith attempts to 43567

secure the participation of the student's parent, guardian, 43568  
custodian, guardian ad litem, or temporary custodian on that 43569  
team. If the student's parent responds to any of those attempts, 43570  
but is unable to participate for any reason, the representative 43571  
of the school district shall inform the parent of the parent's 43572  
right to appear by designee. If seven school days elapse and the 43573  
student's parent, guardian, custodian, guardian ad litem, or 43574  
temporary custodian fails to respond to the attempts to secure 43575  
participation, the school district or school shall do both of 43576  
the following: 43577

(i) Investigate whether the failure to respond triggers 43578  
mandatory reporting to the public children services agency for 43579  
the county in which the child resides in the manner described in 43580  
section 2151.421 of the Revised Code; 43581

(ii) Instruct the absence intervention team to develop an 43582  
intervention plan for the child notwithstanding the absence of 43583  
the child's parent, guardian, custodian, guardian ad litem, or 43584  
temporary custodian. 43585

(f) In the event that a student becomes habitually truant 43586  
within twenty-one school days prior to the last day of 43587  
instruction of a school year, the school district or school may, 43588  
in its discretion, assign one school official to work with the 43589  
child's parent, guardian, custodian, guardian ad litem, or 43590  
temporary custodian to develop an absence intervention plan 43591  
during the summer. If the school district or school selects this 43592  
method, the plan shall be implemented not later than seven days 43593  
prior to the first day of instruction of the next school year. 43594  
In the alternative, the school district or school may toll the 43595  
time periods to accommodate for the summer months and reconvene 43596  
the absence intervention process upon the first day of 43597

instruction of the next school year. 43598

(3) For purposes of divisions (C) (2) (c) and (d) of this 43599  
section, the ~~state board of education~~ department of learning and 43600  
achievement shall develop a format for parental permission to 43601  
ensure compliance with the "Family Educational Rights and 43602  
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 43603  
and any regulations promulgated under that act, and section 43604  
3319.321 of the Revised Code. 43605

(D) Each school district or school may consult or partner 43606  
with public and nonprofit agencies to provide assistance as 43607  
appropriate to students and their families in reducing absences. 43608

(E) Beginning with the 2017-2018 school year, each school 43609  
district shall report to the department of ~~education~~ learning 43610  
and achievement, as soon as practicable, and in a format and 43611  
manner determined by the department, any of the following 43612  
occurrences: 43613

(1) When a notice required by division (C) (1) of this 43614  
section is submitted to a parent, guardian, or custodian; 43615

(2) When a child of compulsory school age has been absent 43616  
without legitimate excuse from the public school the child is 43617  
supposed to attend for thirty or more consecutive hours, forty- 43618  
two or more hours in one school month, or seventy-two or more 43619  
hours in a school year; 43620

(3) When a child of compulsory school age who has been 43621  
adjudicated an unruly child for being an habitual truant 43622  
violates the court order regarding that adjudication; 43623

(4) When an absence intervention plan has been implemented 43624  
for a child under this section. 43625

(F) Nothing in this section shall be construed to limit 43626  
the duty or authority of a district board of education or 43627  
governing body of an educational service center to develop other 43628  
policies related to truancy or to limit the duty or authority of 43629  
any employee of the school district or service center to respond 43630  
to pupil truancy. However, a board shall be subject to the 43631  
prohibition against suspending, expelling, or otherwise 43632  
preventing a student from attending school for excessive 43633  
absences as prescribed by section 3313.668 of the Revised Code. 43634

**Sec. 3323.01.** As used in this chapter: 43635

(A) "Child with a disability" means a child who is at 43636  
least three years of age and less than twenty-two years of age; 43637  
who has an intellectual disability, a hearing impairment 43638  
(including deafness), a speech or language impairment, a visual 43639  
impairment (including blindness), a serious emotional 43640  
disturbance, an orthopedic impairment, autism, traumatic brain 43641  
injury, an other health impairment, a specific learning 43642  
disability (including dyslexia), deaf-blindness, or multiple 43643  
disabilities; and who, by reason thereof, needs special 43644  
education and related services. 43645

A "child with a disability" may include a child who is at 43646  
least three years of age and less than six years of age; who is 43647  
experiencing developmental delays, as defined by standards 43648  
adopted by the ~~state board of education~~ department of learning 43649  
and achievement and as measured by appropriate diagnostic 43650  
instruments and procedures in one or more of the following 43651  
areas: physical development, cognitive development, 43652  
communication development, social or emotional development, or 43653  
adaptive development; and who, by reason thereof, needs special 43654  
education and related services. 43655

- (B) "Free appropriate public education" means special education and related services that meet all of the following:
- (1) Are provided at public expense, under public supervision and direction, and without charge;
  - (2) Meet the standards of the ~~state board of education~~ department of learning and achievement;
  - (3) Include an appropriate preschool, elementary, or secondary education as otherwise provided by the law of this state;
  - (4) Are provided for each child with a disability in conformity with the child's individualized education program.
- (C) "Homeless children" means "homeless children and youths" as defined in section 725 of the "McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11434a.
- (D) "Individualized education program" or "IEP" means the written statement described in section 3323.011 of the Revised Code.
- (E) "Individualized education program team" or "IEP team" means a group of individuals composed of:
- (1) The parents of a child with a disability;
  - (2) At least one regular education teacher of the child, if the child is or may be participating in the regular education environment;
  - (3) At least one special education teacher, or where appropriate, at least one special education provider of the child;
  - (4) A representative of the school district who meets all

of the following: 43683

(a) Is qualified to provide, or supervise the provision 43684  
of, specially designed instruction to meet the unique needs of 43685  
children with disabilities; 43686

(b) Is knowledgeable about the general education 43687  
curriculum; 43688

(c) Is knowledgeable about the availability of resources 43689  
of the school district. 43690

(5) An individual who can interpret the instructional 43691  
implications of evaluation results, who may be a member of the 43692  
team as described in divisions (E) (2) to (4) of this section; 43693

(6) At the discretion of the parent or the school 43694  
district, other individuals who have knowledge or special 43695  
expertise regarding the child, including related services 43696  
personnel as appropriate; 43697

(7) Whenever appropriate, the child with a disability. 43698

(F) "Instruction in braille reading and writing" means the 43699  
teaching of the system of reading and writing through touch 43700  
commonly known as standard English braille. 43701

(G) "Other educational agency" means a department, 43702  
division, bureau, office, institution, board, commission, 43703  
committee, authority, or other state or local agency, which is 43704  
not a city, local, or exempted village school district or an 43705  
agency administered by the department of developmental 43706  
disabilities, that provides or seeks to provide special 43707  
education or related services to children with disabilities. The 43708  
term "other educational agency" includes a joint vocational 43709  
school district. 43710

(H) "Parent" of a child with a disability, except as used in sections 3323.09 and 3323.141 of the Revised Code, means:

(1) A natural or adoptive parent of a child but not a foster parent of a child;

(2) A guardian, but not the state if the child is a ward of the state;

(3) An individual acting in the place of a natural or adoptive parent, including a grandparent, stepparent, or other relative, with whom the child lives, or an individual who is legally responsible for the child's welfare;

(4) An individual assigned to be a surrogate parent, provided the individual is not prohibited by this chapter from serving as a surrogate parent for a child.

(I) "Preschool child with a disability" means a child with a disability who is at least three years of age but is not of compulsory school age, as defined under section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(J) "Related services" means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, school nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation and mobility services, school health services, social work services in schools, and parent counseling and training, and medical services, except that such medical

services shall be for diagnostic and evaluation purposes only) 43740  
as may be required to assist a child with a disability to 43741  
benefit from special education, and includes the early 43742  
identification and assessment of disabling conditions in 43743  
children. "Related services" does not include a medical device 43744  
that is surgically implanted, or the replacement of such device. 43745

(K) "School district" means a city, local, or exempted 43746  
village school district. 43747

(L) "School district of residence," as used in sections 43748  
3323.09, 3323.091, 3323.13, and 3323.14 of the Revised Code, 43749  
means: 43750

(1) The school district in which the child's natural or 43751  
adoptive parents reside; 43752

(2) If the school district specified in division (L)(1) of 43753  
this section cannot be determined, the last school district in 43754  
which the child's natural or adoptive parents are known to have 43755  
resided if the parents' whereabouts are unknown; 43756

(3) If the school district specified in division (M)(2) of 43757  
this section cannot be determined, the school district 43758  
determined under section 2151.362 of the Revised Code, or if no 43759  
district has been so determined, the school district as 43760  
determined by the probate court of the county in which the child 43761  
resides. 43762

(4) Notwithstanding divisions ~~(M)~~(L)(1) to (3) of this 43763  
section, if a school district is required by section 3313.65 of 43764  
the Revised Code to pay tuition for a child, that district shall 43765  
be the child's school district of residence. 43766

(M) "Special education" means specially designed 43767  
instruction, at no cost to parents, to meet the unique needs of 43768

a child with a disability. "Special education" includes 43769  
instruction conducted in the classroom, in the home, in 43770  
hospitals and institutions, and in other settings, including an 43771  
early childhood education setting, and instruction in physical 43772  
education. 43773

(N) "Student with a visual impairment" means any person 43774  
who is less than twenty-two years of age and who has a visual 43775  
impairment as that term is defined in this section. 43776

(O) "Transition services" means a coordinated set of 43777  
activities for a child with a disability that meet all of the 43778  
following: 43779

(1) Is designed to be within a results-oriented process, 43780  
that is focused on improving the academic and functional 43781  
achievement of the child with a disability to facilitate the 43782  
child's movement from school to post-school activities, 43783  
including post-secondary education; vocational education; 43784  
integrated employment (including supported employment); 43785  
continuing and adult education; adult services; independent 43786  
living; or community participation; 43787

(2) Is based on the individual child's needs, taking into 43788  
account the child's strengths, preferences, and interests; 43789

(3) Includes instruction, related services, community 43790  
experiences, the development of employment and other post-school 43791  
adult living objectives, and, when appropriate, acquisition of 43792  
daily living skills and functional vocational evaluation. 43793

"Transition services" for children with disabilities may 43794  
be special education, if provided as specially designed 43795  
instruction, or may be a related service, if required to assist 43796  
a child with a disability to benefit from special education. 43797

(P) "Visual impairment" for any individual means that one 43798  
of the following applies to the individual: 43799

(1) The individual has a visual acuity of 20/200 or less 43800  
in the better eye with correcting lenses or has a limited field 43801  
of vision in the better eye such that the widest diameter 43802  
subtends an angular distance of no greater than twenty degrees. 43803

(2) The individual has a medically indicated expectation 43804  
of meeting the requirements of division (P)(1) of this section 43805  
over a period of time. 43806

(3) The individual has a medically diagnosed and medically 43807  
uncorrectable limitation in visual functioning that adversely 43808  
affects the individual's ability to read and write standard 43809  
print at levels expected of the individual's peers of comparable 43810  
ability and grade level. 43811

(Q) "Ward of the state" has the same meaning as in section 43812  
602(36) of the "Individuals with Disabilities Education 43813  
Improvement Act of 2004," 20 U.S.C. 1401(36). 43814

**Sec. 3323.011.** As used in this chapter, "individualized 43815  
education program" or "IEP" means a written statement for each 43816  
child with a disability that is developed, reviewed, and revised 43817  
in accordance with this definition and that includes: 43818

(A) A statement of the child's present levels of academic 43819  
achievement and functional performance, including: 43820

(1) How the child's disability affects the child's 43821  
involvement and progress in the general education curriculum; 43822

(2) For a preschool child with a disability, as 43823  
appropriate, how the disability affects the child's 43824  
participation in appropriate activities; 43825

(3) For a child with a disability who is not a preschool child and who will take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives.

(B) A statement of measurable annual goals, including academic and functional goals and, at the discretion of the department of ~~education~~ learning and achievement, short-term instructional objectives that are designed to:

(1) Meet the child's needs that result from the child's disability so as to enable the child to be involved in and make progress in the general education curriculum;

(2) Meet each of the child's other educational needs that result from the child's disability.

(C) A description of how the child's progress toward meeting the annual goals described pursuant to division (B) of this section will be measured and when periodic reports on the progress the child is making toward meeting the annual goals will be provided. Such reports may be quarterly or other periodic reports that are issued concurrent with the issuance of regular report cards.

(D) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child so that the child may:

(1) Advance appropriately toward attaining the annual goals described pursuant to division (B) of this section;

(2) Be involved in and make progress in the general

education curriculum and participate in extracurricular and 43855  
other nonacademic activities; 43856

(3) Be educated with and participate with both other 43857  
children with disabilities and nondisabled children in the 43858  
specific activities described pursuant to division (D) of this 43859  
section. 43860

(E) An explanation of the extent, if any, to which the 43861  
child will not participate with nondisabled children in the 43862  
regular class, including an early childhood education setting, 43863  
and in the activities described pursuant to division (D) of this 43864  
section; 43865

(F) A statement of any individual appropriate 43866  
accommodations that are necessary to measure the academic 43867  
achievement and functional performance of the child on state and 43868  
districtwide assessments consistent with section 612(a)(16) of 43869  
the "Individuals with Disabilities Education Improvement Act of 43870  
2004," 20 U.S.C. 1412(a)(16). If the IEP team determines that 43871  
the child shall take an alternate assessment on a particular 43872  
state or districtwide assessment of student achievement, the IEP 43873  
shall contain a statement of why the child cannot participate in 43874  
the regular assessment and why the particular alternate 43875  
assessment selected is appropriate for the child. 43876

(G) The projected date for the beginning of the services 43877  
and modifications described pursuant to division (D) of this 43878  
section and the anticipated frequency, location, and duration of 43879  
those services and modifications; 43880

(H) Beginning not later than the first IEP to be in effect 43881  
when the child is fourteen years of age, and updated annually 43882  
thereafter, a statement describing: 43883

(1) Appropriate measurable post-secondary goals based upon 43884  
age-appropriate transition assessments related to training, 43885  
education, and independent living skills; 43886

(2) Appropriate measurable post-secondary goals based on 43887  
age-appropriate transition assessments related to employment in 43888  
a competitive environment in which workers are integrated 43889  
regardless of disability; 43890

(3) The transition services, including courses of study, 43891  
needed to assist the child in reaching the goals described in 43892  
divisions (H) (1) and (2) of this section. 43893

(I) Beginning not later than one year before the child 43894  
reaches eighteen years of age, a statement that the child has 43895  
been informed of the child's rights under Title XX of the United 43896  
States Code that will transfer to the child on reaching eighteen 43897  
years of age in accordance with section 615(m) of the 43898  
"Individuals with Disabilities Education Improvement Act of 43899  
2004," 20 U.S.C. 1415(m). 43900

Nothing in this section shall be construed to require that 43901  
additional information be included in a child's IEP beyond the 43902  
items explicitly required by this section and that the IEP team 43903  
include information under one component of a child's IEP that is 43904  
already contained under another component of the IEP. 43905

**Sec. 3323.02.** As used in this section, "IDEIA" means the 43906  
"Individuals with Disabilities Education Improvement Act of 43907  
2004," Pub. L. No. 108-446. 43908

It is the purpose of this chapter to ensure that all 43909  
children with disabilities residing in this state who are at 43910  
least three years of age and less than twenty-two years of age, 43911  
including children with disabilities who have been suspended or 43912

expelled from school, have available to them a free appropriate 43913  
public education. No school district, county board of 43914  
developmental disabilities, or other educational agency shall 43915  
receive state or federal funds for special education and related 43916  
services unless those services for children with disabilities 43917  
are provided in accordance with IDEIA and related provisions of 43918  
the Code of Federal Regulations, the provisions of this chapter, 43919  
rules and standards adopted by ~~the state board of education, and~~ 43920  
~~any procedures or guidelines issued by the superintendent of~~ 43921  
~~public instruction, or guidelines issued by, the department of~~ 43922  
learning and achievement. Any options or discretion provided to 43923  
the state by IDEIA may be exercised in state law or in rules or 43924  
standards adopted by the ~~state board of education~~ department. 43925

The ~~state board of education~~ department of learning and 43926  
achievement shall establish rules or standards for the provision 43927  
of special education and related services for all children with 43928  
disabilities who are at least three years of age and less than 43929  
twenty-two years of age residing in the state, regardless of the 43930  
severity of their disabilities, including children with 43931  
disabilities who have been suspended or expelled from school. 43932  
The state law and the rules or standards of the ~~state board of~~ 43933  
~~education~~ department may impose requirements that are not 43934  
required by IDEIA or related provisions of the Code of Federal 43935  
Regulations. The school district of residence is responsible, in 43936  
all instances, for ensuring that the requirements of Part B of 43937  
IDEIA are met for every eligible child in its jurisdiction, 43938  
regardless of whether services are provided by another school 43939  
district, other educational agency, or other agency, department, 43940  
or entity, unless IDEIA or related provisions of the Code of 43941  
Federal Regulations, another section of this chapter, or a rule 43942  
adopted by the ~~state board of education~~ department specifies 43943

that another school district, other educational agency, or other agency, department, or entity is responsible for ensuring compliance with Part B of IDEIA.

Notwithstanding division (A) (4) of section 3301.53 of the Revised Code and any rules adopted pursuant to that section and division (A) of section 3313.646 of the Revised Code, a board of education of a school district may provide special education and related services for preschool children with disabilities in accordance with this chapter and section 3301.52, divisions (A) (1) to (3) and (A) (5) and (6) of section 3301.53, and sections 3301.54 to 3301.59 of the Revised Code.

~~The superintendent of public instruction department of learning and achievement~~ may require any state or local agency to provide documentation that special education and related services for children with disabilities provided by the agency are in compliance with the requirements of this chapter.

Not later than the first day of February of each year the ~~superintendent of public instruction department of learning and achievement~~ shall furnish the chairpersons of the education committees of the house of representatives and the senate with a report on the status of implementation of special education and related services for children with disabilities required by this chapter. The report shall include but shall not be limited to the following items: the most recent available figures on the number of children identified as children with disabilities and the number of identified children receiving special education and related services. The information contained in these reports shall be public information.

**Sec. 3323.021.** As used in this section, "participating county board of developmental disabilities" means a county board

of developmental disabilities electing to participate in the 43974  
provision of or contracting for educational services for 43975  
children under division (D) of section 5126.05 of the Revised 43976  
Code. 43977

(A) When a school district, educational service center, or 43978  
participating county board of developmental disabilities enters 43979  
into an agreement or contract with another school district, 43980  
educational service center, or participating county board of 43981  
developmental disabilities to provide educational services to a 43982  
disabled child during a school year, both of the following shall 43983  
apply: 43984

(1) Beginning with fiscal year 1999, if the provider of 43985  
the services intends to increase the amount it charges for some 43986  
or all of those services during the next school year or if the 43987  
provider intends to cease offering all or part of those services 43988  
during the next school year, the provider shall notify the 43989  
entity for which the services are provided of these intended 43990  
changes no later than the first day of March of the current 43991  
fiscal year. 43992

(2) Beginning with fiscal year 1999, if the entity for 43993  
which services are provided intends to cease obtaining those 43994  
services from the provider for the next school year or intends 43995  
to change the type or amount of services it obtains from the 43996  
provider for the next school year, the entity shall notify the 43997  
service provider of these intended changes no later than the 43998  
first day of March of the current fiscal year. 43999

(B) School districts, educational service centers, 44000  
participating county boards of developmental disabilities, and 44001  
other applicable governmental entities shall collaborate where 44002  
possible to maximize federal sources of revenue to provide 44003

additional funds for special education related services for 44004  
disabled children. Annually, each school district shall report 44005  
to the department of ~~education~~ learning and achievement any 44006  
amounts of such federal revenue the district received. 44007

(C) The ~~state board of education~~ department of learning 44008  
and achievement, the department of developmental disabilities, 44009  
and the department of medicaid shall develop working agreements 44010  
for pursuing additional funds for services for disabled 44011  
children. 44012

**Sec. 3323.022.** The rules of the ~~state board of education~~ 44013  
department of learning and achievement for staffing ratios for 44014  
programs with preschool children with disabilities shall require 44015  
the following: 44016

(A) A full-time staff member shall be provided when there 44017  
are eight full-day or sixteen half-day preschool children 44018  
eligible for special education enrolled in a center-based 44019  
preschool special education program. 44020

(B) Staff ratios of one teacher for every eight children 44021  
shall be maintained at all times for a program with a center- 44022  
based teacher, and a second adult shall be present when there 44023  
are nine or more children, including nondisabled children 44024  
enrolled in a class session. 44025

**Sec. 3323.03.** The ~~state board of education~~ department of 44026  
learning and achievement shall, in consultation with the 44027  
department of health, the department of mental health and 44028  
addiction services, and the department of developmental 44029  
disabilities, establish standards and procedures for the 44030  
identification, location, and evaluation of all children with 44031  
disabilities residing in the state, including children with 44032

disabilities who are homeless children or are wards of the state 44033  
and children with disabilities attending nonpublic schools, 44034  
regardless of the severity of their disabilities, and who are in 44035  
need of special education and related services. The ~~state board-~~ 44036  
department shall develop and implement a practical method to 44037  
determine which children with disabilities are currently 44038  
receiving needed special education and related services. 44039

In conducting the evaluation, the board of education of 44040  
each school district shall use a variety of assessment tools and 44041  
strategies to gather relevant functional, developmental, and 44042  
academic information about the child, including information 44043  
provided by the child's parent. The board of education of each 44044  
school district, in consultation with the county board of 44045  
developmental disabilities, the county family and children first 44046  
council, and the board of alcohol, drug addiction, and mental 44047  
health services of each county in which the school district has 44048  
territory, shall identify, locate, and evaluate all children 44049  
with disabilities residing within the district to determine 44050  
which children with disabilities are not receiving appropriate 44051  
special education and related services. In addition, the board 44052  
of education of each school district, in consultation with such 44053  
county boards or council, shall identify, locate, and evaluate 44054  
all children with disabilities who are enrolled by their parents 44055  
in nonpublic elementary and secondary schools located within the 44056  
public school district, without regard to where those children 44057  
reside in accordance with rules ~~of the state board of education-~~ 44058  
or guidelines of the ~~superintendent of public instruction-~~ 44059  
department of learning and achievement. 44060

Each county board of developmental disabilities, county 44061  
family and children first council, and board of alcohol, drug 44062  
addiction, and mental health services and the board's or 44063

council's contract agencies may transmit to boards of education 44064  
the names and addresses of children with disabilities who are 44065  
not receiving appropriate special education and related 44066  
services. 44067

**Sec. 3323.04.** The state board of education department of 44068  
learning and achievement, in consultation with the department of 44069  
mental health and addiction services and the department of 44070  
developmental disabilities, shall establish procedures and 44071  
standards for the development of individualized education 44072  
programs for children with disabilities. 44073

The state board department of learning and achievement 44074  
shall require the board of education of each school district to 44075  
develop an individualized education program for each child with 44076  
a disability who is at least three years of age and less than 44077  
twenty-two years of age residing in the district in a manner 44078  
that is in accordance with rules of the state board department 44079  
of learning and achievement. 44080

Prior to the placement of a child with a disability in a 44081  
program operated under section 3323.09 of the Revised Code, the 44082  
district board of education shall consult the county board of 44083  
developmental disabilities of the county in which the child 44084  
resides regarding the proposed placement. 44085

A child with a disability enrolled in a nonpublic school 44086  
or facility shall be provided special education and related 44087  
services, in accordance with an individualized education 44088  
program, at no cost for those services, if the child is placed 44089  
in, or referred to, that nonpublic school or facility by the 44090  
department of ~~education~~ learning and achievement or a school 44091  
district. 44092

The IEP team shall review the individualized education program of each child with a disability periodically, but at least annually, to determine whether the annual goals for the child are being achieved, and shall revise the individualized education program as appropriate.

The ~~state board~~ department of learning and achievement shall establish procedures and standards to assure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who are not disabled. Special classes, separate schools, or other removal of children with disabilities from the regular educational environment shall be used only when the nature or severity of a child's disability is such that education in regular classes with supplementary aids and services cannot be achieved satisfactorily.

If an agency directly affected by a placement decision objects to such decision, an impartial hearing officer, appointed by the department of ~~education~~ learning and achievement from a list prepared by the department, shall conduct a hearing to review the placement decision. The agencies that are parties to a hearing shall divide the costs of such hearing equally. The decision of the hearing officer shall be final, except that any party to the hearing who is aggrieved by the findings or the decision of the hearing officer may appeal the findings or decision in accordance with division (H) of section 3323.05 of the Revised Code or the parent of any child affected by such decision may present a complaint in accordance with that section.

**Sec. 3323.041.** To the extent consistent with the number

and location of children with disabilities in the state who are 44123  
enrolled by their parents in nonpublic elementary and secondary 44124  
schools in the school district served by a board of education of 44125  
a school district, provision is made for the participation of 44126  
those children in the program for the education of children with 44127  
disabilities which is assisted or carried out under Part B of 44128  
the "Individuals with Disabilities Education Improvement Act of 44129  
2004, P.L." Pub. L. No. 108-446. The district in which the 44130  
nonpublic elementary or secondary school is located shall 44131  
provide for such children special education and related services 44132  
in accordance with Section 612(a)(10) of the "Individuals with 44133  
Disabilities Education Improvement Act of 2004," 20 U.S.C. 44134  
1412(a)(10) and related provisions of the Code of Federal 44135  
Regulations and in accordance with any rules adopted by ~~the~~ 44136  
~~state board of education or guidelines issued by the~~ 44137  
~~superintendent of public instruction, or guidelines issued by,~~ 44138  
the department of learning and achievement. 44139

Amounts to be expended for the provision of those 44140  
services, including direct services to parentally placed 44141  
nonpublic school children, by the school district shall be equal 44142  
to a proportionate amount of federal funds made available under 44143  
Part B of the "Individuals with Disabilities Education 44144  
Improvement Act of 2004." The school district shall exercise the 44145  
following responsibilities towards parentally placed children 44146  
with disabilities who attend nonpublic schools located in the 44147  
school district: child find, timely and meaningful consultation, 44148  
written affirmation of timely and meaningful consultation, 44149  
compliance, and provision of equitable services, as provided by 44150  
the "Individuals with Disabilities Education Improvement Act of 44151  
2004" and related provisions of the Code of Federal Regulations 44152  
and in accordance with any rules adopted by ~~the state board of~~ 44153

~~education or guidelines issued by the superintendent of public- 44154  
instruction, or guidelines issued by, the department. 44155~~

**Sec. 3323.05.** ~~The state board of education~~ department of 44156  
learning and achievement shall establish procedures to ensure 44157  
that children with disabilities and their parents are guaranteed 44158  
procedural safeguards under this chapter with respect to a free 44159  
appropriate public education. 44160

The procedures shall include, but need not be limited to: 44161

(A) An opportunity for the parents of a child with a 44162  
disability to examine all records related to the child and to 44163  
participate in meetings with respect to identification, 44164  
evaluation, and educational placement of the child, and to 44165  
obtain an independent educational evaluation of the child; 44166

(B) Procedures to protect the rights of the child whenever 44167  
the parents of the child are not known, an agency after making 44168  
reasonable efforts cannot find the parents, or the child is a 44169  
ward of the state, including the assignment of an individual to 44170  
act as a surrogate for the parents made by the school district 44171  
or other educational agency responsible for educating the child 44172  
or by the court with jurisdiction over the child's custody. Such 44173  
assignment shall be made in accordance with section 3323.051 of 44174  
the Revised Code. 44175

(C) Prior written notice to the child's parents of a 44176  
school district's proposal or refusal to initiate or change the 44177  
identification, evaluation, or educational placement of the 44178  
child or the provision of a free appropriate education for the 44179  
child. The procedures established under this division shall: 44180

(1) Be designed to ensure that the written prior notice is 44181  
in the native language of the parents, unless it clearly is not 44182

feasible to do so. 44183

(2) Specify that the prior written notice shall include: 44184

(a) A description of the action proposed or refused by the 44185  
district; 44186

(b) An explanation of why the district proposes or refuses 44187  
to take the action and a description of each evaluation 44188  
procedure, assessment, record, or report the district used as a 44189  
basis for the proposed or refused action; 44190

(c) A statement that the parents of a child with a 44191  
disability have protection under the procedural safeguards and, 44192  
if the notice is not in regard to an initial referral for 44193  
evaluation, the means by which a copy of a description of the 44194  
procedural safeguards can be obtained; 44195

(d) Sources for parents to contact to obtain assistance in 44196  
understanding the provisions of Part B of the "Individuals with 44197  
Disabilities Education Improvement Act of 2004"; 44198

(e) A description of other options considered by the IEP 44199  
team and the reason why those options were rejected; 44200

(f) A description of the factors that are relevant to the 44201  
agency's proposal or refusal. 44202

(D) An opportunity for the child's parents to present 44203  
complaints to the superintendent of the child's school district 44204  
of residence with respect to any matter relating to the 44205  
identification, evaluation, or educational placement of the 44206  
child, or the provision of a free appropriate public education 44207  
under this chapter. 44208

Within twenty school days after receipt of a complaint, 44209  
the district superintendent or the superintendent's designee, 44210

without undue delay and at a time and place convenient to all 44211  
parties, shall review the case, may conduct an administrative 44212  
review, and shall notify all parties in writing of the 44213  
superintendent's or designee's decision. Where the child is 44214  
placed in a program operated by a county board of developmental 44215  
disabilities or other educational agency, the superintendent 44216  
shall consult with the administrator of that board or agency. 44217

Any party aggrieved by the decision of the district 44218  
superintendent or the superintendent's designee may file a 44219  
complaint with the ~~state board~~ department of learning and 44220  
achievement as provided under division (E) of this section, 44221  
request mediation as provided under division (F) of this 44222  
section, or present a due process complaint notice and request 44223  
for a due process hearing in writing to the superintendent of 44224  
the district, with a copy to the state board, as provided under 44225  
division (G) of this section. 44226

(E) An opportunity for a party to file a complaint with 44227  
the ~~state board of education~~ department of learning and 44228  
achievement with respect to the identification, evaluation, or 44229  
educational placement of the child, or the provision of a free 44230  
appropriate public education to such child. The department ~~of~~ 44231  
~~education~~ shall review and, where appropriate, investigate the 44232  
complaint and issue findings. 44233

(F) An opportunity for parents and a school district to 44234  
resolve through mediation disputes involving any matter. 44235

(1) The procedures established under this section shall 44236  
ensure that the mediation process is voluntary on the part of 44237  
the parties, is not used to deny or delay a parent's right to a 44238  
due process hearing or to deny any other rights afforded under 44239  
this chapter, and is conducted by a qualified and impartial 44240

mediator who is trained in effective mediation techniques. 44241

(2) A school district may establish procedures to offer to 44242  
parents and schools that choose not to use the mediation 44243  
process, an opportunity to meet, at a time and location 44244  
convenient to the parents, with a disinterested party to 44245  
encourage the use, and explain the benefits, of the mediation 44246  
process to the parents. The disinterested party shall be an 44247  
individual who is under contract with a parent training and 44248  
information center or community parent resource center in the 44249  
state or is under contract with an appropriate alternative 44250  
dispute resolution entity. 44251

(3) The department shall maintain a list of individuals 44252  
who are qualified mediators and knowledgeable in laws and 44253  
regulations relating to the provision of special education and 44254  
related services. 44255

(4) The department shall bear the cost of the mediation 44256  
process, including the costs of meetings described in division 44257  
(F) (2) of this section. 44258

(5) Each session in the mediation process shall be 44259  
scheduled in a timely manner and shall be held in a location 44260  
that is convenient to the parties to the dispute. 44261

(6) Discussions that occur during the mediation process 44262  
shall be confidential and shall not be used as evidence in any 44263  
subsequent due process hearing or civil proceeding. 44264

(7) In the case that a resolution is reached to resolve 44265  
the complaint through the mediation process, the parties shall 44266  
execute a legally binding agreement that sets forth the 44267  
resolution and that: 44268

(a) States that all discussions that occurred during the 44269

mediation process shall be confidential and shall not be used as 44270  
evidence in any subsequent due process hearing or civil 44271  
proceeding; 44272

(b) Is signed by both the parent and a representative for 44273  
the school district who has the authority to bind the district; 44274

(c) Is enforceable in any state court of competent 44275  
jurisdiction or in a district court of the United States. 44276

(G) (1) An opportunity for parents or a school district to 44277  
present a due process complaint and request for a due process 44278  
hearing to the superintendent of the school district of the 44279  
child's residence with respect to the identification, 44280  
evaluation, or educational placement of the child, or the 44281  
provision of a free appropriate public education to the child. 44282  
The party presenting the due process complaint and request for a 44283  
due process hearing shall provide due process complaint notice 44284  
to the other party and forward a copy of the notice to the ~~state-~~ 44285  
~~board~~ department. The due process complaint notice shall 44286  
include: 44287

(a) The name of the child, the address of the residence of 44288  
the child, or the available contact information in the case of a 44289  
homeless child, and the name of the school the child is 44290  
attending; 44291

(b) A description of the nature of the problem of the 44292  
child relating to the proposed initiation or change, including 44293  
facts relating to the problem; 44294

(c) A proposed resolution of the problem to the extent 44295  
known and available to the party at the time. 44296

A party shall not have a due process hearing until the 44297  
party, or the attorney representing the party, files a notice 44298

that meets the requirement for filing a due process complaint 44299  
notice. 44300

A due process hearing shall be conducted by an impartial 44301  
hearing officer in accordance with standards and procedures 44302  
adopted by the ~~state board~~ department. A hearing officer shall 44303  
not be an employee of the state board or any agency involved in 44304  
the education or care of the child or a person having a personal 44305  
or professional interest that conflicts with the person's 44306  
objectivity in the hearing. A hearing officer shall possess 44307  
knowledge of, and the ability to understand, the provisions of 44308  
the "Individuals with Disabilities Education Improvement Act of 44309  
2004," federal and state regulations pertaining to that act, and 44310  
legal interpretations of that act by federal and state courts; 44311  
possess the knowledge and ability to conduct hearings in 44312  
accordance with appropriate standard legal practice; and possess 44313  
the knowledge and ability to render and write decisions in 44314  
accordance with appropriate standard legal practice. The due 44315  
process requirements of section 615 of the "Individuals with 44316  
Disabilities Education Improvement Act of 2004," 20 U.S.C. 1415, 44317  
apply to due process complaint notices and requests for due 44318  
process hearings and to due process hearings held under division 44319  
(G) of this section, including, but not limited to, timelines 44320  
for requesting hearings, requirements for sufficient complaint 44321  
notices, resolution sessions, and sufficiency and hearing 44322  
decisions. 44323

(2) Discussions that occur during a resolution session 44324  
shall be confidential and shall not be used as evidence in any 44325  
subsequent due process hearing or civil proceeding. If a 44326  
resolution to the dispute is reached at a resolution session, 44327  
the parties must execute a legally binding written settlement 44328  
agreement which shall state that all discussions that occurred 44329

during the resolution process shall be confidential and shall 44330  
not be used as evidence in any subsequent due process hearing or 44331  
civil proceeding. 44332

(3) A party to a hearing under division (G) of this 44333  
section shall be accorded: 44334

(a) The right to be accompanied and advised by counsel and 44335  
by individuals with special knowledge or training with respect 44336  
to the problems of children with disabilities; 44337

(b) The right to present evidence and confront, cross- 44338  
examine, and compel the attendance of witnesses; 44339

(c) The right to a written or electronic verbatim record 44340  
of the hearing; 44341

(d) The right to written findings of fact and decisions, 44342  
which findings of fact and decisions shall be made available to 44343  
the public consistent with the requirements relating to the 44344  
confidentiality of personally identifiable data, information, 44345  
and records collected and maintained by state educational 44346  
agencies and local educational agencies; and shall be 44347  
transmitted to the advisory panel established and maintained by 44348  
the department for the purpose of providing policy guidance with 44349  
respect to special education and related services for children 44350  
with disabilities in the state. 44351

(H) An opportunity for any party aggrieved by the findings 44352  
and decision rendered in a hearing under division (G) of this 44353  
section to appeal within forty-five days of notification of the 44354  
decision to the ~~state board~~ department, which shall appoint a 44355  
state level officer who shall review the case and issue a final 44356  
order. The state level officer shall be appointed and shall 44357  
review the case in accordance with standards and procedures 44358

adopted by the ~~state board~~ department. 44359

Any party aggrieved by the final order of the state level 44360  
officer may appeal the final order, in accordance with Chapter 44361  
119. of the Revised Code, within forty-five days after 44362  
notification of the order to the court of common pleas of the 44363  
county in which the child's school district of residence is 44364  
located, or to a district court of the United States within 44365  
ninety days after the date of the decision of the state level 44366  
review officer, as provided in section 615(i) (2) of the 44367  
"Individuals with Disabilities Education Improvement Act of 44368  
2004," 20 U.S.C. 1415(i) (2). 44369

**Sec. 3323.051.** No individual shall be assigned to act as a 44370  
surrogate for the parents of a child with a disability under 44371  
division (B) of section 3323.05 of the Revised Code if the 44372  
individual is an employee of the department of ~~education~~ 44373  
learning and achievement or the school district or any other 44374  
agency involved in the education or care of the child or if the 44375  
individual has any interest that conflicts with the interests of 44376  
the child. If a conflict of interest arises subsequent to the 44377  
assignment of a surrogate, the authority that made the 44378  
assignment shall terminate it and assign another surrogate. 44379  
Neither the surrogate nor the authority that assigned the 44380  
surrogate shall be liable in civil damages for acts of the 44381  
surrogate unless such acts constitute willful or wanton 44382  
misconduct. 44383

**Sec. 3323.052.** (A) The department of ~~education~~ learning 44384  
and achievement shall develop a document that compares a 44385  
parent's and child's rights under this chapter and 20 U.S.C. 44386  
1400 et seq. with the parent's and child's rights under the Jon 44387  
Peterson special needs scholarship program, established in 44388

sections 3310.51 to 3310.64 of the Revised Code, including the 44389  
provisions of divisions (A) and (B) of section 3310.53 of the 44390  
Revised Code. The department shall revise that document as 44391  
necessary to reflect any pertinent changes in state or federal 44392  
statutory law, rule, or regulation. 44393

(B) The department and each school district shall ensure 44394  
that the document prescribed in division (A) of this section is 44395  
included in, appended to, or otherwise distributed in 44396  
conjunction with the notice required under 20 U.S.C. 1415(d), 44397  
and any provision of the Code of Federal Regulations 44398  
implementing that requirement, in the manner and at all the 44399  
times specified for such notice in federal law or regulation. 44400

(C) In addition to the requirement prescribed by division 44401  
(B) of this section, each time a child's school district 44402  
completes an evaluation for a child with a disability or 44403  
undertakes the development, review, or revision of the child's 44404  
IEP, the district shall notify the child's parent, by letter or 44405  
electronic means, about both the autism scholarship program, 44406  
under section 3310.41 of the Revised Code, and the Jon Peterson 44407  
special needs scholarship program, under sections 3310.51 to 44408  
3310.64 of the Revised Code. The notice shall include the 44409  
following statement: 44410

"Your child may be eligible for a scholarship under the 44411  
Autism Scholarship Program or the Jon Peterson Special Needs 44412  
Scholarship Program to attend a special education program that 44413  
implements the child's individualized education program and that 44414  
is operated by an alternative public provider or by a registered 44415  
private provider." 44416

The notice shall include the telephone number of the 44417  
office of the department responsible for administering the 44418

scholarship programs and the specific location of scholarship information on the department's web site. 44419  
44420

(D) As used in this section, a "child's school district" means the school district in which the child is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 44421  
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**Sec. 3323.06.** (A) The ~~state board of education~~ department of learning and achievement shall develop, implement, provide general supervision of, and assure compliance with a state plan for the following: 44425  
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(1) The identification, location, and evaluation of all children with disabilities in the state; 44429  
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(2) The provision of special education and related services to ensure a free appropriate public education for all children with disabilities at least three years of age and less than twenty-two years of age, including children with disabilities who have been suspended or expelled from school; 44431  
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(3) The availability of special education and related services for children with disabilities under three years of age, as authorized by division (C) of this section and as specified in rules of the ~~state board~~ department. 44436  
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The state plan shall provide assurances that the ~~state board~~ department has in effect policies and procedures to ensure that the state meets the conditions specified in section 612 of the "Individuals with Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412. 44440  
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(B) The ~~state board~~ department shall establish and maintain an advisory panel for the purpose of providing policy guidance with respect to special education and related services 44445  
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for children with disabilities in the state. A majority of the 44448  
members of the panel shall be individuals with disabilities or 44449  
parents of children with disabilities representing all ages, 44450  
birth through twenty-six years of age. The advisory panel shall 44451  
meet the requirements of section 612(a)(21) of the "Individuals 44452  
with Disabilities Education Improvement Act of 2004," 20 U.S.C. 44453  
1412(a)(21), and related provisions of the Code of Federal 44454  
Regulations. The panel shall advise the ~~Ohio~~ department of 44455  
~~education-learning and achievement~~ of unmet needs within the 44456  
state in the education of children with disabilities; comment 44457  
publicly on rules proposed by that department regarding the 44458  
education of children with disabilities; advise that department 44459  
in developing evaluations and reporting on data to the United 44460  
States secretary of education under section 618 of the act, 20 44461  
U.S.C. 1418; advise the Ohio department in developing corrective 44462  
action plans to address findings identified in federal 44463  
monitoring reports under Part B of the act; and advise the Ohio 44464  
department in developing and implementing policies relating to 44465  
the coordination of services for children with disabilities. 44466

(C) In addition to the policies and procedures authorized 44467  
under division (A) of this section, the ~~state board~~ department 44468  
may authorize school districts to establish and maintain special 44469  
education and related services for children less than three 44470  
years of age as specified in rules of the state board. 44471

(D) In the exercise of its general supervisory 44472  
responsibility, the ~~state board~~ department shall monitor the 44473  
implementation of Part B of the "Individuals with Disabilities 44474  
Education Improvement Act of 2004" by school districts. 44475  
Monitoring activities shall include, but are not limited to, 44476  
focused monitoring, investigations of complaints, and technical 44477  
assistance. The primary focus of the ~~state board's~~ department's 44478

monitoring activities shall be improving educational results and 44479  
functional outcomes for all children with disabilities and 44480  
ensuring that the ~~state board~~ department meets the program 44481  
requirements under Part B, with a particular emphasis on those 44482  
requirements that are most closely related to improving 44483  
educational results for children with disabilities. 44484

**Sec. 3323.07.** The ~~state board of education~~ department of 44485  
learning and achievement shall authorize the establishment and 44486  
maintenance of special education and related services for all 44487  
children with disabilities who are at least three years of age 44488  
and less than twenty-two years of age, including children with 44489  
disabilities who have been suspended or expelled from school, 44490  
and may authorize special education and related services for 44491  
children with disabilities who are less than three years of age 44492  
in accordance with rules adopted by the ~~state board~~ department. 44493  
The ~~state board~~ department shall require the boards of education 44494  
of school districts, shall authorize the department of mental 44495  
health and addiction services and the department of 44496  
developmental disabilities, and may authorize any other 44497  
educational agency, to establish and maintain such special 44498  
education and related services in accordance with standards 44499  
adopted by the ~~state board~~ department. 44500

**Sec. 3323.08.** (A) Each school district shall submit a plan 44501  
to the ~~superintendent of public instruction~~ department of 44502  
learning and achievement that provides assurances that the 44503  
school district will provide for the education of children with 44504  
disabilities within its jurisdiction and has in effect policies, 44505  
procedures, and programs that are consistent with the policies 44506  
and procedures adopted by the ~~state board of education~~ 44507  
department in accordance with section 612 of the "Individuals 44508  
with Disabilities Education Improvement Act of 2004," 20 U.S.C. 44509

1412, and that meet the conditions applicable to school 44510  
districts under section 613 of that act, 20 U.S.C. 1413. 44511

Each district's plan shall do all of the following: 44512

(1) Provide, as specified in section 3323.11 of the 44513  
Revised Code and in accordance with standards established by the 44514  
~~state board~~ department, for an organizational structure and 44515  
necessary and qualified staffing and supervision for the 44516  
identification of and provision of special education and related 44517  
services for children with disabilities; 44518

(2) Provide, as specified by section 3323.03 of the 44519  
Revised Code and in accordance with standards established by the 44520  
~~state board~~ department, for the identification, location, and 44521  
evaluation of all children with disabilities residing in the 44522  
district, including children with disabilities who are homeless 44523  
children or are wards of the state and children with 44524  
disabilities attending private schools and who are in need of 44525  
special education and related services. A practical method shall 44526  
be developed and implemented to determine which children with 44527  
disabilities are currently receiving needed special education 44528  
and related services. 44529

(3) Provide, as specified by section 3323.07 of the 44530  
Revised Code and standards established by the ~~state board~~ 44531  
department, for the establishment and maintenance of special 44532  
education and related services for children with disabilities 44533  
who are at least three years of age and less than twenty-two 44534  
years of age, including children with disabilities who have been 44535  
suspended or expelled from school. 44536

(4) Provide, as specified by section 3323.04 of the 44537  
Revised Code and in accordance with standards adopted by the 44538

~~state board department~~, for an individualized education program 44539  
for each child with a disability who is at least three years of 44540  
age and less than twenty-two years of age residing within the 44541  
district; 44542

(5) Provide, as specified by section 3323.02 of the 44543  
Revised Code and in accordance with standards established by the 44544  
~~state board department~~, for special education and related 44545  
services and a free appropriate public education for every child 44546  
with a disability who is at least three years of age and less 44547  
than twenty-two years of age, including children with 44548  
disabilities who have been suspended or expelled from school; 44549

(6) Provide procedural safeguards and prior written notice 44550  
as required under section 3323.05 of the Revised Code and the 44551  
standards established by the ~~state board department~~; 44552

(7) Outline the steps that have been or are being taken to 44553  
comply with standards established by the ~~state board department~~. 44554

(B) (1) A school district may arrange, by a cooperative 44555  
agreement or contract with one or more school districts or with 44556  
a cooperative education or joint vocational school district or 44557  
an educational service center, to provide for the 44558  
identification, location, and evaluation of children with 44559  
disabilities, and to provide special education and related 44560  
services for such children that meet the standards established 44561  
by the ~~state board department~~. A school district may arrange, by 44562  
a cooperative agreement or contract, for the provision of 44563  
related services for children with disabilities that meet the 44564  
standards established by the ~~state board department~~. 44565

(2) A school district shall arrange by interagency 44566  
agreement with one or more school districts or with a 44567

cooperative education or joint vocational school district or an 44568  
educational service center or other providers of early learning 44569  
services to provide for the identification, location, evaluation 44570  
of children with disabilities of ages birth through five years 44571  
of age and for the transition of children with disabilities at 44572  
age three in accordance with the standards established by the 44573  
~~state board~~ department. A school district may arrange by 44574  
interagency agreement with providers of early learning services 44575  
to provide special education and related services for such 44576  
children that meet the standards established by the ~~state board~~ 44577  
department. 44578

(3) If at the time an individualized education program is 44579  
developed for a child a school district is not providing special 44580  
education and related services required by that individualized 44581  
education program, the school district may arrange by contract 44582  
with a nonpublic entity for the provision of the special 44583  
education and related services, provided the special education 44584  
and related services meet the standards for special education 44585  
and related services established by the ~~state board~~ department 44586  
and is provided within the state. 44587

(4) Any cooperative agreement or contract under division 44588  
(B) (1) or (2) of this section involving a local school district 44589  
shall be approved by the governing board of the educational 44590  
service center which serves that district. 44591

(C) No plan of a local school district shall be submitted 44592  
to the ~~superintendent of public instruction~~ department of 44593  
learning and achievement until it has been approved by the 44594  
superintendent of the educational service center which serves 44595  
that district. 44596

(D) Upon approval of a school district's plan by the 44597

~~superintendent of public instruction department~~, the district 44598  
shall immediately certify students for state funds under section 44599  
3317.03 of the Revised Code to implement and maintain such plan. 44600  
The district shall, in accordance with guidelines adopted by the 44601  
~~state board department~~, identify problems relating to the 44602  
provision of qualified personnel and adequate facilities, and 44603  
indicate the extent to which the cost of programs required under 44604  
the plan will exceed anticipated state reimbursement. Each 44605  
school district shall immediately implement the identification, 44606  
location, and evaluation of children with disabilities in 44607  
accordance with this chapter, and shall implement those parts of 44608  
the plan involving placement and provision of special education 44609  
and related services. 44610

**Sec. 3323.09.** (A) As used in this section: 44611

(1) "Home" has the meaning given in section 3313.64 of the 44612  
Revised Code. 44613

(2) "Preschool child" means a child who is at least age 44614  
three but under age six on the thirtieth day of September of an 44615  
academic year. 44616

(B) Each county board of developmental disabilities shall 44617  
establish special education programs for all children with 44618  
disabilities who in accordance with section 3323.04 of the 44619  
Revised Code have been placed in special education programs 44620  
operated by the county board and for preschool children who are 44621  
developmentally delayed or at risk of being developmentally 44622  
delayed. The board annually shall submit to the department of 44623  
~~education learning and achievement~~ a plan for the provision of 44624  
these programs. The ~~superintendent of public instruction~~ 44625  
~~department~~ shall review the plan and approve or modify it in 44626  
accordance with rules adopted by the ~~state board of education~~ 44627

~~department~~ under section 3301.07 of the Revised Code. The 44628  
~~superintendent of public instruction department~~ shall compile 44629  
the plans submitted by county boards ~~and shall submit a~~ 44630  
~~comprehensive plan to the state board.~~ 44631

A county board of developmental disabilities may combine 44632  
transportation for children enrolled in classes funded under 44633  
sections 3317.0213 or 3317.20 with transportation for children 44634  
and adults enrolled in programs and services offered by the 44635  
board under Chapter 5126. of the Revised Code. 44636

(C) A county board of developmental disabilities that 44637  
during the school year provided special education pursuant to 44638  
this section for any child with mental disabilities under 44639  
twenty-two years of age shall prepare and submit the following 44640  
reports and statements: 44641

(1) The board shall prepare a statement for each child who 44642  
at the time of receiving such special education was a resident 44643  
of a home and was not in the legal or permanent custody of an 44644  
Ohio resident or a government agency in this state, and whose 44645  
natural or adoptive parents are not known to have been residents 44646  
of this state subsequent to the child's birth. The statement 44647  
shall contain the child's name, the name of the child's school 44648  
district of residence, the name of the county board providing 44649  
the special education, and the number of months, including any 44650  
fraction of a month, it was provided. Not later than the 44651  
thirtieth day of June, the board shall forward a certified copy 44652  
of such statement to both the director of developmental 44653  
disabilities and to the home. 44654

Within thirty days after its receipt of a statement, the 44655  
home shall pay tuition to the county board computed in the 44656  
manner prescribed by section 3323.141 of the Revised Code. 44657

(2) The board shall prepare a report for each school 44658  
district that is the school district of residence of one or more 44659  
of such children for whom statements are not required by 44660  
division (C) (1) of this section. The report shall contain the 44661  
name of the county board providing special education, the name 44662  
of each child receiving special education, the number of months, 44663  
including fractions of a month, that the child received it, and 44664  
the name of the child's school district of residence. Not later 44665  
than the thirtieth day of June, the board shall forward 44666  
certified copies of each report to the school district named in 44667  
the report, ~~the superintendent of public instruction~~ department 44668  
of learning and achievement, and the director of developmental 44669  
disabilities. 44670

**Sec. 3323.091.** (A) The department of mental health and 44671  
addiction services, the department of developmental 44672  
disabilities, the department of youth services, and the 44673  
department of rehabilitation and correction shall establish and 44674  
maintain special education programs for children with 44675  
disabilities in institutions under their jurisdiction according 44676  
to standards adopted by the ~~state board of education~~ department 44677  
of learning and achievement. 44678

(B) The superintendent of each state institution required 44679  
to provide services under division (A) of this section may apply 44680  
to the department of ~~education~~ learning and achievement for 44681  
special education and related services funding for children with 44682  
disabilities other than preschool children with disabilities, 44683  
calculated in accordance with section 3317.201 of the Revised 44684  
Code. 44685

Each county board of developmental disabilities providing 44686  
special education for children with disabilities other than 44687

preschool children with disabilities may apply to the department 44688  
~~of education~~ for opportunity funds and special education and 44689  
related services funding calculated in accordance with section 44690  
3317.20 of the Revised Code. 44691

(C) In addition to the authorization to apply for state 44692  
funding described in division (B) of this section, each state 44693  
institution required to provide services under division (A) of 44694  
this section is entitled to tuition payments calculated in the 44695  
manner described in division (C) of this section. 44696

On or before the thirtieth day of June of each year, the 44697  
superintendent of each institution that during the school year 44698  
provided special education pursuant to this section shall 44699  
prepare a statement for each child with a disability under 44700  
twenty-two years of age who has received special education. The 44701  
statement shall contain the child's data verification code 44702  
assigned pursuant to division (D) (2) of section 3301.0714 of the 44703  
Revised Code and the name of the child's school district of 44704  
residence. Within sixty days after receipt of such statement, 44705  
the department ~~of education~~ shall perform one of the following: 44706

(1) For any child except a preschool child with a 44707  
disability described in division (C) (2) of this section, pay to 44708  
the institution submitting the statement an amount equal to the 44709  
tuition calculated under division (A) of section 3317.08 of the 44710  
Revised Code for the period covered by the statement, and deduct 44711  
the same from the amount of state funds, if any, payable under 44712  
Chapter 3317. of the Revised Code, to the child's school 44713  
district of residence or, if the amount of such state funds is 44714  
insufficient, require the child's school district of residence 44715  
to pay the institution submitting the statement an amount equal 44716  
to the amount determined under this division. 44717

(2) For any preschool child with a disability, perform the 44718  
following: 44719

(a) Pay to the institution submitting the statement an 44720  
amount equal to the tuition calculated under division (B) of 44721  
section 3317.08 of the Revised Code for the period covered by 44722  
the statement, except that in calculating the tuition under that 44723  
section the operating expenses of the institution submitting the 44724  
statement under this section shall be used instead of the 44725  
operating expenses of the school district of residence; 44726

(b) Deduct from the amount of state funds, if any, payable 44727  
under Chapter 3317. of the Revised Code to the child's school 44728  
district of residence an amount equal to the amount paid under 44729  
division (C) (2) (a) of this section. 44730

**Sec. 3323.11.** Each school district shall employ, as 44731  
necessary, the personnel to meet the needs of the children with 44732  
disabilities enrolled in its schools. Personnel shall possess 44733  
appropriate qualifications and certificates or licenses as 44734  
prescribed in rules of the ~~state board of education~~ department 44735  
of learning and achievement. Teachers shall be "highly 44736  
qualified," as that term is defined in section 602(10) of the 44737  
"Individuals with Disabilities Education Improvement Act of 44738  
2004," 20 U.S.C.1401(10). 44739

**Sec. 3323.13.** (A) If a child who is a school resident of 44740  
one school district receives special education from another 44741  
district, the board of education of the district providing the 44742  
education, subject to division (C) of this section, may require 44743  
the payment by the board of education of the district of 44744  
residence of a sum not to exceed one of the following, as 44745  
applicable: 44746

(1) For any child except a preschool child with a disability described in division (A) (2) of this section, the tuition of the district providing the education for a child of normal needs of the same school grade. The determination of the amount of such tuition shall be in the manner provided for by division (A) of section 3317.08 of the Revised Code.

(2) For any preschool child with a disability, the tuition of the district providing the education for the child as calculated under division (B) of section 3317.08 of the Revised Code.

(B) The board of the district of residence may contract with the board of another district for the transportation of such child into any school in such other district, on terms agreed upon by such boards. Upon direction of the ~~state board of education~~ department of learning and achievement, the board of the district of residence shall pay for the child's transportation and the tuition.

(C) The board of education of a district providing the education for a child shall be entitled to require payment from the district of residence under this section or section 3323.14 of the Revised Code only if the district providing the education has done at least one of the following:

(1) Invited the district of residence to send representatives to attend the meetings of the team developing the child's individualized education program;

(2) Received from the district of residence a copy of the individualized education program or a multifactored evaluation developed for the child by the district of residence;

(3) Informed the district of residence in writing that the

district is providing the education for the child. 44776

As used in division (C) (2) of this section, "multifaceted 44777  
evaluation" means an evaluation, conducted by a 44778  
multidisciplinary team, of more than one area of the child's 44779  
functioning so that no single procedure shall be the sole 44780  
criterion for determining an appropriate educational program 44781  
placement for the child. 44782

**Sec. 3323.14.** (A) Where a child who is a school resident 44783  
of one school district receives special education from another 44784  
district and the per capita cost to the educating district for 44785  
that child exceeds the sum of the amount received by the 44786  
educating district for that child under division (A) of section 44787  
3317.08 of the Revised Code and the amount received by the 44788  
district from the ~~state board of education~~ department of 44789  
learning and achievement for that child, then the board of 44790  
education of the district of residence shall pay to the board of 44791  
the school district that is providing the special education such 44792  
excess cost as is determined by using a formula approved by the 44793  
department of ~~education~~ learning and achievement and agreed upon 44794  
in contracts entered into by the boards of the districts 44795  
concerned at the time the district providing such special 44796  
education accepts the child for enrollment. The department shall 44797  
certify the amount of the payments under Chapter 3317. of the 44798  
Revised Code for such pupils with disabilities for each school 44799  
year ending on the thirtieth day of July. 44800

(B) In the case of a child described in division (A) of 44801  
this section who has been placed in a home, as defined in 44802  
section 3313.64 of the Revised Code, pursuant to the order of a 44803  
court and who is not subject to section 3323.141 of the Revised 44804  
Code, the district providing the child with special education 44805

and related services may charge to the child's district of 44806  
residence the excess cost determined by formula approved by the 44807  
department, regardless of whether the district of residence has 44808  
entered into a contract with the district providing the 44809  
services. If the district providing the services chooses to 44810  
charge excess costs, the district may report the amount 44811  
calculated under this division to the department. 44812

(C) If a district providing special education for a child 44813  
reports an amount for the excess cost of those services, as 44814  
authorized and calculated under division (A) or (B) of this 44815  
section, the department shall pay that amount of excess cost to 44816  
the district providing the services and shall deduct that amount 44817  
from the child's district of residence in accordance with 44818  
division (K) of section 3317.023 of the Revised Code. 44819

(D) If a district providing special education to a child 44820  
to whom division (C) (4) of section 3313.64 of the Revised Code 44821  
applies chooses to receive a tuition payment for that child 44822  
under that division, that district shall not receive any 44823  
payments under this section. 44824

**Sec. 3323.141.** (A) When a child who is not in the legal or 44825  
permanent custody of an Ohio resident or a government agency in 44826  
this state and whose natural or adoptive parents are not known 44827  
to have been residents of this state subsequent to the child's 44828  
birth is a resident of a home as defined in section 3313.64 of 44829  
the Revised Code and receives special education and related 44830  
services from a school district or county board of developmental 44831  
disabilities, the home shall pay tuition to the board providing 44832  
the special education. 44833

(B) In the case of a child described in division (A) of 44834  
this section who receives special education and related services 44835

from a school district, tuition shall be the amount determined 44836  
under division (B) (1) or (2) of this section. 44837

(1) For a child other than a child described in division 44838  
(B) (2) of this section the tuition shall be an amount equal to 44839  
the sum of the following: 44840

(a) Tuition as determined in the manner provided for by 44841  
division (B) of section 3317.081 of the Revised Code for the 44842  
district that provides the special education; 44843

(b) Such excess cost as is determined by using a formula 44844  
established by rule of the department of ~~education~~ learning and 44845  
achievement. The excess cost computed in this section shall not 44846  
be used as excess cost computed under section 3323.14 of the 44847  
Revised Code. 44848

(2) For a child who is a preschool child with a 44849  
disability, the tuition shall be computed as follows: 44850

(a) Determine the amount of the tuition of the district 44851  
providing the education for the child as calculated under 44852  
division (B) of section 3317.08 of the Revised Code; 44853

(b) For each type of special education service included in 44854  
the computation of the amount of tuition under division (B) (2) 44855  
(a) of this section, divide the amount determined for that 44856  
computation under division (B) (2) of section 3317.08 of the 44857  
Revised Code by the total number of preschool children with 44858  
disabilities used for that computation under division (B) (3) of 44859  
section 3317.08 of the Revised Code; 44860

(c) Determine the sum of the quotients obtained under 44861  
division (B) (2) (b) of this section; 44862

(d) Determine the sum of the amounts determined under 44863

divisions (B) (2) (a) and (c) of this section. 44864

(C) In the case of a child described in division (A) of 44865  
this section who receives special education and related services 44866  
from a county board of developmental disabilities, tuition shall 44867  
be the amount determined under division (C) (1) or (2) of this 44868  
section. 44869

(1) For a child other than a child described in division 44870  
(C) (2) of this section, the tuition shall be an amount equal to 44871  
such board's per capita cost of providing special education and 44872  
related services for children at least three but less than 44873  
twenty-two years of age as determined by using a formula 44874  
established by rule of the department of developmental 44875  
disabilities. 44876

(2) For a child who is a preschool child with a 44877  
disability, the tuition shall equal the sum of the amounts of 44878  
each such board's per capita cost of providing each of the 44879  
special education or related service that the child receives. 44880  
The calculation of tuition shall be made by using a formula 44881  
established by rule of the department of developmental 44882  
disabilities. The formula for the calculation of per capita 44883  
costs under division (C) (2) of this section shall be based only 44884  
on each such county board's cost of providing each type of 44885  
special education or related service to preschool children with 44886  
disabilities. 44887

(D) If a home fails to pay the tuition required under this 44888  
section, the board of education or county board of developmental 44889  
disabilities providing the education may recover in a civil 44890  
action the tuition and the expenses incurred in prosecuting the 44891  
action, including court costs and reasonable attorney's fees. If 44892  
the prosecuting attorney or city director of law represents the 44893

board in such action, costs and reasonable attorney's fees 44894  
awarded by the court, based upon the time spent preparing and 44895  
presenting the case by the prosecuting attorney, director, or a 44896  
designee of either, shall be deposited in the county or city 44897  
general fund. 44898

**Sec. 3323.142.** As used in this section, "per pupil amount" 44899  
for a preschool child with a disability included in such an 44900  
approved unit means the amount determined by dividing the amount 44901  
received for the classroom unit in which the child has been 44902  
placed by the number of children in the unit. For any other 44903  
child, "per pupil amount" means the amount paid for the child 44904  
under section 3317.20 of the Revised Code. 44905

When a school district places or has placed a child with a 44906  
county board of developmental disabilities for special 44907  
education, but another district is responsible for tuition under 44908  
section 3313.64 or 3313.65 of the Revised Code and the child is 44909  
not a resident of the territory served by the county board of 44910  
developmental disabilities, the board may charge the district 44911  
responsible for tuition with the educational costs in excess of 44912  
the per pupil amount received by the board under Chapter 3317. 44913  
of the Revised Code. The amount of the excess cost shall be 44914  
determined by the formula established by rule of the department 44915  
of ~~education~~ learning and achievement under section 3323.14 of 44916  
the Revised Code, and the payment for such excess cost shall be 44917  
made by the school district directly to the county board of 44918  
developmental disabilities. 44919

A school district board of education and the county board 44920  
of developmental disabilities that serves the school district 44921  
may negotiate and contract, at or after the time of placement, 44922  
for payments by the board of education to the county board for 44923

additional services provided to a child placed with the county 44924  
board and whose individualized education program established 44925  
pursuant to section 3323.08 of the Revised Code requires 44926  
additional services that are not routinely provided children in 44927  
the county board's program but are necessary to maintain the 44928  
child's enrollment and participation in the program. Additional 44929  
services may include, but are not limited to, specialized 44930  
supplies and equipment for the benefit of the child and 44931  
instruction, training, or assistance provided by staff members 44932  
other than staff members for which funding is received under 44933  
Chapter 3317. of the Revised Code. 44934

**Sec. 3323.15.** The ~~state board of education~~ department of 44935  
learning and achievement may arrange to pay to any board of 44936  
education, the board for any children with disabilities who are 44937  
not residents of the district but for whom the district is 44938  
providing special education. Payments shall be made in 44939  
accordance with rules and standards of the ~~state board of~~ 44940  
education department. 44941

**Sec. 3323.17.** The department of ~~education~~ learning and 44942  
achievement shall: 44943

(A) Provide supervision and technical assistance to school 44944  
districts in all accepted methods of educating children with 44945  
disabilities who have hearing impairments, including the oral, 44946  
manual, and total communication methods, with no demonstrable 44947  
bias toward any one method over another; 44948

(B) Consult with employees of school districts and 44949  
chartered nonpublic schools who confer with the parents of 44950  
hearing impaired children about their children's education; 44951

(C) Consult with chartered nonpublic schools and consult 44952

with and provide technical assistance to school districts that 44953  
are or may be interested in integrating sign language into their 44954  
curricula and that offer or may be interested in offering 44955  
American sign language as a foreign language; 44956

(D) Consult with school districts and chartered nonpublic 44957  
schools that use interpreters in classrooms and with any other 44958  
interested school districts or chartered nonpublic schools about 44959  
how to obtain the best interpreters and how interpreters can 44960  
improve their skills. 44961

**Sec. 3323.19.** (A) Within three months after a student 44962  
identified with disabilities begins receiving services for the 44963  
first time under an individualized education program, the school 44964  
district in which that student is enrolled shall require the 44965  
student to undergo a comprehensive eye examination performed 44966  
either by an optometrist licensed under Chapter 4725. of the 44967  
Revised Code or by a physician authorized under Chapter 4731. of 44968  
the Revised Code to practice medicine and surgery or osteopathic 44969  
medicine and surgery who is comprehensively trained and educated 44970  
in the treatment of the human eye, eye disease, or comprehensive 44971  
vision services, unless the student underwent such an 44972  
examination within the nine-month period immediately prior to 44973  
being identified with disabilities. 44974

However, no student who has not undergone the eye 44975  
examination required under this section shall be prohibited from 44976  
initiating, receiving, or continuing to receive services 44977  
prescribed in the student's individualized education program. 44978

(B) The superintendent of each school district or the 44979  
superintendent's designee may determine fulfillment of the 44980  
requirement prescribed in division (A) of this section based on 44981  
any special circumstances of the student, the student's parent, 44982

guardian, or family that may prevent the student from undergoing 44983  
the eye examination prior to beginning special education 44984  
services. 44985

(C) Except for a student who may be entitled to a 44986  
comprehensive eye examination in the identification of the 44987  
student's disabilities, in the development of the student's 44988  
individualized education program, or as a related service under 44989  
the student's individualized education program, neither the 44990  
state nor any school district shall be responsible for paying 44991  
for the eye examination required by this section. 44992

(D) The department of ~~education~~learning and achievement 44993  
annually shall do both of the following: 44994

(1) Notify each school district and community school of 44995  
the requirements of this section; 44996

(2) Collect from each school district and community school 44997  
the total number of students enrolled in the district who were 44998  
subject to the requirements of this section and the total number 44999  
of students who received the examination, as verified by 45000  
documentation received from the district. 45001

**Sec. 3323.20.** On July 1, 2006, and on each first day of 45002  
July thereafter, the department of ~~education~~learning and 45003  
achievement shall electronically report to the general assembly 45004  
the number of preschool children with disabilities who received 45005  
services for which the department made a payment to any provider 45006  
during the previous fiscal year, disaggregated according to each 45007  
area of developmental deficiency identified by the department 45008  
for the evaluation of such children. 45009

**Sec. 3323.25.** (A) The ~~superintendent of public instruction~~ 45010  
department of learning and achievement shall establish a pilot 45011

project to provide early screening and intervention services for 45012  
children with risk factors for dyslexia, including low phonemic 45013  
awareness. The ~~state superintendent~~ department shall select 45014  
three school districts to participate in the pilot project, one 45015  
of which shall be located in an urban setting, one of which 45016  
shall be located in a suburban setting, and one of which shall 45017  
be located in a rural setting. Any school district selected to 45018  
participate in the pilot project may establish a partnership 45019  
with a regional library or library system for purposes of the 45020  
pilot project. To be considered for the pilot project, a school 45021  
district shall submit a proposal to the ~~state superintendent~~ 45022  
department that identifies a method of screening children for 45023  
low phonemic awareness and other risk factors for dyslexia, 45024  
provides for the enrollment of children identified as having 45025  
risk factors for dyslexia in a reading program staffed by 45026  
teachers trained in multisensory structured language programs, 45027  
and includes a methodology for evaluating the effects of the 45028  
reading program on the children's identified risk factors. The 45029  
pilot project shall operate for three full school years, 45030  
beginning with the school year that begins at least three months 45031  
after ~~the effective date of this section~~ March 22, 2012. 45032

The goal of the pilot project shall be to demonstrate and 45033  
evaluate the effectiveness of early reading assistance programs 45034  
for children with risk factors for dyslexia and to evaluate 45035  
whether those programs can reduce future special education 45036  
costs. 45037

The ~~state superintendent~~ department shall apply for 45038  
private and other nonstate funds, and shall use available state 45039  
funds appropriated to the department ~~of education~~ for the pilot 45040  
project. 45041

The ~~state superintendent~~ department shall establish 45042  
guidelines and procedures for the pilot project. 45043

The ~~state superintendent~~ department shall consult with the 45044  
international dyslexia association or any other nationally 45045  
recognized organization that specializes in multisensory 45046  
structured language programs for the treatment of dyslexia in 45047  
establishing and operating the pilot project. 45048

(B) Under the pilot project, each participating school 45049  
district, through early childhood reading instruction and 45050  
reading assistance programs, shall screen children six years of 45051  
age or younger for indications of dyslexia, provide appropriate 45052  
reading intervention services for those children suspected of 45053  
having dyslexia, and administer assessments, approved by the 45054  
~~state superintendent~~ department of learning and achievement, to 45055  
ascertain whether the intervention services improve those 45056  
students' reading and learning. When a child is suspected of 45057  
having dyslexia, the district shall notify the child's parent or 45058  
guardian of that fact and that the child, as part of the pilot 45059  
project, is eligible to receive reading intervention services to 45060  
measure the effectiveness of early reading assistance programs. 45061  
The district shall require the parent or guardian to indicate in 45062  
writing that the parent or guardian voluntarily and knowingly 45063  
consents to the child's participation in the pilot project for 45064  
the provision of reading intervention services. Each district 45065  
shall provide to the parents of children suspected of having 45066  
dyslexia information about the learning disability, recommended 45067  
multisensory treatments, and possible services under this 45068  
chapter. 45069

Each participating school district also shall report 45070  
annually to the ~~state superintendent~~ department data about the 45071

operation and results of the pilot project, as required by the 45072  
~~superintendent department~~ in the manner prescribed by the 45073  
~~superintendent department~~. 45074

(C) Not later than the thirty-first day of December of the 45075  
third school year in which the pilot project is operating, the 45076  
~~state superintendent department~~ shall submit a report to the 45077  
general assembly, in accordance with section 101.68 of the 45078  
Revised Code, containing the ~~superintendent's department's~~ 45079  
evaluation of the results of the pilot project and legislative 45080  
recommendations whether to continue, expand, or make changes to 45081  
the pilot project. 45082

(D) As used in this section, "dyslexia" means a specific 45083  
learning disorder that is neurological in origin and that is 45084  
characterized by unexpected difficulties with accurate or fluent 45085  
word recognition and by poor spelling and decoding abilities not 45086  
consistent with the person's intelligence, motivation, and 45087  
sensory capabilities, which difficulties typically result from a 45088  
deficit in the phonological component of language. 45089

**Sec. 3323.32.** (A) The department of ~~education~~ learning and 45090  
achievement shall contract with an entity to administer programs 45091  
and coordinate services for infants, preschool and school-age 45092  
children, and adults with autism and low incidence disabilities. 45093  
The entity shall be selected by the ~~superintendent of public~~ 45094  
~~instruction~~ director of learning and achievement in consultation 45095  
with the advisory board established under section 3323.33 of the 45096  
Revised Code. 45097

The contract with the entity selected shall include, but 45098  
not be limited to, the following provisions: 45099

(1) A description of the programs to be administered and 45100

services to be provided or coordinated by the entity, which 45101  
shall include at least the duties prescribed by sections 3323.34 45102  
and 3323.35 of the Revised Code; 45103

(2) A description of the expected outcomes from the 45104  
programs administered and services provided or coordinated by 45105  
the entity; 45106

(3) A stipulation that the entity's performance is subject 45107  
to evaluation by the department and renewal of the entity's 45108  
contract is subject to the department's satisfaction with the 45109  
entity's performance; 45110

(4) A description of the measures and milestones the 45111  
department will use to determine whether the performance of the 45112  
entity is satisfactory; 45113

(5) Any other provision the department determines is 45114  
necessary to ensure the quality of services to individuals with 45115  
autism and low incidence disabilities. 45116

(B) In selecting the entity under division (A) of this 45117  
section, the ~~superintendent-director~~ and the advisory board 45118  
shall give primary consideration to the Ohio Center for Autism 45119  
and Low Incidence, established under section 3323.31 of the 45120  
Revised Code, as long as the principal goals and mission of the 45121  
Center, as determined by the ~~superintendent-director~~ and the 45122  
advisory board, are consistent with the requirements of 45123  
divisions (A) (1) to (5) of this section. 45124

**Sec. 3324.08.** Any person employed by a school district and 45125  
assigned to a school as a principal or any other position may 45126  
also serve as the district's gifted education coordinator, if 45127  
qualified to do so pursuant to the rules adopted by the ~~state-~~ 45128  
~~board of education~~ department of learning and achievement under 45129

this chapter. 45130

**Sec. 3324.11.** No rule adopted by the ~~state board of~~ 45131  
~~education department of learning and achievement~~ pursuant to 45132  
this chapter, section 3301.07 of the Revised Code, or any other 45133  
provision of the Revised Code shall permit a school district to 45134  
report that it has provided services to a student identified as 45135  
gifted unless those services are paid for by the district. 45136  
Nothing in this section shall prohibit a district from requiring 45137  
a student to pay the costs of advanced placement or 45138  
international baccalaureate examinations. 45139

**Sec. 3325.011.** Subject to the regulations adopted by the 45140  
~~state board of education department of learning and achievement,~~ 45141  
the state school for the deaf shall be open to receive persons 45142  
who are deaf, partially deaf, and both blind and deaf residents 45143  
of this state, who, in the judgment of the superintendent of 45144  
public instruction and the superintendent of the school for the 45145  
deaf, due to such disability, cannot be educated in the public 45146  
school system and are suitable persons to receive instructions 45147  
according to the methods employed in such school. The 45148  
superintendent of the school for the deaf may pay the expenses 45149  
necessary for the instruction of children who are both blind and 45150  
deaf, who are resident of this state, in any suitable 45151  
institution. 45152

**Sec. 3325.02.** (A) As used in this chapter, "visual 45153  
impairment" means blindness, partial blindness, deaf-blindness, 45154  
or multiple disabilities if one of the disabilities is vision 45155  
related. 45156

(B) Subject to the regulations adopted by the ~~state board~~ 45157  
~~of education department of learning and achievement,~~ the state 45158  
school for the blind shall be open to receive persons who are 45159

residents of this state, whose disabilities are visual 45160  
impairments, and who, in the judgment of the superintendent of 45161  
public instruction and the superintendent of the school for the 45162  
blind, due to such disability, cannot be educated in the public 45163  
school system and are suitable persons to receive instructions 45164  
according to the methods employed in the school. 45165

**Sec. 3325.05.** The ~~state board of education department of~~ 45166  
learning and achievement may provide for the further and higher 45167  
education of any blind pupils, who in its judgment are capable 45168  
of receiving sufficient benefit to render them more efficient as 45169  
citizens, by appointing readers for such persons to read from 45170  
textbooks and pamphlets used in their studies while in 45171  
attendance as regularly matriculated students in any college, 45172  
university, or technical or professional school located in this 45173  
state and authorized to grant degrees. Any fund appropriated for 45174  
such purpose shall be distributed under the direct supervision 45175  
of the ~~state board of education department~~. No person shall 45176  
receive the benefit conferred by this section who has not had an 45177  
actual residence in this state for at least one year. 45178

**Sec. 3325.06.** (A) The ~~state board of education department~~ 45179  
of learning and achievement shall institute and establish a 45180  
program of education ~~by the department of education~~ to train 45181  
parents of deaf or hard of hearing children of preschool age. 45182  
The object and purpose of the educational program shall be to 45183  
aid and assist the parents of deaf or hard of hearing children 45184  
of preschool age in affording to the children the means of 45185  
optimum communicational facilities. 45186

(B) The ~~state board of education department of learning~~ 45187  
and achievement shall institute and establish a program of 45188  
education to train and assist parents of children of preschool 45189

age whose disabilities are visual impairments. The object and 45190  
purpose of the educational program shall be to enable the 45191  
parents of children of preschool age whose disabilities are 45192  
visual impairments to provide their children with learning 45193  
experiences that develop early literacy, communication, 45194  
mobility, and daily living skills so the children can function 45195  
independently in their living environments. 45196

**Sec. 3325.07.** ~~The state board of education department of~~ 45197  
learning and achievement in carrying out this section and 45198  
division (A) of section 3325.06 of the Revised Code shall, 45199  
insofar as practicable, plan, present, and carry into effect an 45200  
educational program by means of any of the following methods of 45201  
instruction: 45202

(A) Classes for parents of deaf or hard of hearing 45203  
children of preschool age; 45204

(B) A nursery school where parent and child would enter 45205  
the nursery school as a unit; 45206

(C) Correspondence course; 45207

(D) Personal consultations and interviews; 45208

(E) Day-care or child development courses; 45209

(F) Summer enrichment courses; 45210

(G) By such other means or methods as the superintendent 45211  
of the state school for the deaf deems advisable that would 45212  
permit a deaf or hard of hearing child of preschool age to 45213  
construct a pattern of communication at an early age. 45214

The superintendent may allow children who are not deaf or 45215  
hard of hearing to participate in the methods of instruction 45216  
described in divisions (A) to (G) of this section as a means to 45217

assist deaf or hard of hearing children to construct a pattern 45218  
of communication. The superintendent shall establish policies 45219  
and procedures regarding the participation of children who are 45220  
not deaf or hard of hearing. 45221

The superintendent may establish reasonable fees for 45222  
participation in the methods of instruction described in 45223  
divisions (A) to (G) of this section to defray the costs of 45224  
carrying them out. The superintendent shall determine the manner 45225  
by which any such fees shall be collected. All fees shall be 45226  
deposited in the even start fees and gifts fund, which is hereby 45227  
created in the state treasury. The money in the fund shall be 45228  
used to implement this section. 45229

**Sec. 3325.071.** The ~~state board of education~~ department of 45230  
learning and achievement in carrying out this section and 45231  
division (B) of section 3325.06 of the Revised Code shall, 45232  
insofar as practicable, plan, present, and carry into effect an 45233  
educational program by means of any of the following methods of 45234  
instruction: 45235

(A) Classes for parents of children of preschool age whose 45236  
disabilities are visual impairments, independently or in 45237  
cooperation with community agencies; 45238

(B) Periodic interactive parent-child classes for infants 45239  
and toddlers whose disabilities are visual impairments; 45240

(C) Correspondence course; 45241

(D) Personal consultations and interviews; 45242

(E) Day-care or child development courses for children and 45243  
parents; 45244

(F) Summer enrichment courses; 45245

(G) By such other means or methods as the superintendent 45246  
of the state school for the blind deems advisable that would 45247  
permit a child of preschool age whose disability is a visual 45248  
impairment to construct a pattern of communication and develop 45249  
literacy, mobility, and independence at an early age. 45250

The superintendent may allow children who do not have 45251  
disabilities that are visual impairments to participate in the 45252  
methods of instruction described in divisions (A) to (G) of this 45253  
section so that children of preschool age whose disabilities are 45254  
visual impairments are able to learn alongside their peers while 45255  
receiving specialized instruction that is based on early 45256  
learning and development strategies. The superintendent shall 45257  
establish policies and procedures regarding the participation of 45258  
children who do not have disabilities that are visual 45259  
impairments. 45260

The superintendent may establish reasonable fees for 45261  
participation in the methods of instruction described in 45262  
divisions (A) to (G) of this section to defray the costs of 45263  
carrying them out. The superintendent shall determine the manner 45264  
by which any such fees shall be collected. All fees shall be 45265  
deposited in the state school for the blind even start fees and 45266  
gifts fund, which is hereby created in the state treasury. The 45267  
money in the fund shall be used to implement this section. 45268

**Sec. 3325.08.** (A) A diploma shall be granted by the 45269  
superintendent of the state school for the blind and the 45270  
superintendent of the state school for the deaf to any student 45271  
enrolled in one of these state schools to whom all of the 45272  
following apply: 45273

(1) The student has successfully completed the 45274  
individualized education program developed for the student for 45275

the student's high school education pursuant to section 3323.08 45276  
of the Revised Code; 45277

(2) Subject to section 3313.614 of the Revised Code, the 45278  
student has met the assessment requirements of division (A) (2) 45279  
(a) or (b) of this section, as applicable. 45280

(a) If the student entered the ninth grade prior to July 45281  
1, 2014, the student either: 45282

(i) Has attained at least the applicable scores designated 45283  
under division (B) (1) of section 3301.0710 of the Revised Code 45284  
on all the assessments prescribed by that division unless 45285  
division (L) of section 3313.61 of the Revised Code applies to 45286  
the student; 45287

(ii) Has satisfied the alternative conditions prescribed 45288  
in section 3313.615 of the Revised Code. 45289

(b) If the student entered the ninth grade on or after 45290  
July 1, 2014, the student has met the requirement prescribed by 45291  
section 3313.618 of the Revised Code, except to the extent that 45292  
division (L) of section 3313.61 of the Revised Code applies to 45293  
the student. 45294

(3) The student is not eligible to receive an honors 45295  
diploma granted pursuant to division (B) of this section. 45296

No diploma shall be granted under this division to anyone 45297  
except as provided under this division. 45298

(B) In lieu of a diploma granted under division (A) of 45299  
this section, the superintendent of the state school for the 45300  
blind and the superintendent of the state school for the deaf 45301  
shall grant an honors diploma, in the same manner that the 45302  
boards of education of school districts grant such diplomas 45303

under division (B) of section 3313.61 of the Revised Code, to 45304  
any student enrolled in one of these state schools who 45305  
accomplishes all of the following: 45306

(1) Successfully completes the individualized education 45307  
program developed for the student for the student's high school 45308  
education pursuant to section 3323.08 of the Revised Code; 45309

(2) Subject to section 3313.614 of the Revised Code, has 45310  
met the assessment requirements of division (B)(2)(a) or (b) of 45311  
this section, as applicable. 45312

(a) If the student entered the ninth grade prior to July 45313  
1, 2014, the student either: 45314

(i) Has attained at least the applicable scores designated 45315  
under division (B)(1) of section 3301.0710 of the Revised Code 45316  
on all the assessments prescribed under that division; 45317

(ii) Has satisfied the alternative conditions prescribed 45318  
in section 3313.615 of the Revised Code. 45319

(b) If the student entered the ninth grade on or after 45320  
July 1, 2014, the student has met the requirement prescribed by 45321  
section 3313.618 of the Revised Code. 45322

(3) Has met additional criteria for granting an honors 45323  
diploma. 45324

These additional criteria shall be the same as those 45325  
prescribed by the ~~state board~~ department of learning and 45326  
achievement under division (B) of section 3313.61 of the Revised 45327  
Code for the granting of such diplomas by school districts. No 45328  
honors diploma shall be granted to anyone failing to comply with 45329  
this division and not more than one honors diploma shall be 45330  
granted to any student under this division. 45331

(C) A diploma or honors diploma awarded under this section 45332  
shall be signed by the superintendent of public instruction and 45333  
the superintendent of the state school for the blind or the 45334  
superintendent of the state school for the deaf, as applicable. 45335  
Each diploma shall bear the date of its issue and be in such 45336  
form as the school superintendent prescribes. 45337

(D) Upon granting a diploma to a student under this 45338  
section, the superintendent of the state school in which the 45339  
student is enrolled shall provide notice of receipt of the 45340  
diploma to the board of education of the school district where 45341  
the student is entitled to attend school under section 3313.64 45342  
or 3313.65 of the Revised Code when not residing at the state 45343  
school for the blind or the state school for the deaf. The 45344  
notice shall indicate the type of diploma granted. 45345

**Sec. 3325.09.** (A) The ~~state board of education~~ department 45346  
of learning and achievement shall institute and establish 45347  
career-technical education and work training programs for 45348  
secondary and post-secondary students whose disabilities are 45349  
visual impairments. These programs shall develop communication, 45350  
mobility, and work skills and assist students in becoming 45351  
productive members of society so that they can contribute to 45352  
their communities and living environments. 45353

(B) The state school for the blind may use any gifts, 45354  
donations, or bequests it receives under section 3325.10 of the 45355  
Revised Code for one or more of the following purposes that are 45356  
related to career-technical and work training programs for 45357  
secondary and post-secondary students whose disabilities are 45358  
visual impairments: 45359

(1) Room and board; 45360

(2) Training in mobility and orientation;	45361
(3) Activities that teach daily living skills;	45362
(4) Rehabilitation technology;	45363
(5) Activities that teach group and individual social and interpersonal skills;	45364 45365
(6) Work placement in the community by the school or a community agency;	45366 45367
(7) Transportation to and from work sites or locations of community interaction;	45368 45369
(8) Supervision and management of programs and services.	45370
<b>Sec. 3326.02.</b> There is hereby established the STEM committee of the department of <del>education</del> <u>learning and achievement</u> consisting of the following members:	45371 45372 45373
(A) <del>The superintendent of public instruction;</del>	45374
<del>(B) The chancellor of the Ohio board of regents;</del>	45375
<del>(C) <u>director of learning and achievement;</u></del>	45376
<u>(B)</u> The director of development;	45377
<del>(D)</del> <u>(C)</u> Four members of the public, two of whom shall be appointed by the governor, one of whom shall be appointed by the speaker of the house of representatives, and one of whom shall be appointed by the president of the senate. Members of the public shall be appointed based on their expertise in business or in STEM fields. <del>The initial members of the committee shall be appointed under division (D) of this section not later than forty five days after June 30, 2007.</del>	45378 45379 45380 45381 45382 45383 45384 45385
All members of the committee appointed under division <del>(D)</del>	45386

(C) of this section shall serve at the pleasure of their 45387  
appointing authority. 45388

Members of the committee shall receive no compensation for 45389  
their services. The department ~~of education~~ shall provide 45390  
administrative support for the committee. 45391

**Sec. 3326.031.** (A) As authorized by the STEM committee, a 45392  
single governing body may direct a group of multiple STEM 45393  
schools to operate from multiple facilities located in one or 45394  
more school districts to be organized and operated in the manner 45395  
prescribed under this chapter except as specified by this 45396  
section. Each school within the group shall operate as a 45397  
separate school but under the direction of a common governing 45398  
body. The governing body may employ a single treasurer, licensed 45399  
in the manner prescribed by section 3326.21 of the Revised Code, 45400  
to manage the fiscal affairs of all of the schools within the 45401  
group. Each school shall have a chief administrative officer, as 45402  
required by section 3326.08 of the Revised Code, but the 45403  
governing body may in its discretion appoint a single individual 45404  
to be the chief administrative officer of two or more schools in 45405  
the group. No school within the group shall be organized or 45406  
funded in the manner prescribed by section 3326.51 of the 45407  
Revised Code. 45408

(B) The department of learning and achievement shall 45409  
calculate funds under this chapter for each STEM school within a 45410  
group separately and shall pay those funds directly to each 45411  
school. 45412

(C) In accordance with section 3326.17 of the Revised 45413  
Code, the department shall issue a separate report card for each 45414  
STEM school within a group. The department also shall compute a 45415  
rating for each group of schools and report that rating in a 45416

distinct report card for the group. 45417

**Sec. 3326.08.** (A) The governing body of each science, 45418  
technology, engineering, and mathematics school shall engage the 45419  
services of administrative officers, teachers, and nonteaching 45420  
employees of the STEM school necessary for the school to carry 45421  
out its mission and shall oversee the operations of the school. 45422  
The governing body of each STEM school shall engage the services 45423  
of a chief administrative officer to serve as the school's 45424  
instructional and administrative leader. The chief 45425  
administrative officer shall be granted the authority to oversee 45426  
the recruitment, retention, and employment of teachers and 45427  
nonteaching employees. 45428

(B) The department of ~~education~~ learning and achievement 45429  
shall monitor the oversight of each STEM school exercised by the 45430  
school's governing body and shall monitor the school's 45431  
compliance with this chapter and with the proposal for the 45432  
establishment of the school as it was approved by the STEM 45433  
committee under section 3326.04 of the Revised Code. If the 45434  
department finds that the school is not in compliance with this 45435  
chapter or with the proposal, the department shall consult with 45436  
the STEM committee, and the committee may order the school to 45437  
close on the last day of the school year in which the committee 45438  
issues its order. 45439

(C) The governing body of each STEM school shall comply 45440  
with sections 121.22 and 149.43 of the Revised Code. 45441

**Sec. 3326.081.** (A) As used in this section, "license" has 45442  
the same meaning as in section 3319.31 of the Revised Code. 45443

(B) If a person who is employed by a science, technology, 45444  
engineering, and mathematics school established under this 45445

chapter is arrested, summoned, or indicted for an alleged 45446  
violation of an offense listed in division (C) of section 45447  
3319.31 of the Revised Code, if the person holds a license, or 45448  
an offense listed in division (B) (1) of section 3319.39 of the 45449  
Revised Code, if the person does not hold a license, the chief 45450  
administrative officer of the school shall suspend that person 45451  
from all duties that require the care, custody, or control of a 45452  
child during the pendency of the criminal action against the 45453  
person. If the person who is arrested, summoned, or indicted for 45454  
an alleged violation of an offense listed in division (C) of 45455  
section 3319.31 or division (B) (1) of section 3319.39 of the 45456  
Revised Code is the chief administrative officer of the school, 45457  
the governing body of the school shall suspend the chief 45458  
administrative officer from all duties that require the care, 45459  
custody, or control of a child. 45460

(C) When a person who holds a license is suspended in 45461  
accordance with this section, the chief administrative officer 45462  
or governing body that imposed the suspension promptly shall 45463  
report the person's suspension to the department of education 45464  
and department of learning and achievement. The report shall 45465  
include the offense for which the person was arrested, summoned, 45466  
or indicted. 45467

**Sec. 3326.11.** Each science, technology, engineering, and 45468  
mathematics school established under this chapter and its 45469  
governing body shall comply with sections 9.90, 9.91, 109.65, 45470  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 45471  
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 45472  
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 45473  
3313.481, 3313.482, 3313.50, ~~3313.536~~, 3313.539, 3313.5310, 45474  
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 45475  
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 45476

3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 45477  
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 45478  
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 45479  
3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 45480  
3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 45481  
3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3321.01, 45482  
3321.041, 3321.05, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 45483  
3321.191, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 45484  
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 45485  
4112., 4123., 4141., and 4167. of the Revised Code as if it were 45486  
a school district. 45487

**Sec. 3326.13.** (A) Teachers employed by a science, 45488  
technology, engineering, and mathematics school shall be highly 45489  
qualified teachers, as defined in section 3319.074 of the 45490  
Revised Code, and shall be licensed under sections 3319.22 to 45491  
3319.31 of the Revised Code and rules of the ~~state board of~~ 45492  
~~education department of learning and achievement~~ implementing 45493  
those sections. 45494

(B) No STEM school shall employ any classroom teacher 45495  
initially hired on or after July 1, 2013, to provide instruction 45496  
in physical education unless the teacher holds a valid license 45497  
issued pursuant to section 3319.22 of the Revised Code for 45498  
teaching physical education. 45499

**Sec. 3326.15.** Each science, technology, engineering, and 45500  
mathematics school and its governing body shall comply with 45501  
section 3313.603 of the Revised Code as if it were a school 45502  
district. However, a STEM school may permit a student to earn 45503  
units of high school credit based on a demonstration of subject 45504  
area competency instead of or in combination with completing 45505  
hours of classroom instruction prior to the adoption by the 45506

~~state board of education department of learning and achievement~~ 45507  
of the plan for granting high school credit based on competency, 45508  
as required by division (J) of that section. Upon adoption of 45509  
the plan, each STEM school shall comply with that plan and award 45510  
units of high school credit in accordance with the plan. 45511

**Sec. 3326.17.** (A) The department of ~~education~~learning and 45512  
achievement shall issue an annual report card for each science, 45513  
technology, engineering, and mathematics school that includes 45514  
all information applicable to school buildings under section 45515  
3302.03 of the Revised Code. 45516

(B) For each student enrolled in a STEM school, the 45517  
department shall combine data regarding the academic performance 45518  
of that student with comparable data from the school district in 45519  
which the student is entitled to attend school pursuant to 45520  
section 3313.64 or 3313.65 of the Revised Code for the purpose 45521  
of calculating the performance of the district as a whole on the 45522  
report card issued for the district under section 3302.03 of the 45523  
Revised Code. 45524

(C) The department also shall compute a rating for each 45525  
group of STEM schools that is under the direction of the same 45526  
governing body, as authorized under section 3326.031 of the 45527  
Revised Code, and issue a distinct report card for the group as 45528  
a whole. 45529

(D) Each STEM school and its governing body shall comply 45530  
with sections 3302.04 and 3302.041 of the Revised Code, except 45531  
that any action required to be taken by a school district 45532  
pursuant to those sections shall be taken by the school. 45533  
However, the school shall not be required to take any action 45534  
described in division (F) of section 3302.04 of the Revised 45535  
Code. 45536

**Sec. 3326.211.** (A) If the auditor of state or a public accountant, pursuant to section 117.41 of the Revised Code, declares a science, technology, engineering, and mathematics school to be unauditabile, the auditor of state shall provide written notification of that declaration to the school and the department of ~~education~~ learning and achievement. The auditor of state also shall post the notification on the auditor of state's web site.

(B) If the STEM school's current treasurer held that position during the period for which the school is unauditabile, upon receipt of the notification under division (A) of this section, the governing body of the school shall suspend the treasurer until the auditor of state or a public accountant has completed an audit of the school. Suspension of the treasurer may be with or without pay, as determined by the governing body based on the circumstances that prompted the auditor of state's declaration. The governing body shall appoint a person to assume the duties of the treasurer during the period of the suspension. If the appointee is not licensed as a treasurer under section 3301.074 of the Revised Code, the appointee shall be approved by the superintendent of public instruction before assuming the duties of the treasurer. The state ~~board of education~~ superintendent may take action under section 3319.31 of the Revised Code to suspend, revoke, or limit the license of a treasurer who has been suspended under this division.

(C) Not later than forty-five days after receiving the notification under division (A) of this section, the governing body of the STEM school shall provide a written response to the auditor of state. The response shall include the following:

(1) An overview of the process the governing body will use

to review and understand the circumstances that led to the 45567  
school becoming unauditable; 45568

(2) A plan for providing the auditor of state with the 45569  
documentation necessary to complete an audit of the school and 45570  
for ensuring that all financial documents are available in the 45571  
future; 45572

(3) The actions the governing body will take to ensure 45573  
that the plan described in division (C) (2) of this section is 45574  
implemented. 45575

(D) If the STEM school fails to make reasonable efforts 45576  
and continuing progress to bring its accounts, records, files, 45577  
or reports into an auditable condition within ninety days after 45578  
being declared unauditable, the auditor of state, in addition to 45579  
requesting legal action under sections 117.41 and 117.42 of the 45580  
Revised Code, shall notify the school and the department of the 45581  
school's failure. If the auditor of state or a public accountant 45582  
subsequently is able to complete a financial audit of the 45583  
school, the auditor of state shall notify the school and the 45584  
department that the audit has been completed. 45585

(E) Notwithstanding any provision to the contrary in this 45586  
chapter or in any other provision of law, upon notification by 45587  
the auditor of state under division (D) of this section that the 45588  
STEM school has failed to make reasonable efforts and continuing 45589  
progress to bring its accounts, records, files, or reports into 45590  
an auditable condition, the department shall immediately cease 45591  
all payments to the school under this chapter and any other 45592  
provision of law. Upon subsequent notification from the auditor 45593  
of state under that division that the auditor of state or a 45594  
public accountant was able to complete a financial audit of the 45595  
school, the department shall release all funds withheld from the 45596

school under this section. 45597

**Sec. 3326.23.** The governing body of each science, 45598  
technology, engineering, and mathematics school annually shall 45599  
provide the following assurances in writing to the department of 45600  
~~education~~learning and achievement not later than ten business 45601  
days prior to the opening of the school: 45602

(A) That the school has a plan for providing special 45603  
education and related services to students with disabilities and 45604  
has demonstrated the capacity to provide those services in 45605  
accordance with Chapter 3323. of the Revised Code and federal 45606  
law; 45607

(B) That the school has a plan and procedures for 45608  
administering the achievement and diagnostic assessments 45609  
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of 45610  
the Revised Code; 45611

(C) That school personnel have the necessary training, 45612  
knowledge, and resources to properly use and submit information 45613  
to all databases maintained by the department for the collection 45614  
of education data, including the education management 45615  
information system established under section 3301.0714 of the 45616  
Revised Code; 45617

(D) That all required information about the school has 45618  
been submitted to the Ohio education directory system or any 45619  
successor system; 45620

(E) That all classroom teachers are licensed in accordance 45621  
with sections 3319.22 to 3319.31 of the Revised Code or are 45622  
engaged to teach pursuant to section 3319.301 of the Revised 45623  
Code; 45624

(F) That the school's treasurer is in compliance with 45625

section 3326.21 of the Revised Code;	45626
(G) That the school has complied with sections 3319.39 and 3319.391 of the Revised Code with respect to all employees and that the school has conducted a criminal records check of each of its governing body members;	45627 45628 45629 45630
(H) That the school holds all of the following:	45631
(1) Proof of property ownership or a lease for the facilities used by the school;	45632 45633
(2) A certificate of occupancy;	45634
(3) Liability insurance for the school, as required by section 3326.11 of the Revised Code;	45635 45636
(4) A satisfactory health and safety inspection;	45637
(5) A satisfactory fire inspection;	45638
(6) A valid food permit, if applicable.	45639
(I) That the governing body has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	45640 45641 45642
(J) That the school has designated a date it will open for the school year for which the assurances are provided;	45643 45644
(K) That the school has met all of the governing body's requirements for opening and any other requirements of the governing body.	45645 45646 45647
<b>Sec. 3326.24.</b> (A) As used in this section:	45648
(1) "Conduct unbecoming to the teaching profession" shall be as described in rules adopted by the <del>state board of education</del> <u>department of learning and achievement</u> .	45649 45650 45651

(2) "Intervention in lieu of conviction" means 45652  
intervention in lieu of conviction under section 2951.041 of the 45653  
Revised Code. 45654

(3) "License" has the same meaning as in section 3319.31 45655  
of the Revised Code. 45656

(4) "Pre-trial diversion program" means a pre-trial 45657  
diversion program under section 2935.36 of the Revised Code or a 45658  
similar diversion program under rules of a court. 45659

(B) The chief administrative officer of each science, 45660  
technology, engineering, and mathematics school, or the 45661  
president or chairperson of the governing body of the school, if 45662  
division (C) of this section applies, shall promptly submit to 45663  
the superintendent of public instruction the information 45664  
prescribed in division (D) of this section when any of the 45665  
following conditions applies to an employee of the school who 45666  
holds a license issued by the state board of education: 45667

(1) The chief administrative officer, president, or 45668  
chairperson knows that the employee has pleaded guilty to, has 45669  
been found guilty by a jury or court of, has been convicted of, 45670  
has been found to be eligible for intervention in lieu of 45671  
conviction for, or has agreed to participate in a pre-trial 45672  
diversion program for an offense described in division (B) (2) or 45673  
(C) of section 3319.31 or division (B) (1) of section 3319.39 of 45674  
the Revised Code. 45675

(2) The governing body of the school has initiated 45676  
termination or nonrenewal proceedings against, has terminated, 45677  
or has not renewed the contract of the employee because the 45678  
governing body has reasonably determined that the employee has 45679  
committed an act that is unbecoming to the teaching profession 45680

or an offense described in division (B) (2) or (C) of section 45681  
3319.31 or division (B) (1) of section 3319.39 of the Revised 45682  
Code. 45683

(3) The employee has resigned under threat of termination 45684  
or nonrenewal as described in division (B) (2) of this section. 45685

(4) The employee has resigned because of or in the course 45686  
of an investigation by the governing body regarding whether the 45687  
employee has committed an act that is unbecoming to the teaching 45688  
profession or an offense described in division (B) (2) or (C) of 45689  
section 3319.31 or division (B) (1) of section 3319.39 of the 45690  
Revised Code. 45691

(C) If the employee to whom any of the conditions 45692  
prescribed in divisions (B) (1) to (4) of this section applies is 45693  
the chief administrative officer of a science, technology, 45694  
engineering, or mathematics school, the president or chairperson 45695  
of the governing body of the school shall make the report 45696  
required under this section. 45697

(D) If a report is required under this section, the chief 45698  
administrative officer, president, or chairperson shall submit 45699  
to the superintendent of public instruction the name and social 45700  
security number of the employee about whom the information is 45701  
required and a factual statement regarding any of the conditions 45702  
prescribed in divisions (B) (1) to (4) of this section that 45703  
applies to the employee. 45704

(E) A determination made by the governing body as 45705  
described in division (B) (2) of this section or a termination, 45706  
nonrenewal, resignation, or other separation described in 45707  
divisions (B) (2) to (4) of this section does not create a 45708  
presumption of the commission or lack of the commission by the 45709

employee of an act unbecoming to the teaching profession or an 45710  
offense described in division (B) (2) or (C) of section 3319.31 45711  
or division (B) (1) of section 3319.39 of the Revised Code. 45712

(F) No individual required to submit a report under 45713  
division (B) of this section shall knowingly fail to comply with 45714  
that division. 45715

(G) An individual who provides information to the 45716  
superintendent of public instruction in accordance with this 45717  
section in good faith shall be immune from any civil liability 45718  
that otherwise might be incurred or imposed for injury, death, 45719  
or loss to person or property as a result of the provision of 45720  
that information. 45721

**Sec. 3326.243.** (A) As used in this section, "license" has 45722  
the same meaning as in section 3319.31 of the Revised Code. 45723

(B) No employee of a science, technology, engineering, and 45724  
mathematics school shall do either of the following: 45725

(1) Knowingly make a false report to the chief 45726  
administrative officer of the school, or the chief 45727  
administrative officer's designee, alleging misconduct by 45728  
another employee of the school; 45729

(2) Knowingly cause the chief administrative officer, or 45730  
the chief administrative officer's designee, to make a false 45731  
report of the alleged misconduct to the superintendent of public 45732  
instruction or the state board of education. 45733

(C) Any employee of a STEM school who in good faith 45734  
reports to the chief administrative officer of the school, or 45735  
the chief administrative officer's designee, information about 45736  
alleged misconduct committed by another employee of the school 45737  
shall be immune from any civil liability that otherwise might be 45738

incurred or imposed for injury, death, or loss to person or 45739  
property as a result of the reporting of that information. 45740

If the alleged misconduct involves a person who holds a 45741  
license but the chief administrative officer is not required to 45742  
submit a report to the superintendent of public instruction 45743  
under section 3326.24 of the Revised Code and the chief 45744  
administrative officer, or the chief administrative officer's 45745  
designee, in good faith reports the alleged misconduct to the 45746  
state superintendent ~~of public instruction~~ or the state board, 45747  
the chief administrative officer, or the chief administrative 45748  
officer's designee, shall be immune from any civil liability 45749  
that otherwise might be incurred or imposed for injury, death, 45750  
or loss to person or property as a result of the reporting of 45751  
that information. 45752

(D) (1) In any civil action brought against a person in 45753  
which it is alleged and proved that the person violated division 45754  
(B) of this section, the court shall award the prevailing party 45755  
reasonable attorney's fees and costs that the prevailing party 45756  
incurred in the civil action or as a result of the false report 45757  
that was the basis of the violation. 45758

(2) If a person is convicted of or pleads guilty to a 45759  
violation of division (B) of this section, if the subject of the 45760  
false report that was the basis of the violation was charged 45761  
with any violation of a law or ordinance as a result of the 45762  
false report, and if the subject of the false report is found 45763  
not to be guilty of the charges brought against the subject as a 45764  
result of the false report or those charges are dismissed, the 45765  
court that sentences the person for the violation of division 45766  
(B) of this section, as part of the sentence, shall order the 45767  
person to pay restitution to the subject of the false report, in 45768

an amount equal to reasonable attorney's fees and costs that the 45769  
subject of the false report incurred as a result of or in 45770  
relation to the charges. 45771

**Sec. 3326.28.** (A) With the approval of its governing body, 45772  
a STEM school established under this chapter may procure 45773  
epinephrine autoinjectors in the manner prescribed by section 45774  
3313.7110 of the Revised Code. A STEM school that elects to do 45775  
so shall comply with all provisions of that section as if it 45776  
were a school district. 45777

(B) (1) The following are not liable in damages in a civil 45778  
action for injury, death, or loss to person or property that 45779  
allegedly arises from an act or omission associated with 45780  
procuring, maintaining, accessing, or using an epinephrine 45781  
autoinjector under this section, unless the act or omission 45782  
constitutes willful or wanton misconduct: 45783

(a) A STEM school; 45784

(b) A member of a STEM school governing body; 45785

(c) A STEM school employee or contractor; 45786

(d) A licensed health professional authorized to prescribe 45787  
drugs who personally furnishes or prescribes epinephrine 45788  
autoinjectors, provides a consultation, or issues a protocol 45789  
pursuant to this section. 45790

(2) This division does not eliminate, limit, or reduce any 45791  
other immunity or defense that a STEM school or governing body, 45792  
member of a STEM school governing body, STEM school employee or 45793  
contractor, or licensed health professional may be entitled to 45794  
under Chapter 2744. or any other provision of the Revised Code 45795  
or under the common law of this state. 45796

(C) A STEM school may accept donations of epinephrine 45797  
autoinjectors from a wholesale distributor of dangerous drugs or 45798  
a manufacturer of dangerous drugs, as defined in section 4729.01 45799  
of the Revised Code, and may accept donations of money from any 45800  
person to purchase epinephrine autoinjectors. 45801

(D) A STEM school that elects to procure epinephrine 45802  
autoinjectors under this section shall report to the department 45803  
of ~~education~~learning and achievement each procurement and 45804  
occurrence in which an epinephrine autoinjector is used from the 45805  
school's supply of epinephrine autoinjectors. 45806

**Sec. 3326.30.** (A) As used in this section, "inhaler" has 45807  
the same meaning as in section 3313.7113 of the Revised Code. 45808

(B) With the approval of its governing body, a STEM school 45809  
may procure inhalers in the manner prescribed by section 45810  
3313.7113 of the Revised Code. A STEM school that elects to do 45811  
so shall comply with all provisions of that section as if it 45812  
were a school district. 45813

(C) A STEM school, a member of a STEM school governing 45814  
body, or a STEM school employee or contractor is not liable in 45815  
damages in a civil action for injury, death, or loss to person 45816  
or property that allegedly arises from an act or omission 45817  
associated with procuring, maintaining, accessing, or using an 45818  
inhaler under this section, unless the act or omission 45819  
constitutes willful or wanton misconduct. 45820

This division does not eliminate, limit, or reduce any 45821  
other immunity or defense that a STEM school or governing body, 45822  
member of a STEM school governing body, or STEM school employee 45823  
or contractor may be entitled to under Chapter 2744. or any 45824  
other provision of the Revised Code or under the common law of 45825

this state. 45826

(D) A STEM school may accept donations of inhalers from a 45827  
wholesale distributor of dangerous drugs or a manufacturer of 45828  
dangerous drugs, as defined in section 4729.01 of the Revised 45829  
Code, and may accept donations of money from any person to 45830  
purchase inhalers. 45831

(E) A STEM school that elects to procure inhalers under 45832  
this section shall report to the department of ~~education~~ 45833  
learning and achievement each procurement and occurrence in 45834  
which an inhaler is used from the school's supply of inhalers. 45835

**Sec. 3326.32.** Each science, technology, engineering, and 45836  
mathematics school shall report to the department of ~~education~~ 45837  
learning and achievement, in the form and manner required by the 45838  
department, all of the following information: 45839

(A) The total number of students enrolled in the school 45840  
who are residents of this state; 45841

(B) The number of students reported under division (A) of 45842  
this section who are receiving special education and related 45843  
services pursuant to an IEP; 45844

(C) For each student reported under division (B) of this 45845  
section, which category specified in divisions (A) to (F) of 45846  
section 3317.013 of the Revised Code applies to the student; 45847

(D) The full-time equivalent number of students reported 45848  
under division (A) of this section who are enrolled in career- 45849  
technical education programs or classes described in each of 45850  
divisions (A), (B), (C), (D), and (E) of section 3317.014 of the 45851  
Revised Code that are provided by the STEM school; 45852

(E) The number of students reported under division (A) of 45853

this section who are limited English proficient students and 45854  
which category specified in divisions (A) to (C) of section 45855  
3317.016 of the Revised Code applies to each student; 45856

(F) The number of students reported under division (A) of 45857  
this section who are economically disadvantaged, as defined by 45858  
the department. A student shall not be categorically excluded 45859  
from the number reported under division (F) of this section 45860  
based on anything other than family income. 45861

(G) The resident district of each student reported under 45862  
division (A) of this section; 45863

(H) The total number of students enrolled in the school 45864  
who are not residents of this state and any additional 45865  
information regarding these students that the department 45866  
requires the school to report. The school shall not receive any 45867  
payments under this chapter for students reported under this 45868  
division. 45869

(I) Any additional information the department determines 45870  
necessary to make payments under this chapter. 45871

**Sec. 3326.33.** For each student enrolled in a science, 45872  
technology, engineering, and mathematics school established 45873  
under this chapter, on a full-time equivalency basis, the 45874  
department of ~~education~~ learning and achievement annually shall 45875  
deduct from the state education aid of a student's resident 45876  
school district and, if necessary, from the payment made to the 45877  
district under sections 321.24 and 323.156 of the Revised Code 45878  
and pay to the school the sum of the following: 45879

(A) An opportunity grant in an amount equal to the formula 45880  
amount; 45881

(B) The per pupil amount of targeted assistance funds 45882

calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;

(C) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:

(1) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;

(2) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;

(3) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;

(4) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;

(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;

(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.

(D) If the student is in kindergarten through third grade, \$320;

(E) If the student is economically disadvantaged, an amount equal to the following:

\$272 X the resident district's economically disadvantaged index	45911
(F) Limited English proficiency funds, as follows:	45912
(1) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	45913 45914 45915
(2) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	45916 45917 45918
(3) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	45919 45920 45921
(G) Career-technical education funds as follows:	45922
(1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	45923 45924 45925
(2) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	45926 45927 45928
(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	45929 45930 45931
(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	45932 45933 45934
(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	45935 45936 45937

Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code.

**Sec. 3326.34.** If a science, technology, engineering, and mathematics school established under this chapter incurs costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code that exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the STEM school may submit to the ~~superintendent~~ department of learning and achievement documentation, as prescribed by the ~~superintendent~~ department, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department ~~of education~~ shall pay to the school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs.

The school shall only report under this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's IEP. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

**Sec. 3326.35.** The department of ~~education~~ learning and achievement shall adjust the amounts paid under section 3326.33 of the Revised Code to reflect any enrollment of students in science, technology, engineering, and mathematics schools for less than the equivalent of a full school year.

**Sec. 3326.36.** The department of ~~education~~ learning and

achievement shall reduce the amounts paid to a science, 45968  
technology, engineering, and mathematics school under section 45969  
3326.33 of the Revised Code to reflect payments made to colleges 45970  
under section 3365.07 of the Revised Code. A student shall be 45971  
considered enrolled in the school for any portion of the school 45972  
year the student is attending a college under Chapter 3365. of 45973  
the Revised Code. 45974

**Sec. 3326.37.** The department of ~~education-learning and~~ 45975  
achievement shall not pay to a science, technology, engineering, 45976  
and mathematics school any amount for any of the following: 45977

(A) Any student who has graduated from the twelfth grade 45978  
of a public or nonpublic school; 45979

(B) Any student who is not a resident of the state; 45980

(C) Any student who was enrolled in a STEM school during 45981  
the previous school year when assessments were administered 45982  
under section 3301.0711 of the Revised Code but did not take one 45983  
or more of the assessments required by that section and was not 45984  
excused pursuant to division (C)(1) or (3) of that section, 45985  
unless the ~~superintendent of public instruction department~~ 45986  
grants the student a waiver from the requirement to take the 45987  
assessment. The ~~superintendent department~~ may grant a waiver 45988  
only for good cause in accordance with departmental rules 45989  
~~adopted by the state board of education.~~ 45990

(D) Any student who has attained the age of twenty-two 45991  
years, except for veterans of the armed services whose 45992  
attendance was interrupted before completing the recognized 45993  
twelve-year course of the public schools by reason of induction 45994  
or enlistment in the armed forces and who apply for enrollment 45995  
in a STEM school not later than four years after termination of 45996

war or their honorable discharge. If, however, any such veteran 45997  
elects to enroll in special courses organized for veterans for 45998  
whom tuition is paid under federal law, or otherwise, the 45999  
department shall not pay to the school any amount for that 46000  
veteran. 46001

**Sec. 3326.41.** (A) For purposes of this section: 46002

(1) "Formula amount" has the same meaning as in section 46003  
3317.02 of the Revised Code. 46004

(2) "Four-year adjusted cohort graduation rate" has the 46005  
same meaning as in section 3302.01 of the Revised Code. 46006

(3) A science, technology, engineering, and mathematics 46007  
school's "third-grade reading proficiency percentage" means the 46008  
percentage of the school's students scoring at a proficient 46009  
level of skill or higher on the third-grade English language 46010  
arts assessment prescribed under division (A) (1) (a) of section 46011  
3301.0710 of the Revised Code for the immediately preceding 46012  
school year, as reported on the school's report card under 46013  
section 3302.03 of the Revised Code. 46014

(B) In addition to the payments made under section 3326.33 46015  
of the Revised Code, the department of ~~education-learning and~~ 46016  
achievement shall annually pay to each science, technology, 46017  
engineering, and mathematics school both of the following: 46018

(1) A graduation bonus calculated according to the 46019  
following formula: 46020

The school's four-year adjusted cohort graduation rate on its 46021  
most recent report card issued by the department under section 46022  
3302.03 of the Revised Code X 0.075 X the formula amount X the 46023  
number of the school's graduates reported to the department, in 46024  
accordance with the guidelines adopted under section 3301.0714 46025

of the Revised Code, for the same school year for which the most 46026  
recent report card was issued 46027

(2) A third-grade reading bonus calculated according to 46028  
the following formula: 46029

The school's third-grade reading proficiency percentage X 0.075 46030  
X the formula amount X the number of the school's students 46031  
scoring at a proficient level or higher on the third-grade 46032  
English language arts assessment prescribed under division (A) 46033  
(1) (a) of section 3301.0710 of the Revised Code for the 46034  
immediately preceding school year 46035

**Sec. 3326.45.** (A) The governing body of a science, 46036  
technology, engineering, and mathematics school may contract 46037  
with the governing board of an educational service center or the 46038  
board of education of a joint vocational school district for the 46039  
provision of services to the STEM school or to any student 46040  
enrolled in the school. Services provided under the contract and 46041  
the amount to be paid for those services shall be mutually 46042  
agreed to by the parties to the contract, and shall be specified 46043  
in the contract. 46044

(B) A contract entered into under this section may require 46045  
an educational service center to provide any one or a 46046  
combination of the following services to a STEM school: 46047

(1) Supervisory teachers; 46048

(2) In-service and continuing education programs for 46049  
personnel of the STEM school; 46050

(3) Curriculum services as provided to the client school 46051  
districts of the service center; 46052

(4) Research and development programs; 46053

(5) Academic instruction for which the service center 46054  
governing board employs teachers; 46055

(6) Assistance in the provision of special accommodations 46056  
and classes for students with disabilities. 46057

Services described in division (B) of this section shall 46058  
be provided to the STEM school in the same manner they are 46059  
provided to client school districts of the service center, 46060  
unless otherwise specified in the contract. The contract shall 46061  
specify whether the service center will receive a per-pupil 46062  
payment from the department of ~~education-learning and~~ 46063  
achievement for the provision of these services and, if so, the 46064  
amount of the per-pupil payment. 46065

(C) For each contract entered into under this section, the 46066  
department shall deduct the amount owed by the STEM school from 46067  
the state funds due to the STEM school under this chapter and 46068  
shall pay that amount to the educational service center or joint 46069  
vocational school district that is party to the contract. 46070

(D) No contract entered into under this section shall be 46071  
valid unless a copy is filed with the department by the first 46072  
day of the school year for which the contract is in effect. 46073

(E) As used in this section, "client school district" 46074  
means a city, exempted village, or local school district that 46075  
has entered into an agreement under section 3313.843 or 3313.845 46076  
of the Revised Code to receive any services from an educational 46077  
service center. 46078

**Sec. 3326.51.** (A) As used in this section: 46079

(1) "Resident district" has the same meaning as in section 46080  
3326.31 of the Revised Code. 46081

(2) "STEM school sponsoring district" means a municipal, city, local, exempted village, or joint vocational school district that governs and controls a STEM school pursuant to this section.

(B) Notwithstanding any other provision of this chapter to the contrary:

(1) If a proposal for a STEM school submitted under section 3326.03 of the Revised Code proposes that the governing body of the school be the board of education of a municipal, city, local, exempted village, or joint vocational school district that is one of the partners submitting the proposal, and the STEM committee approves that proposal, that school district board shall govern and control the STEM school as one of the schools of its district.

(2) The STEM school sponsoring district shall maintain a separate accounting for the STEM school as a separate and distinct operational unit within the district's finances. The auditor of state, in the course of an annual or biennial audit of the school district serving as the STEM school sponsoring district, shall audit that school district for compliance with the financing requirements of this section.

(3) With respect to students enrolled in a STEM school whose resident district is the STEM school sponsoring district:

(a) The department of ~~education~~learning and achievement shall make no deductions under section 3326.33 of the Revised Code from the STEM school sponsoring district's state payments.

(b) The STEM school sponsoring district shall ensure that it allocates to the STEM school funds equal to or exceeding the amount that would be calculated pursuant to division (B) of

section 3313.981 of the Revised Code for the students attending 46111  
the school whose resident district is the STEM school sponsoring 46112  
district. 46113

(c) The STEM school sponsoring district is responsible for 46114  
providing children with disabilities with a free appropriate 46115  
public education under Chapter 3323. of the Revised Code. 46116

(d) The STEM school sponsoring district shall provide 46117  
student transportation in accordance with laws and policies 46118  
generally applicable to the district. 46119

(4) With respect to students enrolled in the STEM school 46120  
whose resident district is another school district, the 46121  
department shall make no payments or deductions under sections 46122  
3326.31 to 3326.49 of the Revised Code. Instead, the students 46123  
shall be considered as open enrollment students and the 46124  
department shall make payments and deductions in accordance with 46125  
section 3313.981 of the Revised Code. The STEM school sponsoring 46126  
district shall allocate the payments to the STEM school. The 46127  
STEM school sponsoring district may enter into financial 46128  
agreements with the students' resident districts, which 46129  
agreements may provide financial support in addition to the 46130  
funds received from the open enrollment calculation. The STEM 46131  
school sponsoring district shall allocate all such additional 46132  
funds to the STEM school. 46133

(5) Where the department is required to make, deny, 46134  
reduce, or adjust payments to a STEM school sponsoring district 46135  
pursuant to this section, it shall do so in such a manner that 46136  
the STEM school sponsoring district may allocate that action to 46137  
the STEM school. 46138

(6) A STEM school sponsoring district and its board may 46139

assign its district employees to the STEM school, in which case 46140  
section 3326.18 of the Revised Code shall not apply. The 46141  
district and board may apply any other resources of the district 46142  
to the STEM school in the same manner that it applies district 46143  
resources to other district schools. 46144

(7) Provisions of this chapter requiring a STEM school and 46145  
its governing body to comply with specified laws as if it were a 46146  
school district and in the same manner as a board of education 46147  
shall instead require such compliance by the STEM school 46148  
sponsoring district and its board of education, respectively, 46149  
with respect to the STEM school. Where a STEM school or its 46150  
governing body is required to perform a specific duty or 46151  
permitted to take a specific action under this chapter, that 46152  
duty is required to be performed or that action is permitted to 46153  
be taken by the STEM school sponsoring district or its board of 46154  
education, respectively, with respect to the STEM school. 46155

(8) No provision of this chapter limits the authority, as 46156  
provided otherwise by law, of a school district and its board of 46157  
education to levy taxes and issue bonds secured by tax revenues. 46158

(9) The treasurer of the STEM school sponsoring district 46159  
or, if the STEM school sponsoring district is a municipal school 46160  
district, the chief financial officer of the district, shall 46161  
have all of the respective rights, authority, exemptions, and 46162  
duties otherwise conferred upon the treasurer or chief financial 46163  
officer by the Revised Code. 46164

**Sec. 3327.01.** Notwithstanding division (D) of section 46165  
3311.19 and division (D) of section 3311.52 of the Revised Code, 46166  
this section and sections 3327.011, 3327.012, and 3327.02 of the 46167  
Revised Code do not apply to any joint vocational or cooperative 46168  
education school district. 46169

In all city, local, and exempted village school districts 46170  
where resident school pupils in grades kindergarten through 46171  
eight live more than two miles from the school for which the 46172  
~~state board department of education~~ learning and achievement 46173  
prescribes minimum standards pursuant to division (D) of section 46174  
3301.07 of the Revised Code and to which they are assigned by 46175  
the board of education of the district of residence or to and 46176  
from the nonpublic or community school which they attend, the 46177  
board of education shall provide transportation for such pupils 46178  
to and from that school except as provided in section 3327.02 of 46179  
the Revised Code. 46180

In all city, local, and exempted village school districts 46181  
where pupil transportation is required under a career-technical 46182  
plan approved by the ~~state board of education~~ department under 46183  
section 3313.90 of the Revised Code, for any student attending a 46184  
career-technical program operated by another school district, 46185  
including a joint vocational school district, as prescribed 46186  
under that section, the board of education of the student's 46187  
district of residence shall provide transportation from the 46188  
public high school operated by that district to which the 46189  
student is assigned to the career-technical program. 46190

In all city, local, and exempted village school districts, 46191  
the board may provide transportation for resident school pupils 46192  
in grades nine through twelve to and from the high school to 46193  
which they are assigned by the board of education of the 46194  
district of residence or to and from the nonpublic or community 46195  
high school which they attend for which the ~~state board of~~ 46196  
~~education~~ department prescribes minimum standards pursuant to 46197  
division (D) of section 3301.07 of the Revised Code. 46198

A board of education shall not be required to transport 46199

elementary or high school pupils to and from a nonpublic or 46200  
community school where such transportation would require more 46201  
than thirty minutes of direct travel time as measured by school 46202  
bus from the public school building to which the pupils would be 46203  
assigned if attending the public school designated by the 46204  
district of residence. 46205

Where it is impractical to transport a pupil by school 46206  
conveyance, a board of education may offer payment, in lieu of 46207  
providing such transportation in accordance with section 3327.02 46208  
of the Revised Code. 46209

A board of education shall not be required to transport 46210  
elementary or high school pupils to and from a nonpublic or 46211  
community school on Saturday or Sunday, unless a board of 46212  
education and a nonpublic or community school have an agreement 46213  
in place to do so before the first day of July of the school 46214  
year in which the agreement takes effect. 46215

In all city, local, and exempted village school districts, 46216  
the board shall provide transportation for all children who are 46217  
so disabled that they are unable to walk to and from the school 46218  
for which the ~~state board of education~~ department prescribes 46219  
minimum standards pursuant to division (D) of section 3301.07 of 46220  
the Revised Code and which they attend. In case of dispute 46221  
whether the child is able to walk to and from the school, the 46222  
health commissioner shall be the judge of such ability. In all 46223  
city, exempted village, and local school districts, the board 46224  
shall provide transportation to and from school or special 46225  
education classes for mentally disabled children in accordance 46226  
with standards adopted by the ~~state board of education~~ 46227  
department. 46228

When transportation of pupils is provided the conveyance 46229

shall be run on a time schedule that shall be adopted and put in 46230  
force by the board not later than ten days after the beginning 46231  
of the school term. 46232

The cost of any transportation service authorized by this 46233  
section shall be paid first out of federal funds, if any, 46234  
available for the purpose of pupil transportation, and secondly 46235  
out of state appropriations, in accordance with regulations 46236  
adopted by the ~~state board of education~~ department. 46237

No transportation of any pupils shall be provided by any 46238  
board of education to or from any school which in the selection 46239  
of pupils, faculty members, or employees, practices 46240  
discrimination against any person on the grounds of race, color, 46241  
religion, or national origin. 46242

**Sec. 3327.011.** In determining how best to provide 46243  
transportation, where persons or firms on or after April 1, 46244  
1965, were providing transportation to and from schools pursuant 46245  
to contracts with persons or agencies responsible for the 46246  
operation of such schools, the board of education responsible 46247  
for transportation in accordance with section 3327.01 of the 46248  
Revised Code shall give preference if economically feasible 46249  
during the term of any such contract to the firm or person 46250  
providing such transportation. The boards of education within 46251  
the county or group of counties shall establish transportation 46252  
routes, schedules, and utilization of transportation equipment. 46253  
The appeals from the determination of the board of education 46254  
responsible for transportation shall be taken to the ~~state board~~ 46255  
department of education, learning and achievement. 46256

**Sec. 3327.012.** Payments to school districts for 46257  
transportation of school pupils shall be made on a current basis 46258  
according to an estimate which shall be filed with the ~~state~~ 46259

~~board department of education learning and achievement~~ by 46260  
respective school districts in accordance with rules which the 46261  
~~state board of education department~~ shall promulgate. The sum 46262  
due the respective school district as calculated from approved 46263  
cost in accordance with the rules of the ~~board of education~~ 46264  
~~department~~ shall be adjusted annually in the quarter next 46265  
following the end of the school year. The ~~superintendent of~~ 46266  
~~public instruction, subject to the approval of the state board~~ 46267  
~~of education, department~~ may contract with any firm, person, or 46268  
board of education to provide pupil transportation services 46269  
authorized by this section. In no event shall the payment for 46270  
such contract service exceed the average transportation cost per 46271  
pupil, such average cost to be based on the cost of 46272  
transportation of children by all boards of education in Ohio 46273  
during the next preceding year. 46274

**Sec. 3327.02.** (A) After considering each of the following 46275  
factors, the board of education of a city, exempted village, or 46276  
local school district, or a community school governing authority 46277  
providing transportation pursuant to section 3314.091 of the 46278  
Revised Code, may determine that it is impractical to transport 46279  
a pupil who is eligible for transportation to and from a school 46280  
under section 3327.01 of the Revised Code: 46281

(1) The time and distance required to provide the 46282  
transportation; 46283

(2) The number of pupils to be transported; 46284

(3) The cost of providing transportation in terms of 46285  
equipment, maintenance, personnel, and administration; 46286

(4) Whether similar or equivalent service is provided to 46287  
other pupils eligible for transportation; 46288

(5) Whether and to what extent the additional service 46289  
unavoidably disrupts current transportation schedules; 46290

(6) Whether other reimbursable types of transportation are 46291  
available. 46292

(B) Based on its consideration of the factors established 46293  
in division (A) of this section, the board or governing 46294  
authority may pass a resolution declaring the impracticality of 46295  
transportation. The resolution shall include each pupil's name 46296  
and the reason for impracticality. 46297

The board or governing authority shall report its 46298  
determination to the ~~state board department of education~~ 46299  
learning and achievement in a manner determined by the ~~state~~ 46300  
~~board department~~. 46301

(C) After passing the resolution declaring the 46302  
impracticality of transportation, the district board or 46303  
governing authority shall offer to provide payment in lieu of 46304  
transportation by doing the following: 46305

(1) In accordance with guidelines established by the 46306  
~~department of education~~, informing the pupil's parent, guardian, 46307  
or other person in charge of the pupil of both of the following: 46308

(a) The resolution; 46309

(b) The right of the pupil's parent, guardian, or other 46310  
person in charge of the pupil to accept the offer of payment in 46311  
lieu of transportation or to reject the offer and instead 46312  
request the department to initiate mediation procedures. 46313

(2) Issuing the pupil's parent, guardian, or other person 46314  
in charge of the pupil a contract or other form on which the 46315  
parent, guardian, or other person in charge of the pupil is 46316

given the option to accept or reject the board's offer of 46317  
payment in lieu of transportation. 46318

(D) If the parent, guardian, or other person in charge of 46319  
the pupil accepts the offer of payment in lieu of providing 46320  
transportation, the board or governing authority shall pay the 46321  
parent, guardian, or other person in charge of the pupil an 46322  
amount that shall be not less than the amount determined by the 46323  
general assembly as the minimum for payment in lieu of 46324  
transportation, and not more than the amount determined by the 46325  
department of ~~education~~ learning and achievement as the average 46326  
cost of pupil transportation for the previous school year. 46327  
Payment may be prorated if the time period involved is only a 46328  
part of the school year. 46329

(E) (1) (a) Upon the request of a parent, guardian, or other 46330  
person in charge of the pupil who rejected the payment in lieu 46331  
of transportation, the department shall conduct mediation 46332  
procedures. 46333

(b) If the mediation does not resolve the dispute, the 46334  
matter shall be referred to the state board of education, and 46335  
the state board shall conduct a hearing in accordance with 46336  
Chapter 119. of the Revised Code. The state board may approve 46337  
the payment in lieu of transportation or may order the district 46338  
board of education or governing authority to provide 46339  
transportation. The decision of the state board is binding in 46340  
subsequent years and on future parties in interest provided the 46341  
facts of the determination remain comparable. 46342

(2) The school district or governing authority shall 46343  
provide transportation for the pupil from the time the parent, 46344  
guardian, or other person in charge of the pupil requests 46345  
mediation until the matter is resolved under division (E) (1) (a) 46346

or (b) of this section. 46347

(F) (1) If the department determines that a school district 46348  
board or governing authority has failed or is failing to provide 46349  
transportation as required by division (E) (2) of this section or 46350  
as ordered by the state board under division (E) (1) (b) of this 46351  
section, the department shall order the school district board or 46352  
governing authority to pay to the pupil's parent, guardian, or 46353  
other person in charge of the pupil, an amount equal to the 46354  
state average daily cost of transportation as determined by the 46355  
~~state board of education department~~ for the previous year. The 46356  
school district board or governing authority shall make payments 46357  
on a schedule ordered by the department. 46358

(2) If the department subsequently finds that a school 46359  
district board is not in compliance with an order issued under 46360  
division (F) (1) of this section and the affected pupils are 46361  
enrolled in a nonpublic or community school, the department 46362  
shall deduct the amount that the board is required to pay under 46363  
that order from any pupil transportation payments the department 46364  
makes to the school district board under section 3317.0212 of 46365  
the Revised Code or other provisions of law. The department 46366  
shall use the moneys so deducted to make payments to the 46367  
nonpublic or community school attended by the pupil. The 46368  
department shall continue to make the deductions and payments 46369  
required under this division until the school district board 46370  
either complies with the department's order issued under 46371  
division (F) (1) of this section or begins providing 46372  
transportation. 46373

(G) A nonpublic or community school that receives payments 46374  
from the department under division (F) (2) of this section shall 46375  
do either of the following: 46376

(1) Disburse the entire amount of the payments to the parent, guardian, or other person in charge of the pupil affected by the failure of the school district of residence to provide transportation;

(2) Use the entire amount of the payments to provide acceptable transportation for the affected pupil.

**Sec. 3327.05.** (A) Except as provided in division (B) of this section, no board of education of any school district shall provide transportation for any pupil who is a school resident of another school district unless the pupil is enrolled pursuant to section 3313.98 of the Revised Code or the board of the other district has given its written consent thereto. If the board of any school district files with the ~~state board~~ department of education-learning and achievement a written complaint that transportation for resident pupils is being provided by the board of another school district contrary to this division, the ~~state board of education~~ department shall make an investigation of such complaint. If the ~~state board of education~~ department finds that transportation is being provided contrary to this section, it may withdraw from state funds due the offending district any part of the amount that has been approved for transportation pursuant to section 3317.0212 of the Revised Code or other provisions of law.

(B) Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this division does not apply to any joint vocational or cooperative education school district.

A board of education may provide transportation to and from the nonpublic school of attendance if both of the following apply:

(1) The parent, guardian, or other person in charge of the pupil agrees to pay the board for all costs incurred in providing the transportation that are not reimbursed pursuant to Chapter 3317. of the Revised Code;

(2) The pupil's school district of residence does not provide transportation for public school pupils of the same grade as the pupil being transported under this division, or that district is not required under section 3327.01 of the Revised Code to transport the pupil to and from the nonpublic school because the direct travel time to the nonpublic school is more than thirty minutes.

Upon receipt of the request to provide transportation, the board shall review the request and determine whether the board will accommodate the request. If the board agrees to transport the pupil, the board may transport the pupil to and from the nonpublic school and a collection point in the district, as determined by the board. If the board transports the pupil, the board may include the pupil in the district's enrollment reported to the department of ~~education~~ learning and achievement for purposes of calculating the district's transportation ADM under section 3317.03 of the Revised Code and, accordingly, may receive a state payment under section 3317.0212 of the Revised Code or other provisions of law for transporting the pupil.

If the board declines to transport the pupil, the board, in a written communication to the parent, guardian, or other person in charge of the pupil, shall state the reasons for declining the request.

**Sec. 3327.08.** Boards of education of city school districts, local school districts, exempted village school districts, cooperative education school districts, and joint

vocational school districts and governing boards of educational 46437  
service centers may purchase on individual contract school buses 46438  
and other equipment used in transporting children to and from 46439  
school and to other functions as authorized by the boards, or 46440  
the boards, at their discretion, may purchase the buses and 46441  
equipment through any system of centralized purchasing 46442  
established by the ~~state~~ department of ~~education~~ learning and 46443  
achievement for that purpose, provided that state subsidy 46444  
payments shall be based on the amount of the lowest price 46445  
available to the boards by either method of purchase. No board 46446  
shall be deprived of any form of state assistance in the 46447  
purchase of buses and equipment by reason of purchases of buses 46448  
and equipment on an individual contract. 46449

The purchase of school buses shall be made only after 46450  
competitive bidding in accordance with section 3313.46 of the 46451  
Revised Code. All bids shall state that the buses, prior to 46452  
delivery, will comply with the safety rules of the department of 46453  
public safety adopted pursuant to section 4511.76 of the Revised 46454  
Code and all other pertinent provisions of law. 46455

At no time shall bid bonds be required for the purchase of 46456  
school buses, unless the district board or educational service 46457  
center governing board requests that bid bonds be part of the 46458  
competitive bidding process for a specified purchase. 46459

**Sec. 3327.10.** (A) No person shall be employed as driver of 46460  
a school bus or motor van, owned and operated by any school 46461  
district or educational service center or privately owned and 46462  
operated under contract with any school district or service 46463  
center in this state, who has not received a certificate from 46464  
either the educational service center governing board that has 46465  
entered into an agreement with the school district under section 46466

3313.843 or 3313.845 of the Revised Code or the superintendent 46467  
of the school district, certifying that such person is at least 46468  
eighteen years of age and is of good moral character and is 46469  
qualified physically and otherwise for such position. The 46470  
service center governing board or the superintendent, as the 46471  
case may be, shall provide for an annual physical examination 46472  
that conforms with rules adopted by the ~~state board of education-~~ 46473  
department of learning and achievement of each driver to 46474  
ascertain the driver's physical fitness for such employment. Any 46475  
certificate may be revoked by the authority granting the same on 46476  
proof that the holder has been guilty of failing to comply with 46477  
division (D) (1) of this section, or upon a conviction or a 46478  
guilty plea for a violation, or any other action, that results 46479  
in a loss or suspension of driving rights. Failure to comply 46480  
with such division may be cause for disciplinary action or 46481  
termination of employment under division (C) of section 46482  
3319.081, or section 124.34 of the Revised Code. 46483

(B) No person shall be employed as driver of a school bus 46484  
or motor van not subject to the rules of the department ~~of-~~ 46485  
~~education~~ pursuant to division (A) of this section who has not 46486  
received a certificate from the school administrator or 46487  
contractor certifying that such person is at least eighteen 46488  
years of age, is of good moral character, and is qualified 46489  
physically and otherwise for such position. Each driver shall 46490  
have an annual physical examination which conforms to the state 46491  
highway patrol rules, ascertaining the driver's physical fitness 46492  
for such employment. The examination shall be performed by one 46493  
of the following: 46494

(1) A person licensed under Chapter 4731. of the Revised 46495  
Code or by another state to practice medicine and surgery or 46496  
osteopathic medicine and surgery; 46497

(2) A physician assistant;	46498
(3) A certified nurse practitioner;	46499
(4) A clinical nurse specialist;	46500
(5) A certified nurse-midwife.	46501
Any written documentation of the physical examination	46502
shall be completed by the individual who performed the	46503
examination.	46504
Any certificate may be revoked by the authority granting	46505
the same on proof that the holder has been guilty of failing to	46506
comply with division (D) (2) of this section.	46507
(C) Any person who drives a school bus or motor van must	46508
give satisfactory and sufficient bond except a driver who is an	46509
employee of a school district and who drives a bus or motor van	46510
owned by the school district.	46511
(D) No person employed as driver of a school bus or motor	46512
van under this section who is convicted of a traffic violation	46513
or who has had the person's commercial driver's license	46514
suspended shall drive a school bus or motor van until the person	46515
has filed a written notice of the conviction or suspension, as	46516
follows:	46517
(1) If the person is employed under division (A) of this	46518
section, the person shall file the notice with the	46519
superintendent, or a person designated by the superintendent, of	46520
the school district for which the person drives a school bus or	46521
motor van as an employee or drives a privately owned and	46522
operated school bus or motor van under contract.	46523
(2) If employed under division (B) of this section, the	46524
person shall file the notice with the employing school	46525

administrator or contractor, or a person designated by the 46526  
administrator or contractor. 46527

(E) In addition to resulting in possible revocation of a 46528  
certificate as authorized by divisions (A) and (B) of this 46529  
section, violation of division (D) of this section is a minor 46530  
misdemeanor. 46531

(F) (1) Not later than thirty days after June 30, 2007, 46532  
each owner of a school bus or motor van shall obtain the 46533  
complete driving record for each person who is currently 46534  
employed or otherwise authorized to drive the school bus or 46535  
motor van. An owner of a school bus or motor van shall not 46536  
permit a person to operate the school bus or motor van for the 46537  
first time before the owner has obtained the person's complete 46538  
driving record. Thereafter, the owner of a school bus or motor 46539  
van shall obtain the person's driving record not less frequently 46540  
than semiannually if the person remains employed or otherwise 46541  
authorized to drive the school bus or motor van. An owner of a 46542  
school bus or motor van shall not permit a person to resume 46543  
operating a school bus or motor van, after an interruption of 46544  
one year or longer, before the owner has obtained the person's 46545  
complete driving record. 46546

(2) The owner of a school bus or motor van shall not 46547  
permit a person to operate the school bus or motor van for ten 46548  
years after the date on which the person pleads guilty to or is 46549  
convicted of a violation of section 4511.19 of the Revised Code 46550  
or a substantially equivalent municipal ordinance. 46551

(3) An owner of a school bus or motor van shall not permit 46552  
any person to operate such a vehicle unless the person meets all 46553  
other requirements contained in rules adopted by the ~~state board~~ 46554  
~~of education~~ department prescribing qualifications of drivers of 46555

school buses and other student transportation. 46556

(G) No superintendent of a school district, educational 46557  
service center, community school, or public or private employer 46558  
shall permit the operation of a vehicle used for pupil 46559  
transportation within this state by an individual unless both of 46560  
the following apply: 46561

(1) Information pertaining to that driver has been 46562  
submitted to the department ~~of education~~, pursuant to procedures 46563  
adopted by that department. Information to be reported shall 46564  
include the name of the employer or school district, name of the 46565  
driver, driver license number, date of birth, date of hire, 46566  
status of physical evaluation, and status of training. 46567

(2) The most recent criminal records check required by 46568  
division (J) of this section has been completed and received by 46569  
the superintendent or public or private employer. 46570

(H) A person, school district, educational service center, 46571  
community school, nonpublic school, or other public or nonpublic 46572  
entity that owns a school bus or motor van, or that contracts 46573  
with another entity to operate a school bus or motor van, may 46574  
impose more stringent restrictions on drivers than those 46575  
prescribed in this section, in any other section of the Revised 46576  
Code, and in rules adopted by the ~~state board~~ department. 46577

(I) For qualified drivers who, on July 1, 2007, are 46578  
employed by the owner of a school bus or motor van to drive the 46579  
school bus or motor van, any instance in which the driver was 46580  
convicted of or pleaded guilty to a violation of section 4511.19 46581  
of the Revised Code or a substantially equivalent municipal 46582  
ordinance prior to two years prior to July 1, 2007, shall not be 46583  
considered a disqualifying event with respect to division (F) of 46584

this section. 46585

(J) (1) This division applies to persons hired by a school 46586  
district, educational service center, community school, 46587  
chartered nonpublic school, or science, technology, engineering, 46588  
and mathematics school established under Chapter 3326. of the 46589  
Revised Code to operate a vehicle used for pupil transportation. 46590

For each person to whom this division applies who is hired 46591  
on or after November 14, 2007, the employer shall request a 46592  
criminal records check in accordance with section 3319.39 of the 46593  
Revised Code and every six years thereafter. For each person to 46594  
whom this division applies who is hired prior to that date, the 46595  
employer shall request a criminal records check by a date 46596  
prescribed by the department ~~of education~~ and every six years 46597  
thereafter. 46598

(2) This division applies to persons hired by a public or 46599  
private employer not described in division (J) (1) of this 46600  
section to operate a vehicle used for pupil transportation. 46601

For each person to whom this division applies who is hired 46602  
on or after November 14, 2007, the employer shall request a 46603  
criminal records check prior to the person's hiring and every 46604  
six years thereafter. For each person to whom this division 46605  
applies who is hired prior to that date, the employer shall 46606  
request a criminal records check by a date prescribed by the 46607  
department and every six years thereafter. 46608

(3) Each request for a criminal records check under 46609  
division (J) of this section shall be made to the superintendent 46610  
of the bureau of criminal identification and investigation in 46611  
the manner prescribed in section 3319.39 of the Revised Code, 46612  
except that if both of the following conditions apply to the 46613

person subject to the records check, the employer shall request 46614  
the superintendent only to obtain any criminal records that the 46615  
federal bureau of investigation has on the person: 46616

(a) The employer previously requested the superintendent 46617  
to determine whether the bureau of criminal identification and 46618  
investigation has any information, gathered pursuant to division 46619  
(A) of section 109.57 of the Revised Code, on the person in 46620  
conjunction with a criminal records check requested under 46621  
section 3319.39 of the Revised Code or under division (J) of 46622  
this section. 46623

(b) The person presents proof that the person has been a 46624  
resident of this state for the five-year period immediately 46625  
prior to the date upon which the person becomes subject to a 46626  
criminal records check under this section. 46627

Upon receipt of a request, the superintendent shall 46628  
conduct the criminal records check in accordance with section 46629  
109.572 of the Revised Code as if the request had been made 46630  
under section 3319.39 of the Revised Code. However, as specified 46631  
in division (B) (2) of section 109.572 of the Revised Code, if 46632  
the employer requests the superintendent only to obtain any 46633  
criminal records that the federal bureau of investigation has on 46634  
the person for whom the request is made, the superintendent 46635  
shall not conduct the review prescribed by division (B) (1) of 46636  
that section. 46637

(K) (1) Until the effective date of the amendments to rule 46638  
3301-83-23 of the Ohio Administrative Code required by the 46639  
second paragraph of division (E) of section 3319.39 of the 46640  
Revised Code, any person who is the subject of a criminal 46641  
records check under division (J) of this section and has been 46642  
convicted of or pleaded guilty to any offense described in 46643

division (B) (1) of section 3319.39 of the Revised Code shall not 46644  
be hired or shall be released from employment, as applicable, 46645  
unless the person meets the rehabilitation standards prescribed 46646  
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 46647  
Administrative Code. 46648

(2) Beginning on the effective date of the amendments to 46649  
rule 3301-83-23 of the Ohio Administrative Code required by the 46650  
second paragraph of division (E) of section 3319.39 of the 46651  
Revised Code, any person who is the subject of a criminal 46652  
records check under division (J) of this section and has been 46653  
convicted of or pleaded guilty to any offense that, under the 46654  
rule, disqualifies a person for employment to operate a vehicle 46655  
used for pupil transportation shall not be hired or shall be 46656  
released from employment, as applicable, unless the person meets 46657  
the rehabilitation standards prescribed by the rule. 46658

**Sec. 3327.13.** The board of education of a school district 46659  
that owns and operates busses for transporting pupils to and 46660  
from school may contract with a nonpublic school located within 46661  
the district to make available to the nonpublic school under a 46662  
lease agreement, one or more of the district's busses to be used 46663  
by the nonpublic school for transporting nonpublic school pupils 46664  
to and from a school related activity that would be an approved 46665  
school related activity if it were being offered by a public 46666  
school within the district to public school pupils. All ~~state-~~ 46667  
~~board department of education learning and achievement~~ 46668  
regulations governing the use of such busses by public schools 46669  
while transporting pupils to and from school related activities 46670  
shall be applicable to their use by the nonpublic school. 46671

The cost to the nonpublic school of leasing such busses 46672  
shall not exceed the costs of operating such busses, as 46673

determined by the board of education of the school district. The 46674  
charge to be made to the nonpublic school for the use of the 46675  
busses shall be specified in the contract entered into pursuant 46676  
to this section. 46677

**Sec. 3327.14.** The board of education of any school 46678  
district that owns and operates buses for transporting pupils 46679  
may contract under a lease agreement with a municipal 46680  
corporation or a public or nonprofit private agency or 46681  
organization delivering services to the aged, to make available 46682  
one or more of the district's buses or other vehicles to be used 46683  
for transporting persons sixty years of age or older. The board 46684  
of education of any school district may also contract under a 46685  
similar agreement with any group, organization or other entity 46686  
engaged in adult education activities. 46687

The cost to the lessee of leasing such buses or other 46688  
vehicles shall not exceed the costs of operating such buses or 46689  
other vehicles as determined by the board of education of the 46690  
school district. The charge to the lessee for the use of the 46691  
buses or other vehicles, which may include the cost of providing 46692  
an operator holding a certificate pursuant to section 3327.10 of 46693  
the Revised Code, insurance coverage, and other direct and 46694  
indirect costs to the school district shall be specified in the 46695  
contract entered into pursuant to this section. 46696

All ~~state board of education~~ department of learning and 46697  
achievement regulations governing the use of such buses or other 46698  
vehicles by public schools while transporting pupils to and from 46699  
school related activities apply to the extent applicable to 46700  
their use under this section. 46701

Any board of education making available one or more of its 46702  
buses or other vehicles under this section shall procure 46703

liability and property damage insurance, as provided in section 46704  
3327.09 of the Revised Code, covering each bus or vehicle used 46705  
and each passenger transported under the leasing agreement. 46706

**Sec. 3327.16.** Notwithstanding division (D) of section 46707  
3311.19 and division (D) of section 3311.52 of the Revised Code, 46708  
this section does not apply to any joint vocational or 46709  
cooperative education school district or its superintendent. 46710

(A) The superintendent of each school district may 46711  
establish a volunteer bus rider assistance program, under which 46712  
qualified adults or responsible older pupils, as determined by 46713  
the superintendent, may be authorized to ride on school buses 46714  
with pupils during such periods of time that the buses are being 46715  
used to transport pupils to and from schools. Volunteers shall 46716  
not be compensated for their services, but older pupils may be 46717  
excused early from school to participate in the program. 46718

Volunteers may be assigned duties or responsibilities by 46719  
the superintendent, including but not limited to, assisting 46720  
younger pupils in embarking and disembarking from buses and in 46721  
crossing streets where necessary to ensure the safety of the 46722  
pupil, aiding the driver of the bus to maintain order on buses, 46723  
assisting pupils with disabilities, and such other activities as 46724  
the superintendent determines will aid in the safe and efficient 46725  
transportation of pupils. 46726

Volunteers serving under this section are not employees 46727  
for purposes of Chapter 4117. or 4123. of the Revised Code. 46728  
Nothing in this section shall authorize a board of education to 46729  
adversely affect the employment of any employee of the board. 46730

(B) The board of education of each city, local, or 46731  
exempted village school district shall present a program to all 46732

pupils in kindergarten through third grade who are offered 46733  
school bus transportation and who have not previously attended 46734  
such program. The program shall consist of instruction in bus 46735  
rider behavior, school bus safety, and the potential problems 46736  
and hazards associated with school bus ridership. The department 46737  
of ~~education~~ learning and achievement shall prescribe the 46738  
content and length of such program, which shall be presented 46739  
within two weeks after the commencement of classes each school 46740  
year. 46741

**Sec. 3328.01.** As used in this chapter: 46742

(A) "Board of trustees" means the board of trustees 46743  
established for a college-preparatory boarding school in 46744  
accordance with section 3328.15 of the Revised Code. 46745

(B) "Child with a disability," "IEP," and "school district 46746  
of residence" have the same meanings as in section 3323.01 of 46747  
the Revised Code. 46748

(C) "Eligible student" means a student who is entitled to 46749  
attend school in a participating school district; is at risk of 46750  
academic failure; is from a family whose income is below two 46751  
hundred per cent of the federal poverty guidelines, as defined 46752  
in section 5101.46 of the Revised Code; meets any additional 46753  
criteria prescribed by agreement between the ~~state board of~~ 46754  
~~education~~ superintendent of public instruction and the operator 46755  
of the college-preparatory boarding school in which the student 46756  
seeks enrollment; and meets at least two of the following 46757  
additional conditions: 46758

(1) The student has a record of in-school disciplinary 46759  
actions, suspensions, expulsions, or truancy. 46760

(2) The student has not attained at least a proficient 46761

score on the state achievement assessments in English language arts, reading, or mathematics prescribed under section 3301.0710 of the Revised Code, after those assessments have been administered to the student at least once, or the student has not attained at least a score designated by the board of trustees of the college-preparatory boarding school in which the student seeks enrollment under this chapter on an end-of-course examination in English language arts or mathematics prescribed under section 3301.0712 of the Revised Code.

(3) The student is a child with a disability.

(4) The student has been referred for academic intervention services.

(5) The student's head of household is a single parent. As used in this division and in division (C)(6) of this section, "head of household" means a person who occupies the same household as the student and who is financially responsible for the student.

(6) The student's head of household is not the student's custodial parent.

(7) A member of the student's family has been imprisoned, as defined in section 1.05 of the Revised Code.

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

(E) "Formula ADM," "category one through six special education ADM," and "state education aid" have the same meanings as in section 3317.02 of the Revised Code.

(F) "Operator" means the operator of a college-preparatory

boarding school selected under section 3328.11 of the Revised Code. 46790  
46791

(G) "Participating school district" means either of the following: 46792  
46793

(1) The school district in which a college-preparatory boarding school established under this chapter is located; 46794  
46795

(2) A school district other than one described in division (G) (1) of this section that, pursuant to procedures adopted by the ~~state board of education~~ department of learning and achievement under section 3328.04 of the Revised Code, agrees to be a participating school district so that eligible students entitled to attend school in that district may enroll in a college-preparatory boarding school established under this chapter. 46796  
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**Sec. 3328.02.** (A) Each college-preparatory boarding school established under this chapter is a public school and is part of the state's program of education. 46804  
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46806

(B) Acting through its board of trustees, the school may sue and be sued, acquire facilities as needed, contract for any services necessary for the operation of the school, and enter into contracts with the ~~department of education~~ superintendent of public instruction pursuant to this chapter. The board of trustees may carry out any act and ensure the performance of any function that is in compliance with the Ohio Constitution, this chapter, other statutes applicable to college-preparatory boarding schools, and the contract entered into under this chapter establishing the school. 46807  
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(C) Each college-preparatory boarding school shall be established as a public benefit corporation under Chapter 1702. 46817  
46818

of the Revised Code. 46819

**Sec. 3328.04.** The city, exempted village, or local school 46820  
district in which a college-preparatory boarding school 46821  
established under this chapter is located is a participating 46822  
school district under this chapter. Any other city, exempted 46823  
village, or local school district may agree to be a 46824  
participating school district. The ~~state board of education~~ 46825  
department of learning and achievement shall adopt procedures 46826  
for districts to agree to be participating school districts. 46827

**Sec. 3328.11.** (A) In accordance with the procedures 46828  
prescribed in division (B) of this section, the ~~state board of~~ 46829  
~~education superintendent of public instruction~~ shall select a 46830  
private nonprofit corporation that meets the following 46831  
qualifications to operate each college-preparatory boarding 46832  
school established under this chapter: 46833

(1) The corporation has experience operating a school or 46834  
program similar to the schools authorized under this chapter. 46835

(2) The school or program described in division (A) (1) of 46836  
this section has demonstrated to the satisfaction of the state 46837  
~~board superintendent~~ success in improving the academic 46838  
performance of students. 46839

(3) The corporation has demonstrated to the satisfaction 46840  
of the state ~~board superintendent~~ that the corporation has the 46841  
capacity to secure private funds for the development of the 46842  
school authorized under this chapter. 46843

(B) (1) ~~Not later than sixty days after the effective date~~ 46844  
~~of this section, the~~ The state board superintendent shall issue 46845  
a request for proposals from private nonprofit corporations 46846  
qualified to operate a college-preparatory boarding school 46847

established under this chapter. If the state ~~board-~~ 46848  
superintendent subsequently determines that the establishment of 46849  
one or more additional college-preparatory boarding schools is 46850  
advisable, the state ~~board-~~superintendent shall issue requests 46851  
for proposals from private nonprofit corporations qualified to 46852  
operate those additional schools. 46853

In all cases, the state ~~board-~~superintendent shall select 46854  
the school's operator from among the qualified responders within 46855  
one hundred eighty days after the issuance of the request for 46856  
proposals. If no qualified responder submits a proposal, the 46857  
state ~~board-~~superintendent may issue another request for 46858  
proposals. 46859

(2) Each proposal submitted to the state ~~board-~~ 46860  
superintendent shall contain the following information: 46861

(a) The proposed location of the college-preparatory 46862  
boarding school, which may differ from any location recommended 46863  
by the state ~~board-~~superintendent in the request for proposals; 46864

(b) A plan for offering grade six in the school's initial 46865  
year of operation and a plan for increasing the grade levels 46866  
offered by the school in subsequent years; 46867

(c) Any other information about the proposed educational 46868  
program, facilities, or operations of the school considered 46869  
necessary by the state ~~board-~~superintendent. 46870

(C) No college-preparatory boarding school established 46871  
under this chapter shall open for operation prior to the 2013- 46872  
2014 school year. 46873

**Sec. 3328.12.** The ~~state board of education-~~superintendent 46874  
of public instruction shall enter into a contract with the 46875  
operator of each college-preparatory boarding school established 46876

under this chapter. The contract shall stipulate the following: 46877

(A) The school's board of trustees shall oversee the 46878  
acquisition of a facility for the school. 46879

(B) The operator shall operate the school in accordance 46880  
with the terms of the proposal accepted by the state ~~board-~~ 46881  
superintendent under section 3328.11 of the Revised Code, 46882  
including the plan for increasing the grade levels offered by 46883  
the school. 46884

(C) The school shall comply with the provisions of this 46885  
chapter. 46886

(D) The school shall comply with any other provisions of 46887  
law specified in the contract and the rules adopted by the ~~state-~~ 46888  
~~board-~~department of learning and achievement under section 46889  
3328.50 of the Revised Code. 46890

(E) The school shall comply with the bylaws adopted by the 46891  
board of trustees under section 3328.13 of the Revised Code. 46892

(F) The school shall meet the academic goals and other 46893  
performance standards specified in the contract. 46894

(G) The school shall have a fiscal officer who meets 46895  
standards established for the purposes of this division by the 46896  
~~state board~~department. 46897

(H) In accordance with procedures specified in the 46898  
contract, the ~~department of education-~~state superintendent shall 46899  
monitor the operation, programs, and facilities of the school, 46900  
including conducting on-site visits of the school. 46901

(I) The ~~department-~~state superintendent may take actions, 46902  
as specified in the contract, to resolve issues of noncompliance 46903  
by the school of the provisions of this chapter, the contract, 46904

the bylaws adopted by the board of trustees, or rules adopted by 46905  
the ~~state board~~ department of learning and achievement. Such 46906  
specified actions shall include procedures for notice of 46907  
noncompliance and appeal to the state board of education of the 46908  
decisions of the ~~department~~ superintendent. 46909

(J) The state ~~board~~ superintendent or the operator may 46910  
terminate the contract in accordance with the procedures 46911  
specified in the contract, which shall include at least a 46912  
requirement that the party seeking termination give prior notice 46913  
of the intent to terminate the contract and a requirement that 46914  
the party receiving such notice be granted an opportunity to 46915  
redress any grievances cited in the notice prior to the 46916  
termination. 46917

(K) If the school closes for any reason, the school's 46918  
board of trustees shall execute the closing in the manner 46919  
specified in the contract. 46920

**Sec. 3328.13.** The board of trustees of each college- 46921  
preparatory boarding school established under this chapter shall 46922  
adopt bylaws for the oversight and operation of the school that 46923  
are consistent with the provisions of this chapter, the rules 46924  
adopted under section 3328.50 of the Revised Code, and the 46925  
contract between the operator and the ~~state board of education~~ 46926  
superintendent of public instruction. The bylaws shall include 46927  
procedures for the appointment of future members of the school's 46928  
board of trustees upon expiration of the terms of the initial 46929  
members, which procedures shall comply with section 3328.15 of 46930  
the Revised Code. The bylaws also shall include standards for 46931  
the admission of students to the school and their dismissal from 46932  
the school. The bylaws shall be subject to the approval of the 46933  
state ~~board~~ superintendent. 46934

**Sec. 3328.18.** (A) As used in this section, "license" has 46935  
the same meaning as in section 3319.31 of the Revised Code. 46936

(B) If a person who is employed by a college-preparatory 46937  
boarding school established under this chapter or its operator 46938  
is arrested, summoned, or indicted for an alleged violation of 46939  
an offense listed in division (C) of section 3319.31 of the 46940  
Revised Code, if the person holds a license, or an offense 46941  
listed in division (B) (1) of section 3319.39 of the Revised 46942  
Code, if the person does not hold a license, the chief 46943  
administrator of the school in which that person works shall 46944  
suspend that person from all duties that require the care, 46945  
custody, or control of a child during the pendency of the 46946  
criminal action against the person. If the person who is 46947  
arrested, summoned, or indicted for an alleged violation of an 46948  
offense listed in division (C) of section 3319.31 or division 46949  
(B) (1) of section 3319.39 of the Revised Code is the chief 46950  
administrator of the school, the board of trustees of the school 46951  
shall suspend the chief administrator from all duties that 46952  
require the care, custody, or control of a child. 46953

(C) When a person who holds a license is suspended in 46954  
accordance with this section, the chief administrator or board 46955  
that imposed the suspension promptly shall report the person's 46956  
suspension to the department of education and the department of 46957  
learning and achievement. The report shall include the offense 46958  
for which the person was arrested, summoned, or indicted. 46959

**Sec. 3328.193.** (A) As used in this section, "license" has 46960  
the same meaning as in section 3319.31 of the Revised Code. 46961

(B) No employee of a college-preparatory boarding school 46962  
established under this chapter or its operator shall do either 46963  
of the following: 46964

(1) Knowingly make a false report to the chief administrator of the school, or the chief administrator's designee, alleging misconduct by another employee of the school or its operator;

(2) Knowingly cause the chief administrator, or the chief administrator's designee, to make a false report of the alleged misconduct to the superintendent of public instruction or the state board of education.

(C) Any employee of a college-preparatory boarding school established under this chapter or its operator who in good faith reports to the chief administrator of the school, or the chief administrator's designee, information about alleged misconduct committed by another employee of the school or operator shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the reporting of that information.

If the alleged misconduct involves a person who holds a license but the chief administrator is not required to submit a report to the superintendent of public instruction under section 3328.19 of the Revised Code and the chief administrator, or the chief administrator's designee, in good faith reports the alleged misconduct to the state superintendent ~~of public instruction~~ or the state board, the chief administrator, or the chief administrator's designee, shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the reporting of that information.

(D) (1) In any civil action brought against a person in which it is alleged and proved that the person violated division (B) of this section, the court shall award the prevailing party

reasonable attorney's fees and costs that the prevailing party 46995  
incurred in the civil action or as a result of the false report 46996  
that was the basis of the violation. 46997

(2) If a person is convicted of or pleads guilty to a 46998  
violation of division (B) of this section, if the subject of the 46999  
false report that was the basis of the violation was charged 47000  
with any violation of a law or ordinance as a result of the 47001  
false report, and if the subject of the false report is found 47002  
not to be guilty of the charges brought against the subject as a 47003  
result of the false report or those charges are dismissed, the 47004  
court that sentences the person for the violation of division 47005  
(B) of this section, as part of the sentence, shall order the 47006  
person to pay restitution to the subject of the false report, in 47007  
an amount equal to reasonable attorney's fees and costs that the 47008  
subject of the false report incurred as a result of or in 47009  
relation to the charges. 47010

**Sec. 3328.23.** (A) A college-preparatory boarding school 47011  
established under this chapter shall comply with Chapter 3323. 47012  
of the Revised Code as if the school were a school district. For 47013  
each child with a disability enrolled in the school for whom an 47014  
IEP has been developed, the school shall verify in the manner 47015  
prescribed by the department of ~~education-learning and~~ 47016  
achievement that the school is providing the services required 47017  
under the child's IEP. 47018

(B) The school district in which a child with a disability 47019  
enrolled in the college-preparatory boarding school is entitled 47020  
to attend school and the child's school district of residence, 47021  
if different, are not obligated to provide the student with a 47022  
free appropriate public education under Chapter 3323. of the 47023  
Revised Code for as long as the child is enrolled in the 47024

college-preparatory boarding school. 47025

**Sec. 3328.24.** A college-preparatory boarding school 47026  
established under this chapter and its board of trustees shall 47027  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 47028  
3301.0714, 3301.0729, 3301.948, ~~3313.536~~, 3313.6013, 3313.6021, 47029  
3313.6411, 3313.7112, 3313.721, 3313.89, 3319.39, 3319.391, ~~and~~ 47030  
3319.46, and 5502.262 and Chapter 3365. of the Revised Code as 47031  
if the school were a school district and the school's board of 47032  
trustees were a district board of education. 47033

**Sec. 3328.25.** (A) The board of trustees of a college- 47034  
preparatory boarding school established under this chapter shall 47035  
grant a diploma to any student enrolled in the school to whom 47036  
all of the following apply: 47037

(1) The student has successfully completed the school's 47038  
high school curriculum or the IEP developed for the student by 47039  
the school pursuant to section 3323.08 of the Revised Code or 47040  
has qualified under division (D) or (F) of section 3313.603 of 47041  
the Revised Code, provided that the school shall not require a 47042  
student to remain in school for any specific number of semesters 47043  
or other terms if the student completes the required curriculum 47044  
early. 47045

(2) Subject to section 3313.614 of the Revised Code, the 47046  
student has met the assessment requirements of division (A) (2) 47047  
(a) or (b) of this section, as applicable. 47048

(a) If the student entered ninth grade prior to July 1, 47049  
2014, the student either: 47050

(i) Has attained at least the applicable scores designated 47051  
under division (B) (1) of section 3301.0710 of the Revised Code 47052  
on all the assessments prescribed by that division unless 47053

division (M) of section 3313.61 of the Revised Code applies to 47054  
the student; 47055

(ii) Has satisfied the alternative conditions prescribed 47056  
in section 3313.615 of the Revised Code. 47057

(b) If the person entered ninth grade on or after July 1, 47058  
2014, the student has met the requirement prescribed by section 47059  
3313.618 of the Revised Code, except to the extent that the 47060  
student is excused from some portion of that section pursuant to 47061  
division (M) of section 3313.61 of the Revised Code. 47062

(3) The student is not eligible to receive an honors 47063  
diploma granted under division (B) of this section. 47064

No diploma shall be granted under this division to anyone 47065  
except as provided in this division. 47066

(B) In lieu of a diploma granted under division (A) of 47067  
this section, the board of trustees shall grant an honors 47068  
diploma, in the same manner that boards of education of school 47069  
districts grant honors diplomas under division (B) of section 47070  
3313.61 of the Revised Code, to any student enrolled in the 47071  
school who accomplishes all of the following: 47072

(1) Successfully completes the school's high school 47073  
curriculum or the IEP developed for the student by the school 47074  
pursuant to section 3323.08 of the Revised Code; 47075

(2) Subject to section 3313.614 of the Revised Code, has 47076  
met the assessment requirements of division (B) (2) (a) or (b) of 47077  
this section, as applicable. 47078

(a) If the student entered ninth grade prior to July 1, 47079  
2014, the student either: 47080

(i) Has attained at least the applicable scores designated 47081

under division (B) (1) of section 3301.0710 of the Revised Code 47082  
on all the assessments prescribed under that division; 47083

(ii) Has satisfied the alternative conditions prescribed 47084  
in section 3313.615 of the Revised Code. 47085

(b) If the person entered ninth grade on or after July 1, 47086  
2014, the student has met the requirement prescribed by section 47087  
3313.618 of the Revised Code. 47088

(3) Has met the additional criteria for granting an honors 47089  
diploma prescribed by the ~~state board~~ department of learning and 47090  
achievement under division (B) of section 3313.61 of the Revised 47091  
Code for the granting of honors diplomas by school districts. 47092

An honors diploma shall not be granted to a student who is 47093  
subject to the requirements prescribed in division (C) of 47094  
section 3313.603 of the Revised Code but elects the option of 47095  
division (D) or (F) of that section. No honors diploma shall be 47096  
granted to anyone failing to comply with this division, and not 47097  
more than one honors diploma shall be granted to any student 47098  
under this division. 47099

(C) A diploma or honors diploma awarded under this section 47100  
shall be signed by the presiding officer of the board of 47101  
trustees. Each diploma shall bear the date of its issue and be 47102  
in such form as the board of trustees prescribes. 47103

(D) Upon granting a diploma to a student under this 47104  
section, the presiding officer of the board of trustees shall 47105  
provide notice of receipt of the diploma to the board of 47106  
education of the city, exempted village, or local school 47107  
district where the student is entitled to attend school when not 47108  
residing at the college-preparatory boarding school. The notice 47109  
shall indicate the type of diploma granted. 47110

**Sec. 3328.26.** (A) The department of ~~education~~learning and achievement shall issue an annual report card for each college-preparatory boarding school established under this chapter that includes all information applicable to school buildings under section 3302.03 of the Revised Code.

(B) For each student enrolled in the school, the department shall combine data regarding the academic performance of that student with comparable data from the school district in which the student is entitled to attend school for the purpose of calculating the performance of the district as a whole on the report card issued for the district under section 3302.03 of the Revised Code.

(C) Each college-preparatory boarding school and its operator shall comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the school.

**Sec. 3328.29.** (A) With the approval of its board of trustees, a college-preparatory boarding school established under this chapter may procure epinephrine autoinjectors in the manner prescribed by section 3313.7110 of the Revised Code. A college-preparatory boarding school that elects to do so shall comply with all provisions of that section as if it were a school district.

(B) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an epinephrine autoinjector under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A college-preparatory boarding school;	47141
(b) A member of a college-preparatory boarding school board of trustees;	47142 47143
(c) A college-preparatory boarding school employee or contractor;	47144 47145
(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors, provides a consultation, or issues a protocol pursuant to this section.	47146 47147 47148 47149
(2) This division does not eliminate, limit, or reduce any other immunity or defense that a college-preparatory boarding school or board of trustees, member of a college-preparatory boarding school board of trustees, college-preparatory boarding school employee or contractor, or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.	47150 47151 47152 47153 47154 47155 47156
(C) A college-preparatory boarding school may accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors.	47157 47158 47159 47160 47161 47162
(D) A college-preparatory boarding school that elects to procure epinephrine autoinjectors under this section shall report to the department of <del>education</del> <u>learning and achievement</u> each procurement and occurrence in which an epinephrine autoinjector is used from a school's supply of epinephrine autoinjectors.	47163 47164 47165 47166 47167 47168
<b>Sec. 3328.30.</b> (A) As used in this section, "inhaler" has	47169

the same meaning as in section 3313.7113 of the Revised Code. 47170

(B) With the approval of its board of trustees, a college- 47171  
preparatory boarding school may procure inhalers in the manner 47172  
prescribed by section 3313.7113 of the Revised Code. A college- 47173  
preparatory boarding school that elects to do so shall comply 47174  
with all provisions of that section as if it were a school 47175  
district. 47176

(C) A college-preparatory boarding school, a member of a 47177  
college-preparatory boarding school board of trustees, or a 47178  
college-preparatory boarding school employee or contractor is 47179  
not liable in damages in a civil action for injury, death, or 47180  
loss to person or property that allegedly arises from an act or 47181  
omission associated with procuring, maintaining, accessing, or 47182  
using an inhaler under this section, unless the act or omission 47183  
constitutes willful or wanton misconduct. 47184

This division does not eliminate, limit, or reduce any 47185  
other immunity or defense that a college-preparatory boarding 47186  
school or board of trustees, member of a college-preparatory 47187  
boarding school board of trustees, or college-preparatory 47188  
boarding school employee or contractor may be entitled to under 47189  
Chapter 2744. or any other provision of the Revised Code or 47190  
under the common law of this state. 47191

(D) A college-preparatory boarding school may accept 47192  
donations of inhalers from a wholesale distributor of dangerous 47193  
drugs or a manufacturer of dangerous drugs, as defined in 47194  
section 4729.01 of the Revised Code, and may accept donations of 47195  
money from any person to purchase inhalers. 47196

(E) A college-preparatory boarding school that elects to 47197  
procure inhalers under this section shall report to the 47198

department of ~~education~~-learning and achievement each 47199  
procurement and occurrence in which an inhaler is used from a 47200  
school's supply of inhalers. 47201

**Sec. 3328.31.** Each college-preparatory boarding school 47202  
established under this chapter shall report to the department of 47203  
~~education~~-learning and achievement, in the form and manner 47204  
prescribed by the department, the following information: 47205

(A) The total number of students enrolled in the school; 47206

(B) The number of students enrolled in the school who are 47207  
receiving special education and related services pursuant to an 47208  
IEP; 47209

(C) The city, exempted village, or local school district 47210  
in which each student reported under division (A) of this 47211  
section is entitled to attend school; 47212

(D) Any additional information the department determines 47213  
necessary to make payments to the school under this chapter. 47214

**Sec. 3328.32.** Each child enrolled in a college-preparatory 47215  
boarding school established under this chapter shall be included 47216  
in the enrollment of the district in which the child is entitled 47217  
to attend school and in the district's category one through six 47218  
special education enrollment, as appropriate, as reported under 47219  
section 3317.03 of the Revised Code. 47220

The department of ~~education~~-learning and achievement shall 47221  
count that child in the district's formula ADM, total ADM, and, 47222  
as appropriate, category one through six special education ADM. 47223

**Sec. 3328.33.** (A) For each child enrolled in a college- 47224  
preparatory boarding school, as reported under section 3328.31 47225  
of the Revised Code, the department of ~~education~~-learning and 47226

achievement shall deduct from the state education aid and, if 47227  
necessary, from the payment under sections 321.24 and 323.156 of 47228  
the Revised Code, for the city, exempted village, or local 47229  
school district in which the child is entitled to attend school 47230  
the amount calculated under division (B) of this section, as set 47231  
forth in the agreement filed with the department under division 47232  
(C) of this section. 47233

(B) Each participating school district, in consultation 47234  
with the college-preparatory boarding school's board of 47235  
trustees, shall calculate the amount of funds per student to be 47236  
deducted from the district's account under division (A) of this 47237  
section, which shall be set forth in the agreement required by 47238  
division (C) of this section. The amount to be deducted for each 47239  
student shall equal eighty-five per cent of the operating 47240  
expenditure per pupil of that district. 47241

As used in this division, a district's "operating 47242  
expenditure per pupil" is the total amount of state payments and 47243  
other nonfederal revenue spent by the district for operating 47244  
expenses during the previous fiscal year, divided by the 47245  
district's formula ADM, as that term is defined in section 47246  
3317.02 of the Revised Code, for the previous fiscal year. 47247

(C) Each participating school district and the college- 47248  
preparatory boarding school's board of trustees shall execute an 47249  
agreement setting forth the amount per student to be deducted 47250  
from the district's account, as calculated under division (B) of 47251  
this section, and shall file a copy of that agreement with the 47252  
department. 47253

**Sec. 3328.34.** (A) For each child enrolled in a college- 47254  
preparatory boarding school, as reported under section 3328.31 47255  
of the Revised Code, the department of ~~education~~learning and 47256

achievement shall pay to the school the sum of the amount 47257  
deducted from a participating school district's account for that 47258  
child under section 3328.33 of the Revised Code plus the per- 47259  
pupil boarding amount specified in division (B) of this section. 47260

(B) For the first fiscal year in which a college- 47261  
preparatory boarding school may be established under this 47262  
chapter, the "per-pupil boarding amount" is twenty-five thousand 47263  
dollars. For each fiscal year thereafter, that amount shall be 47264  
adjusted by the rate of inflation, as measured by the consumer 47265  
price index (all urban consumers, all items) prepared by the 47266  
bureau of labor statistics of the United States department of 47267  
labor, for the previous twelve-month period. 47268

(C) The ~~state board of education~~ department of learning 47269  
and achievement may accept funds from federal and state 47270  
noneducation support services programs for the purpose of 47271  
funding the per pupil boarding amount prescribed in division (B) 47272  
of this section. Notwithstanding any other provision of the 47273  
Revised Code, the ~~state board~~ department shall coordinate and 47274  
streamline any noneducation program requirements in order to 47275  
eliminate redundant or conflicting requirements, licensing 47276  
provisions, and oversight by government programs or agencies. 47277  
The applicable regulatory entities shall, to the maximum extent 47278  
possible, use reports and financial audits provided by the 47279  
auditor of state and coordinated by the department ~~of education~~ 47280  
to eliminate or reduce contract and administrative reviews. 47281  
Regulatory entities other than the ~~state board~~ superintendent of 47282  
public instruction or the department may suggest reasonable 47283  
additional items to be included in such reports and financial 47284  
audits to meet any requirements of federal law. Reporting 47285  
paperwork prepared for the state ~~board~~ superintendent or the 47286  
department shall be shared with and accepted by other state and 47287

local entities to the maximum extent feasible. 47288

(D) (1) Notwithstanding division (A) of this section, if, 47289  
in any fiscal year, a college-preparatory boarding school 47290  
receives federal funds for the purpose of supporting the 47291  
school's operations, the amount of those federal funds shall be 47292  
deducted from the total per-pupil boarding amount for all 47293  
enrolled students paid by the department to the school for that 47294  
fiscal year, unless the school's board of trustees and the 47295  
department determine otherwise in a written agreement. Any 47296  
portion of the total per-pupil boarding amount for all enrolled 47297  
students remaining after the deduction of the federal funds 47298  
shall be paid by the department to the school from state funds 47299  
appropriated to the department. 47300

(2) Notwithstanding division (A) of this section, if, in 47301  
any fiscal year, the department receives federal funds for the 47302  
purpose of supporting the operations of a college-preparatory 47303  
boarding school, the department shall use those federal funds, 47304  
not including any portion of those funds designated for 47305  
administration, to pay the school the total per-pupil boarding 47306  
amount for all enrolled students for that fiscal year. Any 47307  
portion of the total per-pupil boarding amount for all enrolled 47308  
students remaining after the use of the federal funds shall be 47309  
paid by the department to the school from state funds 47310  
appropriated to the department. 47311

(3) If any federal funds are used for the purpose 47312  
prescribed in division (D) (1) or (2) of this section, the 47313  
department shall comply with all requirements upon which the 47314  
acceptance of the federal funds is conditioned, including any 47315  
requirements set forth in the funding application submitted by 47316  
the school or the department and, to the extent sufficient funds 47317

are appropriated by the general assembly, any requirements 47318  
regarding maintenance of effort in expenditures. 47319

**Sec. 3328.35.** To the extent permitted by federal law, the 47320  
department of ~~education~~learning and achievement shall include 47321  
college-preparatory boarding schools established under this 47322  
chapter in its annual allocation of federal moneys under Title I 47323  
of the "Elementary and Secondary Education Act of 1965," 20 47324  
U.S.C. 6301, et seq. The department may apply for any other 47325  
federal moneys that may be used to support the operations of 47326  
college-preparatory boarding schools established under this 47327  
chapter. 47328

**Sec. 3328.37.** (A) If the auditor of state or a public 47329  
accountant, under section 117.41 of the Revised Code, declares a 47330  
college-preparatory boarding school established under this 47331  
chapter to be unauditabile, the auditor of state shall provide 47332  
written notification of that declaration to the school and the 47333  
department of ~~education~~learning and achievement. The auditor of 47334  
state also shall post the notification on the auditor of state's 47335  
web site. 47336

(B) If the college-preparatory boarding school's current 47337  
fiscal officer held that position during the period for which 47338  
the school is unauditabile, upon receipt of the notification 47339  
under division (A) of this section, the board of trustees of the 47340  
school shall suspend the fiscal officer until the auditor of 47341  
state or a public accountant has completed an audit of the 47342  
school, except that if the fiscal officer is employed by the 47343  
school's operator, the operator shall suspend the fiscal officer 47344  
for that period. Suspension of the fiscal officer may be with or 47345  
without pay, as determined by the entity imposing the suspension 47346  
based on the circumstances that prompted the auditor of state's 47347

declaration. The entity imposing the suspension shall appoint a 47348  
person to assume the duties of the fiscal officer during the 47349  
period of the suspension. If the appointee is not licensed as a 47350  
treasurer under section 3301.074 of the Revised Code, the 47351  
appointee shall be approved by the superintendent of public 47352  
instruction before assuming the duties of the fiscal officer. 47353  
The state board of education may take action under section 47354  
3319.31 of the Revised Code to suspend, revoke, or limit the 47355  
license of a fiscal officer who has been suspended under this 47356  
division. 47357

(C) Not later than forty-five days after receiving the 47358  
notification under division (A) of this section, the board of 47359  
trustees of the college-preparatory boarding school shall 47360  
provide a written response to the auditor of state. The response 47361  
shall include the following: 47362

(1) An overview of the process the board will use to 47363  
review and understand the circumstances that led to the school 47364  
becoming unauditable; 47365

(2) A plan for providing the auditor of state with the 47366  
documentation necessary to complete an audit of the school and 47367  
for ensuring that all financial documents are available in the 47368  
future; 47369

(3) The actions the board will take to ensure that the 47370  
plan described in division (C) (2) of this section is 47371  
implemented. 47372

(D) If the college-preparatory boarding school fails to 47373  
make reasonable efforts and continuing progress to bring its 47374  
accounts, records, files, or reports into an auditable condition 47375  
within ninety days after being declared unauditable, the auditor 47376

of state, in addition to requesting legal action under sections 47377  
117.41 and 117.42 of the Revised Code, shall notify the school 47378  
and the department of the school's failure. If the auditor of 47379  
state or a public accountant subsequently is able to complete a 47380  
financial audit of the school, the auditor of state shall notify 47381  
the school and the department that the audit has been completed. 47382

(E) Notwithstanding any provision to the contrary in this 47383  
chapter or in any other provision of law, upon notification by 47384  
the auditor of state under division (D) of this section that the 47385  
college-preparatory boarding school has failed to make 47386  
reasonable efforts and continuing progress to bring its 47387  
accounts, records, files, or reports into an auditable 47388  
condition, the department shall immediately cease all payments 47389  
to the school under this chapter and any other provision of law. 47390  
Upon subsequent notification from the auditor of state under 47391  
that division that the auditor of state or a public accountant 47392  
was able to complete a financial audit of the school, the 47393  
department shall release all funds withheld from the school 47394  
under this section. 47395

**Sec. 3328.45.** (A) If the ~~state board of education~~ 47396  
superintendent of public instruction determines that a college- 47397  
preparatory boarding school established under this chapter is 47398  
not in compliance with any provision of this chapter or the 47399  
terms of the contract entered into under section 3328.12 of the 47400  
Revised Code, or that the school has failed to meet the academic 47401  
goals or performance standards specified in that contract, the 47402  
state ~~board~~ superintendent may initiate the termination 47403  
procedures specified in the contract. No termination shall take 47404  
effect prior to the end of a school year. Upon the effective 47405  
date of a termination, the school shall close. 47406

(B) If a college-preparatory boarding school is required 47407  
to close under division (A) of this section or closes for any 47408  
other reason, the school's board of trustees shall execute the 47409  
closing as provided in the contract under section 3328.12 of the 47410  
Revised Code. 47411

**Sec. 3328.50.** The ~~state board of education~~ department of 47412  
learning and achievement shall adopt rules in accordance with 47413  
Chapter 119. of the Revised Code prescribing procedures 47414  
necessary for the implementation of this chapter. 47415

**Sec. 3332.02.** This chapter does not apply to the following 47416  
categories of courses, schools, or colleges: 47417

(A) Tuition-free courses or schools conducted by employers 47418  
exclusively for their own employees; 47419

(B) Nonprofit institutions with certificates of 47420  
authorization issued pursuant to section 1713.02 of the Revised 47421  
Code or that are nonprofit institutions exempted from the 47422  
requirement to obtain a certificate by division (E) of that 47423  
section; 47424

(C) Schools, colleges, technical colleges, or universities 47425  
established by law or chartered by the ~~Ohio board of regents~~ 47426  
department of learning and achievement; 47427

(D) Courses of instruction required by law to be approved 47428  
or licensed by a state board or agency other than the state 47429  
board of career colleges and schools, except that a school so 47430  
approved or licensed may apply to the state board of career 47431  
colleges and schools for a certificate of registration to be 47432  
issued in accordance with this chapter; 47433

(E) Schools for which minimum standards are prescribed by 47434  
the ~~state board of education~~ department pursuant to division (D) 47435

of section 3301.07 of the Revised Code; 47436

(F) Courses of instruction conducted by a public school 47437  
district or a combination of public school districts; 47438

(G) Courses of instruction conducted outside the United 47439  
States; 47440

(H) Private institutions exempt from regulation under this 47441  
chapter as prescribed in section 3333.046 of the Revised Code; 47442

(I) Training courses for employees paid for by their 47443  
employers and conducted by outside service providers. 47444

**Sec. 3332.03.** There is hereby created the state board of 47445  
career colleges and schools to consist of the ~~state~~ 47446  
~~superintendent of public instruction or an assistant~~ 47447  
~~superintendent designated by the superintendent, the chancellor~~ 47448  
~~of the Ohio board of regents or a vice chancellor designated by~~ 47449  
~~the chancellor~~ director of learning and achievement, or a 47450  
designee of the director, and six members appointed by the 47451  
governor, with the advice and consent of the senate. Members' 47452  
terms of office shall be for five years, commencing on the 47453  
twenty-first day of November and ending on the twentieth day of 47454  
November. Each member shall hold office from the date of 47455  
appointment until the end of the term for which the member was 47456  
appointed. 47457

Three of the members appointed by the governor shall have 47458  
been engaged for a period of not less than five years 47459  
immediately preceding appointment in an executive or managerial 47460  
position in a private, trade, technical, or other school subject 47461  
to this chapter. One member appointed by the governor shall be a 47462  
representative of students and shall have graduated with an 47463  
associate or baccalaureate degree, within five years prior to 47464

appointment, from a school subject to this chapter. Two members 47465  
appointed by the governor shall be representatives of the 47466  
general public and shall have had no affiliation with, or direct 47467  
or indirect interest in, schools subject to this chapter for at 47468  
least two years prior to appointment. In selecting the 47469  
representatives of the general public, the governor shall make 47470  
an effort to find individuals with background or experience in 47471  
the regulation of commerce, business, or education. The two 47472  
members of the board who are representatives of the general 47473  
public shall not be affiliated in any way with or have any 47474  
direct or indirect interest in any schools subject to this 47475  
chapter during their terms. Except for enrollment in a school 47476  
subject to this chapter, the member representing students shall 47477  
have had no affiliation in any way with, or have any direct or 47478  
indirect interest in any school subject to this chapter for at 47479  
least two years prior to appointment or during the member's 47480  
term. 47481

Any vacancy shall be filled in the manner provided for 47482  
original appointment. Any member appointed to fill a vacancy 47483  
occurring prior to the expiration of the term for which the 47484  
member's predecessor was appointed shall hold office for the 47485  
remainder of such term. Any appointed member shall continue in 47486  
office subsequent to the expiration date of the member's term 47487  
until the member's successor takes office, or until a period of 47488  
sixty days has elapsed, whichever occurs first. 47489

Members of the board have full voting rights, except for 47490  
the member representing students who shall be a nonvoting 47491  
member. Each member of the board appointed by the governor shall 47492  
be compensated at the rate established pursuant to division (J) 47493  
of section 124.15 of the Revised Code, but shall not receive 47494  
step advancements, for those days the member is engaged in the 47495

discharge of official duties. In addition, members appointed by 47496  
the governor may be compensated for the expenses necessarily 47497  
incurred in the attendance at meetings or in performing other 47498  
services for the board. The chairperson of the board shall 47499  
annually be elected or determined as follows: 47500

(A) If both members of the board representing the general 47501  
public have served on the board for at least one year, the 47502  
members shall elect one of these two members as chairperson. If 47503  
one of these members declines to be elected or serve, the other 47504  
member representing the general public shall be chairperson. If 47505  
both members representing the general public decline to be 47506  
elected or serve, division (C) of this section shall apply. 47507

(B) If only one member of the board representing the 47508  
general public has served on the board for at least one year, 47509  
this member shall be chairperson. If this member declines to 47510  
serve, division (C) of this section shall apply. 47511

(C) If neither member of the board representing the 47512  
general public has served on the board for at least one year or 47513  
if this division applies pursuant to division (A) or (B) of this 47514  
section, the members of the board shall elect a chairperson from 47515  
among any of the voting members of the board who have served on 47516  
the board for at least one year. 47517

**Sec. 3332.04.** The state board of career colleges and 47518  
schools may appoint an executive director and such other staff 47519  
as may be required for the performance of the board's duties and 47520  
provide necessary facilities. In selecting an executive 47521  
director, the board shall appoint an individual with a 47522  
background or experience in the regulation of commerce, 47523  
business, or education. The board may also arrange for services 47524  
and facilities to be provided by the ~~state board of education~~ 47525

~~and the Ohio board of regents department of learning and~~ 47526  
~~achievement.~~ All receipts of the board shall be deposited in the 47527  
state treasury to the credit of the occupational licensing and 47528  
regulatory fund. 47529

**Sec. 3332.05.** (A) The state board of career colleges and 47530  
schools shall issue a certificate of registration to an 47531  
applicant of good reputation seeking to offer one or more 47532  
programs upon receipt of the fee established in accordance with 47533  
section 3332.07 of the Revised Code and upon determining the 47534  
applicant has the facilities, resources, and faculty to provide 47535  
students with the kind of instruction that it proposes to offer 47536  
and meets the minimum standards of the board. A certificate of 47537  
registration shall be granted or denied within one hundred 47538  
twenty days of the receipt of the application therefor by the 47539  
board. A person shall obtain a separate certificate for each 47540  
location at which the person offers programs. The first 47541  
certificate of registration issued on or after June 29, 1999, 47542  
for each new location is valid for one year, unless earlier 47543  
revoked for cause by the board under section 3332.09 of the 47544  
Revised Code. Any other certificate of registration is valid for 47545  
two years, unless earlier revoked for cause by the board under 47546  
that section. 47547

(B) The board shall issue program authorization for an 47548  
associate degree, certificate, or diploma program to an 47549  
applicant holding a certificate of registration issued pursuant 47550  
to division (A) of this section upon receipt of the fee 47551  
established in accordance with section 3332.07 of the Revised 47552  
Code and upon determining the applicant has the facilities, 47553  
resources, and faculty to provide students the kind of program 47554  
it proposes to offer and meets the minimum standards of the 47555  
state board. 47556

Any program authorization issued by the board under this 47557  
division is valid only for the specified program at the location 47558  
for which it is issued and does not cover any other program 47559  
offered at the school or at other schools operated by the owner. 47560  
Program authorization is valid for the period of time specified 47561  
by the board, unless earlier suspended or revoked for cause by 47562  
the board under section 3332.09 of the Revised Code. 47563

(C) (1) The state board shall accept and review 47564  
applications for program authorization for baccalaureate, 47565  
master's, and doctoral degree programs only from the following: 47566

(a) Any school holding a certificate of registration 47567  
issued by the board that has held such certificate for the ten 47568  
previous consecutive years; 47569

(b) Any school holding a certificate of registration 47570  
issued by the board that also holds an equivalent certificate 47571  
issued by another state and has held the equivalent certificate 47572  
for the ten previous consecutive years. 47573

(2) After review the board shall refer any application it 47574  
finds valid to the ~~Ohio board of regents~~ department of learning 47575  
and achievement for approval. The ~~board of regents~~ department 47576  
shall review, and approve or disapprove, such degree programs 47577  
and if so approved, issue certificates of authorization to such 47578  
schools to offer such degree programs pursuant to Chapter 1713. 47579  
of the Revised Code. The ~~board of regents~~ department shall 47580  
notify the state board of career colleges and schools of each 47581  
school registered with the state board that receives a 47582  
certificate of authorization and the approval to offer any 47583  
degree program. Upon receipt of such notification and the fee 47584  
established in accordance with section 3332.07 of the Revised 47585  
Code, the state board shall review, and may issue program 47586

authorization to offer, such a degree program. Any program 47587  
authorization issued by the board under this division is valid 47588  
only for the specified program at the location for which it is 47589  
issued and does not cover any other program offered at the 47590  
school or at other schools operated by the owner. Program 47591  
authorization is valid for the period of time specified by the 47592  
board, unless earlier suspended or revoked for cause by the 47593  
board under section 3332.09 of the Revised Code. The state board 47594  
shall not issue such program authorization unless the degree 47595  
program has been approved by the ~~board of regents~~ department. 47596

(D) The board may cause an investigation to be made into 47597  
the correctness of the information submitted in any application 47598  
received under this section. If the board believes that false, 47599  
misleading, or incomplete information has been submitted to it 47600  
in connection with any application, the board shall conduct a 47601  
hearing on the matter pursuant to Chapter 119. of the Revised 47602  
Code, and may withhold a certificate of registration or program 47603  
authorization upon finding that the applicant has failed to meet 47604  
the standards for such certificate or program authorization or 47605  
has submitted false, misleading, or incomplete information to 47606  
the board. Application for a certificate of registration or 47607  
program authorization shall be made in writing to the board on 47608  
forms furnished by the board. A certificate of registration or 47609  
program authorization is not transferable and shall be 47610  
prominently displayed on the premises of an institution. 47611

The board shall assign registration numbers to all schools 47612  
registered with it. Schools shall display their registration 47613  
numbers on all school publications and on all advertisements 47614  
bearing the name of the school. 47615

Notwithstanding the requirements of this section for 47616

issuance of certificates of registration and program 47617  
authorization, the board may, in accordance with rules adopted 47618  
by it, grant certificates of registration and program 47619  
authorization to schools, colleges, institutes, or universities 47620  
that have been approved by the ~~state~~ department of ~~education~~ 47621  
learning and achievement pursuant to the "Act of March 3, 1966," 47622  
80 Stat. 20, 38 U.S.C.A. 1771. 47623

**Sec. 3332.06.** (A) (1) No program shall be established, 47624  
offered, or given for a charge, fee, or other contribution; no 47625  
certificate, diploma, degree, or other written evidence of 47626  
proficiency or achievement shall be offered whether in a 47627  
specified place, by correspondence, or any other means of 47628  
communication, or awarded; and no student enrollment in such 47629  
program shall be solicited through advertising, agents, mail 47630  
circulars, or other means, until the person planning to offer or 47631  
offering such program, certificate, diploma, or degree has 47632  
obtained a certificate of registration and appropriate program 47633  
authorization in accordance with section 3332.05 of the Revised 47634  
Code. No school shall offer a baccalaureate, master's, or 47635  
doctoral degree program unless it has received a certificate of 47636  
authorization from the ~~Ohio board of regents~~ department of 47637  
learning and achievement and program authorization from the 47638  
state board of career colleges and schools. 47639

(2) No institution receiving a certificate of registration 47640  
after July 28, 1989, shall call itself a "university" unless it 47641  
meets all of the following conditions: 47642

(a) It also holds an equivalent certificate issued by 47643  
another state; 47644

(b) It calls itself a "university" in that other state, as 47645  
permitted under the terms of the other state's certificate; 47646

(c) It has been issued degree program authorization under 47647  
division (C) of section 3332.05 of the Revised Code. 47648

(B) The board shall petition the court of common pleas of 47649  
the county in which a person or agent, as defined in section 47650  
3332.01 of the Revised Code, offers one or more programs subject 47651  
to this chapter or advertises for the offering of such programs 47652  
without a certificate of registration and program authorization, 47653  
for an order enjoining such offering or advertising. The court 47654  
may grant such injunctive relief upon a showing that the 47655  
respondent named in the petition is offering or advertising one 47656  
or more programs without a certificate of registration and 47657  
program authorization. 47658

**Sec. 3332.09.** The state board of career colleges and 47659  
schools may limit, suspend, revoke, or refuse to issue or renew 47660  
a certificate of registration or program authorization or may 47661  
impose a penalty pursuant to section 3332.091 of the Revised 47662  
Code for any one or combination of the following causes: 47663

(A) Violation of any provision of sections 3332.01 to 47664  
3332.09 of the Revised Code, the board's minimum standards, or 47665  
any rule made by the board; 47666

(B) Furnishing of false, misleading, deceptive, altered, 47667  
or incomplete information or documents to the board; 47668

(C) The signing of an application or the holding of a 47669  
certificate of registration by a person who has pleaded guilty 47670  
or has been found guilty of a felony or has pleaded guilty or 47671  
been found guilty of a crime involving moral turpitude; 47672

(D) The signing of an application or the holding of a 47673  
certificate of registration by a person who is addicted to the 47674  
use of any controlled substance, or who is found to be mentally 47675

incompetent; 47676

(E) Violation of any commitment made in an application for 47677  
a certificate of registration or program authorization; 47678

(F) Presenting to prospective students, either at the time 47679  
of solicitation or enrollment, or through advertising, mail 47680  
circulars, or phone solicitation, misleading, deceptive, false, 47681  
or fraudulent information relating to any program, employment 47682  
opportunity, or opportunities for enrollment in accredited 47683  
institutions of higher education after entering or completing 47684  
programs offered by the holder of a certificate of registration; 47685

(G) Failure to provide or maintain premises or equipment 47686  
for offering programs in a safe and sanitary condition; 47687

(H) Refusal by an agent to display the agent's permit upon 47688  
demand of a prospective student or other interested person; 47689

(I) Failure to maintain financial resources adequate for 47690  
the satisfactory conduct of programs as presented in the plan of 47691  
operation or to retain a sufficient number and qualified staff 47692  
of instruction, except that nothing in this chapter requires an 47693  
instructor to be licensed by the ~~state board of education~~ 47694  
superintendent of public instruction or to hold any type of 47695  
post-high school degree; 47696

(J) Offering training or programs other than those 47697  
presented in the application, except that schools may offer 47698  
special courses adapted to the needs of individual students when 47699  
the special courses are in the subject field specified in the 47700  
application; 47701

(K) Discrimination in the acceptance of students upon the 47702  
basis of race, color, religion, sex, or national origin; 47703

(L) Accepting the services of an agent not holding a valid permit issued under section 3332.10 or 3332.11 of the Revised Code;

(M) The use of monetary or other valuable consideration by the school's agents or representatives to induce prospective students to enroll in the school, or the practice of awarding monetary or other valuable considerations without board approval to students in exchange for procuring the enrollment of others;

(N) Failure to provide at the request of the board, any information, records, or files pertaining to the operation of the school or recruitment and enrollment of students.

If the board modifies or adopts additional minimum standards or rules pursuant to section 3332.031 of the Revised Code, all schools and agents shall have sixty days from the effective date of the modifications or additional standards or rules to comply with such modifications or additions.

**Sec. 3332.092.** Any school subject to this chapter receiving money under section 3333.12 or 3333.122 of the Revised Code on behalf of a student who is determined by the state board of career colleges and schools to be ineligible under such section because the program in which the student is enrolled does not lead to an associate or baccalaureate degree, shall be liable to the state for the amount specified in section 3333.12 or 3333.122 of the Revised Code. The state board of career colleges and schools shall suspend the certificate of registration of a school receiving money under section 3333.12 or 3333.122 of the Revised Code for such ineligible student until such time as the money is repaid to the ~~Ohio board of regents~~ department of learning and achievement.

**Sec. 3333.012.** Whenever the term "Ohio board of regents," 47733  
"department of higher education," "chancellor of the board of 47734  
regents," or "chancellor of higher education" is used, referred 47735  
to, or designated in any statute, rule, contract, grant, or 47736  
other document, the use, reference, or designation shall be 47737  
construed to mean the ~~"chancellor of higher education," except~~ 47738  
~~in sections 3333.01, 3333.011, 3333.02, and 3333.032 of the~~ 47739  
~~Revised Code or unless the use, reference, or designation of the~~ 47740  
~~term "Ohio board of regents" relates to the board's duties to~~ 47741  
~~give advice to the chancellor or unless another section of law~~ 47742  
~~expressly provides otherwise"~~department of learning and 47743  
achievement." 47744

~~Whenever the term "chancellor of the Ohio board of~~ 47745  
~~regents" or "chancellor" is used, referred to, or designated in~~ 47746  
~~any statute, rule, contract, grant, or other document, the use,~~ 47747  
~~reference, or designation shall be construed to mean the~~ 47748  
~~chancellor of higher education.~~ 47749

**Sec. 3333.021.** As used in this section, "university" means 47750  
any college or university that receives a state appropriation. 47751

(A) This division does not apply to proposed rules, 47752  
amendments, or rescissions subject to legislative review under 47753  
section 106.02 of the Revised Code. No action taken by the 47754  
~~chancellor of higher education~~ department of learning and 47755  
achievement that could reasonably be expected to have an effect 47756  
on the revenue or expenditures of any university shall take 47757  
effect unless at least two weeks prior to the date on which the 47758  
action is taken, the ~~chancellor~~ department has filed with the 47759  
speaker of the house of representatives, the president of the 47760  
senate, the legislative service commission, and the director of 47761  
budget and management a fiscal analysis of the proposed action. 47762

The analysis shall include an estimate of the amount by which, 47763  
during the current and ensuing fiscal biennium, the action would 47764  
increase or decrease the university's revenues or expenditures 47765  
and increase or decrease any state expenditures and any other 47766  
information the ~~chancellor department~~ considers necessary to 47767  
explain the action's fiscal effect. 47768

(B) Within three days of the date the ~~chancellor~~ 47769  
~~department~~ files with the clerk of the senate a proposed rule, 47770  
amendment, or rescission that is subject to legislative review 47771  
and invalidation under section 106.02 of the Revised Code, the 47772  
~~chancellor department~~ shall file with the speaker of the house 47773  
of representatives, the president of the senate, the legislative 47774  
service commission, and the director of budget and management a 47775  
fiscal analysis of the proposed rule. The analysis shall include 47776  
an estimate of the amount by which, during the current and 47777  
ensuing fiscal biennium, the action would increase or decrease 47778  
any university's revenues or expenditures and increase or 47779  
decrease state revenues or expenditures and any other 47780  
information the ~~chancellor department~~ considers necessary to 47781  
explain the fiscal effect of the rule, amendment, or rescission. 47782  
No rule, amendment, or rescission shall take effect unless the 47783  
~~chancellor department~~ has complied with this division. 47784

**Sec. 3333.04.** The ~~chancellor of higher education~~ 47785  
~~department of learning and achievement~~ shall: 47786

(A) Make studies of state policy in the field of higher 47787  
education and formulate a master plan for higher education for 47788  
the state, considering the needs of the people, the needs of the 47789  
state, and the role of individual public and private 47790  
institutions within the state in fulfilling these needs; 47791

(B) (1) Report annually to the governor and the general 47792

assembly on the findings from the ~~chancellor's department's~~ 47793  
studies and the master plan for higher education for the state; 47794

(2) Report at least semiannually to the general assembly 47795  
and the governor the enrollment numbers at each state-assisted 47796  
institution of higher education. 47797

(C) Approve or disapprove the establishment of new 47798  
branches or academic centers of state colleges and universities; 47799

(D) Approve or disapprove the establishment of state 47800  
technical colleges or any other state institution of higher 47801  
education; 47802

(E) Recommend the nature of the programs, undergraduate, 47803  
graduate, professional, state-financed research, and public 47804  
services which should be offered by the state colleges, 47805  
universities, and other state-assisted institutions of higher 47806  
education in order to utilize to the best advantage their 47807  
facilities and personnel; 47808

(F) Recommend to the state colleges, universities, and 47809  
other state-assisted institutions of higher education graduate 47810  
or professional programs, including, but not limited to, doctor 47811  
of philosophy, doctor of education, and juris doctor programs, 47812  
that could be eliminated because they constitute unnecessary 47813  
duplication, as shall be determined using the process developed 47814  
pursuant to this division, or for other good and sufficient 47815  
cause. Prior to recommending a program for elimination, the 47816  
~~chancellor department shall request the board of regents to hold~~ 47817  
~~at least one public hearing on the matter and advise the~~ 47818  
~~chancellor on whether the program should be recommended for~~ 47819  
~~elimination. The board department shall provide notice of each~~ 47820  
hearing within a reasonable amount of time prior to its 47821

scheduled date. ~~Following the hearing, the board shall issue a recommendation to the chancellor. The chancellor shall consider the board's recommendation but shall not be required to accept it.~~ 47822  
47823  
47824  
47825

For purposes of determining the amounts of any state 47826  
instructional subsidies paid to state colleges, universities, 47827  
and other state-assisted institutions of higher education, the 47828  
~~chancellor department~~ may exclude students enrolled in any 47829  
program that the ~~chancellor department~~ has recommended for 47830  
elimination pursuant to this division except that the ~~chancellor~~ 47831  
~~department~~ shall not exclude any such student who enrolled in 47832  
the program prior to the date on which the ~~chancellor department~~ 47833  
initially commences to exclude students under this division. 47834

The ~~chancellor department~~ and state colleges, 47835  
universities, and other state-assisted institutions of higher 47836  
education shall jointly develop a process for determining which 47837  
existing graduate or professional programs constitute 47838  
unnecessary duplication. 47839

(G) Recommend to the state colleges, universities, and 47840  
other state-assisted institutions of higher education programs 47841  
which should be added to their present programs; 47842

(H) Conduct studies for the state colleges, universities, 47843  
and other state-assisted institutions of higher education to 47844  
assist them in making the best and most efficient use of their 47845  
existing facilities and personnel; 47846

(I) Make recommendations to the governor and general 47847  
assembly concerning the development of state-financed capital 47848  
plans for higher education; the establishment of new state 47849  
colleges, universities, and other state-assisted institutions of 47850

higher education; and the establishment of new programs at the 47851  
existing state colleges, universities, and other institutions of 47852  
higher education; 47853

(J) Review the appropriation requests of the public 47854  
community colleges and the state colleges and universities and 47855  
submit to the office of budget and management and to the 47856  
chairpersons of the finance committees of the house of 47857  
representatives and of the senate the ~~chancellor's department's~~ 47858  
recommendations in regard to the biennial higher education 47859  
appropriation for the state, including appropriations for the 47860  
individual state colleges and universities and public community 47861  
colleges. For the purpose of determining the amounts of 47862  
instructional subsidies to be paid to state-assisted colleges 47863  
and universities, the ~~chancellor department~~ shall define "full- 47864  
time equivalent student" by program per academic year. The 47865  
definition may take into account the establishment of minimum 47866  
enrollment levels in technical education programs below which 47867  
support allowances will not be paid. Except as otherwise 47868  
provided in this section, the ~~chancellor department~~ shall make 47869  
no change in the definition of "full-time equivalent student" in 47870  
effect on November 15, 1981, which would increase or decrease 47871  
the number of subsidy-eligible full-time equivalent students, 47872  
without first submitting a fiscal impact statement to the 47873  
president of the senate, the speaker of the house of 47874  
representatives, the legislative service commission, and the 47875  
director of budget and management. The ~~chancellor department~~ 47876  
shall work in close cooperation with the director of budget and 47877  
management in this respect and in all other matters concerning 47878  
the expenditures of appropriated funds by state colleges, 47879  
universities, and other institutions of higher education. 47880

(K) Seek the cooperation and advice of the officers and 47881

trustees of both public and private colleges, universities, and 47882  
other institutions of higher education in the state in 47883  
performing the ~~chancellor's department's~~ duties and making the 47884  
~~chancellor's department's~~ plans, studies, and recommendations; 47885

(L) Appoint advisory committees consisting of persons 47886  
associated with public or private secondary schools, ~~members of~~ 47887  
~~the state board of education,~~ or personnel of the state 47888  
department of ~~education~~ learning and achievement; 47889

(M) Appoint advisory committees consisting of college and 47890  
university personnel, or other persons knowledgeable in the 47891  
field of higher education, or both, in order to obtain their 47892  
advice and assistance in defining and suggesting solutions for 47893  
the problems and needs of higher education in this state; 47894

(N) Approve or disapprove all new degrees and new degree 47895  
programs at all state colleges, universities, and other state- 47896  
assisted institutions of higher education; 47897

(O) Adopt such rules as are necessary to carry out the 47898  
~~chancellor's department's~~ duties and responsibilities. The rules 47899  
shall prescribe procedures for the ~~chancellor department~~ to 47900  
follow when taking actions associated with the ~~chancellor's~~ 47901  
department's duties and responsibilities and shall indicate 47902  
which types of actions are subject to those procedures. The 47903  
procedures adopted under this division shall be in addition to 47904  
any other procedures prescribed by law for such actions. 47905  
However, if any other provision of the Revised Code or rule 47906  
adopted by the ~~chancellor~~ department prescribes different 47907  
procedures for such an action, the procedures adopted under this 47908  
division shall not apply to that action to the extent they 47909  
conflict with the procedures otherwise prescribed by law. The 47910  
procedures adopted under this division shall include at least 47911

the following: 47912

(1) Provision for public notice of the proposed action; 47913

(2) An opportunity for public comment on the proposed 47914  
action, ~~which may include a public hearing on the action by the~~ 47915  
~~board of regents;~~ 47916

(3) Methods for parties that may be affected by the 47917  
proposed action to submit comments during the public comment 47918  
period; 47919

(4) ~~Submission of recommendations from the board of~~ 47920  
~~regents regarding the proposed action, at the request of the~~ 47921  
~~chancellor;~~ 47922

~~(5)~~ Written publication of the final action taken by the 47923  
~~chancellor department and the chancellor's department's~~ 47924  
rationale for the action; 47925

~~(6)~~ (5) A timeline for the process described in divisions 47926  
(O) (1) to (5) of this section. 47927

(P) Make recommendations to the governor and the general 47928  
assembly regarding the design and funding of the student 47929  
financial aid programs specified in sections 3333.12, 3333.122, 47930  
3333.21 to 3333.26, and 5910.02 of the Revised Code; 47931

(Q) Participate in education-related state or federal 47932  
programs on behalf of the state and assume responsibility for 47933  
the administration of such programs in accordance with 47934  
applicable state or federal law; 47935

(R) Adopt rules for student financial aid programs as 47936  
required by sections 3333.12, 3333.122, 3333.21 to 3333.26, 47937  
3333.28, and 5910.02 of the Revised Code, and perform any other 47938  
administrative functions assigned to the ~~chancellor department~~ 47939

by those sections; 47940

(S) Conduct enrollment audits of state-supported 47941  
institutions of higher education; 47942

(T) Appoint consortia of college and university personnel 47943  
to advise or participate in the development and operation of 47944  
statewide collaborative efforts, including the Ohio 47945  
supercomputer center, the Ohio academic resources network, 47946  
OhioLink, and the Ohio learning network. For each consortium, 47947  
the ~~chancellor~~ department shall designate a college or 47948  
university to serve as that consortium's fiscal agent, financial 47949  
officer, and employer. Any funds appropriated for the consortia 47950  
shall be distributed to the fiscal agents for the operation of 47951  
the consortia. A consortium shall follow the rules of the 47952  
college or university that serves as its fiscal agent. The 47953  
~~chancellor~~ department may restructure existing consortia, 47954  
appointed under this division, in accordance with procedures 47955  
adopted under divisions (O) (1) to (6) of this section. 47956

~~(U) Adopt rules establishing advisory duties and~~ 47957  
~~responsibilities of the board of regents not otherwise~~ 47958  
~~prescribed by law. Strive to reduce unnecessary student~~ 47959  
~~remediation costs incurred by colleges and universities in this~~ 47960  
~~state, increase overall access for students to higher education,~~ 47961  
~~enhance the college credit plus program in accordance with~~ 47962  
~~Chapter 3365. of the Revised Code, and enhance the alternative~~ 47963  
~~resident educator licensure program in accordance with section~~ 47964  
~~3319.26 of the Revised Code;~~ 47965

(V) Respond to requests for information about higher 47966  
education from members of the general assembly and direct staff 47967  
to conduct research or analysis as needed for this purpose. 47968

**Sec. 3333.041.** (A) On or before the last day of December 47969  
of each year, the ~~chancellor of higher education department of~~ 47970  
learning and achievement shall submit to the governor and, in 47971  
accordance with section 101.68 of the Revised Code, the general 47972  
assembly a report or reports concerning all of the following: 47973

(1) The status of graduates of Ohio school districts at 47974  
state institutions of higher education during the twelve-month 47975  
period ending on the thirtieth day of September of the current 47976  
calendar year. The report shall list, by school district, the 47977  
number of graduates of each school district who attended a state 47978  
institution of higher education and the percentage of each 47979  
district's graduates enrolled in a state institution of higher 47980  
education during the reporting period who were required during 47981  
such period by the college or university, as a prerequisite to 47982  
enrolling in those courses generally required for first-year 47983  
students, to enroll in a remedial course in English, including 47984  
composition or reading, mathematics, and any other area 47985  
designated by the ~~chancellor department~~. The ~~chancellor~~ 47986  
department also shall make the information described in division 47987  
(A)(1) of this section available to the board of education of 47988  
each city, exempted village, and local school district. 47989

Each state institution of higher education shall, by the 47990  
first day of November of each year, submit to the ~~chancellor~~ 47991  
department in the form specified by the ~~chancellor department~~ 47992  
the information the ~~chancellor department~~ requires to compile 47993  
the report. 47994

(2) The following information with respect to the Ohio 47995  
tuition trust authority: 47996

(a) The name of each investment manager that is a minority 47997  
business enterprise or a women's business enterprise with which 47998

the ~~chancellor~~department contracts; 47999

(b) The amount of assets managed by investment managers 48000  
that are minority business enterprises or women's business 48001  
enterprises, expressed as a percentage of assets managed by 48002  
investment managers with which the ~~chancellor~~department has 48003  
contracted; 48004

(c) Efforts by the ~~chancellor~~department to increase 48005  
utilization of investment managers that are minority business 48006  
enterprises or women's business enterprises. 48007

(3) The ~~chancellor's~~department's strategy in assigning 48008  
choose Ohio first scholarships, as established under section 48009  
3333.61 of the Revised Code, among state universities and 48010  
colleges and how the actual awards fit that strategy. 48011

(4) The academic and economic impact of the Ohio co- 48012  
op/internship program established under section 3333.72 of the 48013  
Revised Code. At a minimum, the report shall include the 48014  
following: 48015

(a) Progress and performance metrics for each initiative 48016  
that received an award in the previous fiscal year; 48017

(b) Economic indicators of the impact of each initiative, 48018  
and all initiatives as a whole, on the regional economies and 48019  
the statewide economy; 48020

(c) The ~~chancellor's~~department's strategy in allocating 48021  
awards among state institutions of higher education and how the 48022  
actual awards fit that strategy. 48023

(B) On or before the fifteenth day of February of each 48024  
year, the ~~director~~department shall submit to the governor and, 48025  
in accordance with section 101.68 of the Revised Code, the 48026

general assembly a report concerning aggregate academic growth 48027  
data for students assigned to graduates of teacher preparation 48028  
programs approved under section 3333.048 of the Revised Code who 48029  
teach English language arts or mathematics in any of grades four 48030  
to eight in a public school in Ohio. For this purpose, the 48031  
~~director department~~ shall use the value-added progress dimension 48032  
prescribed by section 3302.021 of the Revised Code or the 48033  
alternative student academic progress measure if adopted under 48034  
division (C) (1) (e) of section 3302.03 of the Revised Code. The 48035  
~~director department~~ shall aggregate the data by graduating class 48036  
for each approved teacher preparation program, except that if a 48037  
particular class has ten or fewer graduates to which this 48038  
division applies, the ~~director department~~ shall report the data 48039  
for a group of classes over a three-year period. In no case 48040  
shall the report identify any individual graduate. ~~The~~ 48041  
~~department of education shall share any data necessary for the~~ 48042  
~~report with the director.~~ 48043

(C) As used in this section: 48044

(1) "Minority business enterprise" has the same meaning as 48045  
in section 122.71 of the Revised Code. 48046

(2) "State institution of higher education" and "state 48047  
university" have the same meanings as in section 3345.011 of the 48048  
Revised Code. 48049

(3) "State university or college" has the same meaning as 48050  
in section 3345.12 of the Revised Code. 48051

(4) "Women's business enterprise" means a business, or a 48052  
partnership, corporation, limited liability company, or joint 48053  
venture of any kind, that is owned and controlled by women who 48054  
are United States citizens and residents of this state. 48055

**Sec. 3333.042.** ~~The chancellor of higher education—~~ 48056  
department of learning and achievement may grant money to a 48057  
nonprofit entity that provides a statewide resource for 48058  
aerospace research, education, and technology, so long as the 48059  
nonprofit entity makes its resources accessible to state 48060  
colleges and universities and to agencies of this and other 48061  
states and the United States. ~~The chancellor department,~~ by rule 48062  
adopted in accordance with Chapter 119. of the Revised Code, 48063  
shall establish procedures and forms whereby nonprofit entities 48064  
may apply for grants; standards and procedures for reviewing 48065  
applications for and awarding grants; procedures for 48066  
distributing grants to recipients; procedures for monitoring the 48067  
use of grants by recipients; requirements, procedures, and forms 48068  
whereby grant recipients shall report upon their use of grants; 48069  
and standards and procedures for terminating and requiring 48070  
repayment of grants in the event of their improper use. 48071

A state college or university or a private institution 48072  
exempt from regulation under Chapter 3332. of the Revised Code 48073  
as prescribed in section 3333.046 of the Revised Code and any 48074  
agency of state government may provide assistance, in any form, 48075  
to any nonprofit entity that receives a grant under this 48076  
section. Such assistance shall be solely for the purpose of 48077  
assisting the nonprofit entity in making proper use of the 48078  
grant. 48079

A nonprofit entity that expends a grant under this section 48080  
for a capital project is not thereby subject to Chapter 123. or 48081  
153. of the Revised Code. An officer or employee of, or a person 48082  
who serves on a governing or advisory board or committee of, a 48083  
nonprofit entity that receives a grant under this section is not 48084  
thereby an officer or employee of a state college or university 48085  
or of the state. An officer or employee of a state college or 48086

university or of the state who is assigned to assist a nonprofit 48087  
entity in making proper use of a grant does not, to the extent 48088  
the officer or employee provides such assistance, thereby hold 48089  
an incompatible office or employment, or have a direct or 48090  
indirect interest in a contract or expenditure of the entity. 48091

**Sec. 3333.043.** (A) As used in this section: 48092

(1) "Institution of higher education" means the state 48093  
universities listed in section 3345.011 of the Revised Code, 48094  
municipal educational institutions established under Chapter 48095  
3349. of the Revised Code, community colleges established under 48096  
Chapter 3354. of the Revised Code, university branches 48097  
established under Chapter 3355. of the Revised Code, technical 48098  
colleges established under Chapter 3357. of the Revised Code, 48099  
state community colleges established under Chapter 3358. of the 48100  
Revised Code, any institution of higher education with a 48101  
certificate of registration from the state board of career 48102  
colleges and schools, and any institution for which the 48103  
~~chancellor of higher education~~ department of learning and 48104  
achievement receives a notice pursuant to division (C) of this 48105  
section. 48106

(2) "Community service" has the same meaning as in section 48107  
3313.605 of the Revised Code. 48108

(B) (1) The board of trustees or other governing entity of 48109  
each institution of higher education shall encourage and promote 48110  
participation of students in community service through a program 48111  
appropriate to the mission, student population, and environment 48112  
of each institution. The program may include, but not be limited 48113  
to, providing information about community service opportunities 48114  
during student orientation or in student publications; providing 48115  
awards for exemplary community service; encouraging faculty 48116

members to incorporate community service into students' academic 48117  
experiences wherever appropriate to the curriculum; encouraging 48118  
recognized student organizations to undertake community service 48119  
projects as part of their purposes; and establishing advisory 48120  
committees of students, faculty members, and community and 48121  
business leaders to develop cooperative programs that benefit 48122  
the community and enhance student experience. The program shall 48123  
be flexible in design so as to permit participation by the 48124  
greatest possible number of students, including part-time 48125  
students and students for whom participation may be difficult 48126  
due to financial, academic, personal, or other considerations. 48127  
The program shall emphasize community service opportunities that 48128  
can most effectively use the skills of students, such as 48129  
tutoring or literacy programs. The programs shall encourage 48130  
students to perform services that will not supplant the hiring 48131  
of, result in the displacement of, or impair any existing 48132  
employment contracts of any particular employee of any private 48133  
or governmental entity for which services are performed. 48134

(2) The ~~chancellor of higher education department of~~ 48135  
learning and achievement shall encourage all institutions of 48136  
higher education in the development of community service 48137  
programs. With the assistance of the Ohio commission on service 48138  
and volunteerism created in section 121.40 of the Revised Code, 48139  
the ~~chancellor department~~ shall make available information about 48140  
higher education community service programs to institutions of 48141  
higher education and to statewide organizations involved with or 48142  
promoting volunteerism, including information about model 48143  
community service programs, teacher training courses, and 48144  
community service curricula and teaching materials for possible 48145  
use by institutions of higher education in their programs. The 48146  
~~chancellor department~~ shall encourage institutions of higher 48147

education to jointly coordinate higher education community 48148  
service programs through consortia of institutions or other 48149  
appropriate means of coordination. 48150

(C) The board of trustees of any nonprofit institution 48151  
with a certificate of authorization issued pursuant to Chapter 48152  
1713. of the Revised Code or the governing authority of a 48153  
private institution exempt from regulation under Chapter 3332. 48154  
of the Revised Code as prescribed in section 3333.046 of the 48155  
Revised Code may notify the ~~chancellor department~~ that it is 48156  
making itself subject to divisions (A) and (B) of this section. 48157  
Upon receipt of such a notice, these divisions shall apply to 48158  
that institution. 48159

**Sec. 3333.044.** (A) The ~~chancellor of higher education~~ 48160  
~~department of learning and achievement~~ may contract with any 48161  
consultants that are necessary for the discharge of the 48162  
~~chancellor's department's~~ duties under this chapter. 48163

(B) The ~~chancellor department~~ may purchase, upon the terms 48164  
that the ~~chancellor department~~ determines to be advisable, one 48165  
or more policies of insurance from insurers authorized to do 48166  
business in this state that insure consultants who have 48167  
contracted with the ~~chancellor department~~ under division (A) of 48168  
this section or members of an advisory committee appointed under 48169  
section 3333.04 of the Revised Code, with respect to the 48170  
activities of the consultants or advisory committee members in 48171  
the course of the performance of their responsibilities as 48172  
consultants or advisory committee members. 48173

(C) Subject to the approval of the controlling board, the 48174  
~~chancellor department~~ may contract with any entities for the 48175  
discharge of the ~~chancellor's department's~~ duties and 48176  
responsibilities under any of the programs established pursuant 48177

to sections 3333.12, 3333.122, 3333.21 to 3333.28, and 5120.55, 48178  
and Chapter 5910. of the Revised Code. The ~~chancellor department~~ 48179  
shall not enter into a contract under this division unless the 48180  
proposed contractor demonstrates that its primary purpose is to 48181  
promote access to higher education by providing student 48182  
financial assistance through loans, grants, or scholarships, and 48183  
by providing high quality support services and information to 48184  
students and their families with regard to such financial 48185  
assistance. 48186

Chapter 125. of the Revised Code does not apply to 48187  
contracts entered into pursuant to this section. In awarding 48188  
contracts under this division, the ~~chancellor department~~ shall 48189  
consider factors such as the cost of the administration of the 48190  
contract, the experience of the contractor, and the contractor's 48191  
ability to properly execute the contract. 48192

**Sec. 3333.045.** As used in this section, "state university 48193  
or college" means any state university listed in section 48194  
3345.011 of the Revised Code, the northeast Ohio medical 48195  
university, any community college under Chapter 3354. of the 48196  
Revised Code, any university branch district under Chapter 3355. 48197  
of the Revised Code, any technical college under Chapter 3357. 48198  
of the Revised Code, and any state community college under 48199  
Chapter 3358. of the Revised Code. 48200

The ~~chancellor of higher education department of learning~~ 48201  
~~and achievement~~ shall work with the attorney general, the 48202  
auditor of state, and the Ohio ethics commission to develop a 48203  
model for training members of the boards of trustees of all 48204  
state universities and colleges ~~and members of the board of~~ 48205  
~~regents~~ regarding the authority and responsibilities of a board 48206  
of trustees ~~or the board of regents~~. This model shall include a 48207

review of fiduciary responsibilities, ethics, and fiscal 48208  
management. Use of this model by members of boards of trustees 48209  
~~and the board of regents~~ shall be voluntary. 48210

**Sec. 3333.047.** With regard to any state student financial 48211  
aid program established in this chapter, Chapter 5910., or 48212  
section 5919.34 of the Revised Code, the ~~chancellor of higher-~~ 48213  
~~education department of learning and achievement~~ shall conduct 48214  
audits to: 48215

(A) Determine the validity of information provided by 48216  
students and parents regarding eligibility for state student 48217  
financial aid. If the ~~chancellor department~~ determines that 48218  
eligibility data has been reported incorrectly or inaccurately, 48219  
and where the ~~chancellor department~~ determines an adjustment to 48220  
be appropriate, the institution of higher education shall adjust 48221  
the financial aid awarded to the student. 48222

(B) Ensure that institutions of higher education are in 48223  
compliance with the rules governing state student financial aid 48224  
programs. An institution that fails to comply with the rules in 48225  
the administration of any state student financial aid program 48226  
shall be fully liable to reimburse the state for the 48227  
unauthorized use of student financial aid funds. 48228

**Sec. 3333.048.** (A) Not later than one year after October 48229  
16, 2009, the ~~chancellor of higher education and the~~ 48230  
~~superintendent of public instruction jointly~~ department of 48231  
learning and achievement shall do the following: 48232

(1) In accordance with Chapter 119. of the Revised Code, 48233  
establish metrics and educator preparation programs for the 48234  
preparation of educators and other school personnel and the 48235  
institutions of higher education that are engaged in their 48236

preparation. The metrics and educator preparation programs shall 48237  
be aligned with the standards and qualifications for educator 48238  
licenses adopted by the ~~state board of education~~ department 48239  
under section 3319.22 of the Revised Code and the requirements 48240  
of the Ohio teacher residency program established under section 48241  
3319.223 of the Revised Code. The metrics and educator 48242  
preparation programs also shall ensure that educators and other 48243  
school personnel are adequately prepared to use the value-added 48244  
progress dimension prescribed by section 3302.021 of the Revised 48245  
Code or the alternative student academic progress measure if 48246  
adopted under division (C) (1) (e) of section 3302.03 of the 48247  
Revised Code. 48248

(2) Provide for the inspection of institutions of higher 48249  
education desiring to prepare educators and other school 48250  
personnel. 48251

(B) Not later than one year after October 16, 2009, the 48252  
~~chancellor~~ department shall approve institutions of higher 48253  
education engaged in the preparation of educators and other 48254  
school personnel that maintain satisfactory training procedures 48255  
and records of performance, as determined by the ~~chancellor~~ 48256  
department. 48257

(C) If the metrics established under division (A) (1) of 48258  
this section require an institution of higher education that 48259  
prepares teachers to satisfy the standards of an independent 48260  
accreditation organization, the ~~chancellor~~ department shall 48261  
permit each institution to satisfy the standards of any 48262  
applicable national educator preparation accrediting agency 48263  
recognized by the United States department of education. 48264

(D) The metrics and educator preparation programs 48265  
established under division (A) (1) of this section may require an 48266

institution of higher education, as a condition of approval by 48267  
the ~~chancellor~~ department, to make changes in the curricula of 48268  
its preparation programs for educators and other school 48269  
personnel. 48270

Notwithstanding division (E) of section 119.03 and 48271  
division (A)(1) of section 119.04 of the Revised Code, any 48272  
metrics, educator preparation programs, rules, and regulations, 48273  
or any amendment or rescission of such metrics, educator 48274  
preparation programs, rules, and regulations, adopted under this 48275  
section that necessitate institutions offering preparation 48276  
programs for educators and other school personnel approved by 48277  
the ~~chancellor~~ department to revise the curricula of those 48278  
programs shall not be effective for at least one year after the 48279  
first day of January next succeeding the publication of the said 48280  
change. 48281

Each institution shall allocate money from its existing 48282  
revenue sources to pay the cost of making the curricular 48283  
changes. 48284

(E) ~~The chancellor shall notify the state board of the~~ 48285  
~~metrics and educator preparation programs established under~~ 48286  
~~division (A)(1) of this section and the institutions of higher~~ 48287  
~~education approved under division (B) of this section. The state~~ 48288  
~~board~~ department shall publish the metrics, educator preparation 48289  
programs, and approved institutions with the standards and 48290  
qualifications for each type of educator license. 48291

(F) The graduates of educator preparation programs 48292  
approved by the ~~chancellor~~ department shall be licensed by the 48293  
state board in accordance with the standards and qualifications 48294  
adopted under section 3319.22 of the Revised Code. 48295

**Sec. 3333.049.** Not later than July 1, 2016, the ~~chancellor~~ 48296  
~~of higher education~~ department of learning and achievement shall 48297  
revise the requirements for reading endorsement programs offered 48298  
by institutions of higher education to align those requirements 48299  
with the reading competencies adopted by the ~~state board of~~ 48300  
~~education~~ department under section 3301.077 of the Revised Code. 48301

**Sec. 3333.0410.** The ~~chancellor of higher education~~ 48302  
department of learning and achievement shall require each state 48303  
institution of higher education, as defined in section 3345.011 48304  
of the Revised Code, when reporting student data to the 48305  
~~chancellor~~ department under any provision of law, to use the 48306  
student's data verification code assigned under division (D) (2) 48307  
of section 3301.0714 of the Revised Code, if that code was 48308  
included in the student's records submitted to the institution 48309  
by the student's high school or by another state institution of 48310  
higher education. 48311

**Sec. 3333.0411.** ~~Not later than December 31, 2014, and~~ 48312  
~~annually thereafter, the chancellor of higher education~~ The 48313  
department of learning and achievement shall annually report for 48314  
each approved teacher preparation program, the number and 48315  
percentage of all graduates of the program who were rated at 48316  
each of the performance levels prescribed by division (B) (1) of 48317  
section 3319.112 of the Revised Code on an evaluation conducted 48318  
in accordance with section 3319.111 of the Revised Code in the 48319  
previous school year. 48320

In no case shall the report identify any individual 48321  
graduate. ~~The department of education shall share any data~~ 48322  
~~necessary for the report with the chancellor.~~ 48323

**Sec. 3333.0412.** (A) No nonprofit institution that holds a 48324  
certificate of authorization issued under Chapter 1713. of the 48325

Revised Code shall be liable for a breach of confidentiality 48326  
arising from the institution's submission of student data or 48327  
records to the ~~chancellor of higher education~~ department of 48328  
learning and achievement or any other state agency in compliance 48329  
with any law, rule, or regulation, provided that the breach 48330  
occurs as a result of one of the following: 48331

(1) An action by a third party during and after the 48332  
transmission of the data or records by the institution but prior 48333  
to receipt of the data or records by the ~~chancellor of higher~~ 48334  
~~education~~ department of learning and achievement or other state 48335  
agency; 48336

(2) An action by the ~~chancellor of higher education~~ 48337  
department of learning and achievement or the state agency. 48338

(B) No nonprofit institution that holds a certificate of 48339  
authorization issued under Chapter 1713. of the Revised Code 48340  
shall be liable for a breach of confidentiality or any other 48341  
claim that arises from the institution's disclosure of the 48342  
public records pursuant to a request for public records made 48343  
under section 149.43 of the Revised Code, except for claims 48344  
based on the institution's failure to disclose public records as 48345  
required by law. 48346

This provision shall apply to the submission of any 48347  
student data or records that are subject to any laws of this 48348  
state or, to the extent permitted, any federal law, including 48349  
the "Family Educational Rights and Privacy Act of 1974," 88 48350  
Stat. 571, 20 U.S.C. 1232g. 48351

**Sec. 3333.0413.** Not later than December 31, 2014, the 48352  
~~chancellor of higher education~~ department of learning and 48353  
achievement shall make available, in a prominent location on the 48354

~~chancellor's department's~~ web site, a complete inventory of 48355  
education programs that focus on workforce development and 48356  
training that includes both of the following: 48357

(A) Programs offered by state institutions of higher 48358  
education, as defined in section 3345.011 of the Revised Code, 48359  
adult career-technical institutions, and all private nonprofit 48360  
and for-profit postsecondary institutions operating in the 48361  
state; 48362

(B) Programs registered with the apprenticeship council 48363  
established under Chapter 4139. of the Revised Code. 48364

The ~~chancellor-department~~ may update this inventory as 48365  
necessary. 48366

**Sec. 3333.0414.** (A) In accordance with Chapter 119. of the 48367  
Revised Code, the ~~chancellor of higher education~~ director of 48368  
learning and achievement shall adopt rules that require 48369  
education preparation programs approved under section 3333.048 48370  
of the Revised Code to include instruction in opioid and other 48371  
substance abuse prevention. The instruction shall be for all 48372  
educator and other school personnel preparation programs for all 48373  
content areas and grade levels. 48374

(B) Instruction shall include all of the following: 48375

(1) Information on the magnitude of opioid and other 48376  
substance abuse; 48377

(2) The role educators and other school personnel can play 48378  
in educating students about the adverse effects of opioid and 48379  
other substance abuse; 48380

(3) Resources available to teach students about the 48381  
consequences of opioid and substance abuse; 48382

(4) Resources available to help fight and treat opioid abuse. 48383  
48384

**Sec. 3333.0415.** Beginning in 2018, the ~~chancellor of higher education, in collaboration with the department of education,~~ director of learning and achievement shall prepare an annual report regarding the progress the state is making in increasing the percentage of adults in the state with a college degree, industry certificate, or other postsecondary credential to sixty-five per cent by the year 2025. The ~~chancellor~~ director shall submit an electronic copy of the report to the governor, the president and minority leader of the senate, and speaker and minority leader of the house of representatives. 48385  
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**Sec. 3333.0416.** (A) The ~~chancellor of higher education~~ director of learning and achievement may do both of the following with regard to student fees: 48395  
48396  
48397

(1) Investigate all fees charged to students by any state institution of higher education, as defined in section 3345.011 of the Revised Code; 48398  
48399  
48400

(2) Prohibit any state institution from charging a fee that the ~~chancellor~~ director determines is not in the best interest of the students. 48401  
48402  
48403

(B) If the ~~chancellor~~ director prohibits a state institution from charging a fee pursuant to this section, the institution may seek approval from the controlling board to charge the fee. 48404  
48405  
48406  
48407

**Sec. 3333.05.** The ~~chancellor of higher education~~ department of learning and achievement shall approve or disapprove proposed official plans of community college districts, prepared and submitted pursuant to sections 3354.01 48408  
48409  
48410  
48411

to 3354.18 of the Revised Code, and issue or decline to issue 48412  
charters for operation of community colleges, pursuant to 48413  
section 3354.07 of the Revised Code. 48414

The ~~chancellor~~department shall approve an official plan, 48415  
and issue a charter, only upon the following findings: 48416

(A) That the official plan and all past and proposed 48417  
actions of the community college district are in conformity to 48418  
law; 48419

(B) That the proposed community college will not 48420  
unreasonably and wastefully duplicate existing educational 48421  
services available to students and prospective students residing 48422  
in the community college district; 48423

(C) That there is reasonable prospect of adequate current 48424  
operating revenue for the proposed community college from its 48425  
proposed opening date of operation; 48426

(D) That the proposed lands and facilities of the 48427  
community colleges will be adequate and efficient for the 48428  
purposes of the proposed community college; 48429

(E) That the proposed curricular programs defined in 48430  
section 3354.01 of the Revised Code as "arts and sciences" and 48431  
"technical," or either, are the programs for which there is 48432  
substantial need in the territory of the district. 48433

The employment and separation of individual personnel in a 48434  
community college, and the establishing or abolishing of 48435  
individual courses of instruction, shall not be subject to the 48436  
specific and individual approval or disapproval of the 48437  
~~chancellor~~department, but shall occur in the discretion of the 48438  
local management of such college within the limitations of law, 48439  
the official plan, and the charter of such college. 48440

**Sec. 3333.051.** (A) The ~~chancellor of higher education~~ 48441  
director of learning and achievement shall establish a program 48442  
under which a community college established under Chapter 3354., 48443  
technical college established under Chapter 3357., or state 48444  
community college established under Chapter 3358. of the Revised 48445  
Code may apply to the ~~chancellor~~ director for authorization to 48446  
offer applied bachelor's degree programs. 48447

The ~~chancellor~~ director may approve programs under this 48448  
section that demonstrate all of the following: 48449

(1) Evidence of an agreement between the college and a 48450  
regional business or industry to train students in an in-demand 48451  
field and to employ students upon their successful completion of 48452  
the program; 48453

(2) That the workforce need of the regional business or 48454  
industry is in an in-demand field with long-term sustainability 48455  
based upon data provided by the ~~governor's~~ office of workforce 48456  
transformation created under section 3301.0732 of the Revised 48457  
Code; 48458

(3) Supporting data that identifies the specific workforce 48459  
need the program will address; 48460

(4) The absence of a bachelor's degree program that meets 48461  
the workforce need addressed by the proposed program that is 48462  
offered by a state university or private college or university; 48463

(5) Willingness of an industry partner to offer workplace- 48464  
based learning and employment opportunities to students enrolled 48465  
in the proposed program. 48466

(B) Before approving a program under this section, the 48467  
~~chancellor~~ director shall consult with the ~~governor's office of~~ 48468  
~~workforce transformation, the~~ inter-university council of Ohio, 48469

the Ohio association of community colleges, and the association 48470  
of independent colleges and universities of Ohio, or any 48471  
successor to those organizations. 48472

(C) As used in this section: 48473

(1) "Applied bachelor's degree" means a bachelor's degree 48474  
that is both of the following: 48475

(a) Specifically designed for an individual who holds an 48476  
associate of applied science degree, or its equivalent, in order 48477  
to maximize application of the individual's technical course 48478  
credits toward the bachelor's degree; 48479

(b) Based on curriculum that incorporates both theoretical 48480  
and applied knowledge and skills in a specific technical field. 48481

(2) "Private college or university" means a nonprofit 48482  
institution that holds a certificate of authorization pursuant 48483  
to Chapter 1713. of the Revised Code. 48484

(3) "State university" has the same meaning as in section 48485  
3345.011 of the Revised Code. 48486

**Sec. 3333.06.** ~~The chancellor of higher education~~ 48487  
department of learning and achievement shall prepare a state 48488  
plan and do all other things necessary for participation in 48489  
federal acts relative to the construction of higher educational 48490  
academic facilities. 48491

Such plan shall provide for objective standards and 48492  
methods of determining the relative priorities for eligible 48493  
projects for the construction of academic facilities submitted 48494  
by institutions of higher education within the state and for 48495  
determining the federal share of the development for each such 48496  
project. 48497

The ~~chancellor~~department shall provide for assigning 48498  
priorities in accordance with such criteria, standards, and 48499  
methods to eligible projects submitted to and approved by the 48500  
~~chancellor~~department, shall recommend to the United States 48501  
secretary of education, in the order of such priority, 48502  
applications covering such eligible projects, and shall certify 48503  
to the secretary the federal share of the development cost of 48504  
such projects. 48505

The ~~chancellor~~department shall provide a fair hearing to 48506  
each institution which has submitted a project as to the 48507  
priority assigned to such project by the ~~chancellor~~department 48508  
or as to any other determination of the ~~chancellor~~department 48509  
adversely affecting such institution. 48510

The ~~chancellor~~department shall receive federal grants for 48511  
the proper and efficient administration of the state plan, and 48512  
shall provide for such fiscal control and fund accounting 48513  
procedures as may be necessary to ensure proper disbursement of, 48514  
and accounting for, federal funds paid to the ~~chancellor~~department. 48515  
department. 48516

The ~~chancellor~~department shall make such reports in such 48517  
form and containing such information as may be reasonably 48518  
required by the secretary in the performance of the secretary's 48519  
functions under federal law relating to grants for the 48520  
construction of academic facilities. 48521

Each federal grant received by the ~~chancellor~~department 48522  
shall be paid into the state treasury. 48523

**Sec. 3333.07.** (A) Colleges, universities, and other 48524  
institutions of higher education which receive state assistance, 48525  
but are not supported primarily by the state, shall submit to 48526

the ~~chancellor of higher education department of learning and~~ 48527  
~~achievement~~ such accounting of the expenditure of state funds at 48528  
such time and in such form as the ~~chancellor department~~ 48529  
prescribes. 48530

(B) No state institution of higher education shall 48531  
establish a new branch or academic center without the approval 48532  
of the ~~chancellor department~~. 48533

(C) No state institution of higher education shall offer a 48534  
new degree or establish a new degree program without the 48535  
approval of the ~~chancellor department~~. No degree approval shall 48536  
be given for a technical education program unless such program 48537  
is offered by a state assisted university, a university branch, 48538  
a technical college, or a community college. 48539

(D) Any state college, university, or other state assisted 48540  
institution of higher education not complying with a 48541  
recommendation of the ~~chancellor department~~ pursuant to division 48542  
(F) or (G) of section 3333.04 of the Revised Code shall so 48543  
notify the ~~chancellor department~~ in writing within one hundred 48544  
twenty days after receipt of the recommendation, stating the 48545  
reasons why it cannot or should not comply. 48546

(E) The officers, trustees, and employees of all 48547  
institutions of higher education which are state supported or 48548  
state assisted shall cooperate with the ~~chancellor department~~ in 48549  
supplying information regarding their institutions, and advising 48550  
and assisting the ~~chancellor department~~ on matters of higher 48551  
education in this state in every way possible when so requested 48552  
by the ~~chancellor department~~. 48553

(F) Persons associated with the public school systems in 48554  
this state, ~~personnel of the state department of education, and~~ 48555

~~members of the state board of education~~ shall provide such data 48556  
about high school students as are requested by the ~~chancellor-~~ 48557  
department to aid in the development of state higher education 48558  
plans. 48559

**Sec. 3333.071.** Notwithstanding section 3345.16 of the 48560  
Revised Code, no expenditure shall be made for land for higher 48561  
education purposes by public institutions of higher education or 48562  
agents of such institutions from any fund without the approval 48563  
of the ~~chancellor of higher education~~ department of learning and 48564  
achievement and the controlling board. No state appropriation 48565  
for capital improvements shall be released by the controlling 48566  
board for the purchase of land or buildings from any 48567  
organization or corporation which has been established to 48568  
benefit or assist the institution, except that such releases may 48569  
be made if the land is to be used for a currently state-financed 48570  
improvement. 48571

**Sec. 3333.08.** It is the declared policy of this state that 48572  
the availability of eminent domain on behalf of educational 48573  
institutions of higher education is in the public welfare. A 48574  
private college, university, or other institution of higher 48575  
education may therefore apply to the ~~chancellor of higher~~ 48576  
~~education~~ department of learning and achievement for the right 48577  
to appropriate property when such institution is unable to agree 48578  
with the owner or owners of the subject property upon the price 48579  
to be paid for the property. The institution shall be one that 48580  
any educationally qualified member of the public who desires to 48581  
attend has, or can acquire, a right to be admitted upon equal 48582  
terms without discrimination. The institution shall certify to 48583  
the ~~chancellor~~ department, in its application, that the use of 48584  
the property to be appropriated is to be for educational 48585  
purposes, including student housing and dining facilities, that 48586

reasonable efforts have been made to purchase the property, and 48587  
that it will be used without discrimination against any person 48588  
or group and be equally available to all qualified persons. The 48589  
institution also shall submit to the ~~chancellor department~~ its 48590  
plans for the use of the property and such other information as 48591  
the ~~chancellor department~~ may require. The ~~chancellor department~~ 48592  
may, thereafter, and upon a determination that the intended use 48593  
is in the public interest, approve the application by 48594  
resolution. Upon such approval, the institution may appropriate 48595  
the property in the same manner as is provided for the 48596  
appropriation of property in Chapter 163. of the Revised Code. 48597

**Sec. 3333.09.** "Public university or college," as used in 48598  
this section, means any nonprofit university or college situated 48599  
within this state which is open to the public on equal terms and 48600  
which is not affiliated with or controlled by an organization 48601  
which is not primarily educational in nature. Any such 48602  
university or college shall be considered to be serving a public 48603  
purpose. 48604

The ~~chancellor of higher education department of learning~~ 48605  
~~and achievement~~ may, upon the ~~chancellor's department's~~ 48606  
determination that such action would serve the interests of 48607  
higher education in this state, in terms of expansion of 48608  
educational opportunity in a major urban area and in terms of 48609  
expansion of educational service to a major urban community, 48610  
accept conveyances of land, situated within this state, from any 48611  
public university or college and enter into an agreement before 48612  
or after such conveyance to lease to such public university or 48613  
college, upon terms as may be prescribed by the ~~chancellor~~ 48614  
~~department~~, such land together with buildings constructed 48615  
thereon and furniture, fixtures, and equipment therein for use 48616  
as an educational facility. The lease shall be for a period not 48617

to exceed fifty years, renewable for a like term, and shall 48618  
provide that such buildings be used solely for educational 48619  
purposes and that the ~~chancellor department~~ may cancel such 48620  
lease if such buildings are used for other purposes. Such lease 48621  
may contain provisions for the sale of such property to the 48622  
lessee, upon the consent of the ~~chancellor department~~, for a 48623  
purchase price not less than the actual cost to the ~~chancellor~~ 48624  
~~department~~, less depreciation, computed at the rate customarily 48625  
applied to similar structures. The ~~chancellor department~~, 48626  
through the department of administrative services, may 48627  
construct, equip, or remodel buildings on lands accepted by the 48628  
~~chancellor department of learning and achievement~~ in the name of 48629  
the state pursuant to this section. Title to lands acquired 48630  
under this section shall be taken in the name of the state. 48631

Responsibility for the proper use, maintenance, and repair 48632  
of leased buildings shall rest upon the lessee. 48633

**Sec. 3333.10.** (A) As used in this section: 48634

(1) "Qualified institution of higher education" or 48635  
"institution" means a nonprofit educational institution, holding 48636  
an effective certificate of authorization issued under section 48637  
1713.02 of the Revised Code, operating in the state an eligible 48638  
program, and admitting students without discrimination by reason 48639  
of race, creed, color, or national origin. 48640

(2) "School of dentistry" means an accredited dental 48641  
college as defined under section 4715.10 of the Revised Code. 48642

(3) "Eligible program" means a medical school accredited 48643  
by the liaison committee on medical education or an osteopathic 48644  
medical school accredited by the American osteopathic 48645  
association, or such a school together with a school of 48646

dentistry. 48647

(B) In order to provide better for the public health and 48648  
the necessary enhancement of instruction in medicine and 48649  
dentistry in the state, and to encourage the means of such 48650  
instruction with the least economic cost to the people of the 48651  
state, the ~~chancellor of higher education~~ department of learning 48652  
and achievement may enter into agreements with qualified 48653  
institutions of higher education providing for the continued 48654  
operation by the institution of eligible programs, conditioned 48655  
upon continued payments by the state to such institution for the 48656  
purposes of such eligible programs of amounts determined in the 48657  
manner provided for the state subsidy from time to time afforded 48658  
to state universities on the basis of comparable programs. 48659  
Before entering into such agreement, the ~~chancellor~~ department 48660  
shall determine that the institution is a qualified institution 48661  
of higher education as defined in division (A) of this section, 48662  
and that the operation of such eligible programs as provided for 48663  
in such agreement and such payments will contribute to the 48664  
objectives stated in this section and to the objectives of the 48665  
master plan of higher education formulated under section 3333.04 48666  
of the Revised Code. 48667

(C) Agreements under this section shall contain provisions 48668  
to the effect that: 48669

(1) The institution shall submit to the ~~chancellor~~ 48670  
department accountings for the expenditure of state payments in 48671  
the manner and at the times as are requested for state-assisted 48672  
institutions of higher education pursuant to division (A) of 48673  
section 3333.07 of the Revised Code. 48674

(2) The institution shall notify the ~~chancellor~~ department 48675  
in the manner provided for state-assisted institutions under 48676

division (D) of section 3333.07 of the Revised Code with regard 48677  
to program recommendations by the ~~chancellor-department~~ in the 48678  
nature of those provided for in divisions (F) and (G) of section 48679  
3333.04 of the Revised Code. 48680

(3) The agreement shall terminate if the institution 48681  
ceases to be a qualified institution of higher education as 48682  
determined by the ~~chancellor-department~~ in accordance with 48683  
Chapter 119. of the Revised Code. 48684

(D) Agreements under this section may make further 48685  
provision for any one or more of the following as the parties 48686  
determine: 48687

(1) The duration of any such agreement, or additional 48688  
provision for terminating the agreement; 48689

(2) Additional conditions for the effectiveness or 48690  
continued effectiveness of such agreement; 48691

(3) Procedures for the amendment or supplementation of the 48692  
agreement, including designation of the parties to approve or 48693  
execute such amendments or supplements; 48694

(4) Such other provisions as may be deemed necessary or 48695  
appropriate. 48696

(E) In case any provision or part of this section or any 48697  
provision, agreement, covenant, stipulation, obligation, act or 48698  
action, or part thereof, made, assumed, or taken under or 48699  
pursuant to this section, or any application thereof, is for any 48700  
reason held to be illegal or invalid, such illegality or 48701  
invalidity shall not affect the remainder thereof or any other 48702  
provision of this section or any other provision, agreement, 48703  
covenant, stipulation, obligation, action, or part thereof, 48704  
made, assumed, or taken under or pursuant to this section, which 48705

shall be construed and enforced as if such illegal or invalid 48706  
portion were not contained therein, nor shall such illegality or 48707  
invalidity of any application thereof affect any legal and valid 48708  
application thereof, and each such provision, agreement, 48709  
covenant, stipulation, obligation, act, or action, or part 48710  
thereof, shall be deemed to be effective, operative, made, done, 48711  
or entered into in the manner and to the full extent permitted 48712  
by law to accomplish most nearly the intention thereof. 48713

(F) No agreement shall be entered into under this section 48714  
with any institution which is not in compliance with section 48715  
3333.11 of the Revised Code. 48716

**Sec. 3333.11.** Each school or college of medicine or 48717  
medical university supported in whole or in part by the state 48718  
shall create a curriculum for and maintain a department of 48719  
family practice, the purpose of which shall be to acquaint 48720  
undergraduates with and to train postgraduate physicians for the 48721  
practice of family medicine. The minimum requirements for the 48722  
department shall include courses of study in family care, 48723  
including clinical experience, a program of preceptorships, and 48724  
a program of family practice residencies in university or other 48725  
hospital settings. 48726

Each program of family practice shall: 48727

(A) Be designated to advance the field of family practice; 48728

(B) Educate all medical students in family practice and 48729  
encourage students to enter it as a career; 48730

(C) Provide students an opportunity to study family 48731  
practice in various situations through preceptorships, seminars, 48732  
model family practice units within the medical school, classroom 48733  
work, hospital programs, or other means; 48734

(D) Develop residency and other training programs for 48735  
family practice in public and private hospitals, including those 48736  
in nonmetropolitan areas of the state; 48737

(E) The department shall be a full department co-equal 48738  
with all other major clinical departments and headed by a 48739  
qualified experienced family practitioner serving as chairperson 48740  
of the department of family practice and director of the family 48741  
practice residency program. 48742

Funds appropriated by the general assembly in support of 48743  
family practice programs shall not be disbursed until the 48744  
~~chancellor of higher education~~ department of learning and 48745  
achievement has certified that the intent and requirements of 48746  
this section are being met. 48747

**Sec. 3333.12.** (A) As used in this section: 48748

(1) "Eligible student" means an undergraduate student who 48749  
is: 48750

(a) An Ohio resident enrolled in an undergraduate program 48751  
before the 2006-2007 academic year; 48752

(b) Enrolled in either of the following: 48753

(i) An accredited institution of higher education in this 48754  
state that meets the requirements of Title VI of the Civil 48755  
Rights Act of 1964 and is state-assisted, is nonprofit and has a 48756  
certificate of authorization pursuant to Chapter 1713. of the 48757  
Revised Code, has a certificate of registration from the state 48758  
board of career colleges and schools and program authorization 48759  
to award an associate or bachelor's degree, or is a private 48760  
institution exempt from regulation under Chapter 3332. of the 48761  
Revised Code as prescribed in section 3333.046 of the Revised 48762  
Code. Students who attend an institution that holds a 48763

certificate of registration shall be enrolled in a program 48764  
leading to an associate or bachelor's degree for which associate 48765  
or bachelor's degree program the institution has program 48766  
authorization issued under section 3332.05 of the Revised Code. 48767

(ii) A technical education program of at least two years 48768  
duration sponsored by a private institution of higher education 48769  
in this state that meets the requirements of Title VI of the 48770  
Civil Rights Act of 1964. 48771

(c) Enrolled as a full-time student or enrolled as a less 48772  
than full-time student for the term expected to be the student's 48773  
final term of enrollment and is enrolled for the number of 48774  
credit hours necessary to complete the requirements of the 48775  
program in which the student is enrolled. 48776

(2) "Gross income" includes all taxable and nontaxable 48777  
income of the parents, the student, and the student's spouse, 48778  
except income derived from an Ohio academic scholarship, income 48779  
earned by the student between the last day of the spring term 48780  
and the first day of the fall term, and other income exclusions 48781  
designated by the ~~chancellor of higher education~~ department of 48782  
learning and achievement. Gross income may be verified to the 48783  
~~chancellor department~~ by the institution in which the student is 48784  
enrolled using the federal financial aid eligibility 48785  
verification process or by other means satisfactory to the 48786  
~~chancellor department~~. 48787

(3) "Resident," "full-time student," "dependent," 48788  
"financially independent," and "accredited" shall be defined by 48789  
rules adopted by the ~~chancellor~~ department. 48790

(B) The ~~chancellor department~~ shall establish and 48791  
administer an instructional grant program and may adopt rules to 48792

carry out this section. The general assembly shall support the 48793  
instructional grant program by such sums and in such manner as 48794  
it may provide, but the ~~chancellor department~~ may also receive 48795  
funds from other sources to support the program. If the amounts 48796  
available for support of the program are inadequate to provide 48797  
grants to all eligible students, preference in the payment of 48798  
grants shall be given in terms of income, beginning with the 48799  
lowest income category of gross income and proceeding upward by 48800  
category to the highest gross income category. 48801

An instructional grant shall be paid to an eligible 48802  
student through the institution in which the student is 48803  
enrolled, except that no instructional grant shall be paid to 48804  
any person serving a term of imprisonment. Applications for such 48805  
grants shall be made as prescribed by the ~~chancellor department~~, 48806  
and such applications may be made in conjunction with and upon 48807  
the basis of information provided in conjunction with student 48808  
assistance programs funded by agencies of the United States 48809  
government or from financial resources of the institution of 48810  
higher education. The institution shall certify that the student 48811  
applicant meets the requirements set forth in divisions (A) (1) 48812  
(b) and (c) of this section. Instructional grants shall be 48813  
provided to an eligible student only as long as the student is 48814  
making appropriate progress toward a nursing diploma or an 48815  
associate or bachelor's degree. No student shall be eligible to 48816  
receive a grant for more than ten semesters, fifteen quarters, 48817  
or the equivalent of five academic years. A grant made to an 48818  
eligible student on the basis of less than full-time enrollment 48819  
shall be based on the number of credit hours for which the 48820  
student is enrolled and shall be computed in accordance with a 48821  
formula adopted by the ~~chancellor department~~. No student shall 48822  
receive more than one grant on the basis of less than full-time 48823

enrollment. 48824

An instructional grant shall not exceed the total 48825  
instructional and general charges of the institution. 48826

(C) The tables in this division prescribe the maximum 48827  
grant amounts covering two semesters, three quarters, or a 48828  
comparable portion of one academic year. Grant amounts for 48829  
additional terms in the same academic year shall be determined 48830  
under division (D) of this section. 48831

For a full-time student who is a dependent and enrolled in 48832  
a nonprofit educational institution that is not a state-assisted 48833  
institution and that has a certificate of authorization issued 48834  
pursuant to Chapter 1713. of the Revised Code, the amount of the 48835  
instructional grant for two semesters, three quarters, or a 48836  
comparable portion of the academic year shall be determined in 48837  
accordance with the following table: 48838

	Private Institution					48839
	Table of Grants					48840
	Maximum Grant \$5,466					48841
Gross Income	Number of Dependents					48842
	1	2	3	4	5 or	48843
					more	48844
\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	48845
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	48846
\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	48847
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	48848
\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	48849
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	48850
\$22,001 - \$25,000	2,178	2,736	3,288	3,828	4,362	48851
\$25,001 - \$28,000	1,626	2,178	2,736	3,288	3,828	48852
\$28,001 - \$31,000	1,344	1,626	2,178	2,736	3,288	48853

\$31,001 - \$32,000	1,080	1,344	1,626	2,178	2,736	48854
\$32,001 - \$33,000	984	1,080	1,344	1,626	2,178	48855
\$33,001 - \$34,000	888	984	1,080	1,344	1,626	48856
\$34,001 - \$35,000	444	888	984	1,080	1,344	48857
\$35,001 - \$36,000	--	444	888	984	1,080	48858
\$36,001 - \$37,000	--	--	444	888	984	48859
\$37,001 - \$38,000	--	--	--	444	888	48860
\$38,001 - \$39,000	--	--	--	--	444	48861

For a full-time student who is financially independent and  
 enrolled in a nonprofit educational institution that is not a  
 state-assisted institution and that has a certificate of  
 authorization issued pursuant to Chapter 1713. of the Revised  
 Code, the amount of the instructional grant for two semesters,  
 three quarters, or a comparable portion of the academic year  
 shall be determined in accordance with the following table:

Private Institution							48862
Table of Grants							48863
Gross Income	Maximum Grant \$5,466						48864
	Number of Dependents						48865
	0	1	2	3	4	5 or more	48866
\$0 - \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	48867
\$4,801 - \$5,300	4,920	5,466	5,466	5,466	5,466	5,466	48868
\$5,301 - \$5,800	4,362	5,196	5,466	5,466	5,466	5,466	48869
\$5,801 - \$6,300	3,828	4,914	5,196	5,466	5,466	5,466	48870
\$6,301 - \$6,800	3,288	4,650	4,914	5,196	5,466	5,466	48871
\$6,801 - \$7,300	2,736	4,380	4,650	4,914	5,196	5,466	48872
\$7,301 - \$8,300	2,178	4,104	4,380	4,650	4,914	5,196	48873
\$8,301 - \$9,300	1,626	3,822	4,104	4,380	4,650	4,914	48874
\$9,301 - \$10,300	1,344	3,546	3,822	4,104	4,380	4,650	48875
\$10,301 - \$11,800	1,080	3,408	3,546	3,822	4,104	4,380	48876

\$11,801 - \$13,300	984	3,276	3,408	3,546	3,822	4,104	48885
\$13,301 - \$14,800	888	3,228	3,276	3,408	3,546	3,822	48886
\$14,801 - \$16,300	444	2,904	3,228	3,276	3,408	3,546	48887
\$16,301 - \$19,300	--	2,136	2,628	2,952	3,276	3,408	48888
\$19,301 - \$22,300	--	1,368	1,866	2,358	2,676	3,000	48889
\$22,301 - \$25,300	--	1,092	1,368	1,866	2,358	2,676	48890
\$25,301 - \$30,300	--	816	1,092	1,368	1,866	2,358	48891
\$30,301 - \$35,300	--	492	540	672	816	1,314	48892

For a full-time student who is a dependent and enrolled in an educational institution that holds a certificate of registration from the state board of career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Career Institution		Table of Grants					
		Maximum Grant \$4,632					
Gross Income		Number of Dependents					
		1	2	3	4	5 or more	
\$0 - \$15,000	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	48902
\$15,001 - \$16,000	4,182	4,632	4,632	4,632	4,632	4,632	48903
\$16,001 - \$17,000	3,684	4,182	4,632	4,632	4,632	4,632	48904
\$17,001 - \$18,000	3,222	3,684	4,182	4,632	4,632	4,632	48905
\$18,001 - \$19,000	2,790	3,222	3,684	4,182	4,632	4,632	48906
\$19,001 - \$22,000	2,292	2,790	3,222	3,684	4,182	4,632	48907
\$22,001 - \$25,000	1,854	2,292	2,790	3,222	3,684	4,182	48908
\$25,001 - \$28,000	1,416	1,854	2,292	2,790	3,222	3,684	48909
						4,632	48910
						3,222	48911
						2,790	48912
						2,292	48913
						1,854	48914
						1,416	48915

\$28,001 - \$31,000	1,134	1,416	1,854	2,292	2,790	48916
\$31,001 - \$32,000	906	1,134	1,416	1,854	2,292	48917
\$32,001 - \$33,000	852	906	1,134	1,416	1,854	48918
\$33,001 - \$34,000	750	852	906	1,134	1,416	48919
\$34,001 - \$35,000	372	750	852	906	1,134	48920
\$35,001 - \$36,000	--	372	750	852	906	48921
\$36,001 - \$37,000	--	--	372	750	852	48922
\$37,001 - \$38,000	--	--	--	372	750	48923
\$38,001 - \$39,000	--	--	--	--	372	48924

For a full-time student who is financially independent and  
 enrolled in an educational institution that holds a certificate  
 of registration from the state board of career colleges and  
 schools or a private institution exempt from regulation under  
 Chapter 3332. of the Revised Code as prescribed in section  
 3333.046 of the Revised Code, the amount of the instructional  
 grant for two semesters, three quarters, or a comparable portion  
 of the academic year shall be determined in accordance with the  
 following table:

Career Institution							48934
Table of Grants							48935
Maximum Grant \$4,632							48936
Gross Income	Number of Dependents						48937
	0	1	2	3	4	5 or more	48938
\$0 - \$4,800	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	48939
\$4,801 - \$5,300	4,182	4,632	4,632	4,632	4,632	4,632	48940
\$5,301 - \$5,800	3,684	4,410	4,632	4,632	4,632	4,632	48941
\$5,801 - \$6,300	3,222	4,158	4,410	4,632	4,632	4,632	48942
\$6,301 - \$6,800	2,790	3,930	4,158	4,410	4,632	4,632	48943
\$6,801 - \$7,300	2,292	3,714	3,930	4,158	4,410	4,632	48944
\$7,301 - \$8,300	1,854	3,462	3,714	3,930	4,158	4,410	48945

\$8,301 - \$9,300	1,416	3,246	3,462	3,714	3,930	4,158	48947
\$9,301 - \$10,300	1,134	3,024	3,246	3,462	3,714	3,930	48948
\$10,301 - \$11,800	906	2,886	3,024	3,246	3,462	3,714	48949
\$11,801 - \$13,300	852	2,772	2,886	3,024	3,246	3,462	48950
\$13,301 - \$14,800	750	2,742	2,772	2,886	3,024	3,246	48951
\$14,801 - \$16,300	372	2,466	2,742	2,772	2,886	3,024	48952
\$16,301 - \$19,300	--	1,800	2,220	2,520	2,772	2,886	48953
\$19,301 - \$22,300	--	1,146	1,584	1,986	2,268	2,544	48954
\$22,301 - \$25,300	--	930	1,146	1,584	1,986	2,268	48955
\$25,301 - \$30,300	--	708	930	1,146	1,584	1,986	48956
\$30,301 - \$35,300	--	426	456	570	708	1,116	48957

For a full-time student who is a dependent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Public Institution							48963
Table of Grants							48964
Maximum Grant \$2,190							48965
Gross Income	Number of Dependents						48966
	1	2	3	4	5 or more		48967 48968
\$0 - \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190		48969
\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190		48970
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190		48971
\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190		48972
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190		48973
\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974		48974
\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740		48975
\$25,001 - \$28,000	648	864	1,080	1,320	1,542		48976
\$28,001 - \$31,000	522	648	864	1,080	1,320		48977

\$31,001 - \$32,000	420	522	648	864	1,080	48978
\$32,001 - \$33,000	384	420	522	648	864	48979
\$33,001 - \$34,000	354	384	420	522	648	48980
\$34,001 - \$35,000	174	354	384	420	522	48981
\$35,001 - \$36,000	--	174	354	384	420	48982
\$36,001 - \$37,000	--	--	174	354	384	48983
\$37,001 - \$38,000	--	--	--	174	354	48984
\$38,001 - \$39,000	--	--	--	--	174	48985

For a full-time student who is financially independent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Public Institution							48991
Table of Grants							48992
Maximum Grant \$2,190							48993
Gross Income	Number of Dependents						48994
	0	1	2	3	4	5 or more	48995 48996
\$0 - \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	48997
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190	48998
\$5,301 - \$5,800	1,740	2,082	2,190	2,190	2,190	2,190	48999
\$5,801 - \$6,300	1,542	1,968	2,082	2,190	2,190	2,190	49000
\$6,301 - \$6,800	1,320	1,866	1,968	2,082	2,190	2,190	49001
\$6,801 - \$7,300	1,080	1,758	1,866	1,968	2,082	2,190	49002
\$7,301 - \$8,300	864	1,638	1,758	1,866	1,968	2,082	49003
\$8,301 - \$9,300	648	1,530	1,638	1,758	1,866	1,968	49004
\$9,301 - \$10,300	522	1,422	1,530	1,638	1,758	1,866	49005
\$10,301 - \$11,800	420	1,356	1,422	1,530	1,638	1,758	49006
\$11,801 - \$13,300	384	1,308	1,356	1,422	1,530	1,638	49007
\$13,301 - \$14,800	354	1,290	1,308	1,356	1,422	1,530	49008

\$14,801 - \$16,300	174	1,164	1,290	1,308	1,356	1,422	49009
\$16,301 - \$19,300	--	858	1,050	1,182	1,308	1,356	49010
\$19,301 - \$22,300	--	540	750	948	1,062	1,200	49011
\$22,301 - \$25,300	--	432	540	750	948	1,062	49012
\$25,301 - \$30,300	--	324	432	540	750	948	49013
\$30,301 - \$35,300	--	192	210	264	324	522	49014

(D) For a full-time student enrolled in an eligible institution for a semester or quarter in addition to the portion of the academic year covered by a grant determined under division (C) of this section, the maximum grant amount shall be a percentage of the maximum prescribed in the applicable table of that division. The maximum grant for a fourth quarter shall be one-third of the maximum amount prescribed under that division. The maximum grant for a third semester shall be one-half of the maximum amount prescribed under that division.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F) (1) Except as provided in division (F) (2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June preceding the fiscal year, equal to or greater than thirty per cent for each of the preceding two fiscal years.

(2) Division (F) (1) of this section does not apply to the following:

(a) Any student enrolled in an institution that under the federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F) (1) of this section or the secretary determines due to mitigating circumstances the institution may continue to participate in federal financial aid programs. The ~~chancellor department~~ shall adopt rules requiring institutions to provide information regarding an appeal to the ~~chancellor department~~.

(b) Any student who has previously received a grant under this section who meets all other requirements of this section.

(3) The ~~chancellor department~~ shall adopt rules for the notification of all institutions whose students will be ineligible to participate in the grant program pursuant to division (F) (1) of this section.

(4) A student's attendance at an institution whose students lose eligibility for grants under division (F) (1) of this section shall not affect that student's eligibility to receive a grant when enrolled in another institution.

(G) Institutions of higher education that enroll students receiving instructional grants under this section shall report to the ~~chancellor department~~ all students who have received instructional grants but are no longer eligible for all or part of such grants and shall refund any moneys due the state within thirty days after the beginning of the quarter or term immediately following the quarter or term in which the student was no longer eligible to receive all or part of the student's grant. There shall be an interest charge of one per cent per month on all moneys due and payable after such thirty-day

period. The ~~chancellor-department~~ shall immediately notify the 49069  
office of budget and management and the legislative service 49070  
commission of all refunds so received. 49071

**Sec. 3333.121.** There is hereby established in the state 49072  
treasury the state financial aid reconciliation fund, which 49073  
shall consist of refunds of state financial aid payments 49074  
originally disbursed by the department of ~~higher education-~~ 49075  
learning and achievement for programs that the department is 49076  
responsible for administering. Revenues credited to the fund 49077  
shall be used by the ~~chancellor of higher education department~~ 49078  
to pay to higher education institutions any outstanding 49079  
obligations for state financial aid programs that are identified 49080  
through the annual reconciliation and financial audit or through 49081  
other means. Any amount in the fund that is in excess of the 49082  
amount certified to the director of budget and management by the 49083  
~~chancellor of higher education department~~ as necessary to 49084  
reconcile payments under the program shall be transferred to the 49085  
general revenue fund. 49086

**Sec. 3333.122.** (A) The ~~chancellor of higher education-~~ 49087  
department of learning and achievement shall adopt rules to 49088  
carry out this section and as authorized under section 3333.123 49089  
of the Revised Code. The rules shall include definitions of the 49090  
terms "resident," "expected family contribution," "full-time 49091  
student," "three-quarters-time student," "half-time student," 49092  
"one-quarter-time student," "state cost of attendance," and 49093  
"accredited" for the purpose of those sections. 49094

(B) Only an Ohio resident who meets both of the following 49095  
is eligible for a grant awarded under this section: 49096

(1) The resident has an expected family contribution of 49097  
two thousand one hundred ninety or less; 49098

- (2) The resident enrolls in one of the following: 49099
- (a) An undergraduate program, or a nursing diploma program 49100  
approved by the board of nursing under section 4723.06 of the 49101  
Revised Code, at a state-assisted state institution of higher 49102  
education, as defined in section 3345.12 of the Revised Code, 49103  
that meets the requirements of Title VI of the Civil Rights Act 49104  
of 1964; 49105
- (b) An undergraduate program, or a nursing diploma program 49106  
approved by the board of nursing under section 4723.06 of the 49107  
Revised Code, at a private, nonprofit institution in this state 49108  
holding a certificate of authorization pursuant to Chapter 1713. 49109  
of the Revised Code; 49110
- (c) An undergraduate program, or a nursing diploma program 49111  
approved by the board of nursing under section 4723.06 of the 49112  
Revised Code, at a career college in this state that holds a 49113  
certificate of registration from the state board of career 49114  
colleges and schools under Chapter 3332. of the Revised Code or 49115  
at a private institution exempt from regulation under Chapter 49116  
3332. of the Revised Code as prescribed in section 3333.046 of 49117  
the Revised Code, if the program has a certificate of 49118  
authorization pursuant to Chapter 1713. of the Revised Code. 49119
- (d) A comprehensive transition and postsecondary program 49120  
that is certified by the United States department of education. 49121  
For purposes of this section, a "comprehensive transition and 49122  
postsecondary program" means a degree, certificate, or non- 49123  
degree program that is designed to support persons with 49124  
intellectual disabilities who are receiving academic, career, 49125  
technical, and independent living instruction at an institution 49126  
of higher education in order to prepare for gainful employment 49127  
as defined in 20 U.S.C. 1140. 49128

(C) (1) The ~~chancellor department~~ shall establish and 49129  
administer a needs-based financial aid grants program based on 49130  
the United States department of education's method of 49131  
determining financial need. The program shall be known as the 49132  
Ohio college opportunity grant program. The general assembly 49133  
shall support the needs-based financial aid program by such sums 49134  
and in such manner as it may provide, but the ~~chancellor~~ 49135  
department also may receive funds from other sources to support 49136  
the program. If, for any academic year, the amounts available 49137  
for support of the program are inadequate to provide grants to 49138  
all eligible students, the ~~chancellor department~~ shall do one of 49139  
the following: 49140

(a) Give preference in the payment of grants based upon 49141  
expected family contribution, beginning with the lowest expected 49142  
family contribution category and proceeding upward by category 49143  
to the highest expected family contribution category; 49144

(b) Proportionately reduce the amount of each grant to be 49145  
awarded for the academic year under this section; 49146

(c) Use an alternate formula for such grants that 49147  
addresses the shortage of available funds and has been submitted 49148  
to and approved by the controlling board. 49149

(2) The needs-based financial aid grant shall be paid to 49150  
the eligible student through the institution in which the 49151  
student is enrolled, except that no needs-based financial aid 49152  
grant shall be paid to any person serving a term of 49153  
imprisonment. Applications for the grants shall be made as 49154  
prescribed by the ~~chancellor department~~, and such applications 49155  
may be made in conjunction with and upon the basis of 49156  
information provided in conjunction with student assistance 49157  
programs funded by agencies of the United States government or 49158

from financial resources of the institution of higher education. 49159  
The institution shall certify that the student applicant meets 49160  
the requirements set forth in division (B) of this section. 49161  
Needs-based financial aid grants shall be provided to an 49162  
eligible student only as long as the student is making 49163  
appropriate progress toward a nursing diploma, an associate or 49164  
bachelor's degree, or completion of a comprehensive transition 49165  
and postsecondary program. No student shall be eligible to 49166  
receive a grant for more than ten semesters, fifteen quarters, 49167  
or the equivalent of five academic years. A grant made to an 49168  
eligible student on the basis of less than full-time enrollment 49169  
shall be based on the number of credit hours for which the 49170  
student is enrolled and shall be computed in accordance with a 49171  
formula adopted by rule issued by the ~~chancellor~~ department. No 49172  
student shall receive more than one grant on the basis of less 49173  
than full-time enrollment. 49174

(D)(1) Except as provided in divisions (D)(4) and (5) of 49175  
this section, no grant awarded under this section shall exceed 49176  
the total state cost of attendance. 49177

(2) Subject to divisions (D)(1), (3), (4), and (5) of this 49178  
section, the amount of a grant awarded to a student under this 49179  
section shall equal the student's remaining state cost of 49180  
attendance after the student's Pell grant and expected family 49181  
contribution are applied to the instructional and general 49182  
charges for the undergraduate or comprehensive transition and 49183  
postsecondary program. However, for students enrolled in a state 49184  
university or college as defined in section 3345.12 of the 49185  
Revised Code or a university branch, the ~~chancellor~~ department 49186  
may provide that the grant amount shall equal the student's 49187  
remaining instructional and general charges for the 49188  
undergraduate program after the student's Pell grant and 49189

expected family contribution have been applied to those charges, 49190  
but, in no case, shall the grant amount for such a student 49191  
exceed any maximum that the ~~chancellor~~department may set by 49192  
rule. 49193

(3) For a student enrolled for a semester or quarter in 49194  
addition to the portion of the academic year covered by a grant 49195  
under this section, the maximum grant amount shall be a 49196  
percentage of the maximum specified in any table established in 49197  
rules adopted by the ~~chancellor~~department as provided in 49198  
division (A) of this section. The maximum grant for a fourth 49199  
quarter shall be one-third of the maximum amount so prescribed. 49200  
The maximum grant for a third semester shall be one-half of the 49201  
maximum amount so prescribed. 49202

(4) If a student is enrolled in a two-year institution of 49203  
higher education and is eligible for an education and training 49204  
voucher through the Ohio education and training voucher program 49205  
that receives federal funding under the John H. Chafee foster 49206  
care independence program, 42 U.S.C. 677, the amount of a grant 49207  
awarded under this section may exceed the total state cost of 49208  
attendance to additionally cover housing costs. 49209

(5) For a student who is receiving federal veterans' 49210  
benefits under the "All-Volunteer Force Educational Assistance 49211  
Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans 49212  
Educational Assistance Program," 38 U.S.C. 3301 et seq., or any 49213  
successor program, the amount of a grant awarded under this 49214  
section shall be applied toward the total state cost of 49215  
attendance and the student's housing costs and living expenses. 49216  
Living expenses shall include reasonable costs for room and 49217  
board. 49218

(E) No grant shall be made to any student in a course of 49219

study in theology, religion, or other field of preparation for a 49220  
religious profession unless such course of study leads to an 49221  
accredited bachelor of arts, bachelor of science, associate of 49222  
arts, or associate of science degree. 49223

(F) (1) Except as provided in division (F) (2) of this 49224  
section, no grant shall be made to any student for enrollment 49225  
during a fiscal year in an institution with a cohort default 49226  
rate determined by the United States secretary of education 49227  
pursuant to the "Higher Education Amendments of 1986," 100 Stat. 49228  
1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth 49229  
day of June preceding the fiscal year, equal to or greater than 49230  
thirty per cent for each of the preceding two fiscal years. 49231

(2) Division (F) (1) of this section does not apply in the 49232  
case of either of the following: 49233

(a) The institution pursuant to federal law appeals its 49234  
loss of eligibility for federal financial aid and the United 49235  
States secretary of education determines its cohort default rate 49236  
after recalculation is lower than the rate specified in division 49237  
(F) (1) of this section or the secretary determines due to 49238  
mitigating circumstances that the institution may continue to 49239  
participate in federal financial aid programs. The ~~chancellor-~~ 49240  
department shall adopt rules requiring any such appellant to 49241  
provide information to the ~~chancellor-~~department regarding an 49242  
appeal. 49243

(b) Any student who has previously received a grant 49244  
pursuant to any provision of this section, including prior to 49245  
the section's amendment by H.B. 1 of the 128th general assembly, 49246  
effective July 17, 2009, and who meets all other eligibility 49247  
requirements of this section. 49248

(3) The ~~chancellor-department~~ shall adopt rules for the notification of all institutions whose students will be ineligible to participate in the grant program pursuant to division (F) (1) of this section.

(4) A student's attendance at any institution whose students are ineligible for grants due to division (F) (1) of this section shall not affect that student's eligibility to receive a grant when enrolled in another institution.

(G) Institutions of higher education that enroll students receiving needs-based financial aid grants under this section shall report to the ~~chancellor-department~~ all students who have received such needs-based financial aid grants but are no longer eligible for all or part of those grants and shall refund any moneys due the state within thirty days after the beginning of the quarter or term immediately following the quarter or term in which the student was no longer eligible to receive all or part of the student's grant. There shall be an interest charge of one per cent per month on all moneys due and payable after such thirty-day period. The ~~chancellor-department~~ shall immediately notify the office of budget and management and the legislative service commission of all refunds so received.

**Sec. 3333.123.** (A) As used in this section:

(1) "The Ohio college opportunity grant program" means the program established under section 3333.122 of the Revised Code.

(2) "Rules for the Ohio college opportunity grant program" means the rules authorized in division (R) of section 3333.04 of the Revised Code for the implementation of the program.

(B) In adopting rules for the Ohio college opportunity grant program, the ~~chancellor of higher education~~ department of

learning and achievement may include provisions that give 49278  
preferential or priority funding to low-income students who in 49279  
their primary and secondary school work participate in or 49280  
complete rigorous academic coursework, attain passing scores on 49281  
the assessments prescribed in section 3301.0710 or 3301.0712 of 49282  
the Revised Code, or meet other high academic performance 49283  
standards determined by the ~~chancellor~~department to reduce the 49284  
need for remediation and ensure academic success at the 49285  
postsecondary education level. Any such rules shall include a 49286  
specification of procedures needed to certify student 49287  
achievement of primary and secondary standards as well as the 49288  
timeline for implementation of the provisions authorized by this 49289  
section. 49290

**Sec. 3333.124.** There is hereby created in the state 49291  
treasury the Ohio college opportunity grant program reserve 49292  
fund. As soon as possible following the end of each fiscal year, 49293  
the ~~chancellor of higher education~~department of learning and 49294  
achievement shall certify to the director of budget and 49295  
management the unencumbered balance of the general revenue fund 49296  
appropriations made in the immediately preceding fiscal year for 49297  
purposes of the Ohio college opportunity grant program created 49298  
in section 3333.122 of the Revised Code. Upon receipt of the 49299  
certification, the director of budget and management may 49300  
transfer an amount not exceeding the certified amount from the 49301  
general revenue fund to the Ohio college opportunity grant 49302  
program reserve fund. Moneys in the Ohio college opportunity 49303  
grant program reserve fund shall be used to pay grant 49304  
obligations in excess of the general revenue fund appropriations 49305  
made for that purpose. 49306

The director of budget and management may transfer any 49307  
unencumbered balance from the Ohio college opportunity grant 49308

program reserve fund to the general revenue fund. 49309

If it is determined that general revenue fund 49310  
appropriations are insufficient to meet the obligations of the 49311  
Ohio college opportunity grant program in a fiscal year, the 49312  
director of budget and management may transfer funds from the 49313  
Ohio college opportunity grant program reserve fund to the 49314  
general revenue fund in order to meet those obligations. The 49315  
amount transferred is hereby appropriated. If the funds 49316  
transferred from the Ohio college opportunity grant program 49317  
reserve fund are not needed, the director of budget and 49318  
management may transfer the unexpended balance from the general 49319  
revenue fund back to the Ohio college opportunity grant program 49320  
reserve fund. 49321

**Sec. 3333.14.** Effective July 1, 1971, all public post high 49322  
school technical education programs shall be operated by 49323  
technical colleges, community colleges, university branches, 49324  
state colleges, state-affiliated universities and state 49325  
universities. Subject to rules and regulations adopted by the 49326  
~~chancellor of higher education~~ department of learning and 49327  
achievement, the board of trustees or directors of one of the 49328  
above such institutions shall adopt a plan of transition 49329  
governing each public post high school technical education 49330  
program not specifically identified or included in this section 49331  
which is located in the geographic region of such institution as 49332  
defined by the ~~chancellor~~ department. The plan of transition 49333  
shall provide for the dissolution of such technical education 49334  
programs either by transfer of a program's lands, buildings, and 49335  
equipment to one of the above such institutions or by complete 49336  
termination of the technical education program. 49337

**Sec. 3333.15.** If the board of trustees of a state 49338

university fails to undertake appropriate action to establish a 49339  
university branch campus within one year from the enactment of a 49340  
capital improvement appropriation for the development of such 49341  
university branch facility, the ~~chancellor of higher education-~~ 49342  
department of learning and achievement may act as the ~~chancellor-~~ 49343  
department deems necessary in place of the board of trustees, 49344  
including securing the release of construction planning and 49345  
construction contract funds from the state controlling board. If 49346  
the ~~chancellor department~~ takes action to plan and construct a 49347  
university branch in accordance with this section, the officers 49348  
and staff of such university shall perform all necessary 49349  
functions incident to the planning and construction of such 49350  
university branch as directed by the ~~chancellor~~ department. 49351

**Sec. 3333.16.** As used in this section "state institution 49352  
of higher education" means an institution of higher education as 49353  
defined in section 3345.12 of the Revised Code. 49354

(A) The ~~chancellor of higher education department of~~ 49355  
learning and achievement shall do all of the following: 49356

(1) Establish policies and procedures applicable to all 49357  
state institutions of higher education that ensure that students 49358  
can begin higher education at any state institution of higher 49359  
education and transfer coursework and degrees to any other state 49360  
institution of higher education without unnecessary duplication 49361  
or institutional barriers. The purpose of this requirement is to 49362  
allow students to attain their highest educational aspirations 49363  
in the most efficient and effective manner for the students and 49364  
the state. These policies and procedures shall require state 49365  
institutions of higher education to make changes or 49366  
modifications, as needed, to strengthen course content so as to 49367  
ensure equivalency for that course at any state institution of 49368

higher education. 49369

(2) Develop and implement a universal course equivalency 49370  
classification system for state institutions of higher education 49371  
so that the transfer of students and the transfer and 49372  
articulation of equivalent courses or specified learning modules 49373  
or units completed by students are not inhibited by inconsistent 49374  
judgment about the application of transfer credits. Coursework 49375  
completed within such a system at one state institution of 49376  
higher education and transferred to another institution shall be 49377  
applied to the student's degree objective in the same manner as 49378  
equivalent coursework completed at the receiving institution. 49379

(3) Develop a system of transfer policies that ensure that 49380  
graduates with associate degrees which include completion of 49381  
approved transfer modules shall be admitted to a state 49382  
institution of higher education, shall be able to compete for 49383  
admission to specific programs on the same basis as students 49384  
native to the institution, and shall have priority over out-of- 49385  
state associate degree graduates and transfer students. To 49386  
assist a student in advising and transferring, all state 49387  
institutions of higher education shall fully implement the 49388  
information system for advising and transferring selected by, 49389  
contracted for, or developed by the ~~chancellor~~ department. 49390

(4) Examine the feasibility of developing a transfer 49391  
marketing agenda that includes materials and interactive 49392  
technology to inform the citizens of Ohio about the availability 49393  
of transfer options at state institutions of higher education 49394  
and to encourage adults to return to colleges and universities 49395  
for additional education; 49396

(5) Study, in consultation with the state board of career 49397  
colleges and schools, and in light of existing criteria and any 49398

other criteria developed by the articulation and transfer 49399  
advisory council, the feasibility of credit recognition and 49400  
transferability to state institutions of higher education for 49401  
graduates who have received associate degrees from a career 49402  
college or school with a certificate of registration from the 49403  
state board of career colleges and schools under Chapter 3332. 49404  
of the Revised Code. 49405

(B) All provisions of the existing articulation and 49406  
transfer policy developed by the ~~chancellor~~department shall 49407  
remain in effect except where amended by this section. 49408

(C) Not later than December 1, 2018, the ~~chancellor~~department shall update and implement the policies and 49409  
department shall update and implement the policies and 49410  
procedures established pursuant to this section to ensure that 49411  
any associate degree offered at a state institution of higher 49412  
education may be transferred and applied to a bachelor degree 49413  
program in an equivalent field at any other state institution of 49414  
higher education without unnecessary duplication or 49415  
institutional barriers. The policies and procedures shall ensure 49416  
that each transferred associate degree applies to the student's 49417  
degree objective in the same manner as equivalent coursework 49418  
completed by the student at the receiving institution. 49419

When updating and implementing the policies and procedures 49420  
pursuant to this division, the ~~chancellor~~department shall seek 49421  
input from faculty and academic leaders in each academic field 49422  
or discipline. 49423

**Sec. 3333.161.** (A) As used in this section: 49424

(1) "Articulation agreement" means an agreement between 49425  
two or more state institutions of higher education to facilitate 49426  
the transfer of students and credits between such institutions. 49427

(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code. 49428  
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(3) "Two year college" includes a community college, state community college, technical college, and university branch. 49431  
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(B) The ~~chancellor of higher education department of~~ learning and achievement shall adopt rules establishing a statewide system for articulation agreements among state institutions of higher education for transfer students pursuing teacher education programs. The rules shall require an articulation agreement between institutions to include all of the following: 49433  
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(1) The development of a transfer module for teacher education that includes introductory level courses that are evaluated as appropriate by faculty employed by the state institutions of higher education that are parties to the articulation agreement; 49440  
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(2) A foundation of general studies courses that have been identified as part of the transfer module for teacher education and have been evaluated as appropriate for the preparation of teachers and consistent with the academic content standards adopted under section 3301.079 of the Revised Code; 49445  
49446  
49447  
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(3) A clear identification of university faculty who are partnered with two year college faculty; 49450  
49451

(4) The publication of the articulation agreement that is available to all students, faculty, and staff. 49452  
49453

**Sec. 3333.162.** (A) As used in this section, "state institution of higher education" means an institution of higher education as defined in section 3345.12 of the Revised Code. 49454  
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(B) By April 15, 2007, the ~~chancellor of higher education~~ 49457  
department of learning and achievement, in consultation with the 49458  
~~department of education~~, public adult and secondary career- 49459  
technical education institutions, and state institutions of 49460  
higher education, shall establish criteria, policies, and 49461  
procedures that enable students to transfer agreed upon 49462  
technical courses completed through an adult career-technical 49463  
education institution, a public secondary career-technical 49464  
institution, or a state institution of higher education to a 49465  
state institution of higher education without unnecessary 49466  
duplication or institutional barriers. The courses to which the 49467  
criteria, policies, and procedures apply shall be those that 49468  
adhere to recognized industry standards and equivalent 49469  
coursework common to the secondary career pathway and adult 49470  
career-technical education system and regionally accredited 49471  
state institutions of higher education. Where applicable, the 49472  
policies and procedures shall build upon the articulation 49473  
agreement and transfer initiative course equivalency system 49474  
required by section 3333.16 of the Revised Code. 49475

**Sec. 3333.163.** (A) As used in this section, "state 49476  
institution of higher education" has the same meaning as in 49477  
section 3345.011 of the Revised Code. 49478

(B) Not later than April 15, 2008, the articulation and 49479  
transfer advisory council of the ~~chancellor of higher education~~ 49480  
department of learning and achievement shall recommend to the 49481  
~~chancellor~~ department standards for awarding course credit 49482  
toward degree requirements at state institutions of higher 49483  
education based on scores attained on advanced placement 49484  
examinations. The recommended standards shall include a score on 49485  
each advanced placement examination that the council considers 49486  
to be a passing score for which course credit may be awarded. 49487

Upon adoption of the standards by the ~~chancellor~~ department, 49488  
each state institution of higher education shall comply with the 49489  
standards in awarding course credit to any student enrolled in 49490  
the institution who has attained a passing score on an advanced 49491  
placement examination. 49492

**Sec. 3333.164.** (A) As used in this section, "state 49493  
institution of higher education" has the same meaning as in 49494  
section 3345.011 of the Revised Code. 49495

(B) Not later than December 31, 2014, the ~~chancellor of~~ 49496  
~~higher education~~ department of learning and achievement shall do 49497  
all of the following with regard to the awarding of college 49498  
credit for military training, experience, and coursework: 49499

(1) Develop a set of standards and procedures for state 49500  
institutions of higher education to utilize in the granting of 49501  
college credit for military training, experience, and 49502  
coursework; 49503

(2) Create a military articulation and transfer assurance 49504  
guide for college credit that is earned through military 49505  
training, experience, and coursework. The ~~chancellor~~ department 49506  
shall use the current articulation and transfer policy adopted 49507  
pursuant to section 3333.16 of the Revised Code as a model in 49508  
developing this guide. 49509

(3) Create a web site that contains information related to 49510  
the awarding of college credit for military training, 49511  
experience, and coursework. The web site shall include both of 49512  
the following: 49513

(a) Standardized resources that address frequently asked 49514  
questions regarding the awarding of such credit and related 49515  
issues; 49516

(b) A statewide database that shows how specified military training, experience, and coursework translates to college credit. 49517  
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(4) Develop a statewide training program that prepares faculty and staff of state institutions of higher education to evaluate various military training, experience, and coursework and to award appropriate equivalent credit. The training program shall incorporate the best practices of awarding credit for military experiences, including both the recommendations of the American council on education and the standards developed by the council for adult and experiential learning. 49520  
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(C) Beginning on July 1, 2015, state institutions of higher education shall ensure that appropriate equivalent credit is awarded for military training, experience, and coursework that meet the standards developed by the ~~chancellor department~~ pursuant to this section. 49528  
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**Sec. 3333.165.** (A) At the end of each academic year, the ~~chancellor of higher education department of learning and achievement~~ shall develop and release a report that includes all of the following information: 49533  
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(1) The total number of courses that were successfully transferred to state institutions of higher education under sections 3333.16 to 3333.164 of the Revised Code, during the most recent academic year for which data is available; 49537  
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(2) The total number of courses that were not accepted for transfer at state institutions of higher education under sections 3333.16 to 3333.164 of the Revised Code, during the most recent academic year for which data is available; 49541  
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(3) The number of students who earned an associate degree 49545

at a community college, a state community college, or a 49546  
university branch that was successfully transferred to a state 49547  
university under sections 3333.16 to 3333.164 of the Revised 49548  
Code. 49549

(B) As used in this section, "state institution of higher 49550  
education" and "state university" have the same meanings as in 49551  
section 3345.011 of the Revised Code. 49552

**Sec. 3333.166.** (A) As used in this section: 49553

(1) "For-profit private college" means a career college in 49554  
this state that holds a certificate of registration from the 49555  
~~chancellor of higher education~~ director of learning and 49556  
achievement under Chapter 3332. of the Revised Code or a private 49557  
institution exempt from regulation under Chapter 3332. of the 49558  
Revised Code as prescribed in section 3333.046 of the Revised 49559  
Code. 49560

(2) "State institution of higher education" has the same 49561  
meaning as in section 3345.011 of the Revised Code. 49562

(B) The ~~chancellor~~ director shall prepare a 49563  
transferability strategy plan that defines criteria, policies, 49564  
procedures, and timelines that would enable students to transfer 49565  
agreed upon courses completed through a for-profit private 49566  
college to a state institution of higher education without 49567  
unnecessary duplication or institutional barriers. Where 49568  
applicable, the policies and procedures in the strategy plan 49569  
shall build upon the articulation agreement and transfer 49570  
initiative course equivalency system required by section 3333.16 49571  
of the Revised Code. 49572

(C) The ~~chancellor~~ director shall convene the necessary 49573  
stakeholders to assist in the preparation of the strategy plan. 49574

The ~~chancellor~~director shall complete and deliver to the 49575  
governor, president and minority leader of the senate, and 49576  
speaker and minority leader of the house of representatives an 49577  
interim strategy plan on or before July 1, 2018, and the final 49578  
strategy plan on or before January 1, 2019. 49579

**Sec. 3333.17.** The ~~chancellor of higher education~~ 49580  
department of learning and achievement may enter into contracts 49581  
with the appropriate agency in a contiguous state whereby the 49582  
agency provides for charging Ohio residents enrolled in state- 49583  
assisted post-secondary educational institutions in the 49584  
contiguous state, tuition and fees at rates no higher than the 49585  
rates charged to students who are residents of that state, and 49586  
whereby the ~~chancellor~~ department, as part of such contracts, 49587  
may provide that rates for tuition and fees charged to residents 49588  
of the contiguous state who are enrolled in state-assisted post- 49589  
secondary educational institutions in Ohio shall not exceed 49590  
those charged Ohio residents. 49591

State-assisted post-secondary educational institutions in 49592  
Ohio may enter into contracts with appropriate state-assisted 49593  
post-secondary educational institutions in a contiguous state 49594  
whereby the state-assisted post-secondary educational 49595  
institution provides for charging Ohio residents enrolled in the 49596  
institution in the contiguous state, tuition and fees at rates 49597  
no higher than the rates charged to students who are residents 49598  
of that state, and whereby the Ohio state-assisted post- 49599  
secondary institution, as part of such contracts, may provide 49600  
that rates for tuition and fees charged to residents of the 49601  
contiguous state who are enrolled in the state-assisted post- 49602  
secondary educational institutions in Ohio shall not exceed 49603  
those charged Ohio residents. 49604

The contracts entered into by the ~~chancellor department~~ or 49605  
a state-assisted post-secondary educational institution may 49606  
limit the type of academic program offered at the reciprocal 49607  
rates. Residents of contiguous states enrolled in for credit 49608  
courses taught at the main campus and identified off-campus 49609  
sites at state-assisted post-secondary educational institutions 49610  
in Ohio under such contracts shall be included in calculating 49611  
the number of full-time equivalent students for state subsidy 49612  
purposes. The ~~chancellor department~~ and each state-assisted 49613  
post-secondary educational institution shall periodically assess 49614  
the costs and benefits of each such contract and the extent to 49615  
which parity is achieved between Ohio and the contiguous state 49616  
with respect to students benefiting from the contract. All Ohio 49617  
state-assisted post-secondary educational institutions 49618  
participating in these contracts shall report enrollments and 49619  
other information annually to the ~~chancellor department~~. No 49620  
contract shall be entered into under this section without the 49621  
approval of the ~~chancellor department~~. The ~~chancellor department~~ 49622  
shall report the status of these contracts to the controlling 49623  
board annually. 49624

**Sec. 3333.171.** (A) The ~~chancellor of higher education~~ 49625  
~~department of learning and achievement~~ may enter into a 49626  
reciprocity agreement with the midwestern higher education 49627  
compact whereby the agreement provides for both of the 49628  
following: 49629

(1) A participating institution in Ohio may enroll 49630  
residents of a participating state in distance education 49631  
programs at that institution without attaining prior approval 49632  
from the appropriate agency of that participating state. 49633

(2) A participating institution in another state may 49634

enroll Ohio residents in distance education programs at that 49635  
institution without attaining prior approval from the ~~chancellor-~~ 49636  
department. 49637

(B) Under the terms of an agreement, the ~~chancellor-~~ 49638  
department may do any of the following: 49639

(1) Apply on behalf of the state of Ohio to become an 49640  
eligible state to participate in the agreement; 49641

(2) Designate the department ~~of higher education~~ as the 49642  
lead agency to ensure that Ohio meets the eligibility 49643  
requirements of the agreement, as determined by the midwestern 49644  
higher education compact; 49645

(3) Develop criteria and procedures for eligible 49646  
institutions in Ohio to apply to participate in the agreement 49647  
and for their continued participation in the agreement; 49648

(4) Assess and collect fees, pursuant to rules adopted by 49649  
the ~~chancellor-~~department under Chapter 119. of the Revised 49650  
Code, from participating institutions in Ohio; 49651

(5) Collect annual data, as prescribed by the ~~chancellor-~~ 49652  
department or as required by the midwestern higher education 49653  
compact, from participating institutions in Ohio; 49654

(6) Develop a student grievance process to resolve 49655  
complaints brought against participating institutions in Ohio in 49656  
regard to the distance education programs that are eligible 49657  
under the terms of the agreement; 49658

(7) Work collaboratively with the state board of career 49659  
colleges and schools to determine the eligibility of 49660  
institutions authorized by that agency under section 3332.05 of 49661  
the Revised Code for initial and continued participation in the 49662

agreement; 49663

(8) Perform other duties and responsibilities as required 49664  
for participation in the agreement. 49665

(C) Any eligible institution in Ohio that wishes to 49666  
participate in the agreement entered into under this section 49667  
shall first attain approval for inclusion in the agreement from 49668  
the ~~chancellor~~ department. Thereafter, a participating 49669  
institution in Ohio shall attain approval from the ~~chancellor~~ 49670  
~~department~~ for any new distance education programs offered by 49671  
that institution prior to enrolling residents of a participating 49672  
state in such programs under the terms of the agreement. 49673

(D) All other post-secondary activity that requires the 49674  
~~chancellor's~~ department's approval and is not included under the 49675  
terms of the agreement entered into under this section is 49676  
subject to the ~~chancellor's~~ department's review and approval 49677  
pursuant to Chapters 1713. and 3333. of the Revised Code. 49678

(E) The ~~chancellor~~ department may terminate the agreement 49679  
entered into under this section or remove the department as the 49680  
lead agency on the agreement, if the ~~chancellor~~ department 49681  
determines that the agreement is not in the best interest of the 49682  
state or the board. 49683

(F) For purposes of this section: 49684

(1) "Eligible institution in Ohio" is any of the following 49685  
types of institutions, as long as it is degree-granting and is 49686  
accredited by an accrediting agency recognized by the United 49687  
States secretary of education: 49688

(a) A state institution of higher education as defined in 49689  
section 3345.011 of the Revised Code; 49690

(b) An Ohio institution of higher education that has received a certificate of authorization pursuant to Chapter 1713. of the Revised Code;

(c) An Ohio institution of higher education authorized by the state board of career colleges and schools under section 3332.05 of the Revised Code.

(2) "Participating institution in Ohio" is any "eligible institution in Ohio" that has been approved by the ~~chancellor~~ department for participation in the agreement entered into under this section.

(3) "Participating institution in another state" is any institution of higher education that is located outside of Ohio that meets the eligibility requirements under the terms of a similar reciprocity agreement and is approved by the appropriate agency of that institution's home state to participate in an agreement entered into with the midwestern higher education compact, the New England board of higher education, the southern regional education board, or the western interstate commission for higher education.

**Sec. 3333.172.** (A) The ~~chancellor~~ director of ~~higher education~~ learning and achievement may endorse the midwest student exchange program of the midwestern higher education compact in order to permit state institutions of higher education, as defined in section 3345.011 of the Revised Code, and nonprofit institutions that have been issued certificates of authorization pursuant to Chapter 1713. of the Revised Code to participate in the program.

(B) If the ~~chancellor~~ director endorses the program, a state institution of higher education or a nonprofit institution

may participate in the program as long as its board of trustees 49720  
adopts a resolution setting forth both of the following: 49721

(1) The amount a participating student will be charged for 49722  
instructional and general fees, provided that amount is in 49723  
compliance with the program; 49724

(2) The parameters for each student to participate in the 49725  
program including any limitation on the number of students 49726  
enrolled under the program and admission requirements for 49727  
participation in the program. 49728

(C) A state institution of higher education that 49729  
participates in the program shall not receive state share of 49730  
instruction funds for any student enrolled in the institution 49731  
under the program, and the institution shall report the student 49732  
to the ~~chancellor~~director as a nonresident student. 49733

**Sec. 3333.18.** The ~~chancellor of higher education~~ 49734  
department of learning and achievement may enter into contracts 49735  
with the appropriate agency in a contiguous state whereby 49736  
financial aids from the funds of each state may be used by 49737  
qualified student recipients to attend approved post-secondary 49738  
educational institutions in the other state. Approved 49739  
institutions in Ohio are those that are state-assisted or are 49740  
nonprofit and have received certificates of authorization 49741  
pursuant to Chapter 1713. of the Revised Code, or are private 49742  
institutions exempt from regulation under Chapter 3332. of the 49743  
Revised Code as prescribed in section 3333.046 of the Revised 49744  
Code. Eligible post-secondary educational institutions in the 49745  
contiguous state shall be similarly approved by the appropriate 49746  
agency of that state. In formulating and executing such 49747  
contracts with a contiguous state, the ~~chancellor~~department 49748  
shall assure that the total cost to this state approximates the 49749

total cost to the contiguous state. Any contract entered into 49750  
under this section shall be subject to the periodic review of, 49751  
and approval by, the controlling board. 49752

**Sec. 3333.19.** The ~~chancellor of higher education~~ 49753  
department of learning and achievement may enter into agreements 49754  
with the appropriate agency in a foreign country or with an 49755  
agency or organization sponsoring foreign student exchanges 49756  
under which the agency or organization ensures that Ohio 49757  
residents enrolled in post-secondary educational institutions in 49758  
the foreign country will pay tuition and fees at rates no higher 49759  
than the rates charged to students who are residents of that 49760  
country and under which the ~~chancellor~~department provides that 49761  
rates for tuition and fees charged to a comparable number of 49762  
students from the foreign country who are enrolled in state- 49763  
assisted institutions of higher education in Ohio are to be no 49764  
higher than the rates charged to students who are Ohio 49765  
residents. Notwithstanding that an Ohio resident is enrolled in 49766  
a post-secondary educational institution in a foreign country 49767  
under one of these agreements, any such student who was 49768  
previously enrolled in a state-assisted institution shall be 49769  
counted as enrolled in such institution for state subsidy 49770  
purposes in a manner prescribed by rules the ~~chancellor~~ 49771  
department shall adopt. 49772

**Sec. 3333.20.** (A) The ~~chancellor of higher education~~ 49773  
department of learning and achievement shall adopt educational 49774  
service standards that shall apply to all community colleges, 49775  
university branches, technical colleges, and state community 49776  
colleges established under Chapters 3354., 3355., 3357., and 49777  
3358. of the Revised Code, respectively. These standards shall 49778  
provide for such institutions to offer or demonstrate at least 49779  
the following: 49780

- (1) An appropriate range of career or technical programs designed to prepare individuals for employment in specific careers at the technical or paraprofessional level; 49781  
49782  
49783
- (2) Commitment to an effective array of developmental education services providing opportunities for academic skill enhancement; 49784  
49785  
49786
- (3) Partnerships with industry, business, government, and labor for the retraining of the workforce and the economic development of the community; 49787  
49788  
49789
- (4) Noncredit continuing education opportunities; 49790
- (5) College transfer programs or the initial two years of a baccalaureate degree for students planning to transfer to institutions offering baccalaureate programs; 49791  
49792  
49793
- (6) Linkages with high schools to ensure that graduates are adequately prepared for post-secondary instruction; 49794  
49795
- (7) Student access provided according to a convenient schedule and program quality provided at an affordable price; 49796  
49797
- (8) That student fees charged by any institution are as low as possible, especially if the institution is being supported by a local tax levy; 49798  
49799  
49800
- (9) A high level of community involvement in the decision-making process in such critical areas as course delivery, range of services, fees and budgets, and administrative personnel. 49801  
49802  
49803
- (B) The ~~chancellor~~ department shall consult with representatives of state-assisted colleges and universities, as defined in section 3333.041 of the Revised Code, in developing appropriate methods for achieving or maintaining the standards adopted pursuant to division (A) of this section. 49804  
49805  
49806  
49807  
49808

(C) In considering institutions that are co-located, the ~~chancellor department~~ shall apply the standards to them in two manners: 49809  
49810  
49811

(1) As a whole entity; 49812

(2) As separate entities, applying the standards 49813  
separately to each. 49814

When distributing any state funds among institutions based 49815  
on the degree to which they meet the standards, the ~~chancellor-~~ 49816  
~~department~~ shall provide to institutions that are co-located the 49817  
higher amount produced by the two judgments under divisions (C) 49818  
(1) and (2) of this section. 49819

**Sec. 3333.21.** As used in sections 3333.21 to 3333.23 of 49820  
the Revised Code, "term" and "academic year" mean "term" and 49821  
"academic year" as defined by the ~~chancellor of higher education-~~ 49822  
~~department of learning and achievement.~~ 49823

The ~~chancellor department~~ shall establish and administer 49824  
an academic scholarship program. Under the program, a total of 49825  
one thousand new scholarships shall be awarded annually in the 49826  
amount of not less than two thousand dollars per award. At least 49827  
one such new scholarship shall be awarded annually to a student 49828  
in each public high school and joint vocational school and each 49829  
nonpublic high school for which the ~~state board of education-~~ 49830  
~~department~~ prescribes minimum standards in accordance with 49831  
section 3301.07 of the Revised Code. 49832

To be eligible for the award of a scholarship, a student 49833  
shall be a resident of Ohio and shall be enrolled as a full-time 49834  
undergraduate student in an Ohio institution of higher education 49835  
that meets the requirements of Title VI of the "Civil Rights Act 49836  
of 1964" and is state-assisted, is nonprofit and holds a 49837

certificate of authorization issued under section 1713.02 of the Revised Code, is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or holds a certificate of registration and program authorization issued under section 3332.05 of the Revised Code and awards an associate or bachelor's degree. Students who attend an institution holding a certificate of registration shall be enrolled in a program leading to an associate or bachelor's degree for which associate or bachelor's degree program the institution has program authorization to offer the program issued under section 3332.05 of the Revised Code.

"Resident" and "full-time student" shall be defined in rules adopted by the ~~chancellor~~ department.

The ~~chancellor~~ department shall award the scholarships on the basis of a formula designed by the ~~chancellor~~ department to identify students with the highest capability for successful college study. The formula shall weigh the factor of achievement, as measured by grade point average, and the factor of ability, as measured by performance on a competitive examination specified by the ~~chancellor~~ department. Students receiving scholarships shall be known as "Ohio academic scholars."

**Sec. 3333.22.** Each Ohio academic scholarship shall be awarded for an academic year and may be renewed for each of three additional academic years. The scholarship amount awarded to a scholar for an academic year shall be not less than two thousand dollars. A scholarship shall be renewed if the scholar maintains an academic record satisfactory to the ~~chancellor of higher education~~ department of learning and achievement and

meets any of the following conditions: 49868

(A) The scholar is enrolled as a full-time undergraduate; 49869

(B) The scholar was awarded an undergraduate degree in 49870  
less than four academic years and is enrolled as a full-time 49871  
graduate or professional student in an Ohio institution of 49872  
higher education that meets the requirements of Title VI of the 49873  
"Civil Rights Act of 1964" and is state-assisted or is nonprofit 49874  
and holds a certificate of authorization issued under section 49875  
1713.02 of the Revised Code; 49876

(C) The scholar is a full-time student concurrently 49877  
enrolled as an undergraduate student and as a graduate or 49878  
professional student in an Ohio institution of higher education 49879  
that meets the requirements of division (B) of this section. 49880

Each amount awarded shall be paid in equal installments to 49881  
the scholar at the time of enrollment for each term of the 49882  
academic year for which the scholarship is awarded or renewed. 49883  
No scholar is eligible to receive an Ohio academic scholarship 49884  
for more than the equivalent of four academic years. 49885

If an Ohio academic scholar is temporarily unable to 49886  
attend school because of illness or other cause satisfactory to 49887  
the ~~chancellor~~ department, the ~~chancellor~~ department may grant a 49888  
leave of absence for a designated period of time. If a scholar 49889  
discontinues full-time attendance at the scholar's school during 49890  
a term because of illness or other cause satisfactory to the 49891  
~~chancellor~~ department, the scholar may either claim a prorated 49892  
payment for the period of actual attendance or waive payment for 49893  
that term. A term for which prorated payment is made shall be 49894  
considered a full term for which a scholarship was received. A 49895  
term for which payment is waived shall not be considered a term 49896

for which a scholarship was received. 49897

Receipt of an Ohio academic scholarship shall not affect a 49898  
scholar's eligibility for the Ohio instructional grant program. 49899

**Sec. 3333.23.** At the end of each term, each Ohio academic 49900  
scholar shall request the registrar of the school to send a copy 49901  
of the scholar's scholastic record to the ~~chancellor of higher~~ 49902  
~~education~~ department of learning and achievement. If the 49903  
scholar's record fails to meet the standards established by the 49904  
~~chancellor department~~, further payments shall be suspended until 49905  
the scholar demonstrates promise of successful progress in the 49906  
academic program for which the award was made. The ~~chancellor~~ 49907  
~~department~~ may revoke the scholarship if the scholar does not 49908  
resume successful academic progress within a reasonable time. 49909

**Sec. 3333.25.** There is hereby created the Ohio academic 49910  
scholarship payment fund, which shall be in the custody of the 49911  
treasurer of state but shall not be a part of the state 49912  
treasury. The fund shall consist of all moneys appropriated for 49913  
the fund by the general assembly and other moneys otherwise made 49914  
available to the fund. The payment fund shall be used for the 49915  
payment of Ohio academic scholarships or for additional 49916  
scholarships to recognize outstanding academic achievement and 49917  
ability. The ~~chancellor of higher education~~ department of 49918  
learning and achievement shall administer this section and 49919  
establish rules for the distribution and awarding of any 49920  
additional scholarships. 49921

The ~~chancellor department~~ may direct the treasurer of 49922  
state to invest any moneys in the payment fund not currently 49923  
needed for scholarship payments, in any kinds of investments in 49924  
which moneys of the public employees retirement system may be 49925  
invested. 49926

The instruments of title of all investments shall be 49927  
delivered to the treasurer of state or to a qualified trustee 49928  
designated by the treasurer of state as provided in section 49929  
135.18 of the Revised Code. The treasurer of state shall collect 49930  
both principal and investment earnings on all investments as 49931  
they become due and pay them into the fund. 49932

All deposits to the fund shall be made in financial 49933  
institutions of this state secured as provided in section 135.18 49934  
of the Revised Code. 49935

**Sec. 3333.26.** (A) Any citizen of this state who has 49936  
resided within the state for one year, who was in the active 49937  
service of the United States as a soldier, sailor, nurse, or 49938  
marine between April 6, 1917, and November 11, 1918, and who has 49939  
been honorably discharged from that service, shall be admitted 49940  
to any school, college, or university that receives state funds 49941  
in support thereof, without being required to pay any tuition or 49942  
matriculation fee, but is not relieved from the payment of 49943  
laboratory or similar fees. 49944

(B) (1) As used in this division: 49945

(a) "Volunteer firefighter" has the meaning as in division 49946  
(B) (1) of section 146.01 of the Revised Code. 49947

(b) "Public service officer" means an Ohio firefighter, 49948  
volunteer firefighter, police officer, member of the state 49949  
highway patrol, employee designated to exercise the powers of 49950  
police officers pursuant to section 1545.13 of the Revised Code, 49951  
or other peace officer as defined by division (B) of section 49952  
2935.01 of the Revised Code, or a person holding any equivalent 49953  
position in another state. 49954

(c) "Qualified former spouse" means the former spouse of a 49955

public service officer, or of a member of the armed services of 49956  
the United States, who is the custodial parent of a minor child 49957  
of that marriage pursuant to an order allocating the parental 49958  
rights and responsibilities for care of the child issued 49959  
pursuant to section 3109.04 of the Revised Code. 49960

(d) "Operation enduring freedom" means that period of 49961  
conflict which began October 7, 2001, and ends on a date 49962  
declared by the president of the United States or the congress. 49963

(e) "Operation Iraqi freedom" means that period of 49964  
conflict which began March 20, 2003, and ends on a date declared 49965  
by the president of the United States or the congress. 49966

(f) "Combat zone" means an area that the president of the 49967  
United States by executive order designates, for purposes of 26 49968  
U.S.C. 112, as an area in which armed forces of the United 49969  
States are or have engaged in combat. 49970

(2) Any resident of this state who is under twenty-six 49971  
years of age, or under thirty years of age if the resident has 49972  
been honorably discharged from the armed services of the United 49973  
States, who is the child of a public service officer killed in 49974  
the line of duty or of a member of the armed services of the 49975  
United States killed in the line of duty during operation 49976  
enduring freedom or operation Iraqi freedom, and who is admitted 49977  
to any state university or college as defined in division (A) (1) 49978  
of section 3345.12 of the Revised Code, community college, state 49979  
community college, university branch, or technical college shall 49980  
not be required to pay any tuition or any student fee for up to 49981  
four academic years of education, which shall be at the 49982  
undergraduate level. 49983

A child of a member of the armed services of the United 49984

States killed in the line of duty during operation enduring 49985  
freedom or operation Iraqi freedom is eligible for a waiver of 49986  
tuition and student fees under this division only if the student 49987  
is not eligible for a war orphans scholarship authorized by 49988  
Chapter 5910. of the Revised Code. In any year in which the war 49989  
orphans scholarship board reduces the percentage of tuition 49990  
covered by a war orphans scholarship below one hundred per cent 49991  
pursuant to division (A) of section 5910.04 of the Revised Code, 49992  
the waiver of tuition and student fees under this division for a 49993  
child of a member of the armed services of the United States 49994  
killed in the line of duty during operation enduring freedom or 49995  
operation Iraqi freedom shall be reduced by the same percentage. 49996

(3) Any resident of this state who is the spouse or 49997  
qualified former spouse of a public service officer killed in 49998  
the line of duty, and who is admitted to any state university or 49999  
college as defined in division (A)(1) of section 3345.12 of the 50000  
Revised Code, community college, state community college, 50001  
university branch, or technical college, shall not be required 50002  
to pay any tuition or any student fee for up to four academic 50003  
years of education, which shall be at the undergraduate level. 50004

(4) Any resident of this state who is the spouse or 50005  
qualified former spouse of a member of the armed services of the 50006  
United States killed in the line of duty while serving in a 50007  
combat zone after May 7, 1975, and who is admitted to any state 50008  
university or college as defined in division (A)(1) of section 50009  
3345.12 of the Revised Code, community college, state community 50010  
college, university branch, or technical college, shall not be 50011  
required to pay any tuition or any student fee for up to four 50012  
years of academic education, which shall be at the undergraduate 50013  
level. In order to qualify under division (B)(4) of this 50014  
section, the spouse or qualified former spouse shall have been a 50015

resident of this state at the time the member was killed in the 50016  
line of duty. 50017

(C) Any institution that is not subject to division (B) of 50018  
this section and that holds a valid certificate of registration 50019  
issued under Chapter 3332. of the Revised Code, a valid 50020  
certificate issued under Chapter 4709. of the Revised Code, or a 50021  
valid license issued under Chapter 4713. of the Revised Code, or 50022  
that is nonprofit and has a certificate of authorization issued 50023  
under section 1713.02 of the Revised Code, or that is a private 50024  
institution exempt from regulation under Chapter 3332. of the 50025  
Revised Code as prescribed in section 3333.046 of the Revised 50026  
Code, which reduces tuition and student fees of a student who is 50027  
eligible to attend an institution of higher education under the 50028  
provisions of division (B) of this section by an amount 50029  
indicated by the ~~chancellor of higher education department of~~  
learning and achievement shall be eligible to receive a grant in 50030  
that amount from the ~~chancellor department~~. 50031  
50032

Each institution that enrolls students under division (B) 50033  
of this section shall report to the ~~chancellor department~~, by 50034  
the first day of July of each year, the number of students who 50035  
were so enrolled and the average amount of all such tuition and 50036  
student fees waived during the preceding year. The ~~chancellor-~~  
department shall determine the average amount of all such 50037  
tuition and student fees waived during the preceding year. The 50038  
average amount of the tuition and student fees waived under 50039  
division (B) of this section during the preceding year shall be 50040  
the amount of grants that participating institutions shall 50041  
receive under this division during the current year, but no 50042  
grant under this division shall exceed the tuition and student 50043  
fees due and payable by the student prior to the reduction 50044  
referred to in this division. The grants shall be made for four 50045  
50046

years of undergraduate education of an eligible student. 50047

**Sec. 3333.28.** (A) The ~~chancellor of higher education~~ 50048  
department of learning and achievement shall establish the nurse 50049  
education assistance program, the purpose of which shall be to 50050  
make loans to students enrolled in prelicensure nurse education 50051  
programs at institutions approved by the board of nursing under 50052  
section 4723.06 of the Revised Code and postlicensure nurse 50053  
education programs approved by the ~~chancellor department~~ under 50054  
section 3333.04 of the Revised Code or offered by an institution 50055  
holding a certificate of authorization issued under Chapter 50056  
1713. of the Revised Code. The board of nursing shall assist the 50057  
~~chancellor department~~ in administering the program. 50058

(B) There is hereby created in the state treasury the 50059  
nurse education assistance fund, which shall consist of all 50060  
money transferred to it pursuant to section 4743.05 of the 50061  
Revised Code. The fund shall be used by the ~~chancellor~~ 50062  
department for loans made under division (A) of this section and 50063  
for expenses of administering the loan program. 50064

(C) Between July 1, 2005, and January 1, 2012, the 50065  
~~chancellor department~~ shall distribute money in the nurse 50066  
education assistance fund in the following manner: 50067

(1) (a) Fifty per cent of available funds shall be awarded 50068  
as loans to registered nurses enrolled in postlicensure nurse 50069  
education programs described in division (A) of this section. To 50070  
be eligible for a loan, the applicant shall provide the 50071  
~~chancellor department~~ with a letter of intent to practice as a 50072  
faculty member at a prelicensure or postlicensure program for 50073  
nursing in this state upon completion of the applicant's 50074  
academic program. 50075

(b) If the borrower of a loan under division (C) (1) (a) of this section secures employment as a faculty member of an approved nursing education program in this state within six months following graduation from an approved nurse education program, the ~~chancellor~~department may forgive the principal and interest of the student's loans received under division (C) (1) (a) of this section at a rate of twenty-five per cent per year, for a maximum of four years, for each year in which the borrower is so employed. A deferment of the service obligation, and other conditions regarding the forgiveness of loans may be granted as provided by the rules adopted under division (D) (7) of this section.

(c) Loans awarded under division (C) (1) (a) of this section shall be awarded on the basis of the student's expected family contribution, with preference given to those applicants with the lowest expected family contribution. However, the ~~chancellor~~department may consider other factors the ~~chancellor~~department determines relevant in ranking the applications.

(d) Each loan awarded to a student under division (C) (1) (a) of this section shall be not less than five thousand dollars per year.

(2) Twenty-five per cent of available funds shall be awarded to students enrolled in prelicensure nurse education programs for registered nurses, as defined in section 4723.01 of the Revised Code.

(3) Twenty-five per cent of available funds shall be awarded to students enrolled in nurse education programs as determined by the ~~chancellor~~department, with preference given to programs aimed at increasing enrollment in an area of need.

After January 1, 2012, the ~~chancellor~~department shall 50105  
determine the manner in which to distribute loans under this 50106  
section. 50107

(D) Subject to the requirements specified in division (C) 50108  
of this section, the ~~chancellor~~department shall adopt rules in 50109  
accordance with Chapter 119. of the Revised Code establishing: 50110

(1) Eligibility criteria for receipt of a loan; 50111

(2) Loan application procedures; 50112

(3) The amounts in which loans may be made and the total 50113  
amount that may be loaned to an individual; 50114

(4) The total amount of loans that can be made each year; 50115

(5) The percentage of the money in the fund that must 50116  
remain in the fund at all times as a fund balance; 50117

(6) Interest and principal repayment schedules; 50118

(7) Conditions under which a portion of principal and 50119  
interest obligations incurred by an individual under the program 50120  
will be forgiven; 50121

(8) Conditions under which all or a portion of the 50122  
principal and interest obligations incurred by an individual who 50123  
is deployed on active duty outside of the state or who is the 50124  
spouse of a person deployed on active duty outside of the state 50125  
may be deferred or forgiven. 50126

(9) Ways that the program may be used to encourage 50127  
individuals who are members of minority groups to enter the 50128  
nursing profession; 50129

(10) Any other matters incidental to the operation of the 50130  
program. 50131

(E) The obligation to repay a portion of the principal and interest on a loan made under this section shall be forgiven if the recipient of the loan meets the criteria for forgiveness established by division (C) (1) (b) of this section, in the case of loans awarded under division (C) (1) (a) of this section, or by the ~~chancellor~~department under the rule adopted under division (D) (7) of this section, in the case of other loans awarded under this section.

(F) The obligation to repay all or a portion of the principal and interest on a loan made under this section may be deferred or forgiven if the recipient of the loan meets the criteria for deferment or forgiveness established by the ~~chancellor~~department under the rule adopted under division (D) (8) of this section.

(G) The receipt of a loan under this section shall not affect a student's eligibility for assistance, or the amount of that assistance, granted under section 3333.12, 3333.122, 3333.22, 3333.26, 5910.03, 5910.032, or 5919.34 of the Revised Code, but the rules of the ~~chancellor~~department may provide for taking assistance received under those sections into consideration when determining a student's eligibility for a loan under this section.

(H) As used in this section, "active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.

**Sec. 3333.29.** (A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) The ~~chancellor of higher education department of~~ 50161  
learning and achievement shall establish, within the Ohio skills 50162  
bank, a mechanism to facilitate communication, cooperation, and 50163  
partnerships among state institutions of higher education with 50164  
nursing education programs and between state institutions of 50165  
higher education and hospitals in this state to meet regional 50166  
and statewide nursing education needs. 50167

**Sec. 3333.30.** The ~~chancellor of higher education~~ 50168  
department of learning and achievement may enter into an 50169  
agreement with private entities to provide log-in access or an 50170  
internet link to free career information for students via the 50171  
web site maintained by the ~~chancellor~~ department. A log-in 50172  
access or internet link authorized under this section shall not 50173  
be considered an advertisement, endorsement, or sponsorship for 50174  
purposes of the regulation of state-controlled web sites under 50175  
any section of the Revised Code, any rule of the Administrative 50176  
Code, or any other policy or directive adopted or issued by the 50177  
office of information technology or any other state agency. 50178

**Sec. 3333.31.** (A) For state subsidy and tuition surcharge 50179  
purposes, status as a resident of Ohio shall be defined by the 50180  
~~chancellor of higher education department of learning and~~ 50181  
achievement by rule promulgated pursuant to Chapter 119. of the 50182  
Revised Code. No adjudication as to the status of any person 50183  
under such rule, however, shall be required to be made pursuant 50184  
to Chapter 119. of the Revised Code. The term "resident" for 50185  
these purposes shall not be equated with the definition of that 50186  
term as it is employed elsewhere under the laws of this state 50187  
and other states, and shall not carry with it any of the legal 50188  
connotations appurtenant thereto. Rather, except as provided in 50189  
divisions (B), (C), and (E) of this section, for such purposes, 50190  
the rule promulgated under this section shall have the objective 50191

of excluding from treatment as residents those who are present 50192  
in the state primarily for the purpose of attending a state- 50193  
supported or state-assisted institution of higher education, and 50194  
may prescribe presumptive rules, rebuttable or conclusive, as to 50195  
such purpose based upon the source or sources of support of the 50196  
student, residence prior to first enrollment, evidence of 50197  
intention to remain in the state after completion of studies, or 50198  
such other factors as the ~~chancellor~~department deems relevant. 50199

(B) The rules of the ~~chancellor~~department for determining 50200  
student residency shall grant residency status to a veteran and 50201  
to the veteran's spouse and any dependent of the veteran, if 50202  
both of the following conditions are met: 50203

(1) The veteran either: 50204

(a) Served one or more years on active military duty and 50205  
was honorably discharged or received a medical discharge that 50206  
was related to the military service; 50207

(b) Was killed while serving on active military duty or 50208  
has been declared to be missing in action or a prisoner of war. 50209

(2) If the veteran seeks residency status for tuition 50210  
surcharge purposes, the veteran has established domicile in this 50211  
state as of the first day of a term of enrollment in an 50212  
institution of higher education. If the spouse or a dependent of 50213  
the veteran seeks residency status for tuition surcharge 50214  
purposes, the veteran and the spouse or dependent seeking 50215  
residency status have established domicile in this state as of 50216  
the first day of a term of enrollment in an institution of 50217  
higher education, except that if the veteran was killed while 50218  
serving on active military duty, has been declared to be missing 50219  
in action or a prisoner of war, or is deceased after discharge, 50220

only the spouse or dependent seeking residency status shall be 50221  
required to have established domicile in accordance with this 50222  
division. 50223

(C) The rules of the ~~chancellor~~department for determining 50224  
student residency shall grant residency status to both of the 50225  
following: 50226

(1) A veteran who is the recipient of federal veterans' 50227  
benefits under the "All-Volunteer Force Educational Assistance 50228  
Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans 50229  
Educational Assistance Program," 38 U.S.C. 3301 et seq., or any 50230  
successor program, if the veteran meets all of the following 50231  
criteria: 50232

(a) The veteran served at least ninety days on active 50233  
duty. 50234

(b) The veteran enrolls in a state institution of higher 50235  
education, as defined in section 3345.011 of the Revised Code. 50236

(c) The veteran lives in the state as of the first day of 50237  
a term of enrollment in the state institution of higher 50238  
education. 50239

(2) A person who is the recipient of the federal Marine 50240  
Gunnery Sergeant John David Fry scholarship or transferred 50241  
federal veterans' benefits under any of the programs described 50242  
in division (C) (1) of this section, if the person meets both of 50243  
the following criteria: 50244

(a) The person enrolls in a state institution of higher 50245  
education. 50246

(b) The person lives in the state as of the first day of a 50247  
term of enrollment in the state institution of higher education. 50248

In order for a person using transferred federal veterans' benefits to qualify under division (C) (2) of this section, the veteran who transferred the benefits must have served at least ninety days on active duty or the service member who transferred the benefits must be on active duty.

(D) The rules of the ~~chancellor-department~~ for determining student residency shall not deny residency status to a student who is either a dependent child of a parent, or the spouse of a person who, as of the first day of a term of enrollment in an institution of higher education, has accepted full-time employment and established domicile in this state for reasons other than gaining the benefit of favorable tuition rates.

Documentation of full-time employment and domicile shall include both of the following documents:

(1) A sworn statement from the employer or the employer's representative on the letterhead of the employer or the employer's representative certifying that the parent or spouse of the student is employed full-time in Ohio;

(2) A copy of the lease under which the parent or spouse is the lessee and occupant of rented residential property in the state, a copy of the closing statement on residential real property of which the parent or spouse is the owner and occupant in this state or, if the parent or spouse is not the lessee or owner of the residence in which the parent or spouse has established domicile, a letter from the owner of the residence certifying that the parent or spouse resides at that residence.

Residency officers may also evaluate, in accordance with the ~~chancellor's-department's~~ rule, requests for immediate residency status from dependent students whose parents are not living and

whose domicile follows that of a legal guardian who has accepted 50278  
full-time employment and established domicile in the state for 50279  
reasons other than gaining the benefit of favorable tuition 50280  
rates. 50281

(E) (1) The rules of the ~~chancellor-department~~ for 50282  
determining student residency shall grant residency status to a 50283  
person who, while a resident of this state for state subsidy and 50284  
tuition surcharge purposes, graduated from a high school in this 50285  
state or completed the final year of instruction at home as 50286  
authorized under section 3321.04 of the Revised Code, if the 50287  
person enrolls in an institution of higher education and 50288  
establishes domicile in this state, regardless of the student's 50289  
residence prior to that enrollment. 50290

(2) The rules of the ~~chancellor-department~~ for determining 50291  
student residency shall not grant residency status to an alien 50292  
if the alien is not also an immigrant or a nonimmigrant. 50293

(F) As used in this section: 50294

(1) "Dependent," "domicile," "institution of higher 50295  
education," and "residency officer" have the meanings ascribed 50296  
in the ~~chancellor's-department's~~ rules adopted under this 50297  
section. 50298

(2) "Alien" means a person who is not a United States 50299  
citizen or a United States national. 50300

(3) "Immigrant" means an alien who has been granted the 50301  
right by the United States bureau of citizenship and immigration 50302  
services to reside permanently in the United States and to work 50303  
without restrictions in the United States. 50304

(4) "Nonimmigrant" means an alien who has been granted the 50305  
right by the United States bureau of citizenship and immigration 50306

services to reside temporarily in the United States. 50307

(5) "Veteran" means any person who has completed service 50308  
in the uniformed services, as defined in section 3511.01 of the 50309  
Revised Code. 50310

(6) "Service member" has the same meaning as in section 50311  
5903.01 of the Revised Code. 50312

**Sec. 3333.33.** (A) A community college established under 50313  
Chapter 3354. of the Revised Code, state community college 50314  
established under Chapter 3358. of the Revised Code, or 50315  
technical college established under Chapter 3357. of the Revised 50316  
Code may establish a tuition guarantee program, subject to 50317  
approval of the ~~chancellor of higher education~~ department of 50318  
learning and achievement. 50319

(B) The ~~chancellor~~ department shall establish guidelines 50320  
for the board of trustees of a community college, state 50321  
community college, or technical college to follow when 50322  
developing a tuition guarantee program and submitting 50323  
applications to the ~~chancellor~~ department. 50324

**Sec. 3333.34.** (A) As used in this section: 50325

(1) "Pre-college stackable certificate" means a 50326  
certificate earned before an adult is enrolled in an institution 50327  
of higher education that can be transferred to college credit 50328  
based on standards established by the ~~chancellor of higher~~ 50329  
~~education and the department of education~~ learning and 50330  
achievement. 50331

(2) "College-level certificate" means a certificate earned 50332  
while an adult is enrolled in an institution of higher education 50333  
that can be transferred to college credit based on standards 50334  
established by the ~~chancellor and the department of education~~. 50335

(B) The ~~chancellor and the~~ department of education shall 50336  
create a system of pre-college stackable certificates to provide 50337  
a clear and accessible path for adults seeking to advance their 50338  
education. The system shall do all of the following: 50339

(1) Be uniform across the state; 50340

(2) Be available from an array of providers, including 50341  
adult career centers, institutions of higher education, and 50342  
employers; 50343

(3) Be structured to respond to the expectations of both 50344  
the workplace and higher education; 50345

(4) Be articulated in a way that ensures the most 50346  
effective interconnection of competencies offered in specialized 50347  
training programs; 50348

(5) Establish standards for earning pre-college 50349  
certificates; 50350

(6) Establish transferability of pre-college certificates 50351  
to college credit. 50352

(C) The ~~chancellor~~ department shall develop college-level 50353  
certificates that can be transferred to college credit in 50354  
different subject competencies. The certificates shall be based 50355  
on competencies and experience and not on classroom seat time. 50356

**Sec. 3333.342.** (A) The ~~chancellor of higher education~~ 50357  
department of learning and achievement may designate a 50358  
"certificate of value" for a certificate program at any adult 50359  
career-technical education institution or state institution of 50360  
higher education, as defined under section 3345.011 of the 50361  
Revised Code, based on the standards adopted under division (B) 50362  
of this section. 50363

(B) The ~~chancellor~~department shall develop standards for 50364  
designation of the certificates of value for certificate 50365  
programs at adult career-technical education institutions and 50366  
state institutions of higher education. The standards shall 50367  
include at least the following considerations: 50368

(1) The quality of the certificate program; 50369

(2) The ability to transfer agreed-upon technical courses 50370  
completed through an adult career-technical education 50371  
institution to a state institution of higher education without 50372  
unnecessary duplication or institutional barriers; 50373

(3) The extent to which the certificate program encourages 50374  
a student to obtain an associate's or bachelor's degree; 50375

(4) The extent to which the certificate program increases 50376  
a student's likelihood to complete other certificate programs or 50377  
an associate's or bachelor's degree; 50378

(5) The ability of the certificate program to meet the 50379  
expectations of the workplace and higher education; 50380

(6) The extent to which the certificate program is aligned 50381  
with the strengths of the regional economy; 50382

(7) The extent to which the certificate program increases 50383  
the amount of individuals who remain in or enter the state's 50384  
workforce; 50385

(8) The extent of a certificate program's relationship 50386  
with private companies in the state to fill potential job 50387  
growth. 50388

(C) The designation of a certificate of value under this 50389  
section shall expire six years after its designation date. 50390

(D) The ~~chancellor department~~ may revoke a designation 50391  
prior to its expiration date if the ~~chancellor department~~ 50392  
determines that the program no longer complies with the 50393  
standards developed under division (B) of this section. 50394

(E) Any revocation of a certificate of value under this 50395  
section shall become effective one hundred eighty days after the 50396  
date the revocation was declared by the ~~chancellor department~~. 50397

(F) Any adult career-technical education institution or 50398  
state institution of higher education that desires to be 50399  
eligible to receive a designation of certificate of value for 50400  
one or more of its certificate programs shall comply with all 50401  
records and data requests required by the ~~chancellor department~~. 50402

**Sec. 3333.36.** If the ~~chancellor of higher education~~ 50403  
~~department of learning and achievement~~ determines that 50404  
sufficient funds are available from general revenue fund 50405  
appropriations made to the department ~~of higher education or to~~ 50406  
~~the chancellor~~, the ~~chancellor department~~ shall allocate the 50407  
following: 50408

(A) Up to seventy thousand dollars in each fiscal year to 50409  
make payments to the Columbus program in intergovernmental 50410  
issues, an Ohio internship program at Kent state university, for 50411  
scholarships of up to two thousand dollars for each student 50412  
enrolled in the program; 50413

(B) Up to one hundred sixty-five thousand dollars in each 50414  
fiscal year to make payments to the Washington center for 50415  
scholarships provided to undergraduates of Ohio's four-year 50416  
public and private institutions of higher education selected to 50417  
participate in the Washington center internship program. The 50418  
amount of a student's scholarship shall not exceed the amount 50419

specified for such scholarships in the biennial operating 50420  
appropriations act. 50421

The ~~chancellor~~department may utilize any general revenue 50422  
funds appropriated to the department ~~or to the chancellor~~ that 50423  
the ~~chancellor~~department determines to be available for 50424  
purposes of this section. 50425

**Sec. 3333.37.** As used in sections 3333.37 to 3333.375 of 50426  
the Revised Code, the following words and terms have the 50427  
following meanings unless the context indicates a different 50428  
meaning or intent: 50429

(A) "Cost of attendance" means all costs of a student 50430  
incurred in connection with a program of study at an eligible 50431  
institution, as determined by the institution, including 50432  
tuition; instructional fees; room and board; books, computers, 50433  
and supplies; and other related fees, charges, and expenses. 50434

(B) "Eligible institution" means one of the following: 50435

(1) A state-assisted post-secondary educational 50436  
institution within the state; 50437

(2) A nonprofit institution of higher education within the 50438  
state that holds a certificate of authorization issued under 50439  
Chapter 1713. of the Revised Code, that is accredited by the 50440  
appropriate regional and, when appropriate, professional 50441  
accrediting associations within whose jurisdiction it falls, is 50442  
authorized to grant a bachelor's degree or higher, and satisfies 50443  
other conditions as set forth in the policy guidelines; 50444

(3) A private institution exempt from regulation under 50445  
Chapter 3332. of the Revised Code as prescribed in section 50446  
3333.046 of the Revised Code. 50447

- (C) "Eligible student" means either of the following: 50448
- (1) An undergraduate student who meets all of the 50449  
following: 50450
- (a) Is a resident of this state; 50451
- (b) Has graduated from any Ohio secondary school for which 50452  
the ~~state board of education~~ department of learning and 50453  
achievement prescribes minimum standards in accordance with 50454  
section 3301.07 of the Revised Code; 50455
- (c) Is attending and in good standing, or has been 50456  
accepted for attendance, at any eligible institution as a full- 50457  
time student to pursue a bachelor's degree. 50458
- (2) A graduate student who is a resident of this state, 50459  
and is attending and in good standing, or has been accepted for 50460  
attendance, at any eligible institution. 50461
- (D) "Fellowship" or "fellowship program" means the Ohio 50462  
priority needs fellowship created by sections 3333.37 to 50463  
3333.375 of the Revised Code. 50464
- (E) "Full-time student" has the meaning as defined by rule 50465  
of the ~~chancellor of higher education~~ department of learning and 50466  
achievement. 50467
- (F) "Ohio outstanding scholar" means a student who is the 50468  
recipient of a scholarship under sections 3333.37 to 3333.375 of 50469  
the Revised Code. 50470
- (G) "Policy guidelines" means the rules adopted by the 50471  
~~chancellor~~ department of learning and achievement pursuant to 50472  
section 3333.374 of the Revised Code. 50473
- (H) "Priority needs fellow" means a student who is the 50474

recipient of a fellowship under sections 3333.37 to 3333.375 of 50475  
the Revised Code. 50476

(I) "Priority needs field of study" means those academic 50477  
majors and disciplines as determined by the ~~chancellor~~ 50478  
department of learning and achievement that support the purposes 50479  
and intent of sections 3333.37 to 3333.375 of the Revised Code 50480  
as described in section 3333.371 of the Revised Code. 50481

(J) "Scholarship" or "scholarship program" means the Ohio 50482  
outstanding scholarship created by sections 3333.37 to 3333.375 50483  
of the Revised Code. 50484

**Sec. 3333.372.** (A) There are hereby authorized the "Ohio 50485  
outstanding scholarship" and the "Ohio priority needs 50486  
fellowship" programs, which shall be established and 50487  
administered by the ~~chancellor of higher education~~ department of 50488  
learning and achievement for eligible students. The programs 50489  
shall provide scholarships to eligible undergraduate students 50490  
and fellowships to eligible graduate students, equal to the 50491  
annual cost of attendance at eligible institutions, to pursue 50492  
baccalaureate degrees and post-baccalaureate degrees in priority 50493  
needs field of study consistent with section 3333.371 of the 50494  
Revised Code. 50495

(B) The scholarship and fellowship programs created under 50496  
sections 3333.37 to 3333.375 of the Revised Code and any 50497  
necessary administrative expenses shall be funded solely from 50498  
the Ohio outstanding scholarship and the Ohio priority needs 50499  
fellowship programs payment funds established pursuant to 50500  
section 3333.375 of the Revised Code. 50501

(C) The scholarships shall be renewable for each of three 50502  
additional years for undergraduate study, and the fellowships 50503

shall be renewable for each of two additional years for graduate 50504  
study, provided the Ohio outstanding scholar or priority needs 50505  
fellow remains an eligible student at an eligible institution. 50506

**Sec. 3333.373.** (A) The scholarship rules advisory 50507  
committee is hereby established. The committee shall consist of 50508  
the ~~chancellor of higher education~~ director of learning and 50509  
achievement or the ~~chancellor's~~ director's designee, the 50510  
treasurer of state or the treasurer of state's designee, the 50511  
director of development services or the director's designee, one 50512  
state senator appointed by the president of the senate, one 50513  
state representative appointed by the speaker of the house of 50514  
representatives, and two public members appointed by the 50515  
~~chancellor of higher education~~ director of learning and 50516  
achievement representing the interests of the state-assisted 50517  
eligible institutions and private nonprofit eligible 50518  
institutions, respectively. 50519

(B) The committee shall provide recommendations to the 50520  
~~chancellor of higher education~~ department of learning and 50521  
achievement as to rules, criteria, and guidelines necessary and 50522  
appropriate to implement the scholarship and fellowship programs 50523  
created by sections 3333.37 to 3333.375 of the Revised Code. 50524

(C) The committee shall meet at least annually to review 50525  
the scholarship and fellowship programs guidelines; make 50526  
recommendations to amend, rescind, or modify the policy 50527  
guidelines; and approve scholarship and fellowship awards to 50528  
eligible students. 50529

(D) Sections 101.82 to 101.87 of the Revised Code do not 50530  
apply to this section. 50531

**Sec. 3333.374.** (A) After receipt of recommendations from 50532

the scholarship rules advisory committee or if no 50533  
recommendations are received, the ~~chancellor of higher education~~ 50534  
department of learning and achievement, with the approval of the 50535  
treasurer of state, shall adopt rules, in accordance with 50536  
Chapter 119. of the Revised Code, establishing policy guidelines 50537  
for the implementation of the scholarship and fellowship 50538  
programs. 50539

(B) Nothing in this section or section 3333.373 of the 50540  
Revised Code shall prevent the ~~chancellor~~ department, with the 50541  
approval of the treasurer of state, from amending or rescinding 50542  
rules adopted pursuant to division (A) of this section, or from 50543  
adopting new rules, in accordance with Chapter 119. of the 50544  
Revised Code, from time to time as are necessary to further the 50545  
purposes of sections 3333.37 to 3333.375 of the Revised Code. 50546

**Sec. 3333.375.** (A) (1) There are hereby created the Ohio 50547  
outstanding scholarship and the Ohio priority needs fellowship 50548  
programs payment funds, which shall be in the custody of the 50549  
treasurer of state, but shall not be a part of the state 50550  
treasury. 50551

(2) The payment funds shall consist solely of all moneys 50552  
returned to the treasurer of state, as issuer of certain tax- 50553  
exempt student loan revenue bonds, from all indentures of trust, 50554  
both presently existing and future, created as a result of tax- 50555  
exempt student loan revenue bonds issued under Chapter 3366. of 50556  
the Revised Code, and any moneys earned from allowable 50557  
investments of the payment funds under division (B) of this 50558  
section. 50559

(3) Except as provided in division (E) of this section, 50560  
the payment funds shall be used solely for scholarship and 50561  
fellowships awarded under sections 3333.37 to 3333.375 of the 50562

Revised Code by the ~~chancellor of higher education department of~~ 50563  
learning and achievement and for any necessary administrative 50564  
expenses incurred by the ~~chancellor department~~ in administering 50565  
the scholarship and fellowship programs. 50566

(B) The treasurer of state may invest any moneys in the 50567  
payment funds not currently needed for scholarship and 50568  
fellowship payments in any kind of investments in which moneys 50569  
of the public employees retirement system may be invested under 50570  
Chapter 145. of the Revised Code. 50571

(C) (1) The instruments of title of all investments shall 50572  
be delivered to the treasurer of state or to a qualified trustee 50573  
designated by the treasurer of state as provided in section 50574  
135.18 of the Revised Code. 50575

(2) The treasurer of state shall collect both principal 50576  
and investment earnings on all investments as they become due 50577  
and pay them into the payment funds. 50578

(3) All deposits to the payment funds shall be made in 50579  
public depositories of this state and secured as provided in 50580  
section 135.18 of the Revised Code. 50581

(D) On or before March 1, 2001, and on or before the first 50582  
day of March in each subsequent year, the treasurer of state 50583  
shall provide to the ~~chancellor department~~ a statement 50584  
indicating the moneys in the Ohio outstanding scholarship and 50585  
the Ohio priority needs fellowship programs payment funds that 50586  
are available for the upcoming academic year to award 50587  
scholarships and fellowships under sections 3333.37 to 3333.375 50588  
of the Revised Code. 50589

(E) The ~~chancellor department~~ may use funds the treasurer 50590  
has indicated as available pursuant to division (D) of this 50591

section to support distribution of state need-based financial 50592  
aid in accordance with sections 3333.12 and 3333.122 of the 50593  
Revised Code. 50594

**Sec. 3333.39.** ~~The chancellor of higher education and the~~ 50595  
~~superintendent of public instruction department of learning and~~ 50596  
~~achievement~~ shall establish and administer the teach Ohio 50597  
program to promote and encourage citizens of this state to 50598  
consider teaching as a profession. The program shall include all 50599  
of the following: 50600

(A) A statewide program administered by a nonprofit 50601  
corporation that has been in existence for at least fifteen 50602  
years with demonstrated results in encouraging high school 50603  
students from economically disadvantaged groups to enter the 50604  
teaching profession. ~~The chancellor and superintendent jointly~~ 50605  
~~department~~ shall select the nonprofit corporation. 50606

(B) The Ohio teaching fellows program established under 50607  
sections 3333.391 and 3333.392 of the Revised Code; 50608

(C) The Ohio teacher residency program established under 50609  
section 3319.223 of the Revised Code; 50610

(D) Alternative licensure procedures established under 50611  
section 3319.26 of the Revised Code; 50612

(E) Any other program as identified by ~~the chancellor and~~ 50613  
~~the superintendent department.~~ 50614

**Sec. 3333.391.** (A) As used in this section and in section 50615  
3333.392 of the Revised Code: 50616

(1) "Academic year" shall be as defined by ~~the chancellor~~ 50617  
~~of higher education department of learning and achievement.~~ 50618

(2) "Hard-to-staff school" and "hard-to-staff subject" 50619

shall be as defined by the department of ~~education~~ learning and achievement. 50620  
50621

(3) "Parent" means the parent, guardian, or custodian of a 50622  
qualified student. 50623

(4) "Qualified service" means teaching at a qualifying 50624  
school. 50625

(5) "Qualifying school" means a hard-to-staff school 50626  
district building or a school district building that has a 50627  
persistently low performance rating, as determined ~~jointly~~ by 50628  
~~the chancellor and superintendent of public instruction~~ 50629  
department of learning and achievement, under section 3302.03 of 50630  
the Revised Code at the time the recipient becomes employed by 50631  
the district. 50632

(B) If the ~~chancellor of higher education~~ department of 50633  
learning and achievement determines that sufficient funds are 50634  
available from general revenue fund appropriations made to the 50635  
~~department of higher education or to the chancellor~~, the 50636  
~~chancellor and the superintendent of public instruction jointly~~ 50637  
department may develop and agree on, with the cooperation of 50638  
teacher training institutions, establish and administer a plan 50639  
for the Ohio teaching fellows program to promote and encourage 50640  
high school seniors to enter and remain in the teaching 50641  
profession. ~~Upon agreement of such a plan, the chancellor shall~~ 50642  
~~establish and administer the program in conjunction with the~~ 50643  
~~superintendent and with the cooperation of teacher training~~ 50644  
~~institutions.~~ Under the program, the ~~chancellor~~ department 50645  
annually shall provide scholarships to students who commit to 50646  
teaching in a qualifying school for a minimum of four years upon 50647  
graduation from a teacher training program at a state 50648  
institution of higher education or an Ohio nonprofit institution 50649

of higher education that has a certificate of authorization 50650  
under Chapter 1713. of the Revised Code. The scholarships shall 50651  
be for up to four years at the undergraduate level at an amount 50652  
determined by the ~~chancellor~~ department based on state 50653  
appropriations. 50654

(C) The ~~chancellor~~ department shall adopt a competitive 50655  
process for awarding scholarships under the teaching fellows 50656  
program, which shall include minimum grade point average and 50657  
scores on national standardized tests for college admission. The 50658  
process shall also give additional consideration to all of the 50659  
following: 50660

(1) A person who has participated in the program described 50661  
in division (A) of section 3333.39 of the Revised Code; 50662

(2) A person who plans to specialize in teaching students 50663  
with special needs; 50664

(3) A person who plans to teach in the disciplines of 50665  
science, technology, engineering, or mathematics. 50666

The ~~chancellor~~ department shall require that all 50667  
applicants to the teaching fellows program shall file a 50668  
statement of service status in compliance with section 3345.32 50669  
of the Revised Code, if applicable, and that all applicants have 50670  
not been convicted of, plead guilty to, or adjudicated a 50671  
delinquent child for any violation listed in section 3333.38 of 50672  
the Revised Code. 50673

(D) Teaching fellows shall complete the four-year teaching 50674  
commitment within not more than seven years after graduating 50675  
from the teacher training program. Failure to fulfill the 50676  
commitment shall convert the scholarship into a loan to be 50677  
repaid under section 3333.392 of the Revised Code. 50678

(E) The ~~chancellor~~department shall adopt rules in 50679  
accordance with Chapter 119. of the Revised Code to administer 50680  
this section and section 3333.392 of the Revised Code. 50681

**Sec. 3333.392.** (A) Each recipient who accepts a 50682  
scholarship under the Ohio teaching fellows program created 50683  
under section 3333.391 of the Revised Code, or the recipient's 50684  
parent if the recipient is younger than eighteen years of age, 50685  
shall sign a promissory note payable to the state in the event 50686  
the recipient does not satisfy the service requirement of 50687  
division (D) of section 3333.391 of the Revised Code or the 50688  
scholarship is terminated. The amount payable under the note 50689  
shall be the amount of total scholarships accepted by the 50690  
recipient under the program plus ten per cent interest accrued 50691  
annually beginning on the first day of September after 50692  
graduating from the teacher training program or immediately 50693  
after termination of the scholarship. The period of repayment 50694  
under the note shall be determined by the ~~chancellor of higher~~  
education department of learning and achievement. The note shall 50695  
stipulate that the obligation to make payments under the note is 50696  
canceled following completion of four years of qualified service 50697  
by the recipient in accordance with division (D) of section 50698  
3333.391 of the Revised Code, or if the recipient dies, becomes 50699  
totally and permanently disabled, or is unable to complete the 50700  
required qualified service as a result of a reduction in force 50701  
at the recipient's school of employment before the obligation 50702  
under the note has been satisfied. 50703  
50704

(B) Repayment of the principal amount of the scholarship 50705  
and interest accrued shall be deferred while the recipient is 50706  
enrolled in an approved teaching program, while the recipient is 50707  
seeking employment to fulfill the service obligation, for a 50708  
period not to exceed six months, or while the recipient is 50709

engaged in qualified service. 50710

(C) During the seven-year period following the recipient's 50711  
graduation from an approved teaching program, the ~~chancellor-~~ 50712  
department shall deduct twenty-five per cent of the outstanding 50713  
balance that may be converted to a loan for each year the 50714  
recipient teaches at a qualifying school. 50715

(D) The ~~chancellor department~~ may terminate the 50716  
scholarship, in which case the scholarship shall be converted to 50717  
a loan to be repaid under division (A) of this section. 50718

(E) The scholarship shall be deemed terminated upon the 50719  
recipient's withdrawal from school or the recipient's failure to 50720  
meet the standards of the scholarship as determined by the 50721  
~~chancellor department~~ and shall be converted to a loan to be 50722  
repaid under division (A) of this section. 50723

(F) The ~~chancellor department~~ and the attorney general 50724  
shall collect payments on the converted loan in accordance with 50725  
section 131.02 of the Revised Code. 50726

**Sec. 3333.43.** This section does not apply to any 50727  
baccalaureate degree program that is a cooperative education 50728  
program, as defined in section 3333.71 of the Revised Code. 50729

(A) The ~~chancellor of higher education department of~~ 50730  
learning and achievement shall require all state institutions of 50731  
higher education that offer baccalaureate degrees, as a 50732  
condition of reauthorization for certification of each 50733  
baccalaureate program offered by the institution, to submit a 50734  
statement describing how each major for which the school offers 50735  
a baccalaureate degree may be completed within three academic 50736  
years. The chronology of the statement shall begin with the fall 50737  
semester of a student's first year of the baccalaureate program. 50738

(B) The statement required under this section may include, 50739  
but not be limited to, any of the following methods to 50740  
contribute to earning a baccalaureate degree in three years: 50741

(1) Advanced placement credit; 50742

(2) International baccalaureate program credit; 50743

(3) A waiver of degree and credit-hour requirements by 50744  
completion of courses that are widely available at community 50745  
colleges in the state or through online programs offered by 50746  
state institutions of higher education or private nonprofit 50747  
institutions of higher education holding certificates of 50748  
authorization under Chapter 1713. of the Revised Code, and 50749  
through courses taken by the student through the college credit 50750  
plus program under Chapter 3365. of the Revised Code; 50751

(4) Completion of coursework during summer sessions; 50752

(5) A waiver of foreign-language degree requirements based 50753  
on a proficiency examination specified by the institution. 50754

(C) (1) Not later than October 15, 2012, each state 50755  
institution of higher education shall provide statements 50756  
required under this section for ten per cent of all 50757  
baccalaureate degree programs offered by the institution. 50758

(2) Not later than June 30, 2014, each state institution 50759  
of higher education shall provide statements required under this 50760  
section for sixty per cent of all baccalaureate degree programs 50761  
offered by the institution. 50762

(D) Each state institution of higher education required to 50763  
submit statements under this section shall post its three-year 50764  
option on its web site and also provide that information to the 50765  
department of ~~education~~ learning and achievement. The department 50766

shall distribute that information to the superintendent, high school principal, and guidance counselor, or equivalents, of each school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code.

(E) Nothing in this section requires an institution to take any action that would violate the requirements of any independent association accrediting baccalaureate degree programs.

**Sec. 3333.44.** ~~The chancellor of higher education~~ department of learning and achievement shall designate a postsecondary globalization liaison to work with state institutions of higher education, as defined in section 3345.011 of the Revised Code, other state agencies, and representatives of the business community to enhance the state's globalization efforts.

The ~~chancellor~~ department may designate a person already employed by the ~~chancellor~~ department as the liaison.

**Sec. 3333.45.** (A) For purposes of this section, "eligible institution of higher education" means any of the following:

(1) A regionally accredited private, nonprofit institution of higher education that is created by the governors of several states. At least one of the governors of these states shall also be a member of the institution's board of trustees.

(2) A state institution of higher education, as that term is defined in section 3345.011 of the Revised Code;

(3) A private, nonprofit institution of higher education that has received a certificate of authorization under Chapter 1713. of the Revised Code.

(B) The ~~chancellor of higher education director of~~ learning and achievement may recognize or endorse an eligible institution of higher education for the purpose of providing competency-based education programs.

(C) In recognizing or endorsing an eligible institution of higher education described in division (A) (1) of this section, the ~~chancellor director~~ may specify all of the following:

(1) The eligibility of students enrolled in the institution for state student financial aid programs;

(2) Any articulation and transfer policies of the ~~chancellor director~~ that apply to the institution;

(3) The reporting requirements for the institution.

(D) In recognizing or endorsing any eligible institution of higher education, the ~~chancellor director~~ may:

(1) Recognize competency-based education as an important component of this state's higher education system;

(2) Eliminate any unnecessary barriers to the delivery of competency-based education;

(3) Facilitate opportunities to share best practices on the delivery of competency-based education with any eligible institution of higher education;

(4) Establish any other requirements that the ~~chancellor director~~ director determines are in the best interest of this state.

(E) The ~~chancellor director~~ shall not provide any public operating or capital assistance to an eligible institution of higher education described in division (A) (1) of this section for the purpose of providing competency-based education in this

state. 50823

**Sec. 3333.50.** ~~The chancellor of higher education~~ 50824  
department of learning and achievement, in consultation with the 50825  
governor and the ~~department of development services agency~~, 50826  
shall develop a critical needs rapid response system to respond 50827  
quickly to critical workforce shortages in the state. Not later 50828  
than ninety days after a critical workforce shortage is 50829  
identified, the ~~chancellor department~~ shall submit to the 50830  
governor a proposal for addressing the shortage through 50831  
initiatives of the department ~~of higher education or~~ 50832  
institutions of higher education. 50833

**Sec. 3333.55.** (A) The health information and imaging 50834  
technology workforce development pilot project is hereby 50835  
established. Under the project, in fiscal years 2008 through 50836  
2010, the ~~chancellor of higher education~~ department of learning 50837  
and achievement shall design and implement a three-year pilot 50838  
program to test, in the vicinity of Clark, Greene, and 50839  
Montgomery counties, how a P-16 public-private education and 50840  
workforce development collaborative may address each of the 50841  
following goals: 50842

(1) Increase the number of students taking and mastering 50843  
high-level science, technology, engineering, or mathematics 50844  
courses and pursuing careers in those subjects, in all 50845  
demographic regions of the state; 50846

(2) Increase the number of students pursuing professional 50847  
careers in health information and imaging technology upon 50848  
receiving related technical education and professional 50849  
experience, in all demographic regions of the state; 50850

(3) Unify efforts among schools, career centers, post- 50851

secondary programs, and employers in a region for career and 50852  
workforce development, preservation, and public education. 50853

(B) The project shall focus on enhancing P-16 education 50854  
and workforce development in the field of health information and 50855  
imaging technology through such activities as increased academic 50856  
intervention in related areas of study, after-school and summer 50857  
intervention programs, tutoring, career and job fairs and other 50858  
promotional and recruitment activities, externships, 50859  
professional development, field trips, academic competitions, 50860  
development of related specialized study modules, development of 50861  
honors programs, and development and enhancement of dual high 50862  
school and college enrollment programs. 50863

(C) Project participants shall include Clark-Shawnee local 50864  
school district, Springfield city school district, Greene county 50865  
career center, Clark state community college, Central state 50866  
university, Wright state university, Cedarville university, 50867  
Wittenberg university, the university of Dayton, and private 50868  
employers in the health information and imaging technology 50869  
industry in the vicinity of Clark, Greene, and Montgomery 50870  
counties, selected by the ~~chancellor~~ department. 50871

For the third year of the project, the ~~chancellor~~ 50872  
department may add as participants the Dayton city school 50873  
district and Xenia city school district. 50874

(D) Wittenberg university shall be the lead coordinating 50875  
agent and Clark state community college shall be the fiscal 50876  
agent for the project. 50877

(E) The ~~chancellor~~ department shall create an advisory 50878  
council made up of representatives of the participating entities 50879  
to coordinate, monitor, and evaluate the project. The advisory 50880

council shall submit an annual activity report to the ~~chancellor-~~ 50881  
department by a date specified by the ~~chancellor~~ department. 50882

**Sec. 3333.59.** (A) As used in this section: 50883

(1) "Allocated state share of instruction" means, for any 50884  
fiscal year, the amount of the state share of instruction 50885  
appropriated to the department of ~~higher education-~~ learning and 50886  
achievement by the general assembly that is allocated to a 50887  
community or technical college or community or technical college 50888  
district for such fiscal year. 50889

(2) "Issuing authority" has the same meaning as in section 50890  
154.01 of the Revised Code. 50891

(3) "Bond service charges" has the same meaning as in 50892  
section 154.01 of the Revised Code. 50893

(4) ~~"Chancellor" means the chancellor of higher education.~~ 50894

~~(5)~~ "Community or technical college" or "college" means 50895  
any of the following state-supported or state-assisted 50896  
institutions of higher education: 50897

(a) A community college as defined in section 3354.01 of 50898  
the Revised Code; 50899

(b) A technical college as defined in section 3357.01 of 50900  
the Revised Code; 50901

(c) A state community college as defined in section 50902  
3358.01 of the Revised Code. 50903

~~(6)~~ (5) "Community or technical college district" or 50904  
"district" means any of the following institutions of higher 50905  
education that are state-supported or state-assisted: 50906

(a) A community college district as defined in section 50907

3354.01 of the Revised Code; 50908

(b) A technical college district as defined in section 50909  
3357.01 of the Revised Code; 50910

(c) A state community college district as defined in 50911  
section 3358.01 of the Revised Code. 50912

~~(7)~~ (6) "Credit enhancement facilities" has the same 50913  
meaning as in section 133.01 of the Revised Code. 50914

~~(8)~~ (7) "Obligations" has the meaning as in section 154.01 50915  
or 3345.12 of the Revised Code, as the context requires. 50916

(B) The board of trustees of any community or technical 50917  
college district authorizing the issuance of obligations under 50918  
section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the 50919  
Revised Code, or for whose benefit and on whose behalf the 50920  
issuing authority proposes to issue obligations under section 50921  
154.25 of the Revised Code, may adopt a resolution requesting 50922  
the ~~chancellor~~ department to enter into an agreement with the 50923  
community or technical college district and the primary paying 50924  
agent or fiscal agent for such obligations, providing for the 50925  
withholding and deposit of funds otherwise due the district or 50926  
the community or technical college it operates in respect of its 50927  
allocated state share of instruction, for the payment of bond 50928  
service charges on such obligations. 50929

The board of trustees shall deliver to the ~~chancellor~~ 50930  
department a copy of the resolution and any additional pertinent 50931  
information the ~~chancellor~~ department may require. 50932

The ~~chancellor~~ department and the office of budget and 50933  
management, and the issuing authority in the case of obligations 50934  
to be issued by the issuing authority, shall evaluate each 50935  
request received from a community or technical college district 50936

under this section. The ~~chancellor department~~, with the advice 50937  
and consent of the director of budget and management and the 50938  
issuing authority in the case of obligations to be issued by the 50939  
issuing authority, shall approve each request if all of the 50940  
following conditions are met: 50941

(1) Approval of the request will enhance the marketability 50942  
of the obligations for which the request is made; 50943

(2) The ~~chancellor department~~ and the office of budget and 50944  
management, and the issuing authority in the case of obligations 50945  
to be issued by the issuing authority, have no reason to believe 50946  
the requesting community or technical college district or the 50947  
community or technical college it operates will be unable to pay 50948  
when due the bond service charges on the obligations for which 50949  
the request is made, and bond service charges on those 50950  
obligations are therefore not anticipated to be paid pursuant to 50951  
this section from the allocated state share of instruction for 50952  
purposes of Section 17 of Article VIII, Ohio Constitution. 50953

(3) Any other pertinent conditions established in rules 50954  
adopted under division (H) of this section. 50955

(C) If the ~~chancellor department~~ approves the request of a 50956  
community or technical college district to withhold and deposit 50957  
funds pursuant to this section, the ~~chancellor department~~ shall 50958  
enter into a written agreement with the district and the primary 50959  
paying agent or fiscal agent for the obligations, which 50960  
agreement shall provide for the withholding of funds pursuant to 50961  
this section for the payment of bond service charges on those 50962  
obligations. The agreement may also include both of the 50963  
following: 50964

(1) Provisions for certification by the district to the 50965

~~chancellor department~~, prior to the deadline for payment of the 50966  
applicable bond service charges, whether the district and the 50967  
community or technical college it operates are able to pay those 50968  
bond service charges when due; 50969

(2) Requirements that the district or the community or 50970  
technical college it operates deposits amounts for the payment 50971  
of those bond service charges with the primary paying agent or 50972  
fiscal agent for the obligations prior to the date on which the 50973  
bond service charges are due to the owners or holders of the 50974  
obligations. 50975

(D) Whenever a district or the community or technical 50976  
college it operates notifies the ~~chancellor department~~ that it 50977  
will not be able to pay the bond service charges when they are 50978  
due, subject to the withholding provisions of this section, or 50979  
whenever the applicable paying agent or fiscal agent notifies 50980  
the ~~chancellor department~~ that it has not timely received from a 50981  
district or from the college it operates the full amount needed 50982  
for payment of the bond service charges when due to the holders 50983  
or owners of such obligations, the ~~chancellor department~~ shall 50984  
immediately contact the district or college and the paying agent 50985  
or fiscal agent to confirm that the district and the college are 50986  
not able to make the required payment by the date on which it is 50987  
due. 50988

If the ~~chancellor department~~ confirms that the district 50989  
and the college are not able to make the payment and the payment 50990  
will not be made pursuant to a credit enhancement facility, the 50991  
~~chancellor department~~ shall promptly pay to the applicable 50992  
primary paying agent or fiscal agent the lesser of the amount 50993  
due for bond service charges or the amount of the next periodic 50994  
distribution scheduled to be made to the district or to the 50995

college in respect of its allocated state share of instruction. 50996  
If this amount is insufficient to pay the total amount then due 50997  
the agent for the payment of bond service charges, the 50998  
~~chancellor department~~ shall continue to pay to the agent from 50999  
each periodic distribution thereafter, and until the full amount 51000  
due the agent for unpaid bond service charges is paid in full, 51001  
the lesser of the remaining amount due the agent for bond 51002  
service charges or the amount of the next periodic distribution 51003  
scheduled to be made to the district or college in respect of 51004  
its allocated state share of instruction. 51005

(E) The ~~chancellor department~~ may make any payments under 51006  
this section by direct deposit of funds by electronic transfer. 51007

Any amount received by a paying agent or fiscal agent 51008  
under this section shall be applied only to the payment of bond 51009  
service charges on the obligations of the community or technical 51010  
college district or community or technical college subject to 51011  
this section or to the reimbursement of the provider of a credit 51012  
enhancement facility that has paid the bond service charges. 51013

(F) The ~~chancellor department~~ may make payments under this 51014  
section to paying agents or fiscal agents during any fiscal 51015  
biennium of the state only from and to the extent that money is 51016  
appropriated to the department by the general assembly for 51017  
distribution during such biennium for the state share of 51018  
instruction and only to the extent that a portion of the state 51019  
share of instruction has been allocated to the community or 51020  
technical college district or community or technical college. 51021  
Obligations of the issuing authority or of a community or 51022  
technical college district to which this section is made 51023  
applicable do not constitute an obligation or a debt or a pledge 51024  
of the faith, credit, or taxing power of the state, and the 51025

holders or owners of those obligations have no right to have 51026  
excises or taxes levied or appropriations made by the general 51027  
assembly for the payment of bond service charges on the 51028  
obligations, and the obligations shall contain a statement to 51029  
that effect. The agreement for or the actual withholding and 51030  
payment of money under this section does not constitute the 51031  
assumption by the state of any debt of a community or technical 51032  
college district or a community or technical college, and bond 51033  
service charges on the related obligations are not anticipated 51034  
to be paid from the state general revenue fund for purposes of 51035  
Section 17 of Article VIII, Ohio Constitution. 51036

(G) In the case of obligations subject to the withholding 51037  
provisions of this section, the issuing community or technical 51038  
college district, or the issuing authority in the case of 51039  
obligations issued by the issuing authority, shall appoint a 51040  
paying agent or fiscal agent who is not an officer or employee 51041  
of the district or college. 51042

(H) The ~~chancellor~~ department, with the advice and consent 51043  
of the office of budget and management, may adopt reasonable 51044  
rules not inconsistent with this section for the implementation 51045  
of this section to secure payment of bond service charges on 51046  
obligations issued by a community or technical college district 51047  
or by the issuing authority for the benefit of a community or 51048  
technical college district or the community or technical college 51049  
it operates. Those rules shall include criteria for the 51050  
evaluation and approval or denial of community or technical 51051  
college district requests for withholding under this section. 51052

(I) The authority granted by this section is in addition 51053  
to and not a limitation on any other authorizations granted by 51054  
or pursuant to law for the same or similar purposes. 51055

**Sec. 3333.61.** The ~~chancellor of higher education~~ 51056  
department of learning and achievement shall establish and 51057  
administer the Ohio innovation partnership, which shall consist 51058  
of the choose Ohio first scholarship program and the Ohio 51059  
research scholars program. Under the programs, the ~~chancellor~~ 51060  
department, subject to approval by the controlling board, shall 51061  
make awards to state universities or colleges for programs and 51062  
initiatives that recruit students and scientists in the fields 51063  
of science, technology, engineering, mathematics, medicine, and 51064  
dentistry to state universities or colleges, in order to enhance 51065  
regional educational and economic strengths and meet the needs 51066  
of the state's regional economies. Awards may be granted for 51067  
programs and initiatives to be implemented by a state university 51068  
or college alone or in collaboration with other state 51069  
institutions of higher education, nonpublic Ohio universities 51070  
and colleges, or other public or private Ohio entities. If the 51071  
~~chancellor~~ department makes an award to a program or initiative 51072  
that is intended to be implemented by a state university or 51073  
college in collaboration with other state institutions of higher 51074  
education or nonpublic Ohio universities or colleges, the 51075  
~~chancellor~~ department may provide that some portion of the award 51076  
be received directly by the collaborating universities or 51077  
colleges consistent with all terms of the Ohio innovation 51078  
partnership. 51079

The choose Ohio first scholarship program shall assign a 51080  
number of scholarships to state universities and colleges to 51081  
recruit Ohio residents as undergraduate, or as provided in 51082  
section 3333.66 of the Revised Code graduate, students in the 51083  
fields of science, technology, engineering, mathematics, 51084  
medicine, and dentistry, or in science, technology, engineering, 51085  
mathematics, medical, or dental education. Choose Ohio first 51086

scholarships shall be awarded to each participating eligible 51087  
student as a grant to the state university or college the 51088  
student is attending and shall be reflected on the student's 51089  
tuition bill. Choose Ohio first scholarships are student- 51090  
centered grants from the state to students to use to attend a 51091  
university or college and are not grants from the state to 51092  
universities or colleges. 51093

Notwithstanding any other provision of this section or 51094  
sections 3333.62 to 3333.69 of the Revised Code, a nonpublic 51095  
four-year Ohio institution of higher education may submit a 51096  
proposal for choose Ohio first scholarships or Ohio research 51097  
scholars grants. If the ~~chancellor~~department awards a nonpublic 51098  
institution scholarships or grants, the nonpublic institution 51099  
shall comply with all requirements of this section, sections 51100  
3333.62 to 3333.69 of the Revised Code, and the rules adopted 51101  
under this section that apply to state universities or colleges 51102  
awarded choose Ohio first scholarships or Ohio research scholars 51103  
grants. 51104

The Ohio research scholars program shall award grants to 51105  
use in recruiting scientists to the faculties of state 51106  
universities or colleges. 51107

The ~~chancellor~~department shall adopt rules in accordance 51108  
with Chapter 119. of the Revised Code to administer the 51109  
programs. 51110

**Sec. 3333.611.** (A) All of the following individuals shall 51111  
jointly develop a proposal for the creation of a primary care 51112  
medical student component of the choose Ohio first scholarship 51113  
program operated under section 3333.61 of the Revised Code under 51114  
which scholarships are annually made available and awarded to 51115  
medical students who meet the requirements specified in division 51116

(D) of this section:	51117
(1) The dean of the Ohio state university school of medicine;	51118 51119
(2) The dean of the Case western reserve university school of medicine;	51120 51121
(3) The dean of the university of Toledo college of medicine;	51122 51123
(4) The president and dean of the northeast Ohio medical university;	51124 51125
(5) The dean of the university of Cincinnati college of medicine;	51126 51127
(6) The dean of the Boonshoft school of medicine at Wright state university;	51128 51129
(7) The dean of the Ohio university college of osteopathic medicine.	51130 51131
(B) The individuals specified in division (A) of this section shall consider including the following provisions in the proposal:	51132 51133 51134
(1) Establishing a scholarship of sufficient size to permit annually not more than fifty medical students to receive scholarships;	51135 51136 51137
(2) Specifying that a scholarship, once granted, may be provided to a medical student for not more than four years.	51138 51139
(C) The individuals specified in division (A) of this section shall submit the proposal for the component to the <del>chancellor of higher education</del> <u>department of learning and achievement</u> not later than March 6, 2011. The <del>chancellor</del>	51140 51141 51142 51143

department shall review the proposal and determine whether to 51144  
implement the component as part of the program. 51145

(D) To be eligible for a scholarship made available under 51146  
the component, a medical student shall meet all of the following 51147  
requirements: 51148

(1) Participate in identified patient centered medical 51149  
home model training opportunities during medical school; 51150

(2) Commit to a post-residency primary care practice in 51151  
this state for not less than three years; 51152

(3) Accept medicaid recipients as patients, without 51153  
restriction and, as compared to other patients, in a proportion 51154  
that is specified in the scholarship. 51155

**Sec. 3333.612.** (A) All of the following individuals shall 51156  
jointly develop a proposal for the creation of a primary care 51157  
nursing student component of the choose Ohio first scholarship 51158  
program operated under section 3333.61 of the Revised Code under 51159  
which scholarships are annually made available and awarded to 51160  
advanced practice nursing students who meet the requirements 51161  
specified in division (D) of this section: 51162

(1) The dean of the college of nursing at the university 51163  
of Toledo; 51164

(2) The dean of the Wright state university college of 51165  
nursing and health; 51166

(3) The dean of the college of nursing at Kent state 51167  
university; 51168

(4) The dean of the university of Akron college of 51169  
nursing; 51170

- (5) The director of the school of nursing at Ohio university. 51171  
51172
- (B) The individuals specified in division (A) of this section shall consider including the following provisions in the proposal: 51173  
51174  
51175
- (1) Establishing a scholarship of sufficient size to permit annually not more than thirty advanced practice nursing students to receive scholarships; 51176  
51177  
51178
- (2) Specifying that a scholarship, once granted, may be provided to an advanced practice nursing student for not more than three years. 51179  
51180  
51181
- (C) The individuals specified in division (A) of this section shall submit the proposal for the component to the ~~chancellor of higher education~~ department of learning and achievement not later than six months after September 6, 2010. 51182  
51183  
51184  
51185  
The ~~chancellor~~ department shall review the proposal and 51186  
51187  
51188  
determine whether to implement the component as part of the program.
- (D) To be eligible for a scholarship made available under the component, an advanced practice nursing student shall meet all of the following requirements: 51189  
51190  
51191
- (1) Participate in identified patient centered medical home model training opportunities during nursing school; 51192  
51193
- (2) Commit to an advanced practice nursing primary care practice in this state after completing nursing school for not less than three years; 51194  
51195  
51196
- (3) Accept medicaid recipients as patients, without restriction and, as compared to other patients, in a proportion 51197  
51198

that is specified in the scholarship. 51199

**Sec. 3333.613.** There is hereby created in the state 51200  
treasury the choose Ohio first scholarship reserve fund. As soon 51201  
as possible following the end of each fiscal year, the 51202  
~~chancellor of higher education~~ department of learning and 51203  
achievement shall certify to the director of budget and 51204  
management the unencumbered balance of the general revenue fund 51205  
appropriations made in the immediately preceding fiscal year for 51206  
purposes of the choose Ohio first scholarship program created in 51207  
section 3333.61 of the Revised Code. Upon receipt of the 51208  
certification, the director of budget and management may 51209  
transfer an amount not exceeding the certified amount from the 51210  
general revenue fund to the choose Ohio first scholarship 51211  
reserve fund. Moneys in the choose Ohio first scholarship 51212  
reserve fund shall be used to pay scholarship obligations in 51213  
excess of the general revenue fund appropriations made for that 51214  
purpose. 51215

The director of budget and management may transfer any 51216  
unencumbered balance from the choose Ohio first scholarship 51217  
reserve fund to the general revenue fund. 51218

If it is determined that general revenue fund 51219  
appropriations are insufficient to meet the obligations for the 51220  
choose Ohio first scholarship in a fiscal year, the director of 51221  
budget and management may transfer funds from the choose Ohio 51222  
first scholarship reserve fund to the general revenue fund in 51223  
order to meet those obligations. The amount transferred is 51224  
hereby appropriated. If the funds transferred from the choose 51225  
Ohio first scholarship reserve fund are not needed, the director 51226  
of budget and management may transfer the unexpended balance 51227  
from the general revenue fund back to the choose Ohio first 51228

scholarship reserve fund. 51229

**Sec. 3333.62.** The ~~chancellor of higher education~~ 51230  
department of learning and achievement shall establish a 51231  
competitive process for making awards under the choose Ohio 51232  
first scholarship program and the Ohio research scholars 51233  
program. The ~~chancellor department~~, on completion of that 51234  
process, shall make a recommendation to the controlling board 51235  
asking for approval of each award selected by the ~~chancellor~~ 51236  
department. 51237

Any state university or college may apply for one or more 51238  
awards under one or both programs. The state university or 51239  
college shall submit a proposal and other documentation required 51240  
by the ~~chancellor department~~, in the form and manner prescribed 51241  
by the ~~chancellor department~~, for each award it seeks. A 51242  
proposal may propose an initiative to be implemented solely by 51243  
the state university or college or in collaboration with other 51244  
state institutions of higher education, nonpublic Ohio 51245  
universities or colleges, or other public or nonpublic Ohio 51246  
entities. A single proposal may seek an award under one or both 51247  
programs. 51248

The ~~chancellor department~~ shall determine which proposals 51249  
will receive awards each fiscal year, and the amount of each 51250  
award, on the basis of the merit of each proposal, which the 51251  
~~chancellor department~~, subject to approval by the controlling 51252  
board, shall determine based on one or more of the following 51253  
criteria: 51254

(A) The quality of the program that is the subject of the 51255  
proposal and the extent to which additional resources will 51256  
enhance its quality; 51257

(B) The extent to which the proposal is integrated with the strengths of the regional economy;	51258 51259
(C) The extent to which the proposal is integrated with centers of research excellence within the private sector;	51260 51261
(D) The amount of other institutional, public, or private resources, whether monetary or nonmonetary, that the proposal pledges to leverage;	51262 51263 51264
(E) The extent to which the proposal is collaborative with other public or nonpublic Ohio institutions of higher education;	51265 51266
(F) The extent to which the proposal is integrated with the university's or college's mission and does not displace existing resources already committed to the mission;	51267 51268 51269
(G) The extent to which the proposal facilitates a more efficient utilization of existing faculty and programs;	51270 51271
(H) The extent to which the proposal meets a statewide educational need;	51272 51273
(I) The demonstrated productivity or future capacity of the students or scientists to be recruited;	51274 51275
(J) The extent to which the proposal will create additional capacity in educational or economic areas of need;	51276 51277
(K) The extent to which the proposal will encourage students who received degrees in the fields of science, technology, engineering, mathematics, or medicine from two-year institutions to transfer to state universities or colleges to pursue baccalaureate degrees in science, technology, engineering, mathematics, or medicine;	51278 51279 51280 51281 51282 51283
(L) The extent to which the proposal encourages students	51284

enrolled in state universities to transfer into science,	51285
technology, engineering, mathematics, or medicine programs;	51286
(M) The extent to which the proposal facilitates the	51287
completion of a baccalaureate degree in a cost-effective manner,	51288
for example, by facilitating students' completing two years at a	51289
two-year institution and two years at a state university or	51290
college;	51291
(N) The extent to which the proposal allows attendance at	51292
a state university or college of students who otherwise could	51293
not afford to attend;	51294
(O) The extent to which other institutional, public, or	51295
private resources pledged to the proposal will be deployed to	51296
assist in sustaining students' scholarships over their academic	51297
careers;	51298
(P) The extent to which the proposal increases the	51299
likelihood that students will successfully complete their degree	51300
programs in science, technology, engineering, mathematics, or	51301
medicine or in science, technology, engineering, mathematics, or	51302
medical education;	51303
(Q) The extent to which the proposal ensures that a	51304
student who is awarded a scholarship is appropriately qualified	51305
and prepared to successfully complete a degree program in	51306
science, technology, engineering, mathematics, or medicine or in	51307
science, technology, engineering, mathematics, or medical	51308
education;	51309
(R) The extent to which the proposal will increase the	51310
number of women participating in the choose Ohio first	51311
scholarship program.	51312
<b>Sec. 3333.63.</b> <del>The chancellor of higher education</del>	51313

department of learning and achievement shall conduct at least 51314  
one public meeting annually, prior to deciding awards under the 51315  
Ohio innovation partnership. At the meeting, an employee of the 51316  
~~chancellor~~ department shall summarize the proposals submitted 51317  
for consideration, and each state university or college that has 51318  
a proposal pending shall have the opportunity to review the 51319  
summary of their proposal prepared by the ~~chancellor's~~ 51320  
department's staff and answer questions or respond to concerns 51321  
about the proposal raised by the ~~chancellor's~~ department's 51322  
staff. 51323

**Sec. 3333.64.** The ~~chancellor of higher education~~ 51324  
department of learning and achievement shall endeavor to make 51325  
awards under the choose Ohio first scholarship program and the 51326  
Ohio research scholars program such that the aggregate, 51327  
statewide amount of other institutional, public, and private 51328  
money pledged to the proposals in each fiscal year equals at 51329  
least one hundred per cent of the aggregate amount of the money 51330  
awarded under both programs that year. The ~~chancellor~~ department 51331  
shall endeavor to make awards under the choose Ohio first 51332  
scholarship program in such a way that at least fifty per cent 51333  
of the students receiving the scholarships are involved in a co- 51334  
op or internship program in a private industry or a university 51335  
laboratory. The value of institutional, public, or private 51336  
industry co-ops and internships shall count toward the statewide 51337  
aggregate amount of other institutional, public, or private 51338  
money specified in this paragraph. 51339

The ~~chancellor~~ department also shall endeavor to 51340  
distribute awards in such a way that all regions of the state 51341  
benefit from the economic development impact of the programs and 51342  
shall guarantee that students from all regions of the state are 51343  
able to participate in the scholarship program. 51344

**Sec. 3333.65.** The ~~chancellor of higher education~~ 51345  
department of learning and achievement shall require each state 51346  
university or college that the controlling board approves to 51347  
receive an award under the Ohio innovation partnership to enter 51348  
into an agreement governing the use of the award. The agreement 51349  
shall contain terms the ~~chancellor~~ department determines to be 51350  
necessary, which shall include performance measures, reporting 51351  
requirements, and an obligation to fulfill pledges of other 51352  
institutional, public, or nonpublic resources for the proposal. 51353

The ~~chancellor~~ department may require a state university 51354  
or college that violates the terms of its agreement to repay the 51355  
award plus interest at the rate required by section 5703.47 of 51356  
the Revised Code to the ~~chancellor~~ department. 51357

If the ~~chancellor~~ department makes an award to a program 51358  
or initiative that is intended to be implemented by a state 51359  
university or college in collaboration with other state 51360  
institutions of higher education or nonpublic Ohio universities 51361  
or colleges, the ~~chancellor~~ department may enter into an 51362  
agreement with the collaborating universities or colleges that 51363  
permits awards to be received directly by the collaborating 51364  
universities or colleges consistent with the terms of the 51365  
program or initiative. In that case, the ~~chancellor~~ department 51366  
shall incorporate into the agreement terms consistent with the 51367  
requirements of this section. 51368

**Sec. 3333.66.** (A) (1) Except as provided in division (A) (2) 51369  
of this section, in each academic year, no student who receives 51370  
a choose Ohio first scholarship shall receive less than one 51371  
thousand five hundred dollars or more than one-half of the 51372  
highest in-state undergraduate instructional and general fees 51373  
charged by all state universities. For this purpose, if Miami 51374

university is implementing the pilot tuition restructuring plan 51375  
originally recognized in Am. Sub. H.B. 95 of the 125th general 51376  
assembly, that university's instructional and general fees shall 51377  
be considered to be the average full-time in-state undergraduate 51378  
instructional and general fee amount after taking into account 51379  
the Ohio resident and Ohio leader scholarships and any other 51380  
credit provided to all Ohio residents. 51381

(2) The ~~chancellor of higher education department of~~ 51382  
learning and achievement may authorize a state university or 51383  
college or a nonpublic Ohio institution of higher education to 51384  
award a choose Ohio first scholarship in an amount greater than 51385  
one-half of the highest in-state undergraduate instructional and 51386  
general fees charged by all state universities to either of the 51387  
following: 51388

(a) Any undergraduate student who qualifies for a 51389  
scholarship and is enrolled in a program leading to a teaching 51390  
profession in science, technology, engineering, mathematics, or 51391  
medicine; 51392

(b) Any graduate student who qualifies for a scholarship, 51393  
if any initiatives are selected for award under division (B) of 51394  
this section. 51395

(B) The ~~chancellor department~~ shall encourage state 51396  
universities and colleges, alone or in collaboration with other 51397  
state institutions of higher education, nonpublic Ohio 51398  
universities and colleges, or other public or private Ohio 51399  
entities, to submit proposals under the choose Ohio first 51400  
scholarship program for initiatives that recruit either of the 51401  
following: 51402

(1) Ohio residents who enrolled in colleges and 51403

universities in other states or other countries to return to 51404  
Ohio and enroll in state universities or colleges as graduate 51405  
students in the fields of science, technology, engineering, 51406  
mathematics, and medicine, or in the fields of science, 51407  
technology, engineering, mathematics, or medical education. If 51408  
such proposals are submitted and meet the ~~chancellor's~~ 51409  
department's competitive criteria for awards, the ~~chancellor~~ 51410  
department, subject to approval by the controlling board, shall 51411  
give at least one of the proposals preference for an award. 51412

(2) Graduates, or undergraduates who will graduate in time 51413  
to participate in the program described in this division by the 51414  
subsequent school year, from an Ohio college or university who 51415  
received, or will receive, a degree in science, technology, 51416  
engineering, mathematics, or medicine to participate in a 51417  
graduate-level teacher education masters program in one of those 51418  
fields that requires the student to establish a domicile in the 51419  
state and to commit to teach for a minimum of three years in a 51420  
hard-to-staff school district in the state upon completion of 51421  
the master's degree program. The ~~chancellor~~ department may 51422  
require a college or university to give priority to qualified 51423  
candidates who graduated from a high school in this state. 51424

"Hard-to-staff" shall be as defined by the department of 51425  
~~education~~ learning and achievement. 51426

(C) The general assembly intends that money appropriated 51427  
for the choose Ohio first scholarship program in each fiscal 51428  
year be used for scholarships in the following academic year. 51429

**Sec. 3333.67.** Each state university or college that 51430  
receives an award under the Ohio research scholars program shall 51431  
deposit the amount it receives into a new or existing endowment 51432  
fund. The university or college shall maintain the amount 51433

received and use income generated from that amount, and other 51434  
institutional, public, or nonpublic resources, to finance the 51435  
proposal approved by the ~~chancellor of higher education~~ 51436  
department of learning and achievement and the controlling 51437  
board. 51438

**Sec. 3333.68.** When making an award under the Ohio 51439  
innovation partnership, the ~~chancellor of higher education~~ 51440  
department of learning and achievement, subject to approval by 51441  
the controlling board, may commit to giving a state university's 51442  
or college's proposal preference for future awards after the 51443  
current fiscal year or fiscal biennium. A proposal's eligibility 51444  
for future awards remains conditional on all of the following: 51445

(A) Future appropriations of the general assembly; 51446

(B) The university's or college's adherence to the 51447  
agreement entered into under section 3333.65 of the Revised 51448  
Code, including its fulfillment of pledges of other 51449  
institutional, public, or nonpublic resources; 51450

(C) With respect to the choose Ohio first scholarship 51451  
program, a demonstration that the students receiving the 51452  
scholarship are satisfied with the state universities or 51453  
colleges selected by the ~~chancellor~~ department to offer the 51454  
scholarships. 51455

The ~~chancellor~~ department and the controlling board shall 51456  
not commit to awarding any proposal for more than five fiscal 51457  
years at a time. However, when a commitment for future awards 51458  
expires, a state university or college may reapply. 51459

**Sec. 3333.69.** The ~~chancellor of higher education~~ 51460  
department of learning and achievement shall monitor each 51461  
initiative for which an award is granted under the Ohio 51462

innovation partnership to ensure the following: 51463

(A) Fiscal accountability, so that the award is used in 51464  
accordance with the agreement entered into under section 3333.65 51465  
of the Revised Code; 51466

(B) Operating progress, so that the initiative is managed 51467  
to achieve the goals stated in the proposal and in the 51468  
agreement, and so that problems may be promptly identified and 51469  
remedied; 51470

(C) Desired outcomes, so that the initiative contributes 51471  
to the programs' goals of enhancing regional educational and 51472  
economic strengths and meeting regional economic needs. 51473

**Sec. 3333.70.** (A) The director of ~~higher education~~ 51474  
learning and achievement shall establish and administer the Ohio 51475  
higher education innovation grant program to promote educational 51476  
excellence and economic efficiency throughout the state in order 51477  
to stabilize or reduce student tuition rates at institutions of 51478  
higher education. Under the program, the director shall award 51479  
grants to state institutions of higher education, as defined in 51480  
section 3345.011 of the Revised Code, and private nonprofit 51481  
institutions for innovative projects that incorporate academic 51482  
achievement and economic efficiencies. State institutions of 51483  
higher education and private nonprofit institutions may apply 51484  
for grants and initiate collaboration with other institutions of 51485  
higher education, either public or private, on such projects. 51486

(B) The director shall adopt rules to administer the 51487  
program including, but not limited to, requirements that each 51488  
grant application provides for all of the following: 51489

(1) A system by which to measure academic achievement and 51490  
reductions in expenditures, both in funding and administration; 51491

(2) Demonstration of how the project will be sustained beyond the grant period and continue to provide substantial value and lasting impact;	51492 51493 51494
(3) Proof of commitment from all parties responsible for the implementation of the project;	51495 51496
(4) Implementation of an ongoing evaluation process and improvement plans, as necessary.	51497 51498
(C) As used in this section, "private nonprofit institution" means a nonprofit institution in this state that has a certificate of authorization pursuant to Chapter 1713. of the Revised Code.	51499 51500 51501 51502
<b>Sec. 3333.71.</b> As used in sections 3333.71 to 3333.79 of the Revised Code:	51503 51504
(A) "Cooperative education program" means a partnership between students, institutions of higher education, and employers that formally integrates students' academic study with work experience in cooperating employer organizations and that meets all of the following conditions:	51505 51506 51507 51508 51509
(1) Alternates or combines periods of academic study and work experience in appropriate fields as an integral part of student education;	51510 51511 51512
(2) Provides students with compensation from the cooperative employer in the form of wages or salaries for work performed;	51513 51514 51515
(3) Evaluates each participating student's performance in the cooperative position, both from the perspective of the student's institution of higher education and the student's cooperative employer;	51516 51517 51518 51519

(4) Provides participating students with academic credit 51520  
from the institution of higher education upon successful 51521  
completion of their cooperative education; 51522

(5) Is part of an overall degree or certificate program 51523  
for which a percentage of the total program acceptable to the 51524  
~~chancellor of higher education department of learning and~~ 51525  
achievement involves cooperative education. 51526

(B) "Internship program" means a partnership between 51527  
students, institutions of higher education, and employers that 51528  
formally integrates students' academic study with work or 51529  
community service experience and that does both of the 51530  
following: 51531

(1) Offers internships of specified and definite duration; 51532

(2) Evaluates each participating student's performance in 51533  
the internship position, both from the perspective of the 51534  
student's institution of higher education and the student's 51535  
internship employer. 51536

An internship program may provide participating students 51537  
with academic credit upon successful completion of the 51538  
internship, and may provide students with compensation in the 51539  
form of wages or salaries, stipends, or scholarships. 51540

(C) "Nonpublic university or college" means a nonprofit 51541  
institution holding a certificate of authorization issued under 51542  
Chapter 1713. of the Revised Code. 51543

(D) "State institution of higher education" has the same 51544  
meaning as in section 3345.011 of the Revised Code. 51545

**Sec. 3333.72.** The ~~chancellor of higher education~~ 51546  
department of learning and achievement shall establish and 51547

administer the Ohio co-op/internship program to promote and 51548  
encourage cooperative education programs or internship programs 51549  
at Ohio institutions of higher education for the purpose of 51550  
recruiting Ohio students to stay in the state, and recruiting 51551  
Ohio residents who left Ohio to attend out-of-state institutions 51552  
of higher education back to Ohio institutions of higher 51553  
education, to participate in high quality academic programs that 51554  
use cooperative education programs or significant internship 51555  
programs, in order to support the growth of Ohio's businesses by 51556  
providing businesses with Ohio's most talented students and 51557  
providing Ohio graduates with job opportunities with Ohio's 51558  
growing companies. 51559

~~The chancellor department~~, subject to approval by the 51560  
controlling board, shall make awards to state institutions of 51561  
higher education for new or existing programs and initiatives 51562  
meeting the goals of the Ohio co-op/internship program. Awards 51563  
may be granted for programs and initiatives to be implemented by 51564  
a state institution of higher education alone or in 51565  
collaboration with other state institutions of higher education 51566  
or nonpublic Ohio universities and colleges. If the ~~chancellor~~ 51567  
~~department~~ makes an award to a program or initiative that is 51568  
intended to be implemented by a state institution of higher 51569  
education in collaboration with other state institutions of 51570  
higher education or nonpublic Ohio universities or colleges, the 51571  
~~chancellor department~~ may provide that some portion of the award 51572  
be received directly by the collaborating universities or 51573  
colleges consistent with all terms of the Ohio co-op/internship 51574  
program. 51575

The Ohio co-op/internship program shall support the 51576  
creation and maintenance of high quality academic programs that 51577  
utilize an intensive cooperative education or internship program 51578

for students at state institutions of higher education, or 51579  
assign a number of scholarships to institutions to recruit Ohio 51580  
residents as students in a high quality academic program, or 51581  
both. If scholarships are included in an award to an institution 51582  
of higher education, the scholarships shall be awarded to each 51583  
participating eligible student as a grant to the state 51584  
institution of higher education the student is attending and 51585  
shall be reflected on the student's tuition bill. 51586

Notwithstanding any other provision of this section or 51587  
sections 3333.73 to 3333.79 of the Revised Code, an Ohio four- 51588  
year nonpublic university or college may submit a proposal as 51589  
lead applicant or co-lead applicant for an award under the Ohio 51590  
co-op/internship program if the proposal is to be implemented in 51591  
collaboration with a state institution of higher education. If 51592  
the ~~chancellor~~department grants a nonpublic university or 51593  
college an award, the nonpublic university or college shall 51594  
comply with all requirements of this section, sections 3333.73 51595  
to 3333.79 of the Revised Code, and the rules adopted under this 51596  
section that apply to state institutions of higher education 51597  
that receive awards under the program. 51598

The ~~chancellor~~department shall adopt rules in accordance 51599  
with Chapter 119. of the Revised Code to administer the Ohio co- 51600  
op/internship program. 51601

**Sec. 3333.73.** The ~~chancellor of higher education~~ 51602  
department of learning and achievement shall establish a 51603  
competitive process for making awards under the Ohio co- 51604  
op/internship program. The ~~chancellor~~department, on completion 51605  
of that process, shall make a recommendation to the controlling 51606  
board asking for approval of each award selected by the 51607  
~~chancellor~~department. 51608

The state institution of higher education shall submit a  
proposal and other documentation required by the ~~chancellor-~~  
department, in the form and manner prescribed by the ~~chancellor-~~  
department, for each award it seeks. A proposal may propose an  
initiative to be implemented solely by the state institution of  
higher education or in collaboration with other state  
institutions of higher education or nonpublic Ohio universities  
or colleges.

The ~~chancellor-~~department shall determine which proposals  
will receive awards each fiscal year, and the amount of each  
award, on the basis of the merit of each proposal, which the  
~~chancellor~~ department, subject to approval by the controlling  
board, shall determine based on one or more of the following  
criteria:

(A) The extent to which the proposal will keep Ohio  
students in Ohio institutions of higher education;

(B) The extent to which the proposal will attract Ohio  
residents who left Ohio to attend out-of-state institutions of  
higher education to return to Ohio institutions of higher  
education;

(C) The extent to which the proposal will increase the  
number of Ohio graduates who remain in Ohio and enter Ohio's  
workforce;

(D) The quality of the program that is the subject of the  
proposal and the extent to which additional resources will  
enhance its quality;

(E) The extent to which the proposal is integrated with  
the strengths of the regional economy;

(F) The extent to which the proposal supports the

workforce policies of the ~~governor's~~ office of workforce 51638  
transformation created under section 3301.0732 of the Revised 51639  
Code to meet the workforce needs of the state and to provide a 51640  
student participating in the program with the skills needed for 51641  
workplace success; 51642

(G) The extent to which the proposal facilitates the 51643  
development of high quality academic programs with a cooperative 51644  
education program or a significant internship program at state 51645  
institutions of higher education; 51646

(H) The extent to which the proposal is integrated with 51647  
supporting private companies to fill potential job growth, is 51648  
responsive to the needs of employers, aligns with the skills 51649  
identified by employers as necessary to fill high-demand job 51650  
openings, particularly job openings in targeted industry sectors 51651  
as identified by the ~~governor's~~ office of workforce 51652  
transformation; 51653

(I) The amount of other institutional, public, or private 51654  
resources, whether monetary or nonmonetary, the proposal pledges 51655  
to leverage that are in addition to the monetary cost-sharing 51656  
requirement prescribed in section 3333.74 of the Revised Code; 51657

(J) The extent to which the proposal is collaborative with 51658  
other Ohio institutions of higher education; 51659

(K) The extent to which the proposal is integrated with 51660  
the institution's mission; 51661

(L) The extent to which the proposal meets a statewide 51662  
educational need at the undergraduate or graduate level; 51663

(M) The demonstrated productivity or future capacity of 51664  
the students to be recruited; 51665

(N) The extent to which the proposal will create additional capacity in a high quality academic program with a cooperative education program or significant internship program;

(O) The extent to which the proposal will encourage students who received degrees from two-year institutions to pursue baccalaureate degrees;

(P) The extent to which the proposal facilitates the completion of a baccalaureate degree in a cost-effective manner;

(Q) The extent to which other institutional, public, or private resources that are pledged to the proposal, in addition to the monetary cost-sharing requirement prescribed in section 3333.74 of the Revised Code, will be deployed to assist in sustaining the academic program of excellence;

(R) The extent to which the proposal increases the likelihood that students will successfully complete their degree programs or certificate programs;

(S) The extent to which the proposal ensures that a student participating in the high quality academic program funded by the Ohio co-op/internship program is appropriately qualified and prepared to successfully transition into professions in Ohio's growing companies and industries.

**Sec. 3333.731.** (A) The co-op/internship program advisory committee is hereby created. The committee shall consist of the following members:

(1) Five members appointed by the governor, two of whom shall represent academia, two of whom shall be representatives of private industry, and one of whom shall be a member of the public;

- (2) The director of development services, or the director's designee; 51694  
51695
- (3) Five members appointed by the president of the senate, 51696  
three of whom shall be members of the senate, but not more than 51697  
two from the same political party, one of whom shall represent 51698  
academia, and one of whom shall be a member of the public; 51699
- (4) Five members appointed by the speaker of the house of 51700  
representatives, three of whom shall be members of the house of 51701  
representatives, but not more than two from the same political 51702  
party, one of whom shall represent private industry, and one of 51703  
whom shall be a member of the public. 51704
- (B) Members of the committee who are members of the 51705  
general assembly shall serve for terms of four years or until 51706  
their legislative terms end, whichever is sooner. The director 51707  
of development services or the director's designee shall serve 51708  
as an ex-officio, voting member. Otherwise, initial members 51709  
shall serve the following terms: 51710
- (1) Of the initial members appointed by the governor, the 51711  
member representing the public and one member representing 51712  
academia shall serve for terms of one year; one member 51713  
representing private industry shall serve for a term of two 51714  
years; and one member representing private industry and one 51715  
member representing academia shall serve for terms of three 51716  
years. 51717
- (2) The member representing academia and the 51718  
representative of the public initially appointed by the 51719  
president of the senate shall serve for terms of two years. 51720
- (3) The member representing private industry initially 51721  
appointed by the speaker of the house of representatives shall 51722

serve for a term of one year. 51723

(4) The representative of the public initially appointed 51724  
by the speaker of the house of representatives shall serve for a 51725  
term of three years. 51726

Thereafter, terms shall be for three years, with each term 51727  
ending on the same day of the same month as did the term that it 51728  
succeeds. Each member shall serve from the date of appointment 51729  
until the end of the term for which the member was appointed. 51730  
Members may be reappointed. Vacancies shall be filled in the 51731  
same manner as provided for original appointments. Any member 51732  
appointed to fill a vacancy occurring prior to the expiration 51733  
date of the term for which the member was appointed shall hold 51734  
office for the remainder of that term. A member shall continue 51735  
to serve after the expiration date of the member's term until 51736  
the member's successor is appointed or until a period of sixty 51737  
days has elapsed, whichever occurs first. The appointing 51738  
authority may remove a member from the committee for failure to 51739  
attend two consecutive meetings without showing good cause for 51740  
the absences. 51741

(C) The committee annually shall select a chairperson and 51742  
a vice-chairperson. Only the members who represent academia and 51743  
private industry may serve as chairperson and vice-chairperson. 51744  
For this purpose, any committee member appointed as a member of 51745  
the public who is a trustee, officer, employee, or student of an 51746  
institution of higher education shall be included among the 51747  
representatives of academia who may serve as chairperson or 51748  
vice-chairperson, and any committee member appointed as a member 51749  
of the public who is a director, officer, or employee of a 51750  
private business shall be included among the representatives of 51751  
private industry who may serve as chairperson or vice- 51752

chairperson. The committee annually shall rotate the selection 51753  
of the chairperson between these two groups and shall select a 51754  
member of the other group to serve as vice-chairperson. 51755

The committee annually shall select one of its members to 51756  
serve as secretary to keep a record of the committee's 51757  
proceedings. 51758

(D) A majority vote of the members of the full committee 51759  
is necessary to take action on any matter. The committee may 51760  
adopt bylaws governing its operation, including bylaws that 51761  
establish the frequency of meetings. 51762

(E) Members of the committee shall serve without 51763  
compensation. 51764

(F) A member of the committee shall not participate in 51765  
discussions or votes concerning a proposed initiative or an 51766  
actual award under the Ohio co-op/internship program that 51767  
involves an institution of higher education of which the member 51768  
is a trustee, officer, employee, or student; an organization of 51769  
which the member is a trustee, director, officer, or employee; 51770  
or a business of which the member is a director, officer, or 51771  
employee or a shareholder of more than five per cent of the 51772  
business' stock. 51773

(G) The committee shall advise the ~~chancellor of higher-~~ 51774  
~~education department of learning and achievement~~ on growing 51775  
industries well-suited for awards under the Ohio co- 51776  
op/internship program. The ~~chancellor department~~ shall consult 51777  
with the committee and request the committee's advice at each of 51778  
the following times: 51779

(1) Prior to issuing each request for applications under 51780  
the program; 51781

(2) While the ~~chancellor department~~ is reviewing applications and before deciding on awards to submit for the controlling board's approval;

(3) After deciding on awards to submit for the controlling board's approval and prior to submitting them.

The committee shall advise the ~~chancellor department~~ on other matters the ~~chancellor department~~ considers appropriate.

(H) The ~~chancellor department~~ shall provide meeting space for the committee. The committee shall be assisted in its duties by the ~~chancellor's department's~~ staff.

(I) Sections 101.82 to 101.87 of the Revised Code do not apply to the committee.

**Sec. 3333.74.** (A) Except as provided in division (B) of this section, each award under the Ohio co-op/internship program shall require a pledge of private funds equal to the following:

(1) In the case of a program, initiative, or scholarships for undergraduate students, at least one hundred per cent of the money awarded;

(2) In the case of a program, initiative, or scholarships for graduate students, at least one hundred fifty per cent of the money awarded.

(B) The ~~chancellor of higher education department of learning and achievement~~ may waive the requirement of division (A) of this section if the ~~chancellor department~~ finds that exceptional circumstances exist to do so, provided that the ~~chancellor department~~ reviews the proposal with the advisory committee established under section 3333.731 of the Revised Code and provides an explanation for the waiver to the controlling

board. 51810

(C) The ~~chancellor~~ department shall endeavor to distribute 51811  
awards in such a way that a wide range of disciplines is 51812  
supported and that all regions of the state benefit from the 51813  
economic development impact of the program. 51814

**Sec. 3333.75.** The ~~chancellor of higher education~~ 51815  
department of learning and achievement shall require each state 51816  
institution of higher education that the controlling board 51817  
approves to receive an award under the Ohio co-op/internship 51818  
program to enter into an agreement governing the use of the 51819  
award. The agreement shall contain terms the ~~chancellor~~ 51820  
department determines to be necessary, which shall include 51821  
performance measures, reporting requirements, and an obligation 51822  
to fulfill pledges of other institutional, public, or nonpublic 51823  
resources for the proposal. 51824

The ~~chancellor~~ department may require a state institution 51825  
of higher education that violates the terms of its agreement to 51826  
repay the award plus interest at the rate required by section 51827  
5703.47 of the Revised Code to the ~~chancellor~~ department. 51828

If the ~~chancellor~~ department makes an award to a program 51829  
or initiative that is intended to be implemented by a state 51830  
institution of higher education in collaboration with other 51831  
state institutions of higher education or nonpublic Ohio 51832  
universities or colleges, the ~~chancellor~~ department may enter 51833  
into an agreement with the collaborating universities or 51834  
colleges that permits awards to be received directly by the 51835  
collaborating universities or colleges consistent with the terms 51836  
of the program or initiative. In that case, the ~~chancellor~~ 51837  
department shall incorporate into the agreement terms consistent 51838  
with the requirements of this section. 51839

**Sec. 3333.76.** The ~~chancellor of higher education~~ 51840  
department of learning and achievement shall encourage state 51841  
institutions of higher education, alone or in collaboration with 51842  
other state institutions of higher education or nonpublic Ohio 51843  
universities and colleges, to submit proposals under the Ohio 51844  
co-op/internship program for initiatives that recruit Ohio 51845  
residents enrolled in colleges and universities in other states 51846  
or other countries to return to Ohio and enroll in state 51847  
institutions of higher education or nonpublic Ohio universities 51848  
and colleges as graduate students in a high quality academic 51849  
program that uses a cooperative education program, a significant 51850  
internship program in a private industry or institutional 51851  
laboratory, or a similar model involving a variation of 51852  
cooperative education or internship programs common to graduate 51853  
education, and is in an educational area, industry, or industry 51854  
sector of need. 51855

The ~~chancellor~~department may encourage state institutions 51856  
of higher education, alone or in collaboration with other state 51857  
institutions of higher education or nonpublic Ohio universities 51858  
and colleges, to submit proposals for initiatives that recruit 51859  
Ohio residents who have received baccalaureate degrees to remain 51860  
in Ohio and enroll in state institutions of higher education or 51861  
nonpublic Ohio universities and colleges as graduate students in 51862  
a high quality academic program of the type described in the 51863  
preceding paragraph. 51864

**Sec. 3333.77.** When making an award under the Ohio co- 51865  
op/internship program, the ~~chancellor of higher education~~ 51866  
department of learning and achievement, subject to approval by 51867  
the controlling board, may commit to giving a state institution 51868  
of higher education's proposal preference for future awards 51869  
after the current fiscal year or fiscal biennium. A proposal's 51870

eligibility for future awards remains conditional on all of the following: 51871  
51872

(A) Future appropriations of the general assembly; 51873

(B) The institution's adherence to the agreement entered into under section 3333.75 of the Revised Code, including its fulfillment of pledges of other institutional, public, or nonpublic resources; 51874  
51875  
51876  
51877

(C) A demonstration that the students participating in the programs and initiatives or receiving scholarships financed by the awards are satisfied with the institutions selected by the ~~chancellor department~~ to offer the programs, initiatives, or scholarships financed by the awards. 51878  
51879  
51880  
51881  
51882

The ~~chancellor department~~ and the controlling board shall not commit to awarding any proposal for a period that exceeds five fiscal years. However, when an award, or the commitment for an award, expires, a state institution of higher education may apply for a new award. 51883  
51884  
51885  
51886  
51887

**Sec. 3333.78.** The ~~chancellor of higher education department of learning and achievement~~ shall monitor each initiative for which an award is granted under the Ohio co-op/internship program to ensure the following: 51888  
51889  
51890  
51891

(A) Fiscal accountability, so that the award is used in accordance with the agreement entered into under section 3333.75 of the Revised Code; 51892  
51893  
51894

(B) Operating progress, so that the initiative is managed to achieve the goals stated in the proposal and in the agreement, and so that problems may be promptly identified and remedied; 51895  
51896  
51897  
51898

(C) Desired outcomes, so that the initiative contributes 51899  
to the program's goal of retaining Ohio's students after 51900  
graduation. 51901

**Sec. 3333.79.** (A) As used in this section, "minority" has 51902  
the same meaning as in section 184.17 of the Revised Code. The 51903  
term also includes an individual who is economically 51904  
disadvantaged. 51905

(B) The ~~chancellor of higher education department of~~ 51906  
~~learning and achievement~~ shall conduct outreach activities in 51907  
Ohio that seek to include minorities in the Ohio co- 51908  
op/internship program established under section 3333.72 of the 51909  
Revised Code. The outreach activities shall include the 51910  
following, when appropriate: 51911

(1) Identifying and partnering with historically black 51912  
colleges and universities; 51913

(2) Working with all institutions of higher education in 51914  
the state to support minority faculty and students involved in 51915  
cooperative and intern programs; 51916

(3) Developing a plan to contact by telephone minorities 51917  
and other economically disadvantaged individuals to notify them 51918  
of opportunities to participate in the co-op/internship program; 51919

(4) Identifying minority professional and trade 51920  
associations and economic development assistance organizations 51921  
and notifying them of the co-op/internship program; 51922

(5) Partnering with regional technology councils to foster 51923  
local efforts to support minority participation in the co- 51924  
op/internship program. 51925

(C) To the extent possible, outreach activities described 51926

in this section shall be conducted in conjunction with the EDGE 51927  
program created in section 123.152 of the Revised Code. 51928

**Sec. 3333.82.** (A) The ~~chancellor of higher education~~ 51929  
department of learning and achievement shall establish a 51930  
clearinghouse of digital texts, interactive distance learning 51931  
courses, and other distance learning courses delivered via a 51932  
computer-based method offered by school districts, community 51933  
schools, STEM schools, state institutions of higher education, 51934  
private colleges and universities, and other nonprofit and for- 51935  
profit course providers for sharing with other school districts, 51936  
community schools, STEM schools, state institutions of higher 51937  
education, private colleges and universities, and individuals 51938  
for the fee set pursuant to section 3333.84 of the Revised Code. 51939  
The ~~chancellor~~ department shall not be responsible for the 51940  
content of digital texts or courses offered through the 51941  
clearinghouse; however, all such digital texts and courses shall 51942  
be delivered only in accordance with technical specifications 51943  
approved by the ~~chancellor~~ department and on a common statewide 51944  
platform administered by the ~~chancellor~~ department. The 51945  
~~chancellor~~ department may provide professional development and 51946  
training on the use of the distance learning clearinghouse. 51947

The clearinghouse's distance learning program for students 51948  
in grades kindergarten to twelve shall be based on the following 51949  
principles: 51950

(1) All Ohio students shall have access to high quality 51951  
digital texts and distance learning courses at any point in 51952  
their educational careers. 51953

(2) All students shall be able to customize their 51954  
education using digital texts and distance learning courses 51955  
offered through the clearinghouse and no student shall be denied 51956

access to any digital text or course in the clearinghouse in 51957  
which the student is eligible to enroll. 51958

(3) Students may take distance learning courses for all or 51959  
any portion of their curriculum requirements and may utilize a 51960  
combination of digital texts and distance learning courses and 51961  
courses taught in a traditional classroom setting. 51962

(4) Students may earn an unlimited number of academic 51963  
credits through distance learning courses. 51964

(5) Students may take distance learning courses at any 51965  
time of the calendar year. 51966

(6) Student advancement to higher coursework shall be 51967  
based on a demonstration of subject area competency instead of 51968  
completion of any particular number of hours of instruction. 51969

(B) To offer digital texts or a course through the 51970  
clearinghouse, a provider shall apply to the ~~chancellor-~~ 51971  
department in a form and manner prescribed by the ~~chancellor-~~ 51972  
department. The application for each digital text or course 51973  
shall describe the digital text or course of study in as much 51974  
detail as required by the ~~chancellor~~ department, whether an 51975  
instructor is provided, the qualification and credentials of the 51976  
instructor, the number of hours of instruction, and any other 51977  
information required by the ~~chancellor~~ department. The 51978  
~~chancellor~~ department may require course providers to include in 51979  
their applications information recommended by the state board of 51980  
education under former section 3353.30 of the Revised Code. 51981

(C) The ~~chancellor~~ department shall review the technical 51982  
specifications of each application submitted under division (B) 51983  
of this section. ~~In reviewing applications, the chancellor may~~ 51984  
~~consult with the department of education; however, the~~ 51985

~~responsibility to either approve or not approve a digital text~~ 51986  
~~or course for the clearinghouse belongs to the chancellor. The~~ 51987  
~~chancellor and~~ may request additional information from ~~a the~~ 51988  
~~provider that submits an application under division (B) of this~~ 51989  
~~section,~~ if the ~~chancellor department~~ determines that such 51990  
additional information is necessary. The ~~chancellor department~~ 51991  
may negotiate changes in the proposal to offer a digital text or 51992  
course, if the ~~chancellor department~~ determines that changes are 51993  
necessary in order to approve the digital text or course. 51994

(D) The ~~chancellor department~~ shall catalog each digital 51995  
text or course approved for the clearinghouse, through a print 51996  
or electronic medium, displaying the following: 51997

(1) Information necessary for a student and the student's 51998  
parent, guardian, or custodian and the student's school 51999  
district, community school, STEM school, college, or university 52000  
to decide whether to enroll in or subscribe to the course; 52001

(2) Instructions for enrolling in that digital text or 52002  
course, including deadlines for enrollment. 52003

(E) Any expenses related to the installation of a course 52004  
into the common statewide platform shall be borne by the course 52005  
provider. 52006

(F) The ~~chancellor department~~ may contract with an entity 52007  
to perform any or all of the ~~chancellor's department's~~ duties 52008  
under sections 3333.81 to 3333.88 of the Revised Code. 52009

**Sec. 3333.83.** (A) Each school district, community school, 52010  
and STEM school shall encourage students to take advantage of 52011  
the distance learning opportunities offered through the 52012  
clearinghouse and shall assist any student electing to 52013  
participate in the clearinghouse with the selection and 52014

scheduling of courses that satisfy the district's or school's 52015  
curriculum requirements and promote the student's post-secondary 52016  
college or career plans. 52017

(B) For each student enrolled in a school operated by a 52018  
school district or in a community school or STEM school who is 52019  
enrolling in a course provided through the clearinghouse by 52020  
another school district, community school, or STEM school, the 52021  
student's school district, community school, or STEM school 52022  
shall transmit the student's name to the course provider. 52023

The course provider may request from the student's school 52024  
district, community school, or STEM school other information 52025  
from the student's school record. The district or school shall 52026  
provide the requested information only in accordance with 52027  
section 3319.321 of the Revised Code. 52028

(C) The student's school district, community school, or 52029  
STEM school shall determine the manner in which and facilities 52030  
at which the student shall participate in the course consistent 52031  
with specifications for technology and connectivity adopted by 52032  
~~the chancellor of higher education~~ department of learning and 52033  
achievement. 52034

(D) A student may withdraw from a course prior to the end 52035  
of the course only by a date and in a manner prescribed by the 52036  
student's school district, community school, or STEM school. 52037

(E) A student who is enrolled in a school operated by a 52038  
school district or in a community school or STEM school and who 52039  
takes a course through the clearinghouse shall be counted in the 52040  
formula ADM of a school district under section 3317.03 of the 52041  
Revised Code as if the student were taking the course from the 52042  
student's school district, community school, or STEM school. 52043

**Sec. 3333.84.** (A) The fee charged for any digital text or course offered through the clearinghouse shall be set by the provider.

(B) The ~~chancellor of higher education department of learning and achievement~~ shall prescribe the manner in which the fee for a digital text or course shall be collected or deducted from the school district, school, college or university, or individual subscribing to the digital text or course and in which manner the fee shall be paid to the provider.

(C) The ~~chancellor department~~ may retain a percentage of the fee charged for a digital text or course to offset the cost of maintaining and operating the clearinghouse, including the payment of compensation for an entity or a private entity that is under contract with the ~~chancellor department~~ under division (F) of section 3333.82 of the Revised Code. The percentage retained shall be determined by the ~~chancellor department~~.

(D) Nothing in this section shall be construed to require the school district, community school, or STEM school in which a student is enrolled to pay the fee charged for a digital text or course taken by the student.

**Sec. 3333.86.** The ~~chancellor of higher education department of learning and achievement~~ may determine the manner in which a course included in the clearinghouse may be offered as an advanced standing program as defined in section 3313.6013 of the Revised Code, may be offered to students who are enrolled in nonpublic schools or are instructed at home pursuant to section 3321.04 of the Revised Code, or may be offered at times outside the normal school day or school week, including any necessary additional fees and methods of payment for a course so offered.

**Sec. 3333.87.** ~~The chancellor of higher education and the state board of education jointly, and in consultation with the director of the governor's office of 21st century education,~~  
department of learning and achievement shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures for the implementation of sections 3333.81 to 3333.86 of the Revised Code.

**Sec. 3333.90.** (A) ~~The chancellor of higher education~~  
department of learning and achievement shall establish a course and program sharing network that enables members of the university system of Ohio and adult career centers to share curricula for existing courses and academic programs with one another. The purpose of the network shall be to increase course availability across the state and to avoid unnecessary course duplication through the sharing of existing curricula.

(B) ~~The chancellor~~ department shall adopt rules to administer the course and program sharing network established under this section.

(C) As used in this section, "member of the university system of Ohio" has the same meaning as in section 3345.011 of the Revised Code.

**Sec. 3333.91.** ~~The governor's office of workforce transformation, in collaboration with~~ of the chancellor of higher education, the superintendent of public instruction, and department of learning and achievement created under section 3301.0732 of the Revised Code, in collaboration with the department of job and family services, shall develop and submit to the appropriate federal agency a single, state unified plan required under the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et seq., which shall include the information

required for the adult basic and literacy education program 52104  
administered by the United States secretary of education and the 52105  
"Carl D. Perkins Vocational and Technical Education Act," 20 52106  
U.S.C. 2301, et seq., as amended. Following the plan's initial 52107  
submission to the appropriate federal agency, the ~~governor's~~ 52108  
office of workforce transformation may update it as necessary. 52109  
If the plan is updated, the ~~governor's~~ office of workforce 52110  
transformation shall submit the updated plan to the appropriate 52111  
federal agency. 52112

**Sec. 3333.94.** (A) As used in this section: 52113

(1) "In-demand job" means a job that is determined to be 52114  
in demand in this state and its regions under section 6301.11 of 52115  
the Revised Code. 52116

(2) "Ohio technical center" means a center that provides 52117  
adult technical education services and is recognized by the 52118  
~~chancellor of higher education~~ director of learning and 52119  
achievement. 52120

(3) "State institution of higher education" has the same 52121  
meaning as in section 3345.011 of the Revised Code. 52122

(B) Not later than January 1, 2018, the ~~chancellor of~~ 52123  
~~higher education~~ director shall create an inventory of both 52124  
credit and non-credit certificate programs and industry- 52125  
recognized credentials offered at state institutions of higher 52126  
education and Ohio technical centers that align with in-demand 52127  
jobs in the state. 52128

When awarding funds from the OhioMeansJobs workforce 52129  
development revolving loan fund established under section 52130  
6301.14 of the Revised Code, the ~~chancellor~~ director shall give 52131  
preference to certificate programs that support adult learners 52132

and are included in the inventory. 52133

**Sec. 3333.951.** (A) As used in this section, "state 52134  
institution of higher education" has the same meaning as in 52135  
section 3345.011 of the Revised Code. 52136

(B) Each state institution of higher education that is co- 52137  
located with another state institution of higher education 52138  
annually shall review best practices and shared services in 52139  
order to improve academic and other services and reduce costs 52140  
for students. Each state institution shall report its findings 52141  
to the efficiency advisory committee established under section 52142  
3333.95 of the Revised Code. The committee shall include the 52143  
information reported under this section in the committee's 52144  
annual report. 52145

(C) Each state institution of higher education annually 52146  
shall report to the efficiency advisory committee on its efforts 52147  
to reduce textbook costs to students. 52148

(D) Each state institution of higher education shall 52149  
conduct a study to determine the current cost of textbooks for 52150  
students enrolled in the institution, and shall submit the study 52151  
to the ~~chancellor of higher education~~ director of learning and 52152  
achievement annually by a date prescribed by the ~~chancellor~~ 52153  
director. 52154

**Sec. 3334.03.** (A) (1) There is hereby created the Ohio 52155  
tuition trust authority within the ~~office of the chancellor of~~ 52156  
~~the Ohio board of regents~~ department of learning and 52157  
achievement, which shall have the powers enumerated in this 52158  
chapter and which shall operate as a qualified state tuition 52159  
program within the meaning of section 529 of the Internal 52160  
Revenue Code. The exercise by the authority of its powers shall 52161

be and is hereby declared an essential state governmental 52162  
function. The authority is subject to all provisions of law 52163  
generally applicable to state agencies which do not conflict 52164  
with the provisions of this chapter. 52165

(2) Except for the duties and responsibilities under this 52166  
chapter of the Ohio tuition trust authority investment board as 52167  
specified in divisions (B) (2) and (3) of this section, the Ohio 52168  
tuition trust authority shall perform all duties and 52169  
responsibilities specified under this chapter. 52170

(B) (1) (a) There is hereby created the Ohio tuition trust 52171  
authority investment board, which shall consist of eleven 52172  
members, no more than six of whom shall be of the same political 52173  
party. Six members shall be appointed by the governor, with the 52174  
advice and consent of the senate, who have significant 52175  
experience in finance, accounting, or investment management. 52176  
Four members shall be appointed by the speaker of the house of 52177  
representatives and the president of the senate as follows: the 52178  
speaker of the house of representatives shall appoint one member 52179  
of the house from each political party and the president of the 52180  
senate shall appoint one member of the senate from each 52181  
political party. The ~~chancellor~~ director of learning and 52182  
achievement or the ~~chancellor's~~ director's designee shall be an 52183  
ex officio voting member. 52184

Terms of office for gubernatorial appointees shall be 52185  
staggered four-year terms. Legislative members shall serve two- 52186  
year terms, provided that legislative members may continue to 52187  
serve on the board only if they remain members of the general 52188  
assembly. Any vacancy on the board shall be filled in the same 52189  
manner as the original appointment, except that any person 52190  
appointed to fill a vacancy shall be appointed to the remainder 52191

of the unexpired term. Any member is eligible for reappointment. 52192

(b) Any member may be removed by the appointing authority 52193  
for misfeasance, malfeasance, or willful neglect of duty or for 52194  
other cause after notice and a public hearing, unless the notice 52195  
and hearing are waived in writing by the member. Members shall 52196  
serve without compensation but shall receive their reasonable 52197  
and necessary expenses incurred in the conduct of the board's 52198  
business. 52199

(c) The speaker of the house of representatives and the 52200  
president of the senate shall each designate a member of the 52201  
board to serve as co-chairpersons. The six gubernatorial 52202  
appointees and the ~~chancellor-director~~ or the ~~chancellor's-~~ 52203  
director's designee shall serve as the executive committee of 52204  
the board, and shall elect an executive chairperson from among 52205  
the executive committee members. The board and the executive 52206  
committee may elect such other officers as determined by the 52207  
board or the executive committee respectively. The authority 52208  
shall meet at least annually at the call of either co- 52209  
chairperson and at such other times as either co-chairperson or 52210  
the board determines necessary. In the absence of both co- 52211  
chairpersons, the executive chairperson shall serve as the 52212  
presiding officer of the board. The executive committee shall 52213  
meet at the call of the executive chairperson or as the 52214  
executive committee determines necessary. The board may delegate 52215  
to the executive committee such duties and responsibilities as 52216  
the board determines appropriate, except that the board may not 52217  
delegate to the executive committee the final designation of 52218  
bonds as college savings bonds or providing of advice concerning 52219  
and consent to the employment of an executive director of the 52220  
Ohio tuition trust authority. Upon such delegation, the 52221  
executive committee shall have the authority to act pursuant to 52222

such delegation without further approval or action by the board. 52223  
A majority of the board shall constitute a quorum of the board, 52224  
and the affirmative vote of a majority of the members present 52225  
shall be necessary for any action taken by the board. A majority 52226  
of the executive committee shall constitute a quorum of the 52227  
executive committee, and the affirmative vote of a majority of 52228  
the members present shall be necessary for any action taken by 52229  
the executive committee. No vacancy in the membership of the 52230  
board or the executive committee shall impair the rights of a 52231  
quorum to exercise all rights and perform all duties of the 52232  
board or the executive committee respectively. 52233

(2) The Ohio tuition trust authority investment board 52234  
solely shall perform the duties and responsibilities specified 52235  
in division (B)(3) of this section and in all of the following: 52236

(a) Section 3334.04 of the Revised Code, except for 52237  
administration responsibilities that include, but are not 52238  
limited to, marketing, promoting, and advertising; 52239

(b) Division (A)(11) of section 3334.08 of the Revised 52240  
Code to provide advice and consent to the Ohio tuition trust 52241  
authority on the hiring of the executive director, provided that 52242  
the executive director shall not be hired unless a majority of 52243  
the board votes in favor of the hiring; 52244

(c) Divisions (A) to (E), (G)(1), (K), (L), and (M) of 52245  
section 3334.11 of the Revised Code, except that the board shall 52246  
consult with the ~~chancellor~~ department prior to any change in 52247  
the order of expenditures under division (B) of that section, 52248  
prior to entering into a contract under division (E) of that 52249  
section, or prior to establishing an entity authorized under 52250  
division (K)(2) of that section; 52251

(d) Section 3334.12 of the Revised Code;	52252
(e) Sections 3334.18 to 3334.21 of the Revised Code	52253
concerning investment and fiduciary duties that are required for	52254
the variable college savings program. In addition, prior to any	52255
change in the order of expenditures under division (F) of	52256
section 3334.19 of the Revised Code, the board shall consult	52257
with the <del>chancellor</del> <u>department</u> .	52258
(3) Subject to the advice and consent of the <del>chancellor</del>	52259
<u>department</u> , the Ohio tuition trust authority investment board	52260
may remove at any time the executive director of the Ohio	52261
tuition trust authority hired under division (A) (11) of section	52262
3334.08 of the Revised Code.	52263
<b>Sec. 3334.08.</b> (A) Subject to division (B) of this section,	52264
in addition to any other powers conferred by this chapter, the	52265
Ohio tuition trust authority may do any of the following:	52266
(1) Impose reasonable residency requirements for	52267
beneficiaries of tuition units;	52268
(2) Impose reasonable limits on the number of tuition unit	52269
participants;	52270
(3) Impose and collect administrative fees and charges in	52271
connection with any transaction under this chapter;	52272
(4) Purchase insurance from insurers licensed to do	52273
business in this state providing for coverage against any loss	52274
in connection with the authority's property, assets, or	52275
activities or to further ensure the value of tuition units;	52276
(5) Indemnify or purchase policies of insurance on behalf	52277
of members, officers, and employees of the authority from	52278
insurers licensed to do business in this state providing for	52279

coverage for any liability incurred in connection with any civil 52280  
action, demand, or claim against a director, officer, or 52281  
employee by reason of an act or omission by the director, 52282  
officer, or employee that was not manifestly outside the scope 52283  
of the employment or official duties of the director, officer, 52284  
or employee or with malicious purpose, in bad faith, or in a 52285  
wanton or reckless manner; 52286

(6) Make, execute, and deliver contracts, conveyances, and 52287  
other instruments necessary to the exercise and discharge of the 52288  
powers and duties of the authority; 52289

(7) Promote, advertise, and publicize the Ohio college 52290  
savings program and the variable college savings program; 52291

(8) Adopt rules under section 111.15 of the Revised Code 52292  
for the implementation of the Ohio college savings program; 52293

(9) Contract, for the provision of all or part of the 52294  
services necessary for the management and operation of the Ohio 52295  
college savings program and the variable college savings 52296  
program, with a bank, trust company, savings and loan 52297  
association, insurance company, or licensed dealer in securities 52298  
if the bank, company, association, or dealer is authorized to do 52299  
business in this state and information about the contract is 52300  
filed with the controlling board pursuant to division (D)(6) of 52301  
section 127.16 of the Revised Code; provided, however, that any 52302  
funds of the Ohio college savings program and the variable 52303  
college savings program that are not needed for immediate use 52304  
shall be deposited by the treasurer of state in the same manner 52305  
provided under Chapter 135. of the Revised Code for public 52306  
moneys of the state. All interest earned on those deposits shall 52307  
be credited to the Ohio college savings program or the variable 52308  
college savings program, as applicable. 52309

(10) Contract for other services, or for goods, needed by 52310  
the authority in the conduct of its business, including but not 52311  
limited to credit card services; 52312

(11) Employ an executive director and other personnel as 52313  
necessary to carry out its responsibilities under this chapter, 52314  
and fix the compensation of these persons. All employees of the 52315  
authority shall be in the unclassified civil service and shall 52316  
be eligible for membership in the public employees retirement 52317  
system. In the hiring of the executive director, the Ohio 52318  
tuition trust authority shall obtain the advice and consent of 52319  
the Ohio tuition trust investment board created in section 52320  
3334.03 of the Revised Code, provided that the executive 52321  
director shall not be hired unless a majority of the board votes 52322  
in favor of the hiring. In addition, the board may remove the 52323  
executive director at any time subject to the advice and consent 52324  
of the ~~chancellor of higher education~~ department of learning and 52325  
achievement. 52326

(12) Contract with financial consultants, actuaries, 52327  
auditors, and other consultants as necessary to carry out its 52328  
responsibilities under this chapter; 52329

(13) Enter into agreements with any agency of the state or 52330  
its political subdivisions or with private employers under which 52331  
an employee may agree to have a designated amount deducted in 52332  
each payroll period from the wages or salary due the employee 52333  
for the purpose of purchasing tuition units pursuant to a 52334  
tuition payment contract or making contributions pursuant to a 52335  
variable college savings program contract; 52336

(14) Enter into an agreement with the treasurer of state 52337  
under which the treasurer of state will receive, and credit to 52338  
the Ohio tuition trust fund or variable college savings program 52339

fund, from any bank or savings and loan association authorized 52340  
to do business in this state, amounts that a depositor of the 52341  
bank or association authorizes the bank or association to 52342  
withdraw periodically from the depositor's account for the 52343  
purpose of purchasing tuition units pursuant to a tuition 52344  
payment contract or making contributions pursuant to a variable 52345  
college savings program contract; 52346

(15) Solicit and accept gifts, grants, and loans from any 52347  
person or governmental agency and participate in any 52348  
governmental program; 52349

(16) Impose limits on the number of units which may be 52350  
purchased on behalf of or assigned or awarded to any beneficiary 52351  
and on the total amount of contributions that may be made on 52352  
behalf of a beneficiary; 52353

(17) Impose restrictions on the substitution of another 52354  
individual for the original beneficiary under the Ohio college 52355  
savings program; 52356

(18) Impose a limit on the age of a beneficiary, above 52357  
which tuition units may not be purchased on behalf of that 52358  
beneficiary; 52359

(19) Enter into a cooperative agreement with the treasurer 52360  
of state to provide for the direct disbursement of payments 52361  
under tuition payment or variable college savings program 52362  
contracts; 52363

(20) Determine the other higher education expenses for 52364  
which tuition units or contributions may be used; 52365

(21) Terminate any tuition payment or variable college 52366  
savings program contract if no purchases or contributions are 52367  
made for a period of three years or more and there are fewer 52368

than a total of five tuition units or less than a dollar amount 52369  
set by rule on account, provided that notice of a possible 52370  
termination shall be provided in advance, explaining any options 52371  
to prevent termination, and a reasonable amount of time shall be 52372  
provided within which to act to prevent a termination; 52373

(22) Maintain a separate account for each tuition payment 52374  
or variable college savings program contract; 52375

(23) Perform all acts necessary and proper to carry out 52376  
the duties and responsibilities of the authority pursuant to 52377  
this chapter. 52378

(B) The authority shall adopt rules under section 111.15 52379  
of the Revised Code for the implementation and administration of 52380  
the variable college savings program. The rules shall provide 52381  
taxpayers with the maximum tax advantages and flexibility 52382  
consistent with section 529 of the Internal Revenue Code and 52383  
regulations adopted thereunder with regard to disposition of 52384  
contributions and earnings, designation of beneficiaries, and 52385  
rollover of account assets to other programs. 52386

(C) Except as otherwise specified in this chapter, the 52387  
provisions of Chapters 123. and 4117. of the Revised Code shall 52388  
not apply to the authority and Chapter 125. of the Revised Code 52389  
shall not apply to contracts approved under the powers of the 52390  
Ohio tuition trust authority investment board under section 52391  
3334.03 of the Revised Code. 52392

**Sec. 3345.022.** The board of trustees of any college or 52393  
university supported in part or in whole by state funds, or two 52394  
or more such boards, may enter into a contract, upon such terms 52395  
as shall be determined to be in the best interests of students, 52396  
for the provision of legal services to students through a group 52397

legal services insurance plan approved by the superintendent of 52398  
insurance or through a prepaid legal services plan established 52399  
by attorneys admitted to the practice of law in this state. The 52400  
fees or charges to students who participate in the plan shall be 52401  
established by the board or boards and shall be sufficient to 52402  
defray the college's or university's cost of administering the 52403  
plan. No student shall be required to pay any such fee or charge 52404  
unless the student elects to participate in the plan, and no 52405  
revenue from any other student fees or charges shall be used to 52406  
finance any portion of the cost of any plan or the college's or 52407  
university's cost of administering the plan. Legal 52408  
representation under the plan shall be limited to services 52409  
determined by the board to be reasonably related to student 52410  
welfare, to the advancement or successful completion of student 52411  
education, or to serve a public purpose within the powers of the 52412  
college or university. 52413

A plan shall not provide or pay for the cost of 52414  
representation of a student in an action against a state officer 52415  
or agency arising out of the performance of the duties of the 52416  
officer or agency, against a law enforcement officer arising out 52417  
of the performance of the duties of the officer, against a 52418  
college or university participating in the plan, against a 52419  
student of such a college or university, or against the 52420  
~~chancellor of higher education department of learning and~~ 52421  
~~achievement~~ or a member of the ~~board of regents or of the board~~ 52422  
of trustees, faculty, or staff of such a college or university, 52423  
if the cause of action arises out of the performance of the 52424  
duties of the office of the member or in the course of the 52425  
member's employment by the college or university. As used in 52426  
this section, "law enforcement officer" means a sheriff, deputy 52427  
sheriff, constable, marshal, deputy marshal, municipal police 52428

officer, state highway patrol trooper, or state university law 52429  
enforcement officer appointed under section 3345.04 of the 52430  
Revised Code. 52431

**Sec. 3345.05.** (A) All registration fees, nonresident 52432  
tuition fees, academic fees for the support of off-campus 52433  
instruction, laboratory and course fees when so assessed and 52434  
collected, student health fees for the support of a student 52435  
health service, all other fees, deposits, charges, receipts, and 52436  
income from all or part of the students, all subsidy or other 52437  
payments from state appropriations, and all other fees, 52438  
deposits, charges, receipts, income, and revenue received by 52439  
each state institution of higher education, the Ohio state 52440  
university hospitals and their ancillary facilities, the Ohio 52441  
agricultural research and development center, and OSU extension 52442  
shall be held and administered by the respective boards of 52443  
trustees of the state institution of higher education; provided, 52444  
that such fees, deposits, charges, receipts, income and revenue, 52445  
to the extent required by resolutions, trust agreements, 52446  
indentures, leases, and agreements adopted, made, or entered 52447  
into under Chapter 154. or section 3345.07, 3345.11, or 3345.12 52448  
of the Revised Code, shall be held, administered, transferred, 52449  
and applied in accordance therewith. 52450

(B) The ~~chancellor of higher education department of~~ 52451  
learning and achievement shall require annual reporting by the 52452  
Ohio agricultural research and development center and by each 52453  
university and college receiving state aid in such form and 52454  
detail as determined by the ~~chancellor of higher education-~~ 52455  
department in consultation with such center, universities and 52456  
colleges, and the director of budget and management. 52457

(C) Notwithstanding any provision of the Revised Code to 52458

the contrary, the title to investments made by the board of 52459  
trustees of a state institution of higher education with funds 52460  
derived from any of the sources described in division (A) of 52461  
this section shall not be vested in the state or the political 52462  
subdivision but shall be held in trust by the board. Such 52463  
investments shall be made pursuant to an investment policy 52464  
adopted by the board in public session that requires all 52465  
fiduciaries to discharge their duties with the care, skill, 52466  
prudence, and diligence under the circumstances then prevailing 52467  
that a prudent person acting in like capacity and familiar with 52468  
such matters would use in the conduct of an enterprise of a like 52469  
character and with like aims. The policy also shall require at 52470  
least the following: 52471

(1) A stipulation that investment of at least twenty-five 52472  
per cent of the average amount of the investment portfolio over 52473  
the course of the previous fiscal year be invested in securities 52474  
of the United States government or of its agencies or 52475  
instrumentalities, the treasurer of state's pooled investment 52476  
program, obligations of this state or any political subdivision 52477  
of this state, certificates of deposit of any national bank 52478  
located in this state, written repurchase agreements with any 52479  
eligible Ohio financial institution that is a member of the 52480  
federal reserve system or federal home loan bank, money market 52481  
funds, or bankers acceptances maturing in two hundred seventy 52482  
days or less which are eligible for purchase by the federal 52483  
reserve system, as a reserve; 52484

(2) Eligible funds above those that meet the conditions of 52485  
division (C)(1) of this section may be pooled with other 52486  
institutional funds and invested in accordance with section 52487  
1715.52 of the Revised Code. 52488

(3) The establishment of an investment committee.	52489
(D) The investment committee established under division	52490
(C) (3) of this section shall meet at least quarterly. The	52491
committee shall review and recommend revisions to the board's	52492
investment policy and shall advise the board on its investments	52493
made under division (C) of this section in an effort to assist	52494
it in meeting its obligations as a fiduciary as described in	52495
division (C) of this section. The committee shall be authorized	52496
to retain the services of an investment advisor who meets both	52497
of the following qualifications:	52498
(1) The advisor is either:	52499
(a) Licensed by the division of securities under section	52500
1707.141 of the Revised Code;	52501
(b) Registered with the securities and exchange	52502
commission.	52503
(2) The advisor either:	52504
(a) Has experience in the management of investments of	52505
public funds, especially in the investment of state-government	52506
investment portfolios;	52507
(b) Is an eligible institution referenced in section	52508
135.03 of the Revised Code.	52509
(E) As used in this section, "state institution of higher	52510
education" means a state institution of higher education as	52511
defined in section 3345.011 of the Revised Code.	52512
<b>Sec. 3345.06.</b> (A) Subject to divisions (B) and (C) of this	52513
section, a graduate of the twelfth grade shall be entitled to	52514
admission without examination to any college or university which	52515
is supported wholly or in part by the state, but for	52516

unconditional admission may be required to complete such units 52517  
not included in the graduate's high school course as may be 52518  
prescribed, not less than two years prior to the graduate's 52519  
entrance, by the faculty of the institution. 52520

(B) Beginning with the 2014-2015 academic year, each state 52521  
university listed in section 3345.011 of the Revised Code, 52522  
except for Central state university, Shawnee state university, 52523  
and Youngstown state university, shall permit a resident of this 52524  
state who entered ninth grade for the first time on or after 52525  
July 1, 2010, to begin undergraduate coursework at the 52526  
university only if the person has successfully completed the 52527  
requirements for high school graduation prescribed in division 52528  
(C) of section 3313.603 of the Revised Code, unless one of the 52529  
following applies: 52530

(1) The person has earned at least ten semester hours, or 52531  
the equivalent, at a community college, state community college, 52532  
university branch, technical college, or another post-secondary 52533  
institution except a state university to which division (B) of 52534  
this section applies, in courses that are college-credit-bearing 52535  
and may be applied toward the requirements for a degree. The 52536  
university shall grant credit for successful completion of those 52537  
courses pursuant to any applicable articulation and transfer 52538  
policy of the ~~chancellor of higher education department of~~ 52539  
learning and achievement or any agreements the university has 52540  
entered into in accordance with policies and procedures adopted 52541  
under section 3333.16, 3333.161, or 3333.162 of the Revised 52542  
Code. The university may count college credit that the student 52543  
earned while in high school through the college credit plus 52544  
program under Chapter 3365. of the Revised Code, or through 52545  
other advanced standing programs, toward the requirements of 52546  
division (B) (1) of this section if the credit may be applied 52547

toward a degree. 52548

(2) The person qualified to graduate from high school 52549  
under division (D) or (F) of section 3313.603 of the Revised 52550  
Code and has successfully completed the topics or courses that 52551  
the person lacked to graduate under division (C) of that section 52552  
at any post-secondary institution or at a summer program at the 52553  
state university. A state university may admit a person for 52554  
enrollment contingent upon completion of such topics or courses 52555  
or summer program. 52556

(3) The person met the high school graduation requirements 52557  
by successfully completing the person's individualized education 52558  
program developed under section 3323.08 of the Revised Code. 52559

(4) The person is receiving or has completed the final 52560  
year of instruction at home as authorized under section 3321.04 52561  
of the Revised Code, or has graduated from a nonchartered, 52562  
nonpublic school in Ohio, and demonstrates mastery of the 52563  
academic content and skills in reading, writing, and mathematics 52564  
needed to successfully complete introductory level coursework at 52565  
an institution of higher education and to avoid remedial 52566  
coursework. 52567

(5) The person is a high school student participating in 52568  
the college credit plus program under Chapter 3365. of the 52569  
Revised Code or another advanced standing program. 52570

(C) A state university subject to division (B) of this 52571  
section may delay admission for or admit conditionally an 52572  
undergraduate student who has successfully completed the 52573  
requirements prescribed in division (C) of section 3313.603 of 52574  
the Revised Code if the university determines the student 52575  
requires academic remedial or developmental coursework. The 52576

university may delay admission pending, or make admission 52577  
conditional upon, the student's successful completion of the 52578  
academic remedial or developmental coursework at a university 52579  
branch, community college, state community college, or technical 52580  
college. 52581

(D) This section does not deny the right of a college of 52582  
law, medicine, or other specialized education to require college 52583  
training for admission, or the right of a department of music or 52584  
other art to require particular preliminary training or talent. 52585

**Sec. 3345.061.** (A) Ohio's two-year institutions of higher 52586  
education are respected points of entry for students embarking 52587  
on post-secondary careers and courses completed at those 52588  
institutions are transferable to state universities in 52589  
accordance with articulation and transfer agreements developed 52590  
under sections 3333.16, 3333.161, and 3333.162 of the Revised 52591  
Code. 52592

(B) Beginning with undergraduate students who commence 52593  
undergraduate studies in the 2014-2015 academic year, no state 52594  
university listed in section 3345.011 of the Revised Code, 52595  
except Central state university, Shawnee state university, and 52596  
Youngstown state university, shall receive any state operating 52597  
subsidies for any academic remedial or developmental courses for 52598  
undergraduate students, including courses prescribed in division 52599  
(C) of section 3313.603 of the Revised Code, offered at its main 52600  
campus, except as provided in divisions (B) (1) to (4) of this 52601  
section. 52602

(1) In the 2014-2015 and 2015-2016 academic years, a state 52603  
university may receive state operating subsidies for academic 52604  
remedial or developmental courses completed at the main campus 52605  
for not more than three per cent of the total undergraduate 52606

credit hours provided by the university at its main campus. 52607

(2) In the 2016-2017 academic year, a state university may 52608  
receive state operating subsidies for academic remedial or 52609  
developmental courses completed at the main campus for not more 52610  
than fifteen per cent of the first-year students who have 52611  
graduated from high school within the previous twelve months and 52612  
who are enrolled in the university at its main campus, as 52613  
calculated on a full-time-equivalent basis. 52614

(3) In the 2017-2018 academic year, a state university may 52615  
receive state operating subsidies for academic remedial or 52616  
developmental courses completed at the main campus for not more 52617  
than ten per cent of the first-year students who have graduated 52618  
from high school within the previous twelve months and who are 52619  
enrolled in the university at its main campus, as calculated on 52620  
a full-time-equivalent basis. 52621

(4) In the 2018-2019 academic year, a state university may 52622  
receive state operating subsidies for academic remedial or 52623  
developmental courses completed at the main campus for not more 52624  
than five per cent of the first-year students who have graduated 52625  
from high school within the previous twelve months and who are 52626  
enrolled in the university at its main campus, as calculated on 52627  
a full-time-equivalent basis. 52628

Each state university may continue to offer academic 52629  
remedial and developmental courses at its main campus beyond the 52630  
extent for which state operating subsidies may be paid under 52631  
this division and may continue to offer such courses beyond the 52632  
2018-2019 academic year. However, the main campus of a state 52633  
university shall not receive any state operating subsidies for 52634  
such courses above the maximum amounts permitted in this 52635  
division. 52636

(C) Except as otherwise provided in division (B) of this section, beginning with students who commence undergraduate studies in the 2014-2015 academic year, state operating subsidies for academic remedial or developmental courses offered by state institutions of higher education may be paid only to Central state university, Shawnee state university, Youngstown state university, any university branch, any community college, any state community college, or any technical college.

(D) Each state university shall grant credit for academic remedial or developmental courses successfully completed at an institution described in division (C) of this section pursuant to any applicable articulation and transfer agreements the university has entered into in accordance with policies and procedures adopted under section 3333.16, 3333.161, or 3333.162 of the Revised Code.

(E) The ~~chancellor of higher education~~ department of learning and achievement shall do all of the following:

(1) Withhold state operating subsidies for academic remedial or developmental courses provided by a main campus of a state university as required in order to conform to divisions (B) and (C) of this section;

(2) Adopt uniform statewide standards for academic remedial and developmental courses offered by all state institutions of higher education;

(3) Encourage and assist in the design and establishment of academic remedial and developmental courses by institutions of higher education;

(4) Define "academic year" for purposes of this section and section 3345.06 of the Revised Code;

(5) Encourage and assist in the development of 52666  
articulation and transfer agreements between state universities 52667  
and other institutions of higher education in accordance with 52668  
policies and procedures adopted under sections 3333.16, 52669  
3333.161, and 3333.162 of the Revised Code. 52670

(F) Not later than December 31, 2012, the presidents, or 52671  
equivalent position, of all state institutions of higher 52672  
education, or their designees, jointly shall establish uniform 52673  
statewide standards in mathematics, science, reading, and 52674  
writing each student enrolled in a state institution of higher 52675  
education must meet to be considered in remediation-free status. 52676  
The presidents also shall establish assessments, if they deem 52677  
necessary, to determine if a student meets the standards adopted 52678  
under this division. Each institution is responsible for 52679  
assessing the needs of its enrolled students in the manner 52680  
adopted by the presidents. The board of trustees or managing 52681  
authority of each state institution of higher education shall 52682  
adopt the remediation-free status standard, and any related 52683  
assessments, into the institution's policies. 52684

The ~~chancellor~~department shall assist in coordinating the 52685  
work of the presidents under this division. The ~~chancellor~~ 52686  
department shall monitor the standards in mathematics, science, 52687  
reading, and writing established under division (F) of this 52688  
section to ensure that the standards adequately demonstrate a 52689  
student's remediation-free status. 52690

(G) Each year, not later than a date established by the 52691  
~~chancellor~~ department, each state institution of higher 52692  
education shall report to the governor, the general assembly, 52693  
~~the chancellor~~, and the ~~superintendent of public instruction~~ 52694  
department all of the following for the prior academic year: 52695

- (1) The institution's aggregate costs for providing academic remedial or developmental courses; 52696  
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- (2) The amount of those costs disaggregated according to the city, local, or exempted village school districts from which the students taking those courses received their high school diplomas; 52698  
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- (3) Any other information with respect to academic remedial and developmental courses that the ~~chancellor~~ department considers appropriate. 52702  
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- (H) Not later than December 31, 2011, and the thirty-first day of each December thereafter, the ~~chancellor and the superintendent of public instruction department~~ shall issue a report recommending policies and strategies for reducing the need for academic remediation and developmental courses at state institutions of higher education. 52705  
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- (I) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 52711  
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- Sec. 3345.062.** (A) Not later than December 31, 2017, and each thirty-first day of December thereafter, the president, or equivalent position, of each state university shall issue a report regarding the remediation of students that includes all of the following: 52714  
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- (1) The number of enrolled students that require remedial education; 52719  
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- (2) The cost of remedial coursework the state university provides; 52721  
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- (3) The specific areas of remediation provided by the 52723

state university; 52724

(4) Causes for remediation. 52725

(B) Each president, or equivalent, shall present the 52726  
findings of the report to the state university's board of 52727  
trustees and shall submit a copy of the report to the ~~chancellor~~ 52728  
~~of higher education and the superintendent of public instruction~~ 52729  
director of learning and achievement. 52730

(C) As used in this section, "state university" has the 52731  
same meaning as in section 3345.011 of the Revised Code. 52732

**Sec. 3345.32.** (A) As used in this section: 52733

(1) "State university or college" means the institutions 52734  
described in section 3345.27 of the Revised Code and the 52735  
northeast Ohio medical university. 52736

(2) "Resident" has the meaning specified by rule of the 52737  
~~chancellor of higher education~~ department of learning and 52738  
achievement. 52739

(3) "Statement of selective service status" means a 52740  
statement certifying one of the following: 52741

(a) That the individual filing the statement has 52742  
registered with the selective service system in accordance with 52743  
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. 52744  
App. 453, as amended; 52745

(b) That the individual filing the statement is not 52746  
required to register with the selective service for one of the 52747  
following reasons: 52748

(i) The individual is under eighteen or over twenty-six 52749  
years of age. 52750

(ii) The individual is on active duty with the armed forces of the United States other than for training in a reserve or national guard unit. 52751  
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(iii) The individual is a nonimmigrant alien lawfully in the United States in accordance with section 101 (a) (15) of the "Immigration and Nationality Act," 8 U.S.C. 1101, as amended. 52754  
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(iv) The individual is not a citizen of the United States and is a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands. 52757  
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(4) "Institution of higher education" means any eligible institution approved by the United States department of education pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as amended, or any institution whose students are eligible for financial assistance under any of the programs described by division (E) of this section. 52760  
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(B) The ~~chancellor~~department shall, by rule, specify the form of statements of selective service status to be filed in compliance with divisions (C) to (E) of this section. Each statement of selective service status shall contain a section wherein a male student born after December 31, 1959, certifies that the student has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended. For those students not required to register with the selective service, as specified in divisions (A) (2) (b) (i) to (iv) of this section, a section shall be provided on the statement of selective service status for the certification of nonregistration and for an explanation of the reason for the exemption. The ~~chancellor~~department may require that such statements be accompanied by documentation specified by rule of the ~~chancellor~~department. 52766  
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(C) A state university or college that enrolls in any 52781  
course, class, or program a male student born after December 31, 52782  
1959, who has not filed a statement of selective service status 52783  
with the university or college shall, regardless of the 52784  
student's residency, charge the student any tuition surcharge 52785  
charged students who are not residents of this state. 52786

(D) No male born after December 31, 1959, shall be 52787  
eligible to receive any loan, grant, scholarship, or other 52788  
financial assistance for educational expenses granted under 52789  
section 3315.33, 3333.12, 3333.122, 3333.21, 3333.22, 3333.26, 52790  
3333.391, 5910.03, 5910.032, or 5919.34 of the Revised Code, 52791  
financed by an award under the choose Ohio first scholarship 52792  
program established under section 3333.61 of the Revised Code, 52793  
or financed by an award under the Ohio co-op/internship program 52794  
established under section 3333.72 of the Revised Code, unless 52795  
that person has filed a statement of selective service status 52796  
with that person's institution of higher education. 52797

(E) If an institution of higher education receives a 52798  
statement from an individual certifying that the individual has 52799  
registered with the selective service system in accordance with 52800  
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. 52801  
App. 453, as amended, or that the individual is exempt from 52802  
registration for a reason other than that the individual is 52803  
under eighteen years of age, the institution shall not require 52804  
the individual to file any further statements. If it receives a 52805  
statement certifying that the individual is not required to 52806  
register because the individual is under eighteen years of age, 52807  
the institution shall require the individual to file a new 52808  
statement of selective service status each time the individual 52809  
seeks to enroll for a new academic term or makes application for 52810  
a new loan or loan guarantee or for any form of financial 52811

assistance for educational expenses, until it receives a 52812  
statement certifying that the individual has registered with the 52813  
selective service system or is exempt from registration for a 52814  
reason other than that the individual is under eighteen years of 52815  
age. 52816

**Sec. 3345.35.** Not later than December 31, 2017, and by the 52817  
first day of September of every fifth year thereafter, the board 52818  
of trustees of each state institution of higher education, as 52819  
defined in section 3345.011 of the Revised Code, shall evaluate 52820  
all courses and programs the institution offers based on 52821  
enrollment and duplication of its courses and programs with 52822  
those of other state institutions of higher education within a 52823  
geographic region, as determined by the ~~chancellor of higher~~ 52824  
education director of learning and achievement. For courses and 52825  
programs with low enrollment, as defined by the ~~chancellor~~ 52826  
director, the board of trustees shall provide a summary of 52827  
recommended actions, including consideration of collaboration 52828  
with other state institutions of higher education. For 52829  
duplicative programs, as defined by the ~~chancellor~~ director, the 52830  
board of trustees shall evaluate the benefits of collaboration 52831  
with other institutions of higher education to deliver the 52832  
program. 52833

Each board of trustees shall submit its findings under 52834  
this section to the ~~chancellor~~ director not later than thirty 52835  
days after the completion of the evaluations or as part of 52836  
submitting the annual efficiency report required pursuant to 52837  
section 3333.95 of the Revised Code. For the findings required 52838  
to be submitted by December 31, 2017, a board of trustees may 52839  
submit the additional information required under this section as 52840  
amended by this act, as an addendum to the findings the board 52841  
submitted prior to January 1, 2016, under former law. 52842

**Sec. 3345.37.** (A) Not later than one year after ~~the~~ 52843  
~~effective date of this section~~ October 15, 2015, each state 52844  
institution of higher education, as defined in section 3345.011 52845  
of the Revised Code, shall develop and implement a policy to 52846  
advise students and staff on suicide prevention programs 52847  
available on and off campus that includes all of the following: 52848

(1) Crisis intervention access, which shall include 52849  
information for national, state, and local suicide prevention 52850  
hotlines; 52851

(2) Mental health program access, which shall provide 52852  
information on the availability of local mental health clinics, 52853  
student health services, and counseling services; 52854

(3) Multimedia application access, which shall include 52855  
crisis hotline contact information, suicide warning signs, 52856  
resources offered, and free-of-cost applications; 52857

(4) Student communication plans, which shall consist of 52858  
creating outreach plans regarding educational and outreach 52859  
activities on suicide prevention; 52860

(5) Postvention plans, which shall consist of creating a 52861  
strategic plan to communicate effectively with students, staff, 52862  
and parents after a loss of a person to suicide. 52863

(B) Each state institution of higher education shall 52864  
provide all incoming students with information about mental 52865  
health topics, including depression and suicide prevention 52866  
resources available to students. The information provided to 52867  
students shall include available mental health services and 52868  
other support services, including student-run organizations for 52869  
individuals at risk of or affected by suicide. 52870

(C) The information prescribed by divisions (A) (1), (2), 52871

(3), and (4) of this section shall be posted on the web site of each state institution of higher education. 52872  
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Any applicable free-of-cost prevention materials or programs shall be posted on the web sites of the ~~board of regents~~ department of learning and achievement and the department of mental health and addiction services. The materials or programs shall be reviewed on an annual basis by the department of mental health and addiction services. 52874  
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**Sec. 3345.39.** (A) Beginning with the fall semester, or equivalent quarter, of the 2015-2016 academic year, and the fall semester, or equivalent quarter, of each academic year thereafter, the board of trustees of each state institution of higher education annually shall report to the ~~chancellor of higher education~~ department of learning and achievement any increase in or additional auxiliary fees charged by the institution and the justification for such increase or addition. The ~~chancellor~~ department shall establish procedures for reporting the information required under division (D) of this section. 52880  
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(B) As used in this section: 52891

(1) "Auxiliary fees" mean charges assessed by a state institution of higher education to a student for various educational expenses including, but not limited to, course-related fees, laboratory fees, books and supplies, room and board, transportation, enrollment application fees, and other miscellaneous charges. "Auxiliary fees" do not include instructional or general fees uniformly assessed to all students. 52892  
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(2) "State institution of higher education" has the same 52900

meaning as in section 3345.011 of the Revised Code. 52901

**Sec. 3345.421.** Not later than December 31, 2014, the board 52902  
of trustees of each state institution of higher education, as 52903  
defined in section 3345.011 of the Revised Code, shall do all of 52904  
the following: 52905

(A) Designate at least one person employed by the 52906  
institution to serve as the contact person for veterans and 52907  
service member affairs. Such a person shall assist and advise 52908  
veterans and service members on issues related to earning 52909  
college credit for military training, experience, and 52910  
coursework. 52911

(B) Adopt a policy regarding the support and assistance 52912  
the institution will provide to veterans and service members. 52913

(C) Allow for the establishment of a student-led group on 52914  
campus for student service members and veterans and encourage 52915  
other service member- and veteran-friendly organizations. 52916

(D) Integrate existing career services to create and 52917  
encourage meaningful collaborative relationships between student 52918  
service members and veterans and alumni of the institution, that 52919  
links student service members and veterans with prospective 52920  
employers, and that provides student service members and 52921  
veterans with social opportunities; and, if the institution has 52922  
career services programs, encourage the responsible office to 52923  
seek and promote partnership opportunities for internships and 52924  
employment of student service members and veterans with state, 52925  
local, national, and international employers. 52926

(E) Survey student service members and veterans to 52927  
identify their needs and challenges and make the survey 52928  
available to faculty and staff at the state institution of 52929

higher education. And periodically conduct follow-up surveys, at 52930  
a frequency determined by the board, to gauge the institution's 52931  
progress toward meeting identified needs and challenges. 52932

~~The chancellor of higher education~~ department of learning 52933  
and achievement shall provide guidance to state institutions of 52934  
higher education in their compliance with this section, 52935  
including the recommendation of standardized policies on support 52936  
and assistance to veterans and service members. 52937

The person or persons designated under division (A) of 52938  
this section shall not be a person currently designated by the 52939  
institution as a veterans administration certifying official. 52940

**Sec. 3345.45.** (A) On or before January 1, 1994, the 52941  
~~chancellor of higher education~~ department of learning and 52942  
achievement jointly with all state universities, as defined in 52943  
section 3345.011 of the Revised Code, shall develop standards 52944  
for instructional workloads for full-time and part-time faculty 52945  
in keeping with the universities' missions and with special 52946  
emphasis on the undergraduate learning experience. The standards 52947  
shall contain clear guidelines for institutions to determine a 52948  
range of acceptable undergraduate teaching by faculty. 52949

(B) On or before June 30, 1994, the board of trustees of 52950  
each state university shall take formal action to adopt a 52951  
faculty workload policy consistent with the standards developed 52952  
under this section. Notwithstanding section 4117.08 of the 52953  
Revised Code, the policies adopted under this section are not 52954  
appropriate subjects for collective bargaining. Notwithstanding 52955  
division (A) of section 4117.10 of the Revised Code, any policy 52956  
adopted under this section by a board of trustees prevails over 52957  
any conflicting provisions of any collective bargaining 52958  
agreement between an employees organization and that board of 52959

trustees. 52960

(C) (1) The board of trustees of each state university 52961  
shall review the university's policy on faculty tenure and 52962  
update that policy to promote excellence in instruction, 52963  
research, service, or commercialization, or any combination 52964  
thereof. 52965

(2) Beginning on July 1, 2018, as a condition for a state 52966  
university to receive any state funds for research that are 52967  
allocated to the department of ~~higher education~~ learning and 52968  
achievement under the appropriation line items referred to as 52969  
either "research incentive third frontier fund" or "research 52970  
incentive third frontier-tax," the ~~chancellor~~ director of 52971  
learning and achievement shall require the university to include 52972  
multiple pathways for faculty tenure, one of which may be a 52973  
commercialization pathway, in its policy. 52974

**Sec. 3345.48.** (A) As used in this section: 52975

(1) "Cohort" means a group of students who will complete 52976  
their bachelor's degree requirements and graduate from a state 52977  
university at the same time. A cohort may include transfer 52978  
students and other selected undergraduate student academic 52979  
programs as determined by the board of trustees of a state 52980  
university. 52981

(2) "Eligible student" means an undergraduate student who: 52982

(a) Is enrolled full-time in a bachelor's degree program 52983  
at a state university; 52984

(b) Is a resident of this state, as defined by the 52985  
~~chancellor of higher education~~ department of learning and 52986  
achievement under section 3333.31 of the Revised Code. 52987

(3) "State university" has the same meaning as in section 52988  
3345.011 of the Revised Code. 52989

(B) The board of trustees of a state university may 52990  
establish an undergraduate tuition guarantee program that allows 52991  
eligible students in the same cohort to pay a fixed rate for 52992  
general and instructional fees for four years. A board of 52993  
trustees may include room and board and any additional fees in 52994  
the program. 52995

If the board of trustees chooses to establish such a 52996  
program, the board shall adopt rules for the program that 52997  
include, but are not limited to, all of the following: 52998

(1) The number of credit hours required to earn an 52999  
undergraduate degree in each major; 53000

(2) A guarantee that the general and instructional fees 53001  
for each student in the cohort shall remain constant for four 53002  
years so long as the student complies with the requirements of 53003  
the program, except that, notwithstanding any law to the 53004  
contrary, the board may increase the guaranteed amount by up to 53005  
six per cent above what has been charged in the previous 53006  
academic year one time for the first cohort enrolled under the 53007  
tuition guarantee program. If the board of trustees determines 53008  
that economic conditions or other circumstances require an 53009  
increase for the first cohort of above six per cent, the board 53010  
shall submit a request to increase the amount by a specified 53011  
percentage to the ~~chancellor department~~. The ~~chancellor~~ 53012  
department, based on information the ~~chancellor department~~ 53013  
requires from the board of trustees, shall approve or disapprove 53014  
such a request. Thereafter, the board of trustees may increase 53015  
the guaranteed amount by up to the sum of the following above 53016  
what has been charged in the previous academic year one time per 53017

subsequent cohort: 53018

(a) The average rate of inflation, as measured by the 53019  
consumer price index prepared by the bureau of labor statistics 53020  
of the United States department of labor (all urban consumers, 53021  
all items), for the previous sixty-month period; and 53022

(b) The percentage amount the general assembly restrains 53023  
increases on in-state undergraduate instructional and general 53024  
fees for the applicable fiscal year. If the general assembly 53025  
does not enact a limit on the increase of in-state undergraduate 53026  
instructional and general fees, then no limit shall apply under 53027  
this division for the cohort that first enrolls in any academic 53028  
year for which the general assembly does not prescribe a limit. 53029

If, beginning with the academic year that starts four 53030  
years after September 29, 2013, the board of trustees determines 53031  
that the general and instructional fees charged under the 53032  
tuition guarantee have fallen significantly lower than those of 53033  
other state universities, the board of trustees may submit a 53034  
request to increase the amount charged to a cohort by a 53035  
specified percentage to the ~~chancellor~~ department, who shall 53036  
approve or disapprove such a request. 53037

(3) A benchmark by which the board sets annual increases 53038  
in general and instructional fees. This benchmark and any 53039  
subsequent change to the benchmark shall be subject to approval 53040  
of the ~~chancellor~~ department. 53041

(4) Eligibility requirements for students to participate 53042  
in the program; 53043

(5) Student rights and privileges under the program; 53044

(6) Consequences to the university for students unable to 53045  
complete a degree program within four years, as follows: 53046

(a) For a student who could not complete the program in 53047  
four years due to a lack of available classes or space in 53048  
classes provided by the university, the university shall provide 53049  
the necessary course or courses for completion to the student 53050  
free of charge. 53051

(b) For a student who could not complete the program in 53052  
four years due to military service or other circumstances beyond 53053  
a student's control, as determined by the board of trustees, the 53054  
university shall provide the necessary course or courses for 53055  
completion to the student at the student's initial cohort rate. 53056

(c) For a student who did not complete the program in four 53057  
years for any other reason, as determined by the board of 53058  
trustees, the university shall provide the necessary course or 53059  
courses for completion to the student at a rate determined 53060  
through a method established by the board under division (B) (7) 53061  
of this section. 53062

(7) Guidelines for adjusting a student's annual charges if 53063  
the student, due to circumstances under the student's control, 53064  
is unable to complete a degree program within four years; 53065

(8) A requirement that the rules adopted under division 53066  
(B) of this section be published or posted in the university 53067  
handbook, course catalog, and web site. 53068

(C) If a board of trustees implements a program under this 53069  
section, the board shall submit the rules adopted under division 53070  
(B) of this section to the ~~chancellor~~department for approval 53071  
before beginning implementation of the program. 53072

The ~~chancellor~~department shall not unreasonably withhold 53073  
approval of a program if the program conforms in principle with 53074  
the parameters and guidelines of this section. 53075

(D) A board of trustees of a state university may 53076  
establish an undergraduate tuition guarantee program for 53077  
nonresident students. 53078

(E) Within five years after September 29, 2013, the 53079  
~~chancellor department~~ shall publish on the ~~chancellor's~~  
department's web site a report that includes all of the 53080  
following: 53081  
53082

(1) The state universities that have adopted an 53083  
undergraduate tuition guarantee program under this section; 53084

(2) The details of each undergraduate tuition guarantee 53085  
program established under this section; 53086

(3) Comparative data, including general and instructional 53087  
fees, room and board, graduation rates, and retention rates, 53088  
from all state universities. 53089

(F) Except as provided in this section, no other 53090  
limitation on the increase of in-state undergraduate 53091  
instructional and general fees shall apply to a state university 53092  
that has established an undergraduate tuition guarantee program 53093  
under this section. 53094

**Sec. 3345.50.** Notwithstanding anything to the contrary in 53095  
sections 123.01 and 123.10 of the Revised Code, a state 53096  
university, a state community college, or the northeast Ohio 53097  
medical university not certified pursuant to section 123.24 of 53098  
the Revised Code may administer any capital facilities project 53099  
for the construction, reconstruction, improvement, renovation, 53100  
enlargement, or alteration of a public improvement under its 53101  
jurisdiction for which the total amount of funds expected to be 53102  
appropriated by the general assembly does not exceed four 53103  
million dollars without the supervision, control, or approval of 53104

the Ohio facilities construction commission as specified in 53105  
those sections, if both of the following occur: 53106

(A) Within sixty days after the effective date of the 53107  
section of an act in which the general assembly initially makes 53108  
an appropriation for the project, the board of trustees of the 53109  
institution notifies the ~~chancellor of higher education~~ 53110  
department of learning and achievement in writing of its intent 53111  
to administer the capital facilities project; 53112

(B) The board of trustees complies with the guidelines 53113  
established pursuant to section 153.16 of the Revised Code and 53114  
all laws that govern the selection of consultants, preparation 53115  
and approval of contract documents, receipt of bids, and award 53116  
of contracts with respect to the project. 53117

The ~~chancellor department~~ shall adopt rules in accordance 53118  
with Chapter 119. of the Revised Code that establish criteria 53119  
for the administration by any such institution of higher 53120  
education of a capital facilities project for which the total 53121  
amount of funds expected to be appropriated by the general 53122  
assembly exceeds four million dollars. The criteria, to be 53123  
developed with the Ohio facilities construction commission and 53124  
higher education representatives selected by the ~~chancellor~~ 53125  
department, shall include such matters as the adequacy of the 53126  
staffing levels and expertise needed for the institution to 53127  
administer the project, past performance of the institution in 53128  
administering such projects, and the amount of institutional or 53129  
other nonstate money to be used in financing the project. The 53130  
~~chancellor department~~ and the Ohio facilities construction 53131  
commission shall approve the request of any such institution of 53132  
higher education that seeks to administer any such capital 53133  
facilities project and meets the criteria set forth in the rules 53134

and in the requirements of division (B) of this section. 53135

**Sec. 3345.51.** (A) Notwithstanding anything to the contrary 53136  
in sections 123.20 and 123.21 of the Revised Code, a state 53137  
university, the northeast Ohio medical university, or a state 53138  
community college may administer any capital facilities project 53139  
for the construction, reconstruction, improvement, renovation, 53140  
enlargement, or alteration of a public improvement under its 53141  
jurisdiction for which funds are appropriated by the general 53142  
assembly without the supervision, control, or approval of the 53143  
Ohio facilities construction commission as specified in those 53144  
sections, if all of the following occur: 53145

(1) The institution is certified by the commission under 53146  
section 123.24 of the Revised Code; 53147

(2) Within sixty days after the effective date of the 53148  
section of an act in which the general assembly initially makes 53149  
an appropriation for the project, the board of trustees of the 53150  
institution notifies the ~~chancellor of higher education~~ 53151  
department of learning and achievement in writing of its request 53152  
to administer the capital facilities project and the ~~chancellor~~ 53153  
department approves that request pursuant to division (B) of 53154  
this section; 53155

(3) The board of trustees passes a resolution stating its 53156  
intent to comply with section 153.13 of the Revised Code and the 53157  
guidelines established pursuant to section 153.16 of the Revised 53158  
Code and all laws that govern the selection of consultants, 53159  
preparation and approval of contract documents, receipt of bids, 53160  
and award of contracts with respect to the project. 53161

(B) The ~~chancellor~~ department shall adopt rules in 53162  
accordance with Chapter 119. of the Revised Code that establish 53163

criteria for the administration by any such institution of 53164  
higher education of a capital facilities project for which the 53165  
general assembly appropriates funds. The criteria, to be 53166  
developed with the commission and higher education 53167  
representatives selected by the ~~chancellor~~ department, shall 53168  
include such matters as the adequacy of the staffing levels and 53169  
expertise needed for the institution to administer the project, 53170  
past performance of the institution in administering such 53171  
projects, and the amount of institutional or other nonstate 53172  
money to be used in financing the project. The ~~chancellor~~ 53173  
~~department~~ shall approve the request of any such institution of 53174  
higher education that seeks to administer any such capital 53175  
facilities project and meets the criteria set forth in the rules 53176  
and the requirements of division (A) of this section. 53177

(C) Any institution that administers a capital facilities 53178  
project under this section shall conduct biennial audits for the 53179  
duration of the project to ensure that the institution is 53180  
complying with Chapters 9., 123., and 153. of the Revised Code 53181  
and that the institution is using its certification issued under 53182  
section 123.24 of the Revised Code appropriately. The ~~chancellor~~ 53183  
~~department~~, in consultation with higher education 53184  
representatives selected by the ~~chancellor~~ department, shall 53185  
adopt rules in accordance with Chapter 119. of the Revised Code 53186  
that establish criteria for the conduct of the audits. The 53187  
criteria shall include documentation necessary to determine 53188  
compliance with Chapters 9., 123., and 153. of the Revised Code 53189  
and a method to determine whether an institution is using its 53190  
certification issued under section 123.24 of the Revised Code 53191  
appropriately. 53192

(D) The ~~chancellor~~ department, in consultation with higher 53193  
education representatives selected by the ~~chancellor~~ department, 53194

shall adopt rules in accordance with Chapter 119. of the Revised 53195  
Code establishing criteria for monitoring capital facilities 53196  
projects administered by institutions under this section. The 53197  
criteria shall include the following: 53198

(1) Conditions under which the ~~chancellor~~department may 53199  
revoke the authority of an institution to administer a capital 53200  
facilities project under this section, including the failure of 53201  
an institution to maintain a sufficient number of employees who 53202  
have successfully completed the certification program under 53203  
section 123.24 of the Revised Code; 53204

(2) A process for institutions to remedy any problems 53205  
found by an audit conducted pursuant to division (C) of this 53206  
section, including the improper use of state funds or violations 53207  
of Chapter 9., 123., or 153. of the Revised Code. 53208

(E) If the ~~chancellor~~department revokes an institution's 53209  
authority to administer a capital facilities project, the 53210  
commission shall administer the capital facilities project. The 53211  
~~chancellor~~department also may require an institution, for which 53212  
the ~~chancellor~~department revoked authority to administer a 53213  
capital facilities project, to acquire a new local 53214  
administration competency certification pursuant to section 53215  
123.24 of the Revised Code. 53216

**Sec. 3345.54.** (A) As used in this section: 53217

(1) "Auxiliary facilities" has the same meaning as in 53218  
section 3345.12 of the Revised Code. 53219

(2) "Conduit entity" means an organization described in 53220  
section 501(c)(3) of the Internal Revenue Code qualified as a 53221  
public charity under section 509(a)(2) or 509(a)(3) of the 53222  
Internal Revenue Code, or any other appropriate legal entity 53223

selected by the state institution, whose corporate purpose 53224  
allows it to perform the functions and obligations of a conduit 53225  
entity pursuant to the terms of a financing agreement. 53226

(3) "Conveyed property" means auxiliary facilities 53227  
conveyed by a state institution to a conduit entity pursuant to 53228  
a financing agreement. 53229

(4) "Financing agreement" means a contract described in 53230  
division (C) of this section. 53231

(5) "Independent funding source" means a private entity 53232  
that enters into a financing agreement with a conduit entity and 53233  
a state institution. 53234

(6) "State institution" means a state institution of 53235  
higher education as defined in section 3345.011 of the Revised 53236  
Code. 53237

(B) The board of trustees of a state institution, with the 53238  
approval of the ~~chancellor of higher education department of~~ 53239  
learning and achievement and the controlling board, may enter 53240  
into a financing agreement with a conduit entity and an 53241  
independent funding source selected either through a competitive 53242  
selection process or by direct negotiations, and may convey to 53243  
the conduit entity title to any auxiliary facilities owned by 53244  
the state institution pursuant to the terms of a financing 53245  
agreement. 53246

(C) A financing agreement under this section is a written 53247  
contract entered into among a state institution, a conduit 53248  
entity, and an independent funding source that provides for: 53249

(1) The conveyance of auxiliary facilities owned by a 53250  
state institution to the conduit entity for consideration deemed 53251  
adequate by the state institution; 53252

(2) The lease of the conveyed property by the conduit entity to the independent funding source and leaseback of the conveyed property to the conduit entity for a term not to exceed ninety-nine years;

(3) Such other terms and conditions that may be negotiated and agreed upon by the parties, including, but not limited to, terms regarding:

(a) Payment to the state institution by the conduit entity of revenues received by it from the operations of the conveyed property in excess of the payments it is required to make to the independent funding source under the lease-leaseback arrangement described in division (C) (2) of this section;

(b) Pledge, assignment, or creation of a lien in favor of the independent funding source by the conduit entity of any revenues derived from the conveyed property;

(c) Reverter or conveyance of title to the conveyed property to the state institution when the conveyed property is no longer subject to a lease with the independent funding source.

(4) Terms and conditions required by the ~~chancellor~~ department or the controlling board as a condition of approval of the financing agreement.

(D) The state institution and the conduit entity may enter into such other management agreements or other contracts regarding the conveyed property the parties deem appropriate, including agreements pursuant to which the state institution may maintain or administer the conveyed property and collect and disburse revenues from the conveyed property on behalf of the conduit entity.

(E) The parties may modify or extend the term of the 53282  
financing agreement with the approval of the ~~chancellor~~ 53283  
department and the controlling board. 53284

(F) The conveyed property shall retain its exemption from 53285  
property taxes and assessments as though title to the conveyed 53286  
property were held by the state institution during any part of a 53287  
tax year that title is held by the state institution or the 53288  
conduit entity and, if held by the conduit entity, remains 53289  
subject to the lease-leaseback arrangement described in division 53290  
(C) (2) of this section. However, as a condition of the continued 53291  
exemption of the conveyed property during the term of the lease- 53292  
leaseback arrangement the conduit entity shall apply for and 53293  
maintain the exemption as provided by law. 53294

(G) Nothing in this section is intended to abrogate, 53295  
amend, limit, or replace any existing authority state 53296  
institutions may have with respect to the conveyance, lease, 53297  
lease-leaseback, finance, or acquisition of auxiliary facilities 53298  
including, but not limited to, authority granted under sections 53299  
3345.07, 3345.11, and 3345.12 of the Revised Code. 53300

**Sec. 3345.59.** (A) As used in this section: 53301

(1) "Information technology center" means a center 53302  
established under section 3301.075 of the Revised Code. 53303

(2) "State institution of higher education" and "state 53304  
university" have the same meanings as in section 3345.011 of the 53305  
Revised Code. 53306

(B) Not later than June 30, 2018, all state institutions 53307  
of higher education that are located in the same region of the 53308  
state, as defined by the ~~chancellor of higher education~~ director 53309  
of learning and achievement, shall enter into an agreement 53310

providing for the creation of a compact. Under that agreement, 53311  
the compact shall do all of the following: 53312

(1) Examine whether unnecessary duplication of academic 53313  
programming exists; 53314

(2) Develop strategies to address the workforce education 53315  
needs of the region; 53316

(3) Enhance the sharing of resources between institutions 53317  
to align educational pathways and to increase access within the 53318  
region. For these purposes, the compact shall do all of the 53319  
following: 53320

(a) Provide and share resources and programming to improve 53321  
academic performance and opportunities to address the workforce 53322  
needs of the region; 53323

(b) Identify, develop, and implement shared curriculum and 53324  
resources to promote educational pathways that minimize the time 53325  
required to earn a degree. This may include, but is not limited 53326  
to, curriculum delivered using open educational resources and 53327  
online formats. 53328

(c) Analyze operational costs and implement cost-effective 53329  
procedures that support greater access and opportunities for 53330  
students in the region. 53331

(4) Reduce operational and administrative costs to provide 53332  
more learning opportunities and collaboration in the region; 53333

(5) Enhance career counseling and experiential learning 53334  
opportunities for students; 53335

(6) Expand alternative education delivery models such as 53336  
competency-based and project-based learning; 53337

(7) Develop a strategy to increase collaboration and pathways with information technology centers, adult basic and literacy education programs, and school districts in the region;

(8) Develop strategies to enhance the sharing of resources between institutions to improve and expand the capacity and capability for research and development;

(9) Identify and implement the best use of university regional campuses to reflect the goals described in division (B) of this section.

(C) Nothing in this section shall prohibit a state institution of higher education from entering into multiple agreements under division (B) of this section. Additionally, there is no limit to the number, or the number of each type, of state institutions of higher education that may enter into an agreement under that division.

(D) In addition to any agreement entered into pursuant to division (B) of this section, each state institution of higher education that is designated a land grant college under the federal "Morrill Act of 1862," 7 U.S.C. 301 et seq., or the "Agricultural College Act of 1890," 7 U.S.C. 321 et seq., or any subsequent act of congress, also shall to enter into an agreement providing for the creation of a compact that enhances collaboration between state institutions designated as land grant colleges.

(E) Each state institution of higher education shall include in its annual efficiency report to the ~~chancellor~~ director the efficiencies produced as a result of each compact to which the institution belongs.

**Sec. 3345.692.** (A) Not later than September 15, 2010, and

the fifteenth day of September each year thereafter, a state 53367  
institution of higher education shall prepare and submit to the 53368  
~~chancellor of higher education~~ department of learning and 53369  
achievement a report that describes the number and types of 53370  
biobased products purchased under section 125.092 of the Revised 53371  
Code and the amount of money spent by the state institution of 53372  
higher education for those biobased products. 53373

(B) As used in this section, "state institution of higher 53374  
education" has the same meaning as in section 3345.011 of the 53375  
Revised Code. 53376

**Sec. 3345.70.** (A) Whenever the board of trustees of a 53377  
state university, as defined under section 3345.011 of the 53378  
Revised Code, declares that the university is in a state of 53379  
fiscal exigency, the board shall do all of the following until 53380  
it declares that the university is no longer in such a state: 53381

(1) File quarterly reports on an annualized budget, 53382  
comparing the budget to actual spending with projected expenses 53383  
for the remainder of the year. Such reports shall include 53384  
narrative explanations as appropriate. 53385

(2) Place all residence hall and meal fees in a rotary 53386  
account dedicated to the upkeep and maintenance of the dormitory 53387  
buildings and to fund meal programs; 53388

(3) Place moneys for the operation of residence hall and 53389  
meal programs in separately maintained auxiliary funds in the 53390  
university accounting system; 53391

(4) File the minutes from their board of trustees meetings 53392  
with the ~~chancellor~~ department of higher education learning and 53393  
achievement within thirty days of their meetings. 53394

(B) No state university described under division (A) of 53395

this section shall do any of the following: 53396

(1) Use state funds for the purpose of providing grants or 53397  
scholarships to out-of-state students; 53398

(2) Use state funds to subsidize off-campus housing or 53399  
subsidize transportation to and from off-campus housing. 53400

(C) The requirements of divisions (A) (2) and (3) of this 53401  
section are subject to the provisions of any applicable bond 53402  
proceedings as defined under division (A) (9) of section 3345.12 53403  
of the Revised Code and to any applicable pledge made as 53404  
authorized by division (R) of section 3345.12 of the Revised 53405  
Code. 53406

**Sec. 3345.72.** (A) The office of budget and management 53407  
shall work with the auditor of state, the ~~chancellor department~~ 53408  
of ~~higher education~~ learning and achievement, and two 53409  
representatives of state universities and colleges appointed by 53410  
the ~~chancellor department~~ to develop rules under this division, 53411  
and shall adopt the rules in accordance with section 111.15 of 53412  
the Revised Code. One of the ~~chancellor's department's~~ 53413  
appointments shall represent a four-year institution and one a 53414  
two-year institution. The rules shall include all of the 53415  
following: 53416

(1) Criteria for determining when to declare a state 53417  
university or college under a fiscal watch, which criteria shall 53418  
include all of the following: 53419

(a) A requirement for the submission of a quarterly report 53420  
from each state university or college, within thirty days after 53421  
the end of each calendar quarter, to the ~~chancellor department~~ 53422  
of ~~higher education~~ learning and achievement, the director of 53423  
budget and management, the legislative service commission, and 53424

the chairpersons and ranking minority members of the finance 53425  
committees of the house of representatives and the senate; 53426

(b) A requirement that each state university and college 53427  
shall prepare at the end of each fiscal year a financial 53428  
statement consistent with audit requirements prescribed by the 53429  
auditor of state, and shall submit the financial statement to 53430  
the auditor of state within four months after the end of the 53431  
fiscal year; 53432

(c) A requirement that the auditor of state shall send 53433  
written notice to the agencies and persons mentioned in division 53434  
(A) (1) (a) of this section if a state university or college fails 53435  
to submit its financial statement within the time required under 53436  
division (A) (1) (b) of this section; 53437

(d) A requirement that the auditor of state shall send 53438  
written notice to the agencies and persons mentioned in division 53439  
(A) (1) (a) of this section if an audit of a state university or 53440  
college reveals any of the following: 53441

(i) Substantive audit findings, such as an inability to 53442  
make timely payments to vendors, delays in pension retirement 53443  
contributions, or requests for advanced state funding; 53444

(ii) A significant variance between budgeted and actual 53445  
spending for a fiscal year; 53446

(iii) A significant operating budget deficit for a fiscal 53447  
year. 53448

(2) Actions to be taken by the board of trustees of a 53449  
state university or college while under a fiscal watch; 53450

(3) Criteria for determining when to declare the 53451  
termination of the fiscal watch of a state university or 53452

college; 53453

(4) The fiscal information to be reported to the 53454  
~~chancellor department of higher education learning and~~ 53455  
~~achievement~~ by each state university or college under a fiscal 53456  
watch for purposes of making determinations under division (D) 53457  
of this section and division (A) of section 3345.74 of the 53458  
Revised Code, and the frequency and deadlines for reporting this 53459  
information. 53460

(B) The ~~chancellor department of learning and achievement~~ 53461  
shall adopt a resolution declaring a state university or college 53462  
to be in a state of fiscal watch if the ~~chancellor department~~ 53463  
determines that the criteria adopted under division (A) (1) of 53464  
this section are satisfied with respect to that state university 53465  
or college. For purposes of making this determination, the 53466  
~~chancellor department~~ shall establish a financial tracking 53467  
system and shall use the system to regularly assess each state 53468  
university or college with respect to the criteria adopted under 53469  
division (A) (1) of this section. 53470

(C) While a state university or college is under a fiscal 53471  
watch, the board of trustees of the university or college shall 53472  
take the actions and report the fiscal information prescribed 53473  
under divisions (A) (2) and (4) of this section. 53474

(D) The ~~chancellor department of learning and achievement~~ 53475  
shall adopt a resolution declaring the termination of the fiscal 53476  
watch of a state university or college if the ~~chancellor~~ 53477  
~~department~~ determines that the criteria adopted under division 53478  
(A) (3) of this section are satisfied with respect to that state 53479  
university or college. 53480

(E) In making assessments and determinations under 53481

division (B) or (D) of this section, the ~~chancellor department~~ 53482  
of learning and achievement shall use financial reports required 53483  
under section 3345.05 of the Revised Code or any other 53484  
documents, records, or information available to the ~~chancellor-~~ 53485  
department or the auditor of state related to the criteria 53486  
adopted under division (A)(1) or (3) of this section. In making 53487  
determinations under division (D) of this section, the 53488  
~~chancellor department~~ shall also use the fiscal information 53489  
reported under division (C) of this section. 53490

(F) The ~~chancellor department of higher education-learning~~ 53491  
and achievement shall certify each action taken under division 53492  
(B) or (D) of this section to the governor, the director of 53493  
budget and management, the speaker and minority leader of the 53494  
house of representatives, the president and minority leader of 53495  
the senate, the legislative service commission, and the 53496  
chairpersons and ranking minority members of the finance 53497  
committees of the house and senate. 53498

(G) A determination by the ~~chancellor department of higher-~~ 53499  
education-learning and achievement under this section that a 53500  
fiscal watch exists or does not exist, or that a fiscal watch is 53501  
terminated or is not terminated, is final and conclusive and not 53502  
appealable. 53503

(H) If a state university or college fails to submit the 53504  
quarterly report required under division (A)(1) of this section 53505  
within thirty days after the end of a calendar quarter, the 53506  
~~chancellor department of learning and achievement~~ shall withhold 53507  
payment of any instructional subsidies to the university or 53508  
college until it submits the report. Upon submission of the 53509  
report, the ~~chancellor department~~ shall pay the withheld 53510  
subsidies to the university or college. 53511

**Sec. 3345.73.** The office of budget and management shall 53512  
work with the auditor of state, the ~~chancellor department~~ of 53513  
~~higher education learning and achievement~~, and two 53514  
representatives of state universities and colleges appointed by 53515  
the ~~chancellor department~~ to develop rules under this section, 53516  
and shall adopt the rules in accordance with section 111.15 of 53517  
the Revised Code. One of the ~~chancellor's department's~~ 53518  
appointments shall represent a four-year institution and one a 53519  
two-year institution. The rules shall establish the following: 53520

(A) The financial indicators and the standards for using 53521  
those indicators that the ~~chancellor department~~ is to employ to 53522  
determine whether a university or college under a fiscal watch 53523  
is experiencing sufficient fiscal difficulties to warrant 53524  
appointing a conservator under section 3345.74 of the Revised 53525  
Code; 53526

(B) The financial indicators and the standards for using 53527  
those indicators that a governance authority established for a 53528  
state university or college under section 3345.75 of the Revised 53529  
Code is to employ to determine whether the university or college 53530  
is experiencing sufficient fiscal stability to warrant 53531  
terminating that governance authority in accordance with section 53532  
3345.76 of the Revised Code. 53533

The indicators and standards adopted under this section 53534  
shall be designed so as to take into account at least the 53535  
revenues, expenditures, assets, liabilities, and fund balances 53536  
of a state university or college, and shall be designed so as to 53537  
indicate the financial performance and position of a state 53538  
university or college. 53539

**Sec. 3345.74.** (A) The ~~chancellor department~~ of ~~higher~~ 53540  
~~education learning and achievement~~ at least annually shall apply 53541

the indicators and standards adopted under division (A) of 53542  
section 3345.73 of the Revised Code to determine whether a state 53543  
university or college under a fiscal watch is experiencing 53544  
sufficient fiscal difficulties to warrant the appointment of a 53545  
conservator under this section. Upon making a determination that 53546  
appointment of a conservator is warranted, the ~~chancellor-~~ 53547  
department shall request from the office of budget and 53548  
management, which shall provide, certification that sufficient 53549  
fiscal difficulties exist to warrant appointment of a 53550  
conservator. The ~~chancellor-~~department shall then certify this 53551  
determination to the governor. 53552

Notwithstanding section 3333.021 of the Revised Code, that 53553  
section does not apply to certification by the ~~chancellor-~~ 53554  
department under this section or to the declaration of a fiscal 53555  
watch under section 3345.72 of the Revised Code. 53556

A determination by the ~~chancellor-~~department under this 53557  
division that sufficient fiscal difficulties exist or do not 53558  
exist to warrant appointing a conservator is final and 53559  
conclusive and not appealable. 53560

(B) The governor may appoint a conservator for any state 53561  
university or college under a fiscal watch, upon certification 53562  
by the ~~chancellor-~~department of learning and achievement under 53563  
division (A) of this section that the appointment is warranted. 53564  
The governor shall consult with the speaker and minority leader 53565  
of the house of representatives and the president and minority 53566  
leader of the senate before making the appointment. From the 53567  
time a conservator is appointed until the time the governor 53568  
issues an order terminating the governance authority under 53569  
division (B) of section 3345.76 of the Revised Code, the 53570  
governor may remove any member of the board of trustees of the 53571

state university or college from office and not fill the 53572  
vacancy. 53573

(C) Upon appointment of a conservator under this section 53574  
for a state university or college, all of the following shall 53575  
occur effective immediately: 53576

(1) All duties, responsibilities, and powers of the board 53577  
of trustees of the university or college are suspended; 53578

(2) The management and control of the state university or 53579  
college is assumed by the conservator; 53580

(3) Notwithstanding any section of the Revised Code, all 53581  
duties, responsibilities, and powers assigned by law to the 53582  
board of trustees are assigned to the conservator, and the 53583  
conservator becomes the successor to, assumes the lawful 53584  
obligations of, and otherwise constitutes the continuation of 53585  
the board of trustees for purposes of all pending legal actions, 53586  
contracts or other agreements, and obligations of the university 53587  
or college; 53588

(4) Wherever the board of trustees is referred to in any 53589  
contract or legal document, the reference is deemed to refer to 53590  
the conservator. No validation, cure, right, privilege, remedy, 53591  
obligation, or liability is lost or impaired by reason of the 53592  
assumption of the board's authority by the conservator under 53593  
this section and any such validation, cure, right, privilege, 53594  
remedy, obligation, or liability shall be administered by the 53595  
conservator. No action or proceeding pending on the effective 53596  
date of the assumption by the conservator of the board's 53597  
authority is affected by that assumption and any such action or 53598  
proceeding shall be prosecuted or defended in the name of the 53599  
conservator. 53600

(5) The conservator assumes custody of all equipment, 53601  
records, files, effects, and all other property real or personal 53602  
of the state university or college; 53603

(6) All authority and duties of the president or chief 53604  
executive officer, and the pay of the president or chief 53605  
executive officer, are suspended. 53606

(D) The conservator for a state university or college 53607  
shall conduct a preliminary performance evaluation of the 53608  
president or chief executive officer of the university or 53609  
college and provide a copy of findings and any recommendations 53610  
to the governance authority established for the university or 53611  
college under section 3345.75 of the Revised Code. 53612

(E) A conservator appointed under this section shall be 53613  
immune, indemnified, and held harmless from civil liability, 53614  
including any cause of action, legal, equitable, or otherwise, 53615  
for any action taken or duties performed by the conservator in 53616  
good faith and in furtherance of the performance of the duties 53617  
of the conservator under this section. 53618

(F) The governor shall set the compensation for a 53619  
conservator appointed for a state university or college. The 53620  
expenses and compensation of the conservator and others employed 53621  
by the conservator shall be paid out of the operating funds and 53622  
revenues of that university or college. 53623

**Sec. 3345.75.** (A) Not later than thirty days after the 53624  
date of the appointment of a conservator for a state university 53625  
or college under section 3345.74 of the Revised Code, the 53626  
governor shall appoint, with the advice and consent of the 53627  
senate, a governance authority for the university or college 53628  
consisting of five members. The members shall serve at the 53629

pleasure of the governor and any vacancies shall be filled in 53630  
the same manner as an original appointment. 53631

The governor shall designate one of the members of the 53632  
governance authority as the chairperson and shall call the first 53633  
meeting of the authority. A majority of the members of a 53634  
governance authority constitutes a quorum and the affirmative 53635  
vote of a majority of the members shall be necessary for any 53636  
action taken by an authority. Meetings of a governance authority 53637  
shall be called in the manner and at the times prescribed by the 53638  
authority, but the authority shall meet at least four times 53639  
annually and at other times necessary for the best interest of 53640  
the university or college. A governance authority may adopt 53641  
procedures for the conduct of its business. 53642

The members of a governance authority shall not receive 53643  
compensation for their services, but shall be paid their 53644  
reasonable and necessary expenses while engaged in the discharge 53645  
of their official duties. 53646

(B) (1) A governance authority established under this 53647  
section shall appoint an executive director who shall serve at 53648  
the pleasure of the authority and with the compensation and 53649  
other terms and conditions established by it. With the approval 53650  
of the chairperson of the authority, the executive director may 53651  
appoint additional personnel as the director considers 53652  
appropriate. The executive director shall oversee the day-to-day 53653  
operation of the university or college under the direction and 53654  
supervision of the authority. 53655

(2) The governance authority shall conduct a final 53656  
performance evaluation of the president or chief executive 53657  
officer of the university or college. Following the evaluation, 53658  
the governance authority may reinstate any duties, authority, or 53659

pay previously suspended under division (C) (6) of section 53660  
3345.74 of the Revised Code, or may terminate the president or 53661  
chief executive officer in accordance with the terms of the 53662  
person's employment contract. 53663

(C) Upon appointment of all members of a governance 53664  
authority under this section and upon the effective date for the 53665  
commencement of the duties of the executive director appointed 53666  
by that authority under this section, all authority, 53667  
responsibilities, duties, and references assumed by or conferred 53668  
upon the conservator under divisions (C) (2) to (6) of section 53669  
3345.74 of the Revised Code terminate and all of the following 53670  
shall occur, effective immediately: 53671

(1) The management and control of the state university or 53672  
college is assumed by the governance authority; 53673

(2) Notwithstanding any section of the Revised Code, all 53674  
duties, responsibilities, and powers assigned by law to the 53675  
board of trustees or to the conservator are assigned to the 53676  
governance authority and the governance authority becomes the 53677  
successor to, assumes the lawful obligations of, and otherwise 53678  
constitutes the continuation of the board of trustees and the 53679  
conservator for purposes of all pending legal actions, contracts 53680  
or other agreements, and obligations of the university or 53681  
college; 53682

(3) Wherever the board of trustees or conservator is 53683  
referred to in any contract or legal document, the reference is 53684  
deemed to refer to the governance authority. No validation, 53685  
cure, right, privilege, remedy, obligation, or liability is lost 53686  
or impaired by reason of the assumption of the authority of the 53687  
board of trustees and the conservator by the governance 53688  
authority under this section and any such validation, cure, 53689

right, privilege, remedy, obligation, or liability shall be 53690  
administered by the governance authority. No action or 53691  
proceeding pending on the effective date of the assumption by 53692  
the governance authority of the authority of the board of 53693  
trustees and the conservator is affected by that assumption and 53694  
any such action or proceeding shall be prosecuted or defended in 53695  
the name of the governance authority. 53696

(4) The governance authority assumes custody of all 53697  
equipment, records, files, effects, and all other property real 53698  
or personal of the state university or college. 53699

(D) A governance authority and executive director 53700  
appointed under this section shall be immune, indemnified, and 53701  
held harmless from civil liability, including any cause of 53702  
action, legal, equitable, or otherwise, for any action taken or 53703  
duties performed by the governance authority and executive 53704  
director in good faith and in furtherance of the performance of 53705  
the duties of the governance authority and executive director 53706  
under this section. 53707

(E) The expenses of a governance authority and the 53708  
expenses and compensation of an executive director appointed for 53709  
a state university or college under this section and others 53710  
employed by the executive director under this section shall be 53711  
paid out of the operating funds and revenues of that university 53712  
or college. 53713

(F) A governance authority appointed under this section 53714  
shall prepare, in accordance with rules adopted by the office of 53715  
budget and management, and submit to the chancellor department 53716  
of higher education learning and achievement, the governor, the 53717  
speaker and minority leader of the house of representatives, and 53718  
the president and minority leader of the senate a quarterly 53719

report setting forth all of the following: 53720

(1) The general condition of the university or college; 53721

(2) The amounts of receipts and disbursements and the 53722  
items for which the disbursements were made; 53723

(3) The numbers of professors, officers, teachers, and 53724  
other employees and the position and compensation of each and 53725  
the numbers of students by courses of instruction; 53726

(4) An estimate of expenses for the ensuing quarter; 53727

(5) A statement of the general progress of the university 53728  
or college with indication of any improvements and specification 53729  
of any experiments with institutional reform and the costs and 53730  
results of those experiments; 53731

(6) Any other matters the governance authority considers 53732  
useful to report. 53733

(G) The attorney general shall be the legal adviser to the 53734  
conservator and the governance authority, and the attorney 53735  
general may employ special counsel to aid the conservator or 53736  
governance authority with respect to any legal matter on behalf 53737  
of the institution. The conservator and the governance authority 53738  
may as otherwise provided by law request the attorney general to 53739  
bring or defend suits or proceedings in the name of the 53740  
institution. 53741

**Sec. 3345.76.** (A) A governance authority appointed for a 53742  
state university or college under section 3345.75 of the Revised 53743  
Code at least annually shall apply the indicators and standards 53744  
adopted under division (B) of section 3345.73 of the Revised 53745  
Code to determine whether the university or college is 53746  
experiencing sufficient fiscal stability to warrant terminating 53747

that governance authority in accordance with this section. Upon 53748  
making a determination that termination of the governance 53749  
authority is warranted, the governance authority shall certify 53750  
this determination to the governor. 53751

A determination by a governance authority under this 53752  
division that sufficient fiscal stability exists or does not 53753  
exist to warrant terminating that governance authority is final 53754  
and conclusive and not appealable. 53755

(B) The governor may issue an order, effective as provided 53756  
under division (D) of this section, terminating the governance 53757  
authority appointed under section 3345.75 of the Revised Code, 53758  
upon the occurrence of either of the following: 53759

(1) Certification by the governance authority for that 53760  
state university or college the termination of that governance 53761  
authority is warranted; 53762

(2) A finding that in the governor's opinion termination 53763  
of the governance authority is in the best interests of the 53764  
state, that state university or college, and the students of 53765  
that state university or college. 53766

(C) Upon issuance of an order under division (B) of this 53767  
section, the governor shall fill each vacancy on the board of 53768  
trustees of the university or college for the unexpired portion 53769  
of the member's term or, if the term for the member has already 53770  
expired, for the unexpired portion of the succeeding term. 53771

(D) Thirty days after the date on which the ~~chancellor-~~ 53772  
~~department of higher education-learning and achievement~~ 53773  
determines that all vacancies on the board of trustees have been 53774  
filled, all authority, responsibilities, duties, and references 53775  
assumed by or conferred upon the governance authority of that 53776

university or college under division (C) of section 3345.75 of 53777  
the Revised Code terminate and all of the following shall occur: 53778

(1) The management and control of the state university or 53779  
college by the board of trustees shall be resumed; 53780

(2) The board becomes the successor to, assumes the lawful 53781  
obligations of, and otherwise constitutes the continuation of 53782  
the conservator and the governance authority for purposes of all 53783  
pending legal actions, contracts or other agreements, and 53784  
obligations of the university or college; 53785

(3) Wherever the conservator or the governance authority 53786  
is referred to in any contract or legal document, the reference 53787  
is deemed to refer to the board of trustees. No validation, 53788  
cure, right, privilege, remedy, obligation, or liability is lost 53789  
or impaired by reason of the resumption by the board of trustees 53790  
of the authority of the conservator and the governance 53791  
authority, and any such validation, cure, right, privilege, 53792  
remedy, obligation, or liability shall be administered by the 53793  
board of trustees. No action or proceeding pending on the 53794  
effective date of the resumption by the board of trustees of the 53795  
authority of the conservator and the governance authority is 53796  
affected by that resumption, and any such action or proceeding 53797  
shall be prosecuted or defended in the name of the board of 53798  
trustees. 53799

(4) The board of trustees resumes custody of all 53800  
equipment, records, files, effects, and all other property real 53801  
or personal of the state university or college; 53802

(5) Employment of the executive director appointed for the 53803  
university or college under section 3345.75 of the Revised Code 53804  
is terminated; 53805

(6) The duties, authority, and pay of the president or chief executive officer of the university or college suspended under division (C) (6) of section 3345.74 and not reinstated under division (B) (2) of section 3345.75 of the Revised Code are reinstated to the person holding that position, unless otherwise provided for by the board of trustees.

**Sec. 3345.81.** Not later than June 30, 2014, the board of trustees of each institution of higher education, as defined by section 3345.12 of the Revised Code, shall adopt an institution-specific strategic completion plan designed to increase the number of degrees and certificates awarded to students. The plan shall be consistent with the mission and strategic priorities of the institution, include measurable student completion goals, and align with the state's workforce development priorities. Upon adoption by the board of trustees, each institution of higher education shall provide a copy of its plan to the ~~chancellor department of higher education~~ learning and achievement.

The board of trustees of each institution of higher education shall update its plan at least once every two years and provide a copy of their updated plan to the ~~chancellor~~ department upon adoption.

**Sec. 3349.27.** The board of directors of a municipal university, college, or other educational institution, each such institution being referred to as "municipal university" in sections 3349.27 to 3349.30, inclusive, of the Revised Code, and the board of trustees of a state university of this state may enter into agreements providing for the transfer or grant of the use to the state university of all or any part of the estate, property, and funds under the control of the board of directors

or otherwise held for the use or benefit or in connection with 53836  
the conduct of the municipal university, whether held in trust 53837  
or otherwise, for or in connection with the establishment or 53838  
conduct by such board of trustees of the state university of an 53839  
institution of higher education in or in close proximity to the 53840  
municipal corporation with which such municipal university is 53841  
identified in order to provide to such municipal corporation and 53842  
the residents thereof those benefits determined, provided for, 53843  
or contemplated in such agreement; and said boards may do all 53844  
things necessary or appropriate to carry out such agreements. 53845  
The ~~Ohio board of regents~~ department of learning and achievement 53846  
may act on behalf of such state university in the making of such 53847  
agreement in the event that the board of trustees of such state 53848  
university has not yet been duly constituted, and such agreement 53849  
shall be binding on such board of trustees when duly 53850  
constituted. 53851

**Sec. 3349.29.** An agreement made pursuant to sections 53852  
3349.27 and 3349.28 of the Revised Code is not effective unless 53853  
it has been approved by the legislative authority of the 53854  
municipal corporation with which the municipal university is 53855  
identified, upon such legislative authority's determination that 53856  
such agreement will be beneficial to the municipal corporation, 53857  
and also approved by the ~~Ohio board of regents~~ department of 53858  
learning and achievement, and, if required by any applicable 53859  
appropriation measure, by the state controlling board, and any 53860  
payment from state tax moneys provided for in the agreement will 53861  
be subject to appropriations made by the general assembly. If 53862  
provision is to be made under such agreement for the transfer 53863  
of, or grant of the right to use, all or a substantial part of 53864  
the assets of the municipal university to the state university 53865  
and assumption by the state university of educational functions 53866

of the municipal university, such agreement shall not become 53867  
effective, under sections 3349.27 to 3349.30 of the Revised Code 53868  
until the electors of the municipal corporation have approved 53869  
such transfer or grant. 53870

The legislative authority of the municipal corporation 53871  
shall, by ordinance, submit the question to the electors at a 53872  
general, primary, or a special election to be held on the date 53873  
specified in the ordinance. The ordinance shall be certified to 53874  
the board of elections not later than the forty-fifth day 53875  
preceding the date of the election. Notice of the election shall 53876  
be published in one newspaper of general circulation in the 53877  
municipal corporation once a week for two consecutive weeks or 53878  
as provided in section 7.16 of the Revised Code, prior to the 53879  
election. If the board of elections operates and maintains a web 53880  
site, notice of the election also shall be posted on that web 53881  
site for thirty days prior to the election. The form of the 53882  
ballot to be used at the election shall be substantially as 53883  
follows, with such variations as may be appropriate to reflect 53884  
the general nature of the transfer or grant of use of assets and 53885  
the transfer of educational functions contemplated: 53886

"Shall assets of the municipal university known 53887  
as ..... be transferred to (make available 53888  
for use by) a state university known 53889  
as ..... and the state university assume 53890  
educational functions of the municipal university and provide 53891  
higher education in (or in close proximity to) the city 53892  
of ..... to the residents of the city 53893  
of ..... and of the state of Ohio and such 53894  
others as shall be admitted?" 53895

The favorable vote of a majority of those voting on the 53896

proposition constitutes such approval as is required by this 53897  
section. 53898

**Sec. 3349.31.** The board of directors of a municipal 53899  
university and the ~~Ohio board of regents~~ department of learning 53900  
and achievement may, through their authorized representatives, 53901  
enter into agreements providing for the establishment and 53902  
operation or for the continued operation by said board of 53903  
directors, with the sponsorship and support of the state and the 53904  
municipal corporation, of one or more colleges, departments, or 53905  
other instructional units, or portions thereof, referred to as 53906  
"affiliated units" in sections 3349.31 to 3349.33 of the Revised 53907  
Code, conditioned upon the continued provision of state 53908  
financial aid to such municipal university in addition to that 53909  
provided pursuant to sections 3354.01 to 3354.18 of the Revised 53910  
Code, and equivalent to that from time to time afforded to state 53911  
universities on the basis of instructional programs at their 53912  
main campuses comparable to the affiliated units; provided that 53913  
the ~~board of regents~~ department first determines that such 53914  
affiliated units are needed for the higher education of the 53915  
people of the state and that the establishment or continuation 53916  
of such affiliated units is consistent with the master plan of 53917  
higher education for the state formulated under section 3333.04 53918  
of the Revised Code. 53919

No agreements shall be entered into under this section 53920  
with respect to any school or college of medicine which is not 53921  
in compliance with section 3333.11 of the Revised Code. 53922

**Sec. 3353.02.** (A) There is hereby created the broadcast 53923  
educational media commission as an independent agency to advance 53924  
education and accelerate the learning of the citizens of this 53925  
state through public educational broadcasting services. The 53926

commission shall provide leadership and support in extending the 53927  
knowledge of the citizens of this state by promoting access to 53928  
and use of educational broadcasting services, including 53929  
educational television and radio and radio reading services. The 53930  
commission also shall administer programs to provide financial 53931  
and other assistance to educational television and radio and 53932  
radio reading services. 53933

The commission is a body corporate and politic, an agency 53934  
of the state performing essential governmental functions of the 53935  
state. 53936

(B) The commission shall consist of ~~fifteen~~fourteen 53937  
members, ~~eleven~~ten of whom shall be voting members. Nine of the 53938  
voting members shall be representatives of the public selected 53939  
from among leading citizens in the state who have demonstrated 53940  
interest in educational broadcast media through service on 53941  
boards or advisory councils of educational television stations, 53942  
educational radio stations, educational technology agencies, or 53943  
radio reading services. Of the representatives of the public, 53944  
three shall be appointed by the governor with the advice and 53945  
consent of the senate, three shall be appointed by the speaker 53946  
of the house of representatives, and three shall be appointed by 53947  
the president of the senate. Not more than two members appointed 53948  
by the speaker of the house of representatives and not more than 53949  
two members appointed by the president of the senate shall be of 53950  
the same political party. The ~~superintendent~~director of ~~public~~  
~~instruction~~ or a designee of the superintendent and the 53952  
~~chancellor~~ of the Ohio board of regents or a designee of the 53953  
~~chancellor~~learning and achievement shall be an ex officio 53954  
voting ~~members~~member. Of the nonvoting members, two shall be 53955  
members of the house of representatives appointed by the speaker 53956  
of the house of representatives and two shall be members of the 53957

senate appointed by the president of the senate. The members 53958  
appointed from each chamber shall not be members of the same 53959  
political party. 53960

(C) Initial terms of office for appointed voting members 53961  
shall be as follows: 53962

(1) For one member appointed by each of the governor, 53963  
speaker of the house of representatives, and president of the 53964  
senate, one year; 53965

(2) For one member appointed by each of the governor, 53966  
speaker of the house of representatives, and president of the 53967  
senate, two years; 53968

(3) For one member appointed by each of the governor, 53969  
speaker of the house of representatives, and president of the 53970  
senate, three years. At the first meeting of the commission, 53971  
such members shall draw lots to determine the length of the term 53972  
each member will serve. Thereafter, terms of office for such 53973  
members shall be for four years. Any member who is a 53974  
representative of the public may be reappointed by the member's 53975  
respective appointing authority, but no such member may serve 53976  
more than two consecutive four-year terms. Such a member may be 53977  
removed by the member's respective appointing authority for 53978  
cause. 53979

Any legislative member appointed by the speaker of the 53980  
house of representatives or the president of the senate who 53981  
ceases to be a member of the legislative chamber from which the 53982  
member was appointed shall cease to be a member of the 53983  
commission. The speaker of the house of representatives and the 53984  
president of the senate may remove their respective appointments 53985  
to the commission at any time. 53986

(D) Vacancies among appointed members shall be filled in 53987  
the manner provided for original appointments. Any member 53988  
appointed to fill a vacancy occurring prior to the expiration of 53989  
the term for which the member's predecessor was appointed shall 53990  
hold office for the remainder of that term. Any appointed member 53991  
shall continue in office subsequent to the expiration of that 53992  
member's term until the member's successor takes office or until 53993  
a period of sixty days has elapsed, whichever occurs first. 53994

(E) Members of the commission shall serve without 53995  
compensation. The members who are representatives of the public 53996  
shall be reimbursed, pursuant to office of budget and management 53997  
guidelines, for actual and necessary expenses incurred in the 53998  
performance of official duties. 53999

(F) The governor shall appoint the chairperson of the 54000  
commission from among the commission's public voting members. 54001  
The chairperson shall serve a term of two years and may be 54002  
reappointed. The commission shall elect other officers as 54003  
necessary from among its voting members and shall prescribe its 54004  
rules of procedure. 54005

**Sec. 3353.04.** (A) The broadcast educational media 54006  
commission may perform any act necessary to carry out the 54007  
functions of this chapter, including any of the following: 54008

(1) Promote accessibility through broadcasting services of 54009  
educational products aligned with the statewide academic 54010  
standards, adopted by the ~~state board~~ department of learning and 54011  
achievement pursuant to section 3301.079 of the Revised Code, 54012  
for school districts, community schools, and other entities 54013  
serving grades kindergarten through twelve; 54014

(2) Own or operate transmission facilities and 54015

interconnection facilities, or contract for transmission 54016  
facilities and interconnection facilities, for an educational 54017  
television, radio, or radio reading service network; 54018

(3) Establish standards for interconnection facilities 54019  
used by the commission in the transmission of educational 54020  
television, radio, or radio reading service programming; 54021

(4) Enter into agreements with noncommercial educational 54022  
television or radio broadcasting stations or radio reading 54023  
services for the operation of the interconnection; 54024

(5) Enter into agreements with noncommercial educational 54025  
television or radio broadcasting stations or radio reading 54026  
services for the production and use of educational television, 54027  
radio, or radio reading service programs to be transmitted by 54028  
the educational telecommunications network; 54029

(6) Execute contracts and other agreements necessary and 54030  
desirable to carry out the purposes of this chapter and other 54031  
duties prescribed to the commission by law or authorize the 54032  
executive director of the commission to execute such contracts 54033  
and agreements on the commission's behalf; 54034

(7) Act as consultant with educational television and 54035  
educational radio stations and radio reading services toward 54036  
coordination within the state of the distribution of federal 54037  
funds that may become available for equipment for educational 54038  
broadcasting or radio reading services; 54039

(8) Make payments to noncommercial Ohio educational 54040  
television or radio broadcasting stations or radio reading 54041  
services to sustain the operation of such stations or services; 54042

(9) In consultation with participants in programs 54043  
administered by the commission, establish guidelines governing 54044

purchasing and procurement that facilitate the timely and 54045  
effective implementation of such programs; 54046

(10) In consultation with participants in programs 54047  
administered by the commission, consider the efficiency and cost 54048  
savings of statewide procurement prior to allocating and 54049  
releasing funds for such programs; 54050

(11) In consultation with participants in programs 54051  
administered by the commission, establish a systems support 54052  
network to facilitate the timely implementation of the programs 54053  
and other projects and activities for which the commission 54054  
provides assistance. 54055

(B) Chapters 123., 124., 125., and 153. of the Revised 54056  
Code and sections 9.331 to 9.335 of the Revised Code do not 54057  
apply to contracts, programs, projects, or activities of the 54058  
commission. 54059

**Sec. 3354.01.** As used in sections 3354.01 to 3354.18 of 54060  
the Revised Code: 54061

(A) "Community college district" means a political 54062  
subdivision of the state and a body corporate with all the 54063  
powers of a corporation, comprised of the territory of one or 54064  
more contiguous counties having together a total population of 54065  
not less than seventy-five thousand preceding the establishment 54066  
of such district, and organized for the purpose of establishing, 54067  
owning, and operating a community college within the territory 54068  
of such district. 54069

(B) "Contiguous counties" means counties so located that 54070  
each such county shares at least one boundary in common with at 54071  
least one other such county in the group of counties referred to 54072  
as being "contiguous." 54073

(C) "Community college" means a public institution of education beyond the high school organized for the principal purpose of providing for the people of the community college district wherein such college is situated the instructional programs defined in this section as "arts and sciences" and "technical," or either, and may include the "adult-education" program as defined in this section. Except for applied bachelor's degree programs approved by the ~~chancellor of higher education~~ director of learning and achievement under section 3333.051 of the Revised Code, instructional programs shall not exceed two years in duration.

A university maintained and operated by a municipality located in a county having a total population equal to the requirement for a community college district as set forth in division (A) of section 3354.01 of the Revised Code and is found by the ~~chancellor of higher education~~ department of learning and achievement to offer instructional programs which are needed in the community and which are equivalent to those required of community colleges shall be, for the purposes of receiving state or federal financial aid only, considered a community college and shall receive the same state financial assistance granted to community colleges but only in respect to students enrolled in their first and second year of post high school education in the kinds of instructional programs offered by the municipal university.

(D) "Arts and sciences program" means both of the following:

(1) A curricular program of two years or less duration, provided within a community college, planned and intended to enable students to gain academic credit for courses generally

comparable to courses offered in the first two years in 54104  
accredited colleges and universities in the state, and designed 54105  
either to enable students to transfer to such colleges and 54106  
universities for the purpose of earning baccalaureate degrees or 54107  
to enable students to terminate academic study after two years 54108  
with a proportionate recognition of academic achievement. 54109

(2) An applied bachelor's degree program approved and 54110  
offered under section 3333.051 of the Revised Code. 54111

(E) "Adult-education program" means the dissemination of 54112  
post high school educational service and knowledge, by a 54113  
community college, for the occupational, cultural, or general 54114  
educational benefit of adult persons, such educational service 54115  
and knowledge not being offered for the primary purpose of 54116  
enabling such persons to obtain academic credit or other formal 54117  
academic recognition. 54118

(F) "Charter amendment" means a change in the official 54119  
plan of a community college for the purpose of acquiring 54120  
additional lands or structures, disposing of or transferring 54121  
lands or structures, erection of structures, or creating or 54122  
abolishing of one or more academic departments corresponding to 54123  
generally recognized fields of academic study. 54124

(G) "Technical program" means a post high school 54125  
curricular program of two years or less duration, provided 54126  
within a community college, planned and intended to enable 54127  
students to gain academic credit for courses designed to prepare 54128  
such students to meet the occupational requirements of the 54129  
community. 54130

(H) "Operating costs" means all expenses for all purposes 54131  
of the community college district except expenditures for 54132

permanent improvements having an estimated life of usefulness of 54133  
five years or more as certified by the fiscal officer of the 54134  
community college district. 54135

(I) "Applied bachelor's degree" has the same meaning as in 54136  
section 3333.051 of the Revised Code. 54137

**Sec. 3354.02.** A community college district may be created 54138  
with the approval of the ~~Ohio board~~ department of regents  
learning and achievement pursuant to standards established by 54139  
the ~~board~~ department. The standards shall take into 54140  
consideration such factors as the population of the proposed 54141  
district, the present and potential pupil enrollment, the 54142  
present and potential higher education facilities in the 54143  
district, and such other factors as pertain to the educational 54144  
needs of the district. The ~~Ohio board of regents~~ department may 54145  
undertake or contract for a study to be made relative to the 54146  
establishment of a community college district. 54147  
54148

The attorney general shall be the attorney for each 54149  
community college district and shall provide legal advice in all 54150  
matters relating to its powers and duties. 54151

A proposal to create a community college district may be 54152  
presented to the ~~Ohio board of regents~~ department in any of the 54153  
following ways: 54154

(A) The board of county commissioners of any county, 54155  
having a population of not less than seventy-five thousand, may, 54156  
by resolution approved by two-thirds of its members, propose the 54157  
creation of a community college district consisting of the whole 54158  
territory of such county. 54159

(B) The boards of county commissioners of any two or more 54160  
contiguous counties, which together have a combined population 54161

of not less than seventy-five thousand, may, by a resolution 54162  
approved by two-thirds of the members of each such board, 54163  
together and jointly propose the creation of a community college 54164  
district consisting of the whole territories of such counties 54165  
together. 54166

(C) Qualified electors residing in a county or in two or 54167  
more contiguous counties may execute a petition proposing the 54168  
creation of a community college district comprised of the 54169  
territory of a county or two or more contiguous counties, 54170  
respectively. Such petition shall be presented to the board of 54171  
elections of the most populous county in which the proposed 54172  
community college district is situated, and shall be signed by 54173  
at least two per cent of the total number of resident electors 54174  
who voted in the most recent election for governor in the 54175  
territory of such proposed district. Such petition shall set 54176  
forth the necessity for the district, a demonstration that it 54177  
will be conducive to the public convenience and welfare, and a 54178  
description of the territory to be included in the proposed 54179  
district. 54180

Upon receiving a petition duly executed pursuant to this 54181  
division, the board of elections of the most populous county 54182  
shall certify the fact of such petition to the election boards 54183  
of the other counties, if any, to be included in such district. 54184  
The proposal to create such district shall be placed on the 54185  
ballot by the board of elections and submitted to vote in each 54186  
affected county or group of contiguous counties, at the next 54187  
primary or general election occurring more than seventy-five 54188  
days after the filing of such petition. If there is no primary 54189  
or general election occurring within ninety days after the 54190  
filing of such petition, the board of elections of the most 54191  
populous county shall fix the date of a special election to be 54192

held in each affected county, or group of contiguous counties, 54193  
such date to be not less than seventy-five days after the filing 54194  
of the petition and to be consistent with the requirements of 54195  
section 3501.01 of the Revised Code. If a majority of the 54196  
electors voting on the proposition in the proposed community 54197  
college district vote in favor thereof, the board of elections 54198  
of the most populous county in which the proposed district is 54199  
situated shall certify such fact to the ~~Ohio board~~ department of 54200  
regents learning and achievement. 54201

(D) No county shall be included in the territory of more 54202  
than one community college district. 54203

A community college district may also be created under 54204  
division (D) of section 3358.02 of the Revised Code. 54205

**Sec. 3354.04.** Within thirty days after approval by the 54206  
~~Ohio board~~ department of regents learning and achievement of a 54207  
community college district proposed pursuant to section 3354.02 54208  
of the Revised Code, ~~such board~~ the department shall file with 54209  
the secretary of state a copy of its certification or resolution 54210  
creating the district. Such copy shall be filed and recorded in 54211  
the office of the secretary of state who shall thereupon declare 54212  
such district to be established. 54213

**Sec. 3354.07.** Upon the qualification of its members, the 54214  
board of trustees of a community college district shall prepare 54215  
an official plan for a community college within the district. 54216  
Such official plan shall include, but not be limited to, a 54217  
demonstration of needs and prospective enrollment, a description 54218  
and location of lands, buildings, facilities, and improvements 54219  
proposed to be occupied by such college; a proposed schedule for 54220  
acquisition of such lands or improvements, for construction of 54221  
improvements, and for operation of the college; proposed 54222

organization and program of such college, consistent with the 54223  
proposed lands and improvements; estimates of cost of lands and 54224  
improvements; and a proposed budget for the first two years of 54225  
operation of such college. 54226

In preparing such official plan, the board of trustees of 54227  
a community college district may retain consultants in the 54228  
fields of education, planning, architecture, law, engineering, 54229  
or other fields of professional skill which may be needed in the 54230  
preparation of plans for a community college. The board of 54231  
trustees shall conduct public hearings as to the need for, the 54232  
feasible locations of, and the desirable types and sizes of 54233  
lands, instructional facilities, and other improvements for a 54234  
community college, and as to the relative desirability of 54235  
operation as an independent two-year institution or of 54236  
operation, in whole or in part, by contract with a generally 54237  
accredited public university or college in Ohio. 54238

The official plan shall include a recommendation as to 54239  
whether the community college should be operated directly by the 54240  
board of trustees of the community college district, or should 54241  
be operated, in whole or in part, by a generally accredited 54242  
public university or college pursuant to a contract to be 54243  
entered into by the board of trustees of the community college 54244  
district and the governing board of such college or university. 54245  
If it is recommended that the community college be operated 54246  
under a contract, the official plan shall include the full text 54247  
of such recommended contract, with certification by the 54248  
respective boards to the effect that they have adopted 54249  
resolutions approving such contract and wait approval of the 54250  
plan and the contract. 54251

Upon completion of the official plan, the board of 54252

trustees of a community college district shall file a copy of 54253  
such plan with the ~~Ohio board department of regents learning and~~ 54254  
achievement, which may approve or disapprove any provisions 54255  
thereof. If the ~~Ohio board of regents department~~ disapproves the 54256  
official plan or any provisions thereof, the board of trustees 54257  
of the community college district may prepare a new plan or may 54258  
present amended provisions of the plan. If the ~~Ohio board of~~ 54259  
~~regents department~~ approves the official plan, it shall certify 54260  
a copy of its action to the board of trustees of the community 54261  
college district and issue a charter creating and establishing 54262  
the community college, to be known by the name set forth in the 54263  
official plan. The official plan shall be appended to and shall 54264  
become a part of such charter, and such charter shall not 54265  
thereafter be changed except by charter amendment, in accordance 54266  
with the procedure set forth in this section for preparation and 54267  
adoption of an official plan in the first instance. 54268

In any instance in which an official plan proposes 54269  
operation by a generally accredited public university or 54270  
college, pursuant to a contract, such contract shall include a 54271  
provision that academic credit awarded to students attending the 54272  
proposed community college shall be academic credit of the 54273  
contracting university or college, and shall be so reported in 54274  
the academic record of each student and upon any certificate of 54275  
achievement awarded to any such student. 54276

**Sec. 3354.09.** The board of trustees of a community college 54277  
district may: 54278

(A) Own and operate a community college, pursuant to an 54279  
official plan prepared and approved in accordance with section 54280  
3354.07 of the Revised Code, or enter into a contract with a 54281  
generally accredited public university or college for operation 54282

of such community college by such university or college pursuant 54283  
to an official plan prepared and approved in accordance with 54284  
section 3354.07 of the Revised Code; 54285

(B) Hold, encumber, control, acquire by donation, 54286  
purchase, or condemnation, construct, own, lease, use, and sell 54287  
real and personal property as is necessary for the conduct of 54288  
the program of the community college on whatever terms and for 54289  
whatever consideration may be appropriate for the purpose of the 54290  
college; 54291

(C) Accept gifts, grants, bequests, and devises absolutely 54292  
or in trust for support of the college during the existence of 54293  
the college; 54294

(D) Appoint the administrative officers, faculty, and 54295  
staff, necessary and proper for such community college, and fix 54296  
their compensation except in instances in which the board of 54297  
trustees has delegated such powers to a college or university 54298  
operating such community college pursuant to a contract entered 54299  
into by the board of trustees of the district; 54300

(E) Provide for a community college necessary lands, 54301  
buildings or other structures, equipment, means, and appliances; 54302

(F) Develop and adopt, pursuant to the official plan, the 54303  
curricular programs identified in section 3354.01 of the Revised 54304  
Code as arts and sciences programs and technical programs, or 54305  
either. Such programs may include adult-education programs. 54306

(G) Except as provided in sections 3333.17 and 3333.32 of 54307  
the Revised Code, establish schedules of fees and tuition for 54308  
students who are residents of the district, residents of Ohio 54309  
but not of the district, and students who are nonresidents of 54310  
Ohio. The establishment of rules governing the determination of 54311

residence shall be subject to approval of the ~~chancellor of~~ 54312  
~~higher education~~ director of learning and achievement. Students 54313  
who are nonresidents of Ohio shall be required to pay higher 54314  
rates of fees and tuition than the rates required of students 54315  
who are residents of Ohio but not of the district, and students 54316  
who are residents of the district shall pay a smaller tuition 54317  
and fee rate than the rate for either category of nonresident 54318  
students. 54319

(H) Authorize, approve, ratify, or confirm any agreement 54320  
relating to any such community college with the United States 54321  
government, acting through any agency of such government 54322  
designated or created to aid in the financing of such projects, 54323  
or with any person or agency offering grants in aid in financing 54324  
such educational facilities or the operation of such facilities 54325  
except as prohibited in division (K) of this section. 54326

Such agreement may include a provision for repayment of 54327  
advances, grants, or loans made to any community college 54328  
district from funds which may become available to it. 54329

When the United States government or its agent makes a 54330  
grant of money to any community college district to aid in 54331  
paying the cost of any projects of such district, or enters into 54332  
an agreement with the community college district for the making 54333  
of any such grant of money, the amount thereof is deemed 54334  
appropriated for such purpose by the community college district 54335  
and is deemed in process of collection within the meaning of 54336  
section 5705.41 of the Revised Code. 54337

(I) Grant appropriate certificates of achievement or 54338  
degrees to students successfully completing the community 54339  
college programs; 54340

(J) Prescribe rules for the effective operation of a 54341  
community college and exercise such other powers as are 54342  
necessary for the efficient management of such college; 54343

(K) Receive and expend gifts or grants from the state for 54344  
the payment of operating costs, for the acquisition, 54345  
construction, or improvement of buildings or other structures, 54346  
or for the acquisition or use of land. In no event shall state 54347  
gifts or grants be expended for the support of adult-education 54348  
programs. Gifts or grants from the state for operating costs 54349  
shall not in any biennium exceed the amount recommended by the 54350  
~~chancellor~~ director to the governor as provided in Chapter 3333. 54351  
of the Revised Code. Such gifts or grants shall be distributed 54352  
to such districts in equal quarter-annual payments, unless 54353  
otherwise provided or authorized in any act appropriating moneys 54354  
for such purposes, on or before the last day of February, May, 54355  
August, and November in each year. 54356

(L) Retain consultants in the fields of education, 54357  
planning, architecture, law, engineering, or other fields of 54358  
professional skill; 54359

(M) Purchase: 54360

(1) A policy or policies of insurance insuring the 54361  
district against loss of or damage to property, whether real, 54362  
personal, or mixed, which is owned by the district or leased by 54363  
it as lessee or which is in the process of construction by or 54364  
for the district; 54365

(2) A policy or policies of fidelity insurance in such 54366  
amounts and covering such trustees, officers, and employees of 54367  
the district as it considers necessary or desirable; 54368

(3) A policy or policies of liability insurance from an 54369

insurer or insurers licensed to do business in this state 54370  
insuring its members, officers, and employees against all civil 54371  
liability arising from an act or omission by the member, 54372  
officer, or employee when the member, officer, or employee is 54373  
not acting manifestly outside the scope of employment or 54374  
official responsibilities with the institution, with malicious 54375  
purpose or bad faith, or in a wanton or reckless manner, or may 54376  
otherwise provide for the indemnification of such persons 54377  
against such liability. All or any portion of the cost, premium, 54378  
or charge for such a policy or policies or indemnification 54379  
payment may be paid from any funds under the institution's 54380  
control. The policy or policies of liability insurance or the 54381  
indemnification policy of the institution may cover any risks 54382  
including, but not limited to, damages resulting from injury to 54383  
property or person, professional liability, and other special 54384  
risks, including legal fees and expenses incurred in the defense 54385  
or settlement of claims for such damages. 54386

(4) A policy or policies of insurance insuring the 54387  
district against any liabilities to which it may be subject on 54388  
account of damage or injury to persons or property, including 54389  
liability for wrongful death. 54390

(N) Designate one or more employees of the institution as 54391  
state university law enforcement officers, to serve and have 54392  
duties as prescribed in section 3345.04 of the Revised Code. 54393

Any instrument by which real property is acquired pursuant 54394  
to this section shall identify the agency of the state that has 54395  
the use and benefit of the real property as specified in section 54396  
5301.012 of the Revised Code. 54397

**Sec. 3354.16.** (A) When the board of trustees of a 54398  
community college district has by resolution determined to let 54399

by contract the work of improvements pursuant to the official 54400  
plan of such district, contracts in amounts exceeding a dollar 54401  
amount set by the board, which dollar amount shall not exceed 54402  
two hundred thousand dollars, shall be advertised after notices 54403  
calling for bids have been published once a week for three 54404  
consecutive weeks or as provided in section 7.16 of the Revised 54405  
Code, in a newspaper of general circulation within the community 54406  
college district wherein the work is to be done. Subject to 54407  
section 3354.10 of the Revised Code, the board of trustees of 54408  
the district may let such contract to the lowest responsive and 54409  
responsible bidder, in accordance with section 9.312 of the 54410  
Revised Code, who meets the requirements of section 153.54 of 54411  
the Revised Code. Such contract shall be in writing and shall be 54412  
accompanied by or shall refer to plans and specifications for 54413  
the work to be done. Such contract shall be approved by the 54414  
board of trustees and signed by the president of the board and 54415  
by the contractor. 54416

(B) On the first day of January of every even-numbered 54417  
year, the ~~chancellor department of the board of regents~~ learning 54418  
and achievement shall adjust the two hundred thousand dollar 54419  
contract limit set forth in division (A) of this section, as 54420  
adjusted in any previous year pursuant to this division. The 54421  
~~chancellor department~~ shall adjust the limit according to the 54422  
average increase or decrease for each of the two years 54423  
immediately preceding the adjustment as set forth in the United 54424  
States department of commerce, bureau of economic analysis 54425  
implicit price deflator for gross domestic product, 54426  
nonresidential structures, or an alternative if the federal 54427  
government ceases to publish this metric, provided that no 54428  
increase or decrease for any year shall exceed three per cent of 54429  
the contract limit in existence at the time of the adjustment. 54430

Notwithstanding division (A) of this section, the limit adjusted 54431  
under this division shall be used thereafter in lieu of the 54432  
limit in division (A) of this section. 54433

(C) Before entering into an improvement pursuant to 54434  
division (A) of this section, and except for contracts made with 54435  
a construction manager at risk, a design-build firm, or a 54436  
general contracting firm, as those terms are defined in section 54437  
153.50 of the Revised Code, the board of trustees of a community 54438  
college district shall require separate and distinct proposals 54439  
to be made for furnishing materials or doing work on the 54440  
improvement, or both, in the board's discretion, for each 54441  
separate and distinct branch or class of work entering into the 54442  
improvement. The board of trustees also may require a single, 54443  
combined proposal for the entire project for materials or doing 54444  
work, or both, in the board's discretion, that includes each 54445  
separate and distinct branch or class of work entering into the 54446  
improvement. 54447

(D) When more than one branch or class of work is 54448  
required, no contract for the entire job, or for a greater 54449  
portion thereof than is embraced in one such branch or class of 54450  
work shall be awarded, unless the separate bids do not cover all 54451  
the work and materials required or the bids for the whole or for 54452  
two or more kinds of work or materials are lower than the 54453  
separate bids in the aggregate. 54454

**Sec. 3354.18.** Financial aid to a community college from 54455  
the state shall be paid over to the board of trustees of the 54456  
community college district in which such college is situated 54457  
only upon certification by the ~~Ohio board department of regents~~ 54458  
learning and achievement that such college is in condition to 54459  
receive students and is operable and upon approval of its 54460

official plan and the issuance of a charter to such college as 54461  
provided in section 3354.07 of the Revised Code. 54462

Financial aid from the state to a municipal university of 54463  
the kind described in division (C) of section 3354.01 of the 54464  
Revised Code shall be paid to the board of directors of the 54465  
municipal university upon findings of the ~~Ohio board department~~ 54466  
of ~~regents~~ learning and achievement that the university offers 54467  
instructional programs equivalent to those required of community 54468  
colleges, and that such programs are needed in the community in 54469  
which the university is located. 54470

**Sec. 3354.24.** (A) The provisions of this section prevail 54471  
over conflicting provisions of this chapter; however, except as 54472  
otherwise provided in this section, the eastern gateway 54473  
community college district and its board of trustees shall 54474  
comply with the provisions of this chapter. 54475

(B) The territory of Columbiana, Mahoning, and Trumbull 54476  
counties is hereby added to the territory of the community 54477  
college district of Jefferson county, creating a new community 54478  
college district to replace the former community college 54479  
district of Jefferson county. The district created under this 54480  
section shall be known as and operate under the name of "eastern 54481  
gateway community college district," and its charter shall be 54482  
amended to this name. The Jefferson county campus is hereby part 54483  
of the eastern gateway community college district and shall 54484  
remain in operation unless otherwise specified by the board of 54485  
trustees of the community college. 54486

The eastern gateway community college district is divided 54487  
into two taxing subdistricts, one consisting of the territory of 54488  
Jefferson county, and the other consisting of the territories of 54489  
Columbiana, Mahoning, and Trumbull counties. 54490

(C) ~~On the effective date of this section as enacted by~~ 54491  
~~H.B. 1 of the 128th general assembly October 16, 2009,~~ the 54492  
government of the eastern gateway community college district 54493  
shall be vested in a board of eleven trustees to be appointed by 54494  
the governor, with the advice and consent of the senate. The 54495  
board of trustees of the former community college district of 54496  
Jefferson county is abolished on that date. 54497

The governor shall appoint the members of the board of 54498  
trustees of the eastern gateway community college district as 54499  
successors to the board of trustees of Jefferson community 54500  
college as follows: Three members of the board of trustees shall 54501  
be residents of Jefferson county. (The initial Jefferson county 54502  
members shall be members of the board of trustees of the former 54503  
community college district of Jefferson county, as it existed 54504  
~~before the effective date of this section October 16, 2009.~~) 54505  
Eight members of the board of trustees shall be residents of 54506  
Columbiana, Mahoning, and Trumbull counties. 54507

The initial board of trustees shall be appointed within 54508  
ninety days after ~~the effective date of this section~~ October 16, 54509  
2009, for terms as follows: Of the trustees who are residents of 54510  
Jefferson county, one trustee shall be appointed for a one-year 54511  
term, one trustee shall be appointed for a three-year term, and 54512  
one trustee shall be appointed for a five-year term. Of the 54513  
trustees who are residents of Columbiana, Mahoning, and Trumbull 54514  
counties, one trustee shall be appointed for a one-year term, 54515  
two trustees shall be appointed for two-year terms, two trustees 54516  
shall be appointed for three-year terms, two trustees shall be 54517  
appointed for four-year terms, and one trustee shall be 54518  
appointed for a five-year term. 54519

At the conclusion of each initial term, the term of office 54520

of each trustee shall be five years, each term ending on the 54521  
same day of the same month of the year as did the term that it 54522  
succeeds. 54523

Each trustee shall hold office from the date of the 54524  
trustee's appointment until the end of the term for which the 54525  
trustee was appointed. Any trustee appointed to fill a vacancy 54526  
occurring before the expiration of the term for which the 54527  
trustee's predecessor was appointed shall hold office for the 54528  
remainder of that term. Any trustee shall continue in office 54529  
subsequent to the expiration date of the trustee's term until 54530  
the trustee's successor takes office, or until a period of sixty 54531  
days has elapsed, whichever occurs first. 54532

If a vacancy occurs and the Jefferson county tax levy is 54533  
no longer in place or a conversion under division (H) of this 54534  
section has occurred, the governor shall fill the vacancy with a 54535  
person residing within the eastern gateway community college 54536  
district. 54537

(D) The board of trustees of the eastern gateway community 54538  
college district shall continue to comply with division (G) of 54539  
section 3354.09 of the Revised Code regarding tuition for 54540  
students who are residents of Ohio but not residents of the 54541  
district, and for students who are nonresidents of Ohio. The 54542  
tuition rate shall be based on the student's county of residence 54543  
and shall apply to all eastern gateway community college 54544  
district classes in all district locations. Except as provided 54545  
in division (F) (3) of this section, students who are residents 54546  
of Columbiana, Mahoning, or Trumbull county shall continue to be 54547  
charged tuition at the same rate as Ohio residents who are not 54548  
residents of the district. 54549

(E) (1) Except as provided in divisions (E) (2) and (3) of 54550

this section, each member of the board of trustees shall have 54551  
full voting rights on all matters that come before the board. 54552

(2) The three trustees representing Jefferson county shall 54553  
have sole authority to vote on the following matters: 54554

(a) The Jefferson county tax levy; 54555

(b) The expenditure of revenue from that tax levy; 54556

(c) Levy-subsidized tuition rates. 54557

(3) The voting restrictions under division (E) (2) of this 54558  
section apply until the electors of the Columbiana, Mahoning, 54559  
and Trumbull county taxing subdistrict approve a tax levy under 54560  
division (F) (3) of this section that is equivalent to the tax 54561  
levy approved by the electors of Jefferson county for the 54562  
support of the former community college district of Jefferson 54563  
county ~~on the effective date of this section~~ October 16, 2009. 54564  
For the purposes of this division, the tax levy is an equivalent 54565  
tax levy if either: 54566

(a) In the first tax year for which the tax is collected, 54567  
it yields revenue per capita equal to or greater than the yield 54568  
per capita of levies of the community college district in effect 54569  
that year in Jefferson county, as jointly determined by the 54570  
county auditors of Jefferson, Columbiana, Mahoning, and Trumbull 54571  
counties; or 54572

(b) In the first tax year for which the tax is collected, 54573  
the effective tax rate of the tax is equal to or greater than 54574  
the effective tax rate of levies of the community college 54575  
district in effect that tax year in Jefferson county, as jointly 54576  
determined by the county auditors of Jefferson, Columbiana, 54577  
Mahoning, and Trumbull counties. 54578

As used in this division, "effective tax rate" means the  
quotient obtained by dividing the total taxes charged and  
payable for a taxing subdistrict for a tax year after the  
reduction prescribed by section 319.301 of the Revised Code but  
before the reduction prescribed by section 319.302 or 323.152 of  
the Revised Code, by the taxable value for the taxing  
subdistrict for that tax year.

(F) (1) For each taxing subdistrict of the eastern gateway  
community college district, the board of trustees may propose to  
levy a tax in accordance with the procedures prescribed in  
section 3354.12 of the Revised Code, except the following terms  
used in that section shall have the meanings given them in this  
section:

(a) "District" and "community college district" mean the  
appropriate taxing subdistrict defined in this section;

(b) "Board of trustees of the community college district"  
means the board of trustees for the entire eastern gateway  
community college district. That board of trustees may propose  
separate levies for either of the two taxing subdistricts.

(c) "Tax duplicate" means the tax duplicate of only the  
appropriate taxing subdistrict and not the tax duplicate of the  
entire eastern gateway community college district.

(2) The board of trustees may propose to levy a tax on  
taxable property in Jefferson county to be voted on by the  
electors of Jefferson county as provided in division (F) (1) of  
this section. An affirmative vote by a majority of the electors  
of the subdistrict voting on the question is necessary for  
passage. Any money raised by a tax levied by the former  
community college district of Jefferson county or a subsequent

tax levied in Jefferson county in accordance with division (F) 54608  
(1) of this section shall be used solely for the benefit of 54609  
Jefferson county residents attending the eastern gateway 54610  
community college in the form of student tuition subsidies, 54611  
student scholarships, and instructional facilities, equipment, 54612  
and support services located within Jefferson county, or for any 54613  
purpose approved by the electors. Such amounts shall be 54614  
deposited into a separate fund of the taxing subdistrict, and 54615  
shall be budgeted separately. 54616

(3) The board of trustees may propose to levy a tax on 54617  
taxable property in Columbiana, Mahoning, and Trumbull counties 54618  
to be voted on by the electors of the counties as provided in 54619  
division (F)(1) of this section. An affirmative vote by a 54620  
majority of the electors of the subdistrict voting on the 54621  
question is necessary for passage. Any amounts raised by such a 54622  
tax in the tax subdistrict shall be used solely for the benefit 54623  
of residents of the subdistrict attending the eastern gateway 54624  
community college in the form of student tuition subsidies, 54625  
student scholarships, and instructional facilities, equipment, 54626  
and support services located within Columbiana, Mahoning, and 54627  
Trumbull counties, or for any purpose approved by the electors. 54628  
Amounts collected shall be deposited into a separate fund from 54629  
all other revenues collected by each taxing subdistrict. 54630

The board of trustees may adjust the rate of tuition 54631  
charged to each taxing subdistrict's residents to an amount 54632  
commensurate with the amount of tax the board of trustees 54633  
dedicates for instructional and general services provided to the 54634  
residents of the subdistrict. 54635

(G) The board of trustees of the eastern gateway community 54636  
college district may issue bonds in accordance with section 54637

3354.11 of the Revised Code, but the board may limit the 54638  
question of approval of the issue of those bonds to the electors 54639  
of only one of the two taxing subdistricts, in which case the 54640  
board also may limit the use of the property or improvements to 54641  
the residents of that subdistrict. 54642

(H) If the tax levy in Jefferson county expires, is not 54643  
renewed, or is not approved by the electors of Jefferson county 54644  
and the other taxing subdistrict does not levy a tax for the 54645  
purposes of this section, the board of trustees of the eastern 54646  
gateway community college district shall submit a proposal to 54647  
the ~~chancellor department of the board of regents learning and~~ 54648  
achievement to convert to a state community college and, upon 54649  
the ~~chancellor's department's~~ approval of the proposal, enter 54650  
into a transition agreement with the ~~chancellor department~~ 54651  
following the procedures set forth in section 3358.05 of the 54652  
Revised Code for a technical college district. 54653

**Sec. 3355.091.** (A) A university branch district may 54654  
acquire, by purchase, lease, lease-purchase, lease with option 54655  
to purchase, or otherwise, construct, equip, furnish, 54656  
reconstruct, alter, enlarge, remodel, renovate, rehabilitate, 54657  
improve, maintain, repair, and operate, and lease to or from 54658  
others, auxiliary facilities or education facilities, except 54659  
housing and dining facilities, and may pay for the facilities 54660  
out of available receipts of such district. To pay all or part 54661  
of the costs of auxiliary facilities or education facilities, 54662  
except housing and dining facilities, and any combination of 54663  
them, and to refund obligations previously issued for such 54664  
purpose, each university branch district may issue obligations 54665  
in the manner provided by and subject to the applicable 54666  
provisions of section 3345.12 of the Revised Code. 54667

(B) Except as otherwise provided in this section, the 54668  
definitions set forth in section 3345.12 of the Revised Code 54669  
apply to this section. 54670

(C) Fee variations provided for in division (A) of section 54671  
3355.06 of the Revised Code need not be applied to fees pledged 54672  
to secure obligations. 54673

(D) The obligations authorized by this section are not 54674  
bonded indebtedness of the university branch district, shall not 54675  
constitute general obligations or the pledge of the full faith 54676  
and credit of such district, and the holders or owners thereof 54677  
shall have no right to require the board to levy or collect any 54678  
taxes for the payment of bond service charges, but they shall 54679  
have the right to payment thereof solely from the available 54680  
receipts and funds pledged for such payment as authorized by 54681  
section 3345.12 of the Revised Code and this section. 54682

The bond proceedings may provide the method whereby the 54683  
general administrative overhead expense of the district shall be 54684  
allocated among the several operations and facilities of the 54685  
district for purposes of determining any operating and 54686  
maintenance expenses payable from the pledged available receipts 54687  
prior to the provision for payment of bond service charges, and 54688  
for other purposes of the bond proceedings. 54689

(E) A resolution of the board of trustees or other 54690  
managing authority of a university branch district providing for 54691  
borrowing money and issuing obligations shall be submitted to 54692  
the ~~Ohio board of regents~~ department of learning and achievement 54693  
prior to the borrowing of any money or issuance of any 54694  
obligations, and the ~~board's~~ department's endorsement of 54695  
approval on such resolution is necessary to the validity of any 54696  
obligations issued by the district pursuant to this section and 54697

section 3345.12 of the Revised Code. 54698

(F) The powers granted in this section are in addition to 54699  
any other powers at any time granted by the Constitution and 54700  
laws of the state, and not in derogation thereof or restrictions 54701  
thereon. 54702

**Sec. 3355.12.** (A) When the managing authority of the 54703  
university branch district has determined to let by contract the 54704  
work of improvements, contracts in amounts exceeding a dollar 54705  
amount set by the managing authority, which dollar amount shall 54706  
not exceed fifty thousand dollars, shall be advertised after 54707  
notices calling for bids have been published once a week for 54708  
three consecutive weeks, in at least one newspaper of general 54709  
circulation within the university branch district wherein the 54710  
work is to be done. Such managing authority may let such 54711  
contract to the lowest responsive and responsible bidder, in 54712  
accordance with section 9.312 of the Revised Code, who meets the 54713  
requirements of section 153.54 of the Revised Code. Such 54714  
contract shall be in writing and shall be accompanied by or 54715  
shall refer to plans and specifications for the work to be done. 54716  
Such contract shall be approved by the managing authority of the 54717  
university branch district and signed by the chairperson or 54718  
vice-chairperson of the managing authority and by the 54719  
contractor. 54720

(B) On the first day of January of every even-numbered 54721  
year, the ~~chancellor of the board of regents~~ department of 54722  
learning and achievement shall adjust the fifty thousand dollar 54723  
contract limit set forth in division (A) of this section, as 54724  
adjusted in any previous year pursuant to this division. The 54725  
~~chancellor~~ department shall adjust the limit according to the 54726  
average increase or decrease for each of the two years 54727

immediately preceding the adjustment as set forth in the United 54728  
States department of commerce, bureau of economic analysis 54729  
implicit price deflator for gross domestic product, 54730  
nonresidential structures, or an alternative if the federal 54731  
government ceases to publish this metric, provided that no 54732  
increase or decrease for any year shall exceed three per cent of 54733  
the contract limit in existence at the time of the adjustment. 54734  
Notwithstanding division (A) of this section, the limit adjusted 54735  
under this division shall be used thereafter in lieu of the 54736  
limit in division (A) of this section. 54737

(C) Before entering into an improvement pursuant to 54738  
division (A) of this section, the managing authority of the 54739  
university branch district shall require separate and distinct 54740  
proposals to be made for furnishing materials or doing work on 54741  
the improvement, or both, in the board's discretion, for each 54742  
separate and distinct branch or class of work entering into the 54743  
improvement. The managing authority also may require a single, 54744  
combined proposal for the entire project for materials or doing 54745  
work, or both, in the board's discretion, that includes each 54746  
separate and distinct branch or class of work entering into the 54747  
improvement. The managing authority need not solicit separate 54748  
proposals for a branch or class of work for an improvement if 54749  
the estimate cost for that branch or class of work is less than 54750  
five thousand dollars. 54751

(D) When more than one branch or class of work is 54752  
required, no contract for the entire job, or for a greater 54753  
portion thereof than is embraced in one such branch or class of 54754  
work shall be awarded, unless the separate bids do not cover all 54755  
the work and materials required or the bids for the whole or for 54756  
two or more kinds of work or materials are lower than the 54757  
separate bids in the aggregate. The managing authority need not 54758

award separate contracts for a branch or class of work entering 54759  
into an improvement if the estimated cost for that branch or 54760  
class of work is less than five thousand dollars. 54761

**Sec. 3357.01.** As used in this chapter: 54762

(A) "Technical college" means an institution of education 54763  
beyond the high school, including an institution of higher 54764  
education, organized for the principal purpose of providing for 54765  
the residents of the technical college district, wherein such 54766  
college is situated, any one or more of the instructional 54767  
programs defined in this section as "technical college," or 54768  
"adult-education technical programs," normally not exceeding two 54769  
years' duration and not leading to a baccalaureate degree, 54770  
except as provided in section 3333.051 of the Revised Code. 54771

(B) "Technical college district" means a political 54772  
subdivision of the state and a body corporate with all the 54773  
powers of a corporation, comprised of the territory of a city 54774  
school district or a county, or two or more contiguous school 54775  
districts or counties, which meets the standards prescribed by 54776  
the ~~chancellor of higher education~~ director of learning and 54777  
achievement pursuant to section 3357.02 of the Revised Code, and 54778  
which is organized for the purpose of establishing, owning, and 54779  
operating one or more technical colleges within the territory of 54780  
such district. 54781

(C) "Contiguous school districts or counties" means school 54782  
districts or counties so located that each such school district 54783  
or county shares at least one boundary or a portion thereof in 54784  
common with at least one other such school district or county in 54785  
the group of school districts or counties referred to as being 54786  
"contiguous." 54787

(D) "Technical college program" means a post high school 54788  
curricular program provided within a technical college, planned 54789  
and intended to qualify students, after satisfactory completion 54790  
of such a program normally two years in duration, to pursue 54791  
careers in which they provide immediate technical assistance to 54792  
professional or managerial persons generally required to hold 54793  
baccalaureate or higher academic degrees in technical or 54794  
professional fields. The technical and professional fields 54795  
referred to in this section include, but are not limited to, 54796  
engineering and physical, medical, or other sciences. 54797

(E) "Adult-education technical program" means the 54798  
dissemination of post high school technical education service 54799  
and knowledge, for the occupational, or general educational 54800  
benefit of adult persons. 54801

(F) "Charter amendment" means a change in the official 54802  
plan of a technical college for the purpose of acquiring 54803  
additional lands or structures, disposing of or transferring 54804  
lands or structures, erecting structures, creating or abolishing 54805  
technical college or adult education technical curricular 54806  
programs. 54807

(G) "Baccalaureate-oriented associate degree program" 54808  
means a curricular program of not more than two years' duration 54809  
that is planned and intended to enable students to gain academic 54810  
credit for courses comparable to first- and second-year courses 54811  
offered by accredited colleges and universities. The purpose of 54812  
baccalaureate-oriented associate degree coursework in technical 54813  
colleges is to enable students to transfer to colleges and 54814  
universities and earn baccalaureate degrees or to enable 54815  
students to terminate academic study after two years with a 54816  
proportionate recognition of academic achievement through 54817

receipt of an associate degree. 54818

(H) "Applied bachelor's degree" has the same meaning as in 54819  
section 3333.051 of the Revised Code. 54820

**Sec. 3357.02.** A technical college district may be created 54821  
with the approval of the ~~Ohio board of regents~~ department of 54822  
learning and achievement pursuant to standards established by 54823  
it. Such standards shall take into consideration such factors as 54824  
the population of the proposed district, the present and 54825  
potential pupil enrollment, present and potential higher 54826  
education facilities in the district, and such other factors as 54827  
may pertain to the educational needs of the district. The ~~Ohio~~ 54828  
~~board of regents~~ department may undertake a study or contract 54829  
for a study to be made relative to its establishment or 54830  
application of such standards. 54831

The attorney general shall be the attorney for each 54832  
technical college district and shall provide legal advice in all 54833  
matters relating to its powers and duties. 54834

A proposal to create a technical college district may be 54835  
presented to the ~~Ohio board of regents~~ department in any of the 54836  
following ways: 54837

(A) The board of education of a city school district may 54838  
by resolution approved by a majority of its members propose the 54839  
creation of a technical college district consisting of the whole 54840  
territory of such district. 54841

(B) The boards of two or more contiguous city, exempted 54842  
village, or local school districts or educational service 54843  
centers may by resolutions approved by a majority of the members 54844  
of each participating board propose the creation of a technical 54845  
college district consisting of the whole territories of all the 54846

participating school districts and educational service centers. 54847

(C) The governing board of any educational service center 54848  
may by resolution approved by a majority of its members propose 54849  
the creation of a technical college district consisting of the 54850  
whole territory of such educational service center. 54851

(D) The governing boards of any two or more contiguous 54852  
educational service centers may by resolutions approved by a 54853  
majority of the members of each participating board, propose the 54854  
creation of a technical college district consisting of the whole 54855  
territories of such educational service centers. 54856

(E) Qualified electors residing in a city school district, 54857  
in a county, in two or more contiguous school districts, or in 54858  
two or more contiguous counties may execute a petition proposing 54859  
the creation of a technical college district comprised of the 54860  
territory of the city school district, educational service 54861  
center, two or more contiguous school districts or educational 54862  
service centers, or two or more contiguous counties, 54863  
respectively. Such petition shall be presented to the board of 54864  
elections of the most populous county in which the technical 54865  
college district is situated and shall bear the signatures of at 54866  
least two per cent of the total number of resident electors who 54867  
voted in the most recent election for governor in the territory 54868  
of such proposed district. Such petition shall set forth the 54869  
necessity for the district, a demonstration that it will be 54870  
conducive to the public convenience and welfare, and a 54871  
description of the territory to be included in the proposed 54872  
district. 54873

Upon receiving a petition duly executed pursuant to 54874  
division (E) of this section, the board of elections of the most 54875  
populous county shall certify the fact of such petition to the 54876

boards of elections of the other counties, if any, in which any 54877  
of the territory of the proposed district is situated. The 54878  
proposal to create a technical college district shall be placed 54879  
on the ballot by the board of elections and submitted to vote in 54880  
each affected city school district, county, or group of 54881  
contiguous school districts or counties, at the next primary or 54882  
general election occurring more than ninety days after the 54883  
filing of such petition. If there is no primary or general 54884  
election occurring within one hundred five days after the filing 54885  
of such petition, the board of elections of the most populous 54886  
county shall fix the date of a special election to be held in 54887  
each affected city school district, county, or group of 54888  
contiguous school districts or counties, such date to be not 54889  
less than ninety days after the filing of the petition. If a 54890  
majority of electors voting on the proposition in the proposed 54891  
technical college district vote in favor thereof, the board of 54892  
elections of the most populous county in which the proposed 54893  
district is situated shall certify such fact to the ~~Ohio board~~ 54894  
~~of regents~~ department. 54895

**Sec. 3357.021.** As used in this section, "technical college 54896  
district" means a district created under division (A), (B), (C), 54897  
or (D) of section 3357.02 of the Revised Code the voters of 54898  
which have not authorized the levy of a tax outside the ten-mill 54899  
limitation. 54900

The board of education of any city or exempted village 54901  
school district that has territory in or that is contiguous to a 54902  
technical college district may by resolution adopted by a 54903  
majority of the members of the board request the inclusion of 54904  
all of the school district's territory in the technical college 54905  
district. The governing board of an educational service center 54906  
whose service area contains the whole territory of a county or 54907

that is contiguous to a county that is contiguous to or that has 54908  
territory in a technical college district may, by resolution 54909  
adopted by a majority of the members of the board, request the 54910  
inclusion of all of the county's territory in the technical 54911  
college district. A copy of the resolution shall be certified to 54912  
the board of trustees of the technical college district. 54913

The board of trustees of a technical college district to 54914  
which a resolution has been certified may by resolution adopted 54915  
by a majority of the members of the board propose the expansion 54916  
of the technical college district to include all of the 54917  
territory described in the resolution, and certify a copy of the 54918  
resolution to the ~~Ohio board of regents~~ department of learning 54919  
and achievement, which may approve or disapprove the expansion 54920  
and designate the date on which the expansion shall take effect. 54921  
If a college district board of trustees has received more than 54922  
one resolution requesting inclusion in the district, the board's 54923  
resolution may propose the expansion to include the territory of 54924  
more than one school district or one county, provided that all 54925  
such territory is contiguous either to the college district or 54926  
to territory described in the board's resolution. 54927

The expansion of a technical college district under this 54928  
section does not affect the terms of district trustees serving 54929  
on the date of such expansion. If expansion of the technical 54930  
college district requires the appointment of two additional 54931  
trustees pursuant to section 3357.05 of the Revised Code, the 54932  
additional trustees shall meet the requirements set forth in 54933  
such section and shall be appointed within ninety days of the 54934  
effective date of the expansion. One such trustee shall be 54935  
appointed by the governor with the advice and consent of the 54936  
senate for a term ending the same day of the same month of the 54937  
year as the terms of other trustees appointed by the governor 54938

end, in the first year during which the term of no other trustee 54939  
appointed by the governor ends. One trustee shall be initially 54940  
appointed by the presidents or their representatives of the city 54941  
and exempted village school district boards of education and the 54942  
educational service center governing boards whose territories 54943  
are embraced by the expanded technical college district. Prior 54944  
to the appointment of the trustee the president of the board of 54945  
education of the city school district having the largest pupil 54946  
enrollment shall call a caucus of the presidents of the 54947  
foregoing boards at a time and place designated by such 54948  
president. At such caucus the board presidents or their 54949  
representatives shall select the trustee by majority vote of 54950  
those attending. This appointment shall be for a term ending the 54951  
same day of the same month of the year as the terms of trustees 54952  
not appointed by the governor in the first year during which the 54953  
term of only one such trustee ends. Thereafter, all appointments 54954  
of trustees shall be made in the manner set forth in section 54955  
3357.05 of the Revised Code. 54956

**Sec. 3357.03.** Within thirty days after approval by the 54957  
~~Ohio board of regents~~ department of learning and achievement of 54958  
a technical college district proposed pursuant to section 54959  
3357.02 of the Revised Code, such board shall file with the 54960  
secretary of state a copy of its certification or resolution 54961  
creating the district. Such copy shall be filed and recorded in 54962  
the office of the secretary of state in the same manner as 54963  
articles of incorporation are required to be filed and recorded 54964  
under the general law concerning corporations. 54965

**Sec. 3357.07.** The board of trustees of a technical college 54966  
district shall prepare an official plan for a technical college 54967  
within the district. Such official plan shall include, but not 54968  
be limited to, a demonstration of need and prospective 54969

enrollment, a description and locations of lands, buildings, 54970  
facilities, and improvements proposed to be occupied by such 54971  
college; a proposed schedule for acquisition of such lands or 54972  
improvements, for construction or improvements, and for 54973  
operation of the college; estimates of cost of lands and 54974  
improvements; proposed organization and program of such college, 54975  
consistent with the proposed lands and improvements; and a 54976  
proposed budget for the first two years of operation of such 54977  
college. 54978

In preparing such official plan, the board of trustees of 54979  
a technical college district may retain consultants in the 54980  
fields of education, architecture, law, engineering, or other 54981  
fields of professional skill which may be needed in the 54982  
preparation of plans for a technical college. 54983

Upon completion of the official plan, the board of 54984  
trustees of the technical college district shall file a copy 54985  
thereof with the ~~Ohio board of regents~~ department of learning 54986  
and achievement which may approve or disapprove any provisions 54987  
thereof and with the board or boards of education of school 54988  
districts whose territories are included in the technical 54989  
college district. If the ~~Ohio board of regents~~ department 54990  
disapproves the official plan or any provisions thereof, the 54991  
board of trustees of the technical college district may prepare 54992  
a new plan or may present amended provisions of the plan. If the 54993  
~~Ohio board of regents~~ department approves the official plan, it 54994  
shall certify a copy of its action to the board of trustees of 54995  
the technical college district and issue a charter creating the 54996  
technical college to be known by the name set forth in the 54997  
official plan. The official plan shall be appended to and shall 54998  
become a part of such charter, and such charter shall not 54999  
thereafter be changed except by charter amendment with the 55000

approval of the ~~Ohio board of regents~~ department. A proposal for 55001  
a charter amendment shall be filed with the ~~Ohio board of~~ 55002  
~~regents~~ department and with local boards of education as 55003  
provided in this section for an official plan. 55004

**Sec. 3357.09.** The board of trustees of a technical college 55005  
district may: 55006

(A) Own and operate a technical college, pursuant to an 55007  
official plan prepared and approved in accordance with section 55008  
3357.07 of the Revised Code; 55009

(B) Hold, encumber, control, acquire by donation, 55010  
purchase, or condemnation, construct, own, lease, use, and sell, 55011  
real and personal property as necessary for the conduct of the 55012  
program of the technical college on whatever terms and for 55013  
whatever consideration may be appropriate for the purposes of 55014  
the institution; 55015

(C) Accept gifts, grants, bequests, and devises absolutely 55016  
or in trust for support of the technical college; 55017

(D) Appoint the president, faculty, and such other 55018  
employees as necessary and proper for such technical college, 55019  
and fix their compensation; 55020

(E) Provide for a technical college necessary lands, 55021  
buildings or other structures, equipment, means, and appliances; 55022

(F) Develop and adopt, pursuant to the official plan, any 55023  
one or more of the curricular programs identified in section 55024  
3357.01 of the Revised Code as technical-college programs, or 55025  
adult-education technical programs, and applied bachelor's 55026  
degree programs under section 3333.051 of the Revised Code; 55027

(G) Except as provided in sections 3333.17 and 3333.32 of 55028

the Revised Code, establish schedules of fees and tuition for: 55029  
students who are residents of the district; students who are 55030  
residents of Ohio but not of the district; students who are 55031  
nonresidents of Ohio. The establishment of rules governing the 55032  
determination of residence shall be subject to approval of the 55033  
~~chancellor of higher education~~ director of learning and 55034  
achievement. Students who are nonresidents of Ohio shall be 55035  
required to pay higher rates of fees and tuition than the rates 55036  
required of students who are residents of Ohio but not of the 55037  
district, and students who are residents of the district shall 55038  
pay smaller tuition and fee rates than the rates for either of 55039  
the above categories of nonresident students, except that 55040  
students who are residents of Ohio but not of the district shall 55041  
be required to pay higher fees and tuition than students who are 55042  
residents of the district only when a district tax levy has been 55043  
adopted and is in effect under the authority of section 3357.11, 55044  
5705.19, or 5705.191 of the Revised Code. 55045

(H) Authorize, approve, ratify, or confirm, with approval 55046  
of the ~~chancellor~~ director, any agreement with the United States 55047  
government, acting through any agency designated to aid in the 55048  
financing of technical college projects, or with any person, 55049  
organization, or agency offering grants-in-aid for technical 55050  
college facilities or operation; 55051

(I) Receive assistance for the cost of equipment and for 55052  
the operation of such technical colleges from moneys 55053  
appropriated for technical education or for matching of Title 55054  
VIII of the "National Defense Education Act," 72 Stat. 1597 55055  
(1958), 20 U.S.C.A. 15a-15e. Moneys shall be distributed by the 55056  
~~chancellor~~ director in accordance with rules which the board 55057  
shall establish governing its allocations to technical colleges 55058  
chartered under section 3357.07 of the Revised Code. 55059

(J) Grant appropriate associate degrees to students 55060  
successfully completing the technical college programs, 55061  
appropriate applied bachelor's degrees to students successfully 55062  
completing applied bachelor's degree programs, and certificates 55063  
of achievement to those students who complete other programs; 55064

(K) Prescribe rules for the effective operation of a 55065  
technical college, and exercise such other powers as are 55066  
necessary for the efficient management of such college; 55067

(L) Enter into contracts and conduct technical college 55068  
programs or technical courses outside the technical college 55069  
district; 55070

(M) Enter into contracts with the board of education of 55071  
any local, exempted village, or city school district or the 55072  
governing board of any educational service center to permit the 55073  
school district or service center to use the facilities of the 55074  
technical college district; 55075

(N) Designate one or more employees of the institution as 55076  
state university law enforcement officers, to serve and have 55077  
duties as prescribed in section 3345.04 of the Revised Code; 55078

(O) Subject to the approval of the ~~chancellor~~ director, 55079  
offer technical college programs or technical courses for credit 55080  
at locations outside the technical college district. For 55081  
purposes of computing state aid, students enrolled in such 55082  
courses shall be deemed to be students enrolled in programs and 55083  
courses at off-campus locations in the district. 55084

(P) Purchase a policy or policies of liability insurance 55085  
from an insurer or insurers licensed to do business in this 55086  
state insuring its members, officers, and employees against all 55087  
civil liability arising from an act or omission by the member, 55088

officer, or employee, when the member, officer, or employee is 55089  
not acting manifestly outside the scope of the member's, 55090  
officer's, or employee's employment or official responsibilities 55091  
with the institution, with malicious purpose or bad faith, or in 55092  
a wanton or reckless manner, or may otherwise provide for the 55093  
indemnification of such persons against such liability. All or 55094  
any portion of the cost, premium, or charge for such a policy or 55095  
policies or indemnification payment may be paid from any funds 55096  
under the institution's control. The policy or policies of 55097  
liability insurance or the indemnification policy of the 55098  
institution may cover any risks including, but not limited to, 55099  
damages resulting from injury to property or person, 55100  
professional liability, and other special risks, including legal 55101  
fees and expenses incurred in the defense or settlement of 55102  
claims for such damages. 55103

Any instrument by which real property is acquired pursuant 55104  
to this section shall identify the agency of the state that has 55105  
the use and benefit of the real property as specified in section 55106  
5301.012 of the Revised Code. 55107

**Sec. 3357.13.** As used in this section, "state institution 55108  
of higher education" has the same meaning as in section 3345.011 55109  
of the Revised Code. 55110

A technical college regardless of its co-location with 55111  
another state institution of higher education may offer any 55112  
baccalaureate-oriented associate degree program, provided 55113  
however that any new or expanded programs at co-located campuses 55114  
must be approved by the ~~chancellor of the Ohio board of regents-~~ 55115  
department of learning and achievement. In reviewing such 55116  
programs, the ~~chancellor~~ department shall determine whether the 55117  
proposed program would promote cooperation and collaboration 55118

between co-located institutions while minimizing duplication. 55119

**Sec. 3357.14.** The exercise of powers granted by sections 55120  
3357.01 to ~~3357.19~~3357.18, inclusive, of the Revised Code, shall 55121  
be in all respects for the benefit of the people and for the 55122  
increase of their knowledge, prosperity, morals, and welfare. A 55123  
technical college district shall not be required to pay any 55124  
taxes or assessments upon any real or personal property 55125  
acquired, owned, or used by it pursuant to sections 3357.01 to 55126  
~~3357.19~~3357.18, inclusive, of the Revised Code, or upon the 55127  
income therefrom, and the bonds issued pursuant to such sections 55128  
and the transfer of the income therefrom, including any profit 55129  
made on the sale thereof, shall at all times be free from 55130  
taxation within the state. 55131

**Sec. 3357.15.** Financial aid to a technical college from 55132  
the state, to be used for the payment of operating costs of such 55133  
college, shall be paid to the board of trustees of the technical 55134  
college district in which such college is situated, only upon 55135  
certification by the ~~Ohio board of regents~~ department of 55136  
learning and achievement that such college is in condition to 55137  
receive students and is operable and upon approval of its 55138  
official plan and the issuance of a charter to such college as 55139  
provided in section 3357.07 of the Revised Code. Financial aid 55140  
for equipment may be paid to the board of trustees after 55141  
approval of its official plan and issuance of a charter to such 55142  
college. 55143

**Sec. 3357.16.** (A) When the board of trustees of a 55144  
technical college district has by resolution determined to let 55145  
by contract the work of improvements pursuant to the official 55146  
plan of such district, contracts in amounts exceeding a dollar 55147  
amount set by the board, which dollar amount shall not exceed 55148

two hundred thousand dollars, shall be advertised after notice 55149  
calling for bids has been published once a week for three 55150  
consecutive weeks or as provided in section 7.16 of the Revised 55151  
Code, in a newspaper of general circulation within the technical 55152  
college district where the work is to be done. The board of 55153  
trustees of the technical college district may let such contract 55154  
to the lowest responsive and responsible bidder, in accordance 55155  
with section 9.312 of the Revised Code, who meets the 55156  
requirements of section 153.54 of the Revised Code. Such 55157  
contract shall be in writing and shall be accompanied by or 55158  
shall refer to plans and specifications for the work to be done. 55159  
Such contract shall be approved by the board of trustees and 55160  
signed by the president of the board and by the contractor. 55161

(B) On the first day of January of every even-numbered 55162  
year, the ~~chancellor of the board of regents~~ department of 55163  
learning and achievement shall adjust the two hundred thousand 55164  
dollar contract limit set forth in division (A) of this section, 55165  
as adjusted in any previous year pursuant to this division. The 55166  
~~chancellor~~ department shall adjust the limit according to the 55167  
average increase or decrease for each of the two years 55168  
immediately preceding the adjustment as set forth in the United 55169  
States department of commerce, bureau of economic analysis 55170  
implicit price deflator for gross domestic product, 55171  
nonresidential structures, or an alternative if the federal 55172  
government ceases to publish this metric, provided that no 55173  
increase or decrease for any year shall exceed three per cent of 55174  
the contract limit in existence at the time of the adjustment. 55175  
Notwithstanding division (A) of this section, the limit adjusted 55176  
under this division shall be used thereafter in lieu of the 55177  
limit in division (A) of this section. 55178

(C) Before entering into an improvement pursuant to 55179

division (A) of this section, and except for contracts made with 55180  
a construction manager at risk, a design-build firm, or a 55181  
general contracting firm, as those terms are defined in section 55182  
153.50 of the Revised Code, the board of trustees of a technical 55183  
college district shall require separate and distinct proposals 55184  
to be made for furnishing materials or doing work on the 55185  
improvement, or both, in the board's discretion, for each 55186  
separate and distinct branch or class of work entering into the 55187  
improvement. The board of trustees also may require a single, 55188  
combined proposal for the entire project for materials or doing 55189  
work, or both, in the board's discretion, that includes each 55190  
separate and distinct branch or class of work entering into the 55191  
improvement. 55192

(D) When more than one branch or class of work is 55193  
required, no contract for the entire job, or for a greater 55194  
portion thereof than is embraced in one such branch or class of 55195  
work shall be awarded, unless the separate bids do not cover all 55196  
the work and materials required or the bids for the whole or for 55197  
two or more kinds of work or materials are lower than the 55198  
separate bids in the aggregate. 55199

**Sec. 3357.18.** ~~The Ohio board of regents department of~~ 55200  
learning and achievement shall approve or disapprove proposed 55201  
official plans of technical college districts, prepared and 55202  
submitted pursuant to sections 3357.01 to ~~3357.19, inclusive,~~ 55203  
3357.18 of the Revised Code, and issue or decline to issue 55204  
charters for operation of technical colleges, pursuant to 55205  
section 3357.07 of the Revised Code. 55206

The ~~board department~~ shall approve an official plan, and 55207  
issue a charter, only upon the following findings: 55208

(A) That the official plan and all past and proposed 55209

actions of the technical college district are in conformity to 55210  
law; 55211

(B) That the proposed technical college will not 55212  
unreasonably and wastefully duplicate existing educational 55213  
services available to students and prospective students residing 55214  
in the technical college district; 55215

(C) That there is reasonable prospect of adequate current 55216  
operating revenue for the proposed technical college from its 55217  
proposed opening date of operation; 55218

(D) That the proposed lands and facilities of the 55219  
technical college will be adequate and efficient for the 55220  
purposes of the proposed technical college; 55221

(E) That the particular proposed curricular programs, 55222  
being one or more of the programs defined in section 3357.01 of 55223  
the Revised Code, as "technical college," and "adult-education 55224  
technical programs," are the programs for which there is 55225  
substantial need in the territory of the district. 55226

The employment and separation of individual personnel in a 55227  
technical college and the establishment or abolition of 55228  
individual courses of instruction shall not be subject to the 55229  
specific and individual approval or disapproval of the ~~Ohio~~ 55230  
~~board of regents department~~, but shall occur in the discretion 55231  
of the local management of such college within the limitations 55232  
of law, the official plan, and the charter of such college. 55233

The ~~Ohio board of regents department~~ may make such study 55234  
as it deems advisable or contract for such study to be made 55235  
relative to the application of divisions (A) to (E), inclusive, 55236  
of this section in its approval or disapproval of official plans 55237  
of the technical college districts or the issuance of charters 55238

for the operation of technical colleges.	55239
<b>Sec. 3365.01.</b> As used in this chapter:	55240
(A) "Articulated credit" means post-secondary credit that	55241
is reflected on the official record of a student at an	55242
institution of higher education only upon enrollment at that	55243
institution after graduation from a secondary school.	55244
(B) "Default ceiling amount" means one of the following	55245
amounts, whichever is applicable:	55246
(1) For a participant enrolled in a college operating on a	55247
semester schedule, the amount calculated according to the	55248
following formula:	55249
$((0.83 \times \text{formula amount}) / 30)$	55250
X number of enrolled credit hours	55251
(2) For a participant enrolled in a college operating on a	55252
quarter schedule, the amount calculated according to the	55253
following formula:	55254
$((0.83 \times \text{formula amount}) / 45)$	55255
X number of enrolled credit hours	55256
(C) "Default floor amount" means twenty-five per cent of	55257
the default ceiling amount.	55258
(D) "Eligible out-of-state college" means any institution	55259
of higher education that is located outside of Ohio and is	55260
approved by the <del>chancellor of higher education department of</del>	55261
<u>learning and achievement</u> to participate in the college credit	55262
plus program.	55263
(E) "Fee" means any course-related fee and any other fee	55264
imposed by the college, but not included in tuition, for	55265

participation in the program established by this chapter.	55266
(F) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	55267 55268
(G) "Governing entity" means a board of education of a school district, a governing authority of a community school established under Chapter 3314., a governing body of a STEM school established under Chapter 3326., or a board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code.	55269 55270 55271 55272 55273 55274
(H) "Home-instructed participant" means a student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code, and is participating in the program established by this chapter.	55275 55276 55277 55278
(I) "Maximum per participant charge amount" means one of the following amounts, whichever is applicable:	55279 55280
(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:	55281 55282 55283
((formula amount / 30)	55284
X number of enrolled credit hours)	55285
(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:	55286 55287 55288
((formula amount / 45)	55289
X number of enrolled credit hours)	55290
(J) "Nonpublic secondary school" means a chartered school for which minimum standards are prescribed by the <del>state board of</del>	55291 55292

<del>education department</del> pursuant to division (D) of section 3301.07	55293
of the Revised Code.	55294
(K) "Number of enrolled credit hours" means the number of	55295
credit hours for a course in which a participant is enrolled	55296
during the previous term after the date on which a withdrawal	55297
from a course would have negatively affected the participant's	55298
transcripted grade, as prescribed by the college's established	55299
withdrawal policy.	55300
(L) "Parent" has the same meaning as in section 3313.64 of	55301
the Revised Code.	55302
(M) "Participant" means any student enrolled in a college	55303
under the program established by this chapter.	55304
(N) "Partnering college" means a college with which a	55305
public or nonpublic secondary school has entered into an	55306
agreement in order to offer the program established by this	55307
chapter.	55308
(O) "Partnering secondary school" means a public or	55309
nonpublic secondary school with which a college has entered into	55310
an agreement in order to offer the program established by this	55311
chapter.	55312
(P) "Private college" means any of the following:	55313
(1) A nonprofit institution holding a certificate of	55314
authorization pursuant to Chapter 1713. of the Revised Code;	55315
(2) An institution holding a certificate of registration	55316
from the state board of career colleges and schools and program	55317
authorization for an associate or bachelor's degree program	55318
issued under section 3332.05 of the Revised Code;	55319
(3) A private institution exempt from regulation under	55320

Chapter 3332. of the Revised Code as prescribed in section	55321
3333.046 of the Revised Code.	55322
(Q) "Public college" means a "state institution of higher	55323
education" in section 3345.011 of the Revised Code, excluding	55324
the northeast Ohio medical university.	55325
(R) "Public secondary school" means a school serving	55326
grades nine through twelve in a city, local, or exempted village	55327
school district, a joint vocational school district, a community	55328
school established under Chapter 3314., a STEM school	55329
established under Chapter 3326., or a college-preparatory	55330
boarding school established under Chapter 3328. of the Revised	55331
Code.	55332
(S) "School year" has the same meaning as in section	55333
3313.62 of the Revised Code.	55334
(T) "Secondary grade" means any of grades nine through	55335
twelve.	55336
(U) "Standard rate" means the amount per credit hour	55337
assessed by the college for an in-state student who is enrolled	55338
in an undergraduate course at that college, but who is not	55339
participating in the college credit plus program, as prescribed	55340
by the college's established tuition policy.	55341
(V) "Transcribed credit" means post-secondary credit that	55342
is conferred by an institution of higher education and is	55343
reflected on a student's official record at that institution	55344
upon completion of a course.	55345
<b>Sec. 3365.02.</b> (A) There is hereby established the college	55346
credit plus program under which, beginning with the 2015-2016	55347
school year, a secondary grade student who is a resident of this	55348
state may enroll at a college, on a full- or part-time basis,	55349

and complete nonsectarian, nonremedial courses for high school 55350  
and college credit. The program shall govern arrangements in 55351  
which a secondary grade student enrolls in a college and, upon 55352  
successful completion of coursework taken under the program, 55353  
receives transcribed credit from the college. The following are 55354  
not governed by the college credit plus program: 55355

(1) An agreement governing an early college high school 55356  
program, provided the program meets the definition set forth in 55357  
division (F) (2) of section 3313.6013 of the Revised Code and is 55358  
approved by the ~~superintendent of public instruction and the~~ 55359  
~~chancellor of higher education~~ director of learning and 55360  
achievement; 55361

(2) An advanced placement course or international 55362  
baccalaureate diploma course, as described in divisions (A) (2) 55363  
and (3) of section 3313.6013 of the Revised Code; 55364

(3) A career-technical education program that is approved 55365  
by the department of ~~education~~ learning and achievement under 55366  
section 3317.161 of the Revised Code and grants articulated 55367  
credit to students participating in that program. However, any 55368  
portion of an approved program that results in the conferral of 55369  
transcribed credit upon the completion of the course shall be 55370  
governed by the college credit plus program. 55371

(B) Any student enrolled in a public or nonpublic 55372  
secondary school in the student's ninth, tenth, eleventh, or 55373  
twelfth grade; any student enrolled in a nonchartered nonpublic 55374  
secondary school in the student's ninth, tenth, eleventh, or 55375  
twelfth grade; and any student who has been excused from the 55376  
compulsory attendance law for the purpose of home instruction 55377  
under section 3321.04 of the Revised Code and is the equivalent 55378  
of a ninth, tenth, eleventh, or twelfth grade student, may 55379

participate in the program, if the student meets the applicable 55380  
eligibility criteria in section 3365.03 of the Revised Code. If 55381  
a nonchartered nonpublic secondary school student chooses to 55382  
participate in the program, that student shall be subject to the 55383  
same requirements as a home-instructed student who chooses to 55384  
participate in the program under this chapter. 55385

(C) All public secondary schools and all public colleges 55386  
shall participate in the program and are subject to the 55387  
requirements of this chapter. Any nonpublic secondary school or 55388  
private college that chooses to participate in the program shall 55389  
also be subject to the requirements of this chapter. 55390

(D) ~~The chancellor~~ director, in accordance with Chapter 55391  
119. of the Revised Code ~~and in consultation with the state~~ 55392  
~~superintendent~~, shall adopt rules governing the program. 55393

**Sec. 3365.03.** (A) A student enrolled in a public or 55394  
nonpublic secondary school during the student's ninth, tenth, 55395  
eleventh, or twelfth grade school year; a student enrolled in a 55396  
nonchartered nonpublic secondary school in the student's ninth, 55397  
tenth, eleventh, or twelfth grade school year; or a student who 55398  
has been excused from the compulsory attendance law for the 55399  
purpose of home instruction under section 3321.04 of the Revised 55400  
Code and is the equivalent of a ninth, tenth, eleventh, or 55401  
twelfth grade student, may apply to and enroll in a college 55402  
under the college credit plus program. 55403

(1) In order for a public secondary school student to 55404  
participate in the program, all of the following criteria shall 55405  
be met: 55406

(a) The student or the student's parent shall inform the 55407  
principal, or equivalent, of the student's school by the first 55408

day of April of the student's intent to participate in the 55409  
program during the following school year. Any student who fails 55410  
to provide the notification by the required date may not 55411  
participate in the program during the following school year 55412  
without the written consent of the principal, or equivalent. If 55413  
a student seeks consent from the principal after failing to 55414  
provide notification by the required date, the principal shall 55415  
notify the department of ~~education~~learning and achievement of 55416  
the student's intent to participate within ten days of the date 55417  
on which the student seeks consent. If the principal does not 55418  
provide written consent, the student may appeal the principal's 55419  
decision to the governing entity of the school, except for a 55420  
student who is enrolled in a school district, who may appeal the 55421  
decision to the district superintendent. Not later than thirty 55422  
days after the notification of the appeal, the district 55423  
superintendent or governing entity shall hear the appeal and 55424  
shall make a decision to either grant or deny that student's 55425  
participation in the program. The decision of the district 55426  
superintendent or governing entity shall be final. 55427

(b) The student shall: 55428

(i) Apply to a public or a participating private college, 55429  
or an eligible out-of-state college participating in the 55430  
program, in accordance with the college's established procedures 55431  
for admission, pursuant to section 3365.05 of the Revised Code; 55432

(ii) As a condition of eligibility, be remediation-free, 55433  
in accordance with one of the assessments established under 55434  
division (F) of section 3345.061 of the Revised Code. However, a 55435  
student who scores within one standard error of measurement 55436  
below the remediation-free threshold for one of those 55437  
assessments shall be considered to have met this requirement if 55438

the student also either: 55439

(I) Has a cumulative high school grade point average of at 55440  
least 3.0. If the student is seeking to participate under 55441  
section 3365.033 of the Revised Code, the student must have an 55442  
equivalent cumulative grade point average in the applicable 55443  
grade levels. 55444

(II) Receives a recommendation from a school counselor, 55445  
principal, or career-technical program advisor. 55446

(iii) Meet the college's and relevant academic program's 55447  
established standards for admission, enrollment, and course 55448  
placement, including course-specific capacity limitations, 55449  
pursuant to section 3365.05 of the Revised Code. 55450

(c) The student shall elect at the time of enrollment to 55451  
participate under either division (A) or (B) of section 3365.06 55452  
of the Revised Code for each course under the program. 55453

(d) The student and the student's parent shall sign a 55454  
form, provided by the school, stating that they have received 55455  
the counseling required under division (B) of section 3365.04 of 55456  
the Revised Code and that they understand the responsibilities 55457  
they must assume in the program. 55458

(2) In order for a nonpublic secondary school student, a 55459  
nonchartered nonpublic secondary school student, or a home- 55460  
instructed student to participate in the program, both of the 55461  
following criteria shall be met: 55462

(a) The student shall meet the criteria in divisions (A) 55463  
(1) (b) and (c) of this section. 55464

(b) (i) If the student is enrolled in a nonpublic secondary 55465  
school, that student shall send to the department ~~of education~~ a 55466

copy of the student's acceptance from a college and an 55467  
application. The application shall be made on forms provided by 55468  
the ~~state board of education department~~ and shall include 55469  
information about the student's proposed participation, 55470  
including the school year in which the student wishes to 55471  
participate; and the semesters or terms the student wishes to 55472  
enroll during such year. The department shall mark each 55473  
application with the date and time of receipt. 55474

(ii) If the student is enrolled in a nonchartered 55475  
nonpublic secondary school or is home-instructed, the parent or 55476  
guardian of that student shall notify the department by the 55477  
first day of April prior to the school year in which the student 55478  
wishes to participate. 55479

(B) Except as provided for in division (C) of this section 55480  
and in sections 3365.031 and 3365.032 of the Revised Code: 55481

(1) No public secondary school shall prohibit a student 55482  
enrolled in that school from participating in the program if 55483  
that student meets all of the criteria in division (A)(1) of 55484  
this section. 55485

(2) No participating nonpublic secondary school shall 55486  
prohibit a student enrolled in that school from participating in 55487  
the program if the student meets all of the criteria in division 55488  
(A)(2) of this section and, if the student is enrolled under 55489  
division (B) of section 3365.06 of the Revised Code, the student 55490  
is awarded funding from the department in accordance with rules 55491  
adopted by the ~~chancellor of higher education, in consultation~~ 55492  
~~with the superintendent of public instruction department of~~ 55493  
learning and achievement, pursuant to section 3365.071 of the 55494  
Revised Code. 55495

(C) For purposes of this section, during the period of an expulsion imposed by a public secondary school, a student is ineligible to apply to enroll in a college under this section, unless the student is admitted to another public secondary or participating nonpublic secondary school. If a student is enrolled in a college under this section at the time the student is expelled, the student's status for the remainder of the college term in which the expulsion is imposed shall be determined under section 3365.032 of the Revised Code.

(D) Upon a student's graduation from high school, participation in the college credit plus program shall not affect the student's eligibility at any public college for scholarships or for other benefits or opportunities that are available to first-time college students and are awarded by that college, regardless of the number of credit hours that the student completed under the program.

(E) The college to which a student applies to participate under this section shall pay for one assessment used to determine that student's eligibility under this section. However, notwithstanding anything to the contrary in Chapter 3365. of the Revised Code, any additional assessments used to determine the student's eligibility shall be the financial responsibility of the student.

**Sec. 3365.034.** (A) Notwithstanding anything to the contrary in the Revised Code, a student who is eligible to participate in the college credit plus program under section 3365.03 or 3365.033 of the Revised Code may participate in the program during the summer term of a public or participating private college or an eligible out-of-state college participating in the program.

Unless otherwise specified, if a student participates in 55526  
the college credit plus program under this section, all 55527  
requirements of the program shall apply. 55528

(B) (1) In order for a public secondary school student to 55529  
participate under this section, the student shall meet the 55530  
criteria in division (A) (1) of section 3365.03 of the Revised 55531  
Code, except that the student or the student's parent shall 55532  
inform the principal, or equivalent, of the student's school by 55533  
the date designated by rule of the ~~chancellor department of~~ 55534  
~~higher education~~ learning and achievement, pursuant to division 55535  
(E) of this section, of the student's intent to participate in 55536  
the program during the summer term. 55537

(2) In order for a nonpublic secondary school student, a 55538  
nonchartered nonpublic secondary school student, or a home- 55539  
instructed student to participate under this section, the 55540  
student shall meet the applicable criteria in division (A) (2) of 55541  
section 3365.03 of the Revised Code, except that the parent or 55542  
guardian of a nonchartered nonpublic secondary school student or 55543  
a home-instructed student shall notify the department ~~of~~ 55544  
~~education~~ by the date designated by rule of the ~~chancellor of~~ 55545  
~~higher education~~ department, pursuant to division (E) of this 55546  
section, of the student's intent to participate in the program 55547  
during the summer term. 55548

(C) If a participant under this section elects to have the 55549  
college reimbursed under section 3365.07 of the Revised Code for 55550  
courses taken under the program, the department shall reimburse 55551  
the college in the same manner as for students who participate 55552  
during the school year in accordance with that section, except 55553  
that the department shall make the applicable payments each 55554  
September, or as soon as possible thereafter. 55555

(D) Notwithstanding section 3327.01 of the Revised Code, 55556  
the participant or the participant's parent or guardian shall be 55557  
responsible for any transportation related to participation in 55558  
the program during the summer term. 55559

(E) ~~The chancellor of higher education department,~~ in 55560  
accordance with Chapter 119. of the Revised Code ~~and in~~ 55561  
~~consultation with the superintendent of public instruction,~~ 55562  
shall adopt rules for the administration of this section. The 55563  
rules shall include the dates by which the student or student's 55564  
parent must provide notification of the student's intent to 55565  
participate in the program during the summer term. 55566

**Sec. 3365.04.** Each public and participating nonpublic 55567  
secondary school shall do all of the following with respect to 55568  
the college credit plus program: 55569

(A) Provide information about the program prior to the 55570  
first day of February of each year to all students enrolled in 55571  
grades six through eleven; 55572

(B) Provide counseling services to students in grades six 55573  
through eleven and to their parents before the students 55574  
participate in the program under this chapter to ensure that 55575  
students and parents are fully aware of the possible 55576  
consequences and benefits of participation. Counseling 55577  
information shall include: 55578

(1) Program eligibility; 55579

(2) The process for granting academic credits; 55580

(3) Any necessary financial arrangements for tuition, 55581  
textbooks, and fees; 55582

(4) Criteria for any transportation aid; 55583

(5) Available support services;	55584
(6) Scheduling;	55585
(7) Communicating the possible consequences and benefits of participation, including all of the following:	55586 55587
(a) The consequences of failing or not completing a course under the program, including the effect on the student's ability to complete the secondary school's graduation requirements;	55588 55589 55590
(b) The effect of the grade attained in a course under the program being included in the student's grade point average, as applicable;	55591 55592 55593
(c) The benefits to the student for successfully completing a course under the program, including the ability to reduce the overall costs of, and the amount of time required for, a college education.	55594 55595 55596 55597
(8) The academic and social responsibilities of students and parents under the program;	55598 55599
(9) Information about and encouragement to use the counseling services of the college in which the student intends to enroll;	55600 55601 55602
(10) The standard packet of information for the program developed by the <del>ehancellor of higher education department of learning and achievement</del> pursuant to section 3365.15 of the Revised Code <del>+</del> .	55603 55604 55605 55606
For a participating nonpublic secondary school, counseling information shall also include an explanation that funding may be limited and that not all students who wish to participate may be able to do so.	55607 55608 55609 55610

(C) Promote the program on the school's web site, 55611  
including the details of the school's current agreements with 55612  
partnering colleges; 55613

(D) Schedule at least one informational session per school 55614  
year to allow each partnering college that is located within 55615  
thirty miles of the school to meet with interested students and 55616  
parents. The session shall include the benefits and consequences 55617  
of participation and shall outline any changes or additions to 55618  
the requirements of the program. If there are no partnering 55619  
colleges located within thirty miles of the school, the school 55620  
shall coordinate with the closest partnering college to offer an 55621  
informational session. 55622

(E) Implement a policy for the awarding of grades and the 55623  
calculation of class standing for courses taken under division 55624  
(A) (2) or (B) of section 3365.06 of the Revised Code. The policy 55625  
adopted under this division shall be equivalent to the school's 55626  
policy for courses taken under the advanced standing programs 55627  
described in divisions (A) (2) and (3) of section 3313.6013 of 55628  
the Revised Code or for other courses designated as honors 55629  
courses by the school. If the policy includes awarding a 55630  
weighted grade or enhancing a student's class standing for these 55631  
courses, the policy adopted under this section shall also 55632  
provide for these procedures to be applied to courses taken 55633  
under the college credit plus program. 55634

(F) Develop model course pathways, pursuant to section 55635  
3365.13 of the Revised Code, and publish the course pathways 55636  
among the school's official list of course offerings for the 55637  
program. 55638

(G) Annually collect, report, and track specified data 55639  
related to the program according to data reporting guidelines 55640

adopted by the ~~chancellor and the superintendent of public~~ 55641  
~~instruction department~~ pursuant to section 3365.15 of the 55642  
Revised Code. 55643

**Sec. 3365.05.** Each public and participating private 55644  
college shall do all of the following with respect to the 55645  
college credit plus program: 55646

(A) Apply established standards and procedures for 55647  
admission to the college and for course placement for 55648  
participants. When determining admission and course placement, 55649  
the college shall do all of the following: 55650

(1) Consider all available student data that may be an 55651  
indicator of college readiness, including grade point average 55652  
and end-of-course examination scores, if applicable; 55653

(2) Give priority to its current students regarding 55654  
enrollment in courses. However, once a participant has been 55655  
accepted into a course, the college shall not displace the 55656  
participant for another student. 55657

(3) Adhere to any capacity limitations that the college 55658  
has established for specified courses. 55659

(B) Send written notice to the participant, the 55660  
participant's parent, and the participant's secondary school, 55661  
not later than fourteen calendar days prior to the first day of 55662  
classes for that term, of the participant's admission to the 55663  
college and to specified courses under the program. 55664

(C) Provide both of the following, not later than twenty- 55665  
one calendar days after the first day of classes for that term, 55666  
to each participant and the participant's secondary school: 55667

(1) The courses and hours of enrollment of the 55668

participant; 55669

(2) The option elected by the participant under division 55670  
(A) or (B) of section 3365.06 of the Revised Code for each 55671  
course. 55672

The college shall also provide to each partnering school a 55673  
roster of participants from that school that are enrolled in the 55674  
college and a list of course assignments for each participant. 55675

(D) Promote the program on the college's web site, 55676  
including the details of the college's current agreements with 55677  
partnering secondary schools. 55678

(E) Coordinate with each partnering secondary school that 55679  
is located within thirty miles of the college to present at 55680  
least one informational session per school year for interested 55681  
students and parents. The session shall include the benefits and 55682  
consequences of participation and shall outline any changes or 55683  
additions to the requirements of the program. If there are no 55684  
partnering schools located within thirty miles of the college, 55685  
the college shall coordinate with the closest partnering school 55686  
to offer an informational session. 55687

(F) Assign an academic advisor that is employed by the 55688  
college to each participant enrolled in that college. Prior to 55689  
the date on which a withdrawal from a course would negatively 55690  
affect a participant's transcribed grade, as prescribed by the 55691  
college's established withdrawal policy, the college shall 55692  
ensure that the academic advisor and the participant meet at 55693  
least once to discuss the program and the courses in which the 55694  
participant is enrolled. 55695

(G) Do both of the following with regard to high school 55696  
teachers that are teaching courses for the college at a 55697

secondary school under the program: 55698

(1) Provide at least one professional development session 55699  
per school year; 55700

(2) Conduct at least one classroom observation per school 55701  
year for each course that is authorized by the college and 55702  
taught by a high school teacher to ensure that the course meets 55703  
the quality of a college-level course. 55704

(H) Annually collect, report, and track specified data 55705  
related to the program according to data reporting guidelines 55706  
adopted by the ~~chancellor and the superintendent of public~~ 55707  
~~instruction department of learning and achievement~~ pursuant to 55708  
section 3365.15 of the Revised Code. 55709

(I) With the exception of divisions (D) and (E) of this 55710  
section, any eligible out-of-state college participating in the 55711  
college credit plus program shall be subject to the same 55712  
requirements as a participating private college under this 55713  
section. 55714

**Sec. 3365.06.** The rules adopted under section 3365.02 of 55715  
the Revised Code shall provide for participants to enroll in 55716  
courses under either of the options prescribed by division (A) 55717  
or (B) of this section. 55718

(A) The participant may elect at the time of enrollment to 55719  
be responsible for payment of all tuition and the cost of all 55720  
textbooks, materials, and fees associated with the course. The 55721  
college shall notify the participant about payment of tuition 55722  
and fees in the customary manner followed by the college. A 55723  
participant electing this option also shall elect, at the time 55724  
of enrollment, whether to receive only college credit or high 55725  
school credit and college credit for the course. 55726

(1) The participant may elect to receive only college credit for the course. Except as provided in section 3365.032 of the Revised Code, if the participant successfully completes the course, the college shall award the participant full credit for the course, but the governing entity of a public secondary school or the governing body of a participating nonpublic secondary school shall not award the high school credit.

(2) The participant may elect to receive both high school credit and college credit for the course. Except as provided in section 3365.032 of the Revised Code, if the participant successfully completes the course, the college shall award the participant full credit for the course and the governing entity of a public school or the governing body of a participating nonpublic school shall award the participant high school credit.

(B) If a course is eligible for funding under rules adopted pursuant to division (C) (1) of this section, the participant may elect at the time of enrollment for the course to have the college reimbursed under section 3365.07 of the Revised Code. Except as provided in section 3365.032 of the Revised Code, if the participant successfully completes the course, the college shall award the participant full credit for the course and the governing entity of a public school or the governing body of a participating nonpublic school shall award the participant high school credit. If the participant elects to have the college reimbursed under this division, the department shall reimburse the college for the number of enrolled credit hours in accordance with section 3365.07 of the Revised Code.

(C) (1) ~~The chancellor of higher education, in consultation with the superintendent of public instruction, director of learning and achievement~~ shall adopt rules specifying which

courses are eligible for funding under section 3365.07 of the Revised Code. 55757  
55758

The rules shall address at least the following: 55759

(a) Whether courses must be taken in a specified sequence; 55760

(b) Whether to restrict funding and limit eligibility to 55761  
certain types of courses, including (i) courses that are 55762  
included in the statewide articulation and transfer system, 55763  
established by the ~~chancellor~~director pursuant to section 55764  
3333.161 of the Revised Code; (ii) courses that may be applied 55765  
to multiple degree pathways or are applicable to in-demand jobs; 55766  
or (iii) other types of courses; 55767

(c) Whether courses with private instruction, as defined 55768  
by the ~~chancellor~~director, are eligible for funding. 55769

The rules also shall specify the school year for which 55770  
implementation of the rules adopted pursuant to this division 55771  
shall first apply. 55772

(2) In developing the rules, the ~~chancellor, in-~~ 55773  
~~consultation with the state superintendent,~~director shall 55774  
establish a process to receive input from public and nonpublic 55775  
secondary schools, public and private colleges, and other 55776  
interested parties. 55777

(D) When determining a school district's enrollment under 55778  
section 3317.03 of the Revised Code, the time a participant is 55779  
attending courses under division (A) of this section shall be 55780  
considered as time the participant is not attending or enrolled 55781  
in school anywhere, and the time a participant is attending 55782  
courses under division (B) of this section shall be considered 55783  
as time the participant is attending or enrolled in the 55784  
district's schools. 55785

**Sec. 3365.07.** The department of ~~education~~ learning and 55786  
achievement shall calculate and pay state funds to colleges for 55787  
participants in the college credit plus program under division 55788  
(B) of section 3365.06 of the Revised Code pursuant to this 55789  
section. For a nonpublic secondary school participant, a 55790  
nonchartered nonpublic secondary school participant, or a home- 55791  
instructed participant, the department shall pay state funds 55792  
pursuant to this section only if that participant is awarded 55793  
funding according to rules adopted by the ~~chancellor of higher-~~ 55794  
~~education, in consultation with the superintendent of public-~~ 55795  
~~instruction, department~~ pursuant to section 3365.071 of the 55796  
Revised Code. The program shall be the sole mechanism by which 55797  
state funds are paid to colleges for students to earn 55798  
transcripted credit for college courses while enrolled in both a 55799  
secondary school and a college, with the exception of state 55800  
funds paid to colleges according to an agreement described in 55801  
division (A) (1) of section 3365.02 of the Revised Code. 55802

(A) For each public or nonpublic secondary school 55803  
participant enrolled in a public college: 55804

(1) If no agreement has been entered into under division 55805  
(A) (2) of this section, both of the following shall apply: 55806

(a) The department shall pay to the college the applicable 55807  
amount as follows: 55808

(i) For a participant enrolled in a college course 55809  
delivered on the college campus, at another location operated by 55810  
the college, or online, the lesser of the default ceiling amount 55811  
or the college's standard rate; 55812

(ii) For a participant enrolled in a college course 55813  
delivered at the participant's secondary school but taught by 55814

college faculty, the lesser of fifty per cent of the default ceiling amount or the college's standard rate;

(iii) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the ~~chancellor department~~, the default floor amount.

(b) The participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.

(2) The governing entity of a participant's secondary school and the college may enter into an agreement to establish an alternative payment structure for tuition, textbooks, and fees. Under such an agreement, payments for each participant made by the department shall be not less than the default floor amount, unless approved by the ~~chancellor department~~, and not more than either the default ceiling amount or the college's standard rate, whichever is less. The ~~chancellor department~~ may approve an agreement that includes a payment below the default floor amount, as long as the provisions of the agreement comply with all other requirements of this chapter to ensure program quality. If no agreement is entered into under division (A) (2) of this section, both of the following shall apply:

(a) The department shall pay to the college the applicable default amounts prescribed by division (A) (1) (a) of this section, depending upon the method of delivery and instruction.

(b) In accordance with division (A) (1) (b) of this section, the participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to

participation in the program. 55844

(3) No participant that is enrolled in a public college 55845  
shall be charged for any tuition, textbooks, or other fees 55846  
related to participation in the program. 55847

(B) For each public secondary school participant enrolled 55848  
in a private college: 55849

(1) If no agreement has been entered into under division 55850  
(B) (2) of this section, the department shall pay to the college 55851  
the applicable amount calculated in the same manner as in 55852  
division (A) (1) (a) of this section. 55853

(2) The governing entity of a participant's secondary 55854  
school and the college may enter into an agreement to establish 55855  
an alternative payment structure for tuition, textbooks, and 55856  
fees. Under such an agreement, payments shall be not less than 55857  
the default floor amount, unless approved by the ~~chancellor-~~ 55858  
department, and not more than either the default ceiling amount 55859  
or the college's standard rate, whichever is less. 55860

If an agreement is entered into under division (B) (2) of 55861  
this section, both of the following shall apply: 55862

(a) The department shall make a payment to the college for 55863  
each participant that is equal to the default floor amount, 55864  
unless approved by the ~~chancellor-~~department to pay an amount 55865  
below the default floor amount. The ~~chancellor-~~department may 55866  
approve an agreement that includes a payment below the default 55867  
floor amount, as long as the provisions of the agreement comply 55868  
with all other requirements of this chapter to ensure program 55869  
quality. 55870

(b) Payment for costs for the participant that exceed the 55871  
amount paid by the department pursuant to division (B) (2) (a) of 55872

this section shall be negotiated by the school and the college. 55873  
The agreement may include a stipulation permitting the charging 55874  
of a participant. 55875

However, under no circumstances shall: 55876

(i) Payments for a participant made by the department 55877  
under division (B) (2) of this section exceed the lesser of the 55878  
default ceiling amount or the college's standard rate; 55879

(ii) The amount charged to a participant under division 55880  
(B) (2) of this section exceed the difference between the maximum 55881  
per participant charge amount and the default floor amount; 55882

(iii) The sum of the payments made by the department for a 55883  
participant and the amount charged to that participant under 55884  
division (B) (2) of this section exceed the following amounts, as 55885  
applicable: 55886

(I) For a participant enrolled in a college course 55887  
delivered on the college campus, at another location operated by 55888  
the college, or online, the maximum per participant charge 55889  
amount; 55890

(II) For a participant enrolled in a college course 55891  
delivered at the participant's secondary school but taught by 55892  
college faculty, one hundred twenty-five dollars; 55893

(III) For a participant enrolled in a college course 55894  
delivered at the participant's secondary school and taught by a 55895  
high school teacher who has met the credential requirements 55896  
established for purposes of the program in rules adopted by the 55897  
~~chancellor~~ department, one hundred dollars. 55898

(iv) A participant that is identified as economically 55899  
disadvantaged according to rules adopted by the department be 55900

charged under division (B) (2) of this section for any tuition, 55901  
textbooks, or other fees related to participation in the 55902  
program. 55903

(C) For each nonpublic secondary school participant 55904  
enrolled in a private or eligible out-of-state college, the 55905  
department shall pay to the college the applicable amount 55906  
calculated in the same manner as in division (A) (1) (a) of this 55907  
section. Payment for costs for the participant that exceed the 55908  
amount paid by the department shall be negotiated by the 55909  
governing body of the nonpublic secondary school and the 55910  
college. 55911

However, under no circumstances shall: 55912

(1) The payments for a participant made by the department 55913  
under this division exceed the lesser of the default ceiling 55914  
amount or the college's standard rate. 55915

(2) Any nonpublic secondary school participant, who is 55916  
enrolled in that secondary school with a scholarship awarded 55917  
under either the educational choice scholarship pilot program, 55918  
as prescribed by sections 3310.01 to 3310.17, or the pilot 55919  
project scholarship program, as prescribed by sections 3313.974 55920  
to 3313.979 of the Revised Code, and who qualifies as a low- 55921  
income student under either of those programs, be charged for 55922  
any tuition, textbooks, or other fees related to participation 55923  
in the college credit plus program. 55924

(D) For each nonchartered nonpublic secondary school 55925  
participant and each home-instructed participant enrolled in a 55926  
public, private, or eligible out-of-state college, the 55927  
department shall pay to the college the lesser of the default 55928  
ceiling amount or the college's standard rate, if that 55929

participant is enrolled in a college course delivered on the 55930  
college campus, at another location operated by the college, or 55931  
online. 55932

(E) Not later than thirty days after the end of each term, 55933  
each college expecting to receive payment for the costs of a 55934  
participant under this section shall notify the department of 55935  
the number of enrolled credit hours for each participant. 55936

(F) The department shall make the applicable payments 55937  
under this section to each college, which provided proper 55938  
notification to the department under division (E) of this 55939  
section, for the number of enrolled credit hours for 55940  
participants enrolled in the college under division (B) of 55941  
section 3365.06 of the Revised Code. Except in cases involving 55942  
incomplete participant information or a dispute of participant 55943  
information, payments shall be made by the last day of January 55944  
for participants who were enrolled during the fall term and by 55945  
the last day of July for participants who were enrolled during 55946  
the spring term. The department shall not make any payments to a 55947  
college under this section if a participant withdrew from a 55948  
course prior to the date on which a withdrawal from the course 55949  
would have negatively affected the participant's transcribed 55950  
grade, as prescribed by the college's established withdrawal 55951  
policy. 55952

(1) Payments made for public secondary school participants 55953  
under this section shall be deducted from the school foundation 55954  
payments made to the participant's school district or, if the 55955  
participant is enrolled in a community school, a STEM school, or 55956  
a college-preparatory boarding school, from the payments made to 55957  
that school under section 3314.08, 3326.33, or 3328.34 of the 55958  
Revised Code. If the participant is enrolled in a joint 55959

vocational school district, a portion of the amount shall be 55960  
deducted from the payments to the joint vocational school 55961  
district and a portion shall be deducted from the payments to 55962  
the participant's city, local, or exempted village school 55963  
district in accordance with the full-time equivalency of the 55964  
student's enrollment in each district. Amounts deducted under 55965  
division (F)(1) of this section shall be calculated in 55966  
accordance with rules adopted by the ~~chancellor~~ department, in 55967  
consultation with the state superintendent, pursuant to division 55968  
(B) of section 3365.071 of the Revised Code. 55969

(2) Payments made for nonpublic secondary school 55970  
participants, nonchartered nonpublic secondary school 55971  
participants, and home-instructed participants under this 55972  
section shall be deducted from moneys appropriated by the 55973  
general assembly for such purpose. Payments shall be allocated 55974  
and distributed in accordance with rules adopted by 55975  
~~the chancellor, in consultation with the state superintendent,~~ 55976  
department pursuant to division (A) of section 3365.071 of the 55977  
Revised Code. 55978

(G) Any public college that enrolls a student under 55979  
division (B) of section 3365.06 of the Revised Code may include 55980  
that student in the calculation used to determine its state 55981  
share of instruction funds appropriated to the department of 55982  
~~higher education~~ learning and achievement by the general 55983  
assembly. 55984

**Sec. 3365.071.** (A) ~~The chancellor of the Ohio board of~~ 55985  
~~regents~~ department of learning and achievement, in accordance 55986  
with Chapter 119. of the Revised Code ~~and in consultation with~~ 55987  
~~the superintendent of public instruction~~, shall adopt rules 55988  
prescribing a method to allocate and distribute payments under 55989

section 3365.07 of the Revised Code for nonpublic secondary 55990  
school participants, nonchartered nonpublic secondary school 55991  
participants, and home-instructed participants. The rules shall 55992  
include that payments made for nonchartered nonpublic secondary 55993  
school participants be made in the same manner as payments for 55994  
home-instructed participants under that section. 55995

(B) ~~The chancellor, in consultation with the state~~ 55996  
~~superintendent, department~~ shall also adopt rules establishing a 55997  
method to calculate the amounts deducted from a joint vocational 55998  
school district and from a participant's city, local, or 55999  
exempted village school district for payments under section 56000  
3365.07 of the Revised Code. 56001

**Sec. 3365.08.** (A) No participant enrolled under this 56002  
chapter in a course for which credit toward high school 56003  
graduation is awarded shall receive direct financial aid through 56004  
any state or federal program. 56005

(B) If a school district provides transportation for 56006  
resident school students in grades eleven and twelve under 56007  
section 3327.01 of the Revised Code, a parent of a participant 56008  
enrolled in a course under division (A) (2) or (B) of section 56009  
3365.06 of the Revised Code may apply to the board of education 56010  
for full or partial reimbursement for the necessary costs of 56011  
transporting the participant between the secondary school the 56012  
participant attends and the college in which the participant is 56013  
enrolled. Reimbursement may be paid solely from funds received 56014  
by the district for student transportation under section 56015  
3317.0212 of the Revised Code or other provisions of law. The 56016  
~~state board department of education learning and achievement~~ 56017  
shall establish guidelines, based on financial need, under which 56018  
a district may provide such reimbursement. 56019

(C) If a community school provides or arranges 56020  
transportation for its students in grades nine through twelve 56021  
under section 3314.091 of the Revised Code, a parent of a 56022  
participant of the community school who is enrolled in a course 56023  
under division (A) (2) or (B) of section 3365.06 of the Revised 56024  
Code may apply to the governing authority of the community 56025  
school for full or partial reimbursement of the necessary costs 56026  
of transporting the participant between the community school and 56027  
the college. The governing authority may pay the reimbursement 56028  
in accordance with the ~~state board's~~ department's rules adopted 56029  
under division (B) of this section solely from funds paid to it 56030  
under section 3314.091 of the Revised Code. 56031

**Sec. 3365.09.** (A) Except as provided for in division (C) 56032  
of this section, if the superintendent, or equivalent, of a 56033  
public secondary school in which a participant is enrolled 56034  
determines that the participant has not attained a passing final 56035  
grade in a college course in which the participant enrolled 56036  
under this chapter, the superintendent, or equivalent, may seek 56037  
reimbursement from the participant or the participant's parent 56038  
for the amount of state funds paid to the college on behalf of 56039  
the participant for that college course. The governing entity of 56040  
a public school, in accordance with division (C) of section 56041  
3313.642 of the Revised Code, may withhold grades and credits 56042  
received by the participant for high school courses taken by the 56043  
participant until the participant or the participant's parent 56044  
provides reimbursement. 56045

(B) Except as provided for in division (C) of this 56046  
section, if the chief administrator of a participating nonpublic 56047  
school in which a participant is enrolled determines that the 56048  
participant has not attained a passing final grade in a college 56049  
course in which the participant enrolled under this chapter, the 56050

chief administrator may seek reimbursement from the participant 56051  
or the participant's parent for the amount of state funds paid 56052  
to the college on behalf of the participant for enrollment in 56053  
that college course. Upon the collection of any funds from a 56054  
participant or participant's parent under this division, the 56055  
chief administrator of a nonpublic school shall send an amount 56056  
equal to the funds collected to the ~~superintendent department of~~ 56057  
~~public instruction learning and achievement~~. The ~~superintendent~~ 56058  
~~of public instruction department~~ shall credit that amount to the 56059  
general revenue fund. 56060

(C) Unless the participant was expelled by the school, the 56061  
superintendent, or equivalent, or chief administrator shall not 56062  
seek reimbursement from a participant or a participant's parent 56063  
under division (A) or (B) of this section, if the participant is 56064  
identified as economically disadvantaged according to rules 56065  
adopted by the department of ~~education learning and achievement~~. 56066

**Sec. 3365.091.** (A) The ~~chancellor of higher education, in~~ 56067  
~~consultation with the superintendent of public instruction,~~ 56068  
~~director of learning and achievement~~ shall adopt rules 56069  
specifying the conditions under which an underperforming 56070  
participant may continue to participate in the college credit 56071  
plus program. 56072

The rules shall address at least the following: 56073

(1) The definition of an "underperforming participant"; 56074

(2) Any additional conditions that participants with 56075  
repeated underperformance must satisfy; 56076

(3) The timeframe for notifying an underperforming 56077  
participant who is determined to be ineligible for participation 56078  
of such ineligibility; 56079

(4) Mechanisms available to assist underperforming participants; 56080  
56081

(5) The role of school guidance counselors and college academic advisers in assisting underperforming participants; 56082  
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(6) If an underperforming participant is determined to be ineligible for participation, any consequences that such ineligibility may have on the student's ability to complete the secondary school's graduation requirements. 56084  
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The rules also shall specify the school year for which implementation of the rules adopted pursuant to division (A) of this section shall first apply. 56088  
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(B) In developing the rules pursuant to division (A) of this section, the ~~chancellor, in consultation with the state superintendent, director~~ shall establish a process to receive input from public and nonpublic secondary schools, public and private colleges, and other interested parties. 56091  
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**Sec. 3365.10.** (A) Any public or participating nonpublic secondary school or any public or participating private college may apply to the ~~chancellor of higher education and the superintendent of public instruction~~ department of learning and achievement for a waiver from the requirements of the college credit plus program. The ~~chancellor and the superintendent~~ department may grant a waiver under this section for an agreement or for a proposed agreement between a public or participating nonpublic secondary school and a public or participating private or out-of-state college, only if the agreement does both of the following: 56096  
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(1) Includes innovative programming proposed to exclusively address the needs of underrepresented student 56107  
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subgroups; 56109

(2) Meets all criteria set forth in rules adopted by the 56110  
~~chancellor and the superintendent~~ department pursuant to 56111  
division (C) of this section. 56112

(B) Any waiver granted under this section shall apply only 56113  
to the agreement for which the waiver is granted and shall not 56114  
apply to any other agreement that the school or college enters 56115  
into under this chapter. 56116

(C) The ~~chancellor and the superintendent of public~~ 56117  
~~instruction~~ department shall ~~jointly~~ adopt rules, in accordance 56118  
with Chapter 119. of the Revised Code, regarding the granting of 56119  
waivers under this section. 56120

**Sec. 3365.11.** Each instructor teaching a course under the 56121  
college credit plus program shall meet the credential 56122  
requirements set forth in guidelines and procedures established 56123  
by the ~~chancellor~~ department of the ~~Ohio board of regents~~ 56124  
learning and achievement. If the guidelines require high school 56125  
teachers to take any additional graduate-level coursework in 56126  
order to meet the credential requirements, that coursework shall 56127  
be applicable to continuing education and professional 56128  
development requirements for the renewal of the teacher's 56129  
educator license. 56130

**Sec. 3365.12.** (A) All courses offered under the college 56131  
credit plus program shall be the same courses that are included 56132  
in the partnering college's course catalogue for college-level, 56133  
nonremedial courses and shall apply to at least one degree or 56134  
professional certification at the partnering college. 56135

(B) (1) High school credit awarded for courses successfully 56136  
completed under this chapter shall count toward the graduation 56137

requirements and subject area requirements of the public 56138  
secondary school or participating nonpublic secondary school. If 56139  
a course comparable to one a participant completed at a college 56140  
is offered by the school, the governing entity or governing body 56141  
shall award comparable credit for the course completed at the 56142  
college. If no comparable course is offered by the school, the 56143  
governing entity or governing body shall grant an appropriate 56144  
number of elective credits to the participant. 56145

(2) If there is a dispute between a participant's school 56146  
and a participant regarding high school credits granted for a 56147  
course, the participant may appeal the decision to the 56148  
department of ~~education~~ learning and achievement. The 56149  
department's decision regarding any high school credits granted 56150  
under this section is final. 56151

(C) Evidence of successful completion of each course and 56152  
the high school credits awarded by the school shall be included 56153  
in the student's record. The record shall indicate that the 56154  
credits were earned as a participant under this chapter and 56155  
shall include the name of the college at which the credits were 56156  
earned. 56157

**Sec. 3365.15.** The ~~chancellor of higher education and the~~ 56158  
~~superintendent of public instruction jointly~~ department of 56159  
learning and achievement shall do all of the following: 56160

(A) Adopt data reporting guidelines specifying the types 56161  
of data that public and participating nonpublic secondary 56162  
schools and public and participating private colleges, including 56163  
eligible out-of-state colleges participating in the program, 56164  
must annually collect, report, and track under division (G) of 56165  
section 3365.04 and division (H) of section 3365.05 of the 56166  
Revised Code. The types of data shall include all of the 56167

following:	56168
(1) For each secondary school and college:	56169
(a) The number of participants disaggregated by grade level, socioeconomic status, race, gender, and disability;	56170 56171
(b) The number of completed courses and credit hours, disaggregated by the college in which participants were enrolled;	56172 56173 56174
(c) The number of courses in which participants enrolled, disaggregated by subject area and level of difficulty.	56175 56176
(2) For each secondary school, the number of students who were denied participation in the program under division (A) (1) (a) or (C) of section 3365.03 or section 3365.031 or 3365.032 of the Revised Code. Each participating nonpublic secondary school shall also include the number of students who were denied participation due to the student not being awarded funding by the department of education pursuant to section 3365.071 of the Revised Code.	56177 56178 56179 56180 56181 56182 56183 56184
(3) For each college:	56185
(a) The number of students who applied to enroll in the college under the program but were not granted admission;	56186 56187
(b) The average number of completed courses per participant;	56188 56189
(c) The average grade point average for participants in college courses under the program.	56190 56191
The guidelines adopted under this division shall also include policies and procedures for the collection, reporting, and tracking of such data.	56192 56193 56194

(B) Annually compile the data required under division (A)	56195
of this section. Not later than the thirty-first day of December	56196
of each year, the data from the previous school year shall be	56197
posted in a prominent location on <del>both the chancellor of higher-</del>	56198
<del>education's and the department of education's</del> <u>department of</u>	56199
<u>learning and achievement's web-sites</u> <del>site.</del>	56200
(C) Until December 2023, submit an annual report on	56201
outcomes of the college credit plus program that are supported	56202
by empirical evidence to the governor, the president of the	56203
senate, the speaker of the house of representatives, and the	56204
chairpersons of the education committees of the senate and house	56205
of representatives. The report shall include all of the	56206
following, disaggregated by cohort:	56207
(1) Number of degrees attained;	56208
(2) Level and type of degrees attained;	56209
(3) Number of students who receive a degree in two	56210
different subject areas;	56211
(4) Time to completion of a degree, disaggregated by level	56212
and type of degree attained;	56213
(5) Time to enrollment in a graduate or doctoral degree	56214
program;	56215
(6) The number of students who participate in a study	56216
abroad course;	56217
(7) How all of the measures described in division (C) of	56218
this section compare to both:	56219
(a) The overall student population who did not participate	56220
in the college credit plus program;	56221

(b) Any similar measures compiled under the former 56222  
postsecondary enrollment options program, to the extent that 56223  
such data is available. 56224

The first report shall be submitted not later than 56225  
December 31, 2018, and each subsequent report shall be submitted 56226  
not later than the thirty-first day of December each year 56227  
thereafter until December 2023. 56228

(D) Establish a college credit plus advisory committee to 56229  
assist in the development of performance metrics and the 56230  
monitoring of the program's progress. At least one member of the 56231  
advisory committee shall be a school guidance counselor. 56232

~~The chancellor department shall also, in consultation with~~ 56233  
~~the superintendent,~~ create a standard packet of information for 56234  
the college credit plus program directed toward students and 56235  
parents that are interested in the program. 56236

(E) ~~The chancellor and the state superintendent~~ director 56237  
of learning and achievement also may submit a biennial report 56238  
detailing the status of the college credit plus program, 56239  
including an analysis of quality assurance measures related to 56240  
the program, to the governor, the president of the senate, the 56241  
speaker of the house of representatives, and the chairpersons of 56242  
the education committees of the senate and house of 56243  
representatives. ~~If the chancellor and state superintendent~~ 56244  
~~choose to jointly submit the biennial report, both of the~~ 56245  
~~following shall apply:~~ The 56246

~~(1) The~~ report shall include only data available through 56247  
the higher education information system administered by the 56248  
chancellor director. The 56249

~~(2) The~~ first report shall be submitted not later than 56250

December 31, 2017, and each subsequent report shall be submitted 56251  
not later than the thirty-first day of December every two years 56252  
thereafter. 56253

(F) For purposes of this section, "cohort" means a group 56254  
of students who participated in the college credit plus program 56255  
and who, upon graduation from high school, enroll in an Ohio 56256  
institution of higher education during the same academic year. 56257

**Sec. 3366.01.** As used in this chapter, the following words 56258  
and terms have the following meanings unless the context 56259  
indicates a different meaning or intent: 56260

(A) "Bond proceedings" means the order, trust, agreement, 56261  
indenture and other agreements, or amendments and supplements to 56262  
the foregoing, or any one or more or combination thereof, 56263  
authorizing or providing for the terms and conditions applicable 56264  
to, or providing for the issuance, security, or liquidity of, 56265  
obligations and the provisions contained in such obligations. 56266

(B) "Bond service charges" means principal, including 56267  
mandatory sinking fund requirements for retirement of 56268  
obligations, and interest, and redemption premium, if any, 56269  
required to be paid on obligations. 56270

(C) "Bond service fund" means the applicable fund and 56271  
accounts therein created in the bond proceedings for and pledged 56272  
to the payment of bond service charges, including all moneys and 56273  
investments, and earnings from investments, credited and to be 56274  
credited thereto. 56275

(D) "Costs of attendance" means all costs of a student 56276  
incurred in connection with a program of study at an eligible 56277  
institution, as determined by the institution, including 56278  
tuition; instructional fees; room and board; books, computers, 56279

and supplies; and other related fees, charges, and expenses. 56280

(E) "Designated administrator" means, with respect to all 56281  
obligations issued prior to September 1, 1999, and to all 56282  
nonfederal education loans, the nonprofit corporation designated 56283  
on November 10, 1992, under division (D) of section 3351.07 of 56284  
the Revised Code to operate exclusively for charitable and 56285  
educational purposes by expanding access to higher education 56286  
financing programs for students and families in need of student 56287  
financial aid. For all other purposes, "designated 56288  
administrator" means the Ohio corporation that is a subsidiary 56289  
of the nonprofit corporation designated under division (D) of 56290  
section 3351.07 of the Revised Code and that has agreed to enter 56291  
into an administration agreement with the issuing authority and 56292  
the director of development, or any other person that enters 56293  
into an administration agreement with the issuing authority and 56294  
the director of development. 56295

(F) "Education loan" means a loan made by an eligible 56296  
lender pursuant to the policy guidelines to or for the benefit 56297  
of a student for the purpose of financing part or all of the 56298  
student's costs of attendance. 56299

(G) "Eligible borrower" means any of the following: 56300

(1) Individuals who are residents of the state, and who 56301  
are attending and are in good standing in, or who have been 56302  
accepted for attendance at, any eligible institution located in 56303  
this state or elsewhere, on a part-time or full-time basis, to 56304  
pursue an associate, baccalaureate, or advanced degree or a 56305  
nursing diploma; 56306

(2) Individuals who reside outside the state and who have 56307  
been accepted for attendance at, or who are attending and are in 56308

good standing in, any eligible institution located in this 56309  
state, on a part-time or full-time basis, to pursue an 56310  
associate, baccalaureate, or advanced degree or a nursing 56311  
diploma; 56312

(3) Individuals who are parents or legal guardians of, or 56313  
other persons, as set forth in the policy guidelines, borrowing 56314  
under an education loan for the benefit of individuals meeting 56315  
requirements set forth in division (G) (1) or (2) of this 56316  
section, in order to assist them in paying costs of attendance. 56317

(H) (1) "Eligible institution" means an institution 56318  
described in any of divisions (H) (1) (a), (b), (c), or (d) of 56319  
this section that satisfies all of the requirements set forth in 56320  
divisions (H) (2), (3), and (4) of this section. 56321

(a) The institution is a state-assisted post-secondary 56322  
educational institution within this state. 56323

(b) The institution is a nonprofit institution within this 56324  
state having a certificate of authorization from the ~~Ohio board~~ 56325  
department of regents-learning and achievement pursuant to 56326  
Chapter 1713. of the Revised Code. 56327

(c) The institution is a post-secondary educational 56328  
institution similar to one described in division (H) (1) (a) or 56329  
(b) of this section that is located outside this state and that 56330  
is similarly approved by the appropriate agency of that state. 56331

(d) The institution is a private institution exempt from 56332  
regulation under Chapter 3332. of the Revised Code as prescribed 56333  
in section 3333.046 of the Revised Code. 56334

(2) The institution is accredited by the appropriate 56335  
regional and, when appropriate, professional accrediting 56336  
associations within whose jurisdiction it falls. 56337

(3) The institution satisfies the eligibility requirements 56338  
for participation in the federal family education loan program 56339  
authorized under Title IV, Part B, of the "Higher Education Act 56340  
of 1965," 20 U.S.C.A. 1071 et seq., as amended, as long as that 56341  
program remains in existence. 56342

(4) The institution satisfies the other conditions set 56343  
forth in the policy guidelines. 56344

(I) "Eligible lender" means, with respect to lenders 56345  
making nonfederal education loans, a bank, national banking 56346  
association, savings bank, savings and loan association, or 56347  
credit union having an office in this state that satisfies the 56348  
criteria for eligible lenders established pursuant to the policy 56349  
guidelines. With respect to lenders making federal education 56350  
loans, "eligible lender" means any person that is permitted to 56351  
make loans under the federal family education loan program 56352  
authorized under Title IV, Part B, of the "Higher Education Act 56353  
of 1965," 20 U.S.C.A. 1071 et seq., as amended; that has an 56354  
office in this state; and that satisfies the criteria for 56355  
eligible lenders established pursuant to the policy guidelines. 56356

(J) "Federal education loan" means an education loan that 56357  
is originated in compliance with the federal family education 56358  
loan program authorized under Title IV, Part B, of the "Higher 56359  
Education Act of 1965," 20 U.S.C.A. 1071 et seq., as amended. 56360

(K) "Governmental agency" means the state and any state 56361  
department, division, commission, institution, or authority; the 56362  
United States or any agency thereof; or any agency, commission, 56363  
or authority established pursuant to an interstate compact or 56364  
agreement; or any combination of the foregoing. 56365

(L) "Issuing authority" means the treasurer of state, or 56366

the officer who by law performs the functions of the treasurer 56367  
of state. 56368

(M) "Nonfederal education loan" means any education loan 56369  
that is not a federal education loan. 56370

(N) "Obligations" means the bonds, notes, or securities of 56371  
this state issued by the issuing authority pursuant to this 56372  
chapter. 56373

(O) "Person" means any individual, corporation, business 56374  
trust, estate, trust, partnership, or association, any federal, 56375  
state, interstate, regional, or local governmental agency, any 56376  
subdivision of the state, or any combination of these. 56377

(P) "Pledged receipts" means, to the extent the following 56378  
are pledged by the bond proceedings for the payment of bond 56379  
service charges: all receipts representing moneys accruing from 56380  
or in connection with the repayment of education loans, 56381  
including interest and payments from any guarantee or insurance 56382  
in respect to such education loans; accrued interest received 56383  
from the sale of obligations; the balances in the special funds; 56384  
income from the investment of the special funds; all right, 56385  
title, and interest of the state and the designated 56386  
administrator in the education loans and any guarantees or 56387  
insurance in respect thereof, and any money representing the 56388  
proceeds of obligations or any income from or interest on those 56389  
proceeds; or any other gifts, grants, donations, and pledges and 56390  
any income and receipts therefrom, available and pledged for the 56391  
payment of bond service charges. 56392

(Q) "Policy guidelines" means the rules adopted pursuant 56393  
to division (A) of section 3366.03 of the Revised Code. 56394

(R) "Proceeds loan" means the transfer, pursuant to a loan 56395

agreement or agency agreement, of the proceeds of the 56396  
obligations, or the deposit of the proceeds of the obligations 56397  
with a trustee in trust under a trust agreement, indenture, or 56398  
other trust document under the bond proceedings pending their 56399  
disbursement for the purposes authorized by this chapter. 56400

(S) "Resident" means any student who would qualify as a 56401  
resident of this state for state subsidy and tuition surcharge 56402  
purposes under rules adopted by the Ohio board of regents under 56403  
section 3333.31 of the Revised Code. 56404

(T) "Special funds" or "funds" means the bond service fund 56405  
and any other funds, including reserve funds, created under the 56406  
bond proceedings, including all moneys and investments, and 56407  
earnings from investment, credited and to be credited thereto. 56408

(U) "Student" means an individual described in division 56409  
(G) (1) or (2) of this section who meets requirements established 56410  
under the policy guidelines. "Student" includes dependent and 56411  
independent undergraduate, graduate, and professional students. 56412

(V) "Subdivision" has the same meaning as in division (MM) 56413  
of section 133.01 of the Revised Code. 56414

**Sec. 3377.03.** The Ohio higher educational facility 56415  
commission shall be comprised of nine members, one of whom shall 56416  
be the ~~chancellor of the Ohio board of regents~~ director of 56417  
learning and achievement or ~~his~~ the director's designee. The 56418  
remaining members shall be appointed by the governor with the 56419  
advice and consent of the senate. Of the members first 56420  
appointed, one shall serve for a term ending on the first Monday 56421  
in January, 1970; one for a term ending on the first Monday in 56422  
January, 1971; one for a term ending on the first Monday in 56423  
January, 1972; one for a term ending on the first Monday in 56424

January, 1973; one for a term ending on the first Monday in 56425  
January, 1974; one for a term ending on the first Monday in 56426  
January, 1975; one for a term ending on the first Monday in 56427  
January, 1976; and one for a term ending on the first Monday in 56428  
January, 1977. Each succeeding term of office shall be for eight 56429  
years, commencing on the second day of January and ending on the 56430  
first day of January, except that upon expiration of the term 56431  
ending January 7, 1974, the new term which succeeds it shall 56432  
commence on January 8, 1974, and end on January 1, 1982; upon 56433  
expiration of the term ending January 6, 1975, the new term 56434  
which succeeds it shall commence on January 7, 1975, and end on 56435  
January 1, 1983; upon expiration of the term ending January 5, 56436  
1976, the new term which succeeds it shall commence on January 56437  
6, 1976, and end on January 1, 1984; upon expiration of the term 56438  
ending January 3, 1977, the new term which succeeds it shall 56439  
commence on January 4, 1977, and end on January 1, 1985; upon 56440  
expiration of the term ending January 5, 1978, the new term 56441  
which succeeds it shall commence on January 6, 1978, and end on 56442  
January 1, 1986; upon expiration of the term ending January 4, 56443  
1979, the new term which succeeds it shall commence on January 56444  
5, 1979, and end on January 1, 1987; and upon expiration of the 56445  
term ending January 3, 1980, the new term which succeeds it 56446  
shall commence on January 4, 1980, and end on January 1, 1988. 56447  
Each member shall hold office from the date of ~~his~~ appointment 56448  
until the end of the term for which ~~he was~~ appointed. Vacancies 56449  
shall be filled by gubernatorial appointment. Any member 56450  
appointed to fill a vacancy occurring prior to the expiration of 56451  
the term for which ~~his~~ the member's predecessor was appointed 56452  
shall hold office for the remainder of such term. Any member 56453  
shall continue in office subsequent to the expiration date of 56454  
~~his~~ the member's term until ~~his~~ the member's successor takes 56455  
office, or until a period of sixty days has elapsed, whichever 56456

occurs first. 56457

The governor shall designate the ~~chairman~~ chairperson of 56458  
the commission. The commission shall elect from its own members 56459  
each year, a ~~vice-chairman~~ vice-chairperson and such other 56460  
officers as it deems necessary. Members of the commission shall 56461  
receive no compensation for their services but shall be 56462  
reimbursed for their necessary and actual expenses actually 56463  
incurred in the conduct of the commission's business. 56464

The commission shall provide for the holding of regular 56465  
and special meetings. A majority of the commissioners shall 56466  
constitute a quorum for the transaction of any business and the 56467  
approval of a majority of the members is necessary to undertake 56468  
any act of the commission. 56469

The commission shall adopt rules for the conduct of 56470  
business, may appoint such officers and employees as necessary, 56471  
and may fix their compensation and prescribe their duties. All 56472  
expenses incurred in carrying out Chapter 3377. of the Revised 56473  
Code are payable solely from funds of the commission available 56474  
therefor, and no liability or obligation shall be incurred by 56475  
the commission beyond the extent to which such funds are 56476  
available. 56477

Within ninety days after the close of each fiscal year, 56478  
the commission shall make a report of its activities for the 56479  
preceding fiscal year to the governor. Such report shall be 56480  
filed with the clerk of each house of the general assembly. 56481

**Sec. 3377.17.** Before the higher education facilities 56482  
commission acts upon a proposed project, the commission shall 56483  
request of the ~~chancellor of the Ohio board of regents~~ 56484  
department of learning and achievement: 56485

(A) A fiscal analysis of the college or university submitting the request, including the projected impact of a given project upon the institution;

(B) An analysis of projected enrollments of the educational programs involved with the project as well as an overall institutional projection;

(C) Any other information concerning the proposed project and its impact on the higher education environment in Ohio.

**Sec. 3701.507.** (A) To assist in implementing sections 3701.503 to 3701.509 of the Revised Code, the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code shall appoint a permanent infant hearing screening subcommittee. The subcommittee shall consist of the following members:

(1) One otolaryngologist;

(2) One neonatologist;

(3) One pediatrician;

(4) One neurologist;

(5) One hospital administrator;

(6) Two or more audiologists who are experienced in infant hearing screening and evaluation;

(7) One speech-language pathologist licensed under section 4753.07 of the Revised Code;

(8) Two persons who are each a parent of a hearing-impaired child;

(9) One geneticist;

(10) One epidemiologist;	56512
(11) One adult who is deaf or hearing impaired;	56513
(12) One representative from an organization for the deaf or hearing impaired;	56514 56515
(13) One family advocate;	56516
(14) One nurse from a well-baby neonatal nursery;	56517
(15) One nurse from a special care neonatal nursery;	56518
(16) One teacher of the deaf who works with infants and toddlers;	56519 56520
(17) One representative of the health insurance industry;	56521
(18) One representative of the bureau for children with medical handicaps;	56522 56523
(19) One representative of the department of <del>education</del> <u>learning and achievement</u> ;	56524 56525
(20) One representative of the department of medicaid;	56526
(21) Any other person the advisory council appoints.	56527
(B) The infant hearing subcommittee shall:	56528
(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	56529 56530 56531
(2) Advise and make recommendations regarding proposed rules prior to their adoption by the director under section 3701.508 of the Revised Code;	56532 56533 56534
(3) Consult with the director of health and advise and make recommendations regarding program development and	56535 56536

implementation under sections 3701.503 to 3701.509 of the Revised Code, including all of the following:

(a) Establishment under section 3701.504 of the Revised Code of the statewide hearing screening, tracking, and early intervention program to identify newborn and infant hearing impairment;

(b) Identification of locations where hearing evaluations may be conducted;

(c) Recommendations for methods and techniques of hearing screening and hearing evaluation;

(d) Referral, data recording and compilation, and procedures to encourage follow-up hearing care;

(e) Maintenance of a register of newborns and infants who do not pass the hearing screening;

(f) Preparation of the information required by section 3701.506 of the Revised Code.

**Sec. 3701.78.** (A) There is hereby created the commission on minority health, consisting of twenty-one members. The governor shall appoint to the commission nine members from among health researchers, health planners, and health professionals. The governor also shall appoint two members who are representatives of the lupus awareness and education program. The speaker of the house of representatives shall appoint to the commission two members of the house of representatives, not more than one of whom is a member of the same political party, and the president of the senate shall appoint to the commission two members of the senate, not more than one of whom is a member of the same political party. The following shall be members of the commission: the directors of health, mental health and addiction

services, developmental disabilities, and job and family 56566  
services, or their designees; the medicaid director, or the 56567  
director's designee; and the ~~superintendent of public~~ 56568  
~~instruction~~ director of learning and achievement, or the 56569  
~~superintendent's~~ director's designee. 56570

The commission shall elect a chairperson from among its 56571  
members. 56572

Of the members appointed by the governor, five shall be 56573  
appointed to initial terms of one year, and four shall be 56574  
appointed to initial terms of two years. Thereafter, all members 56575  
appointed by the governor shall be appointed to terms of two 56576  
years. All members of the commission appointed by the speaker of 56577  
the house of representatives or the president of the senate 56578  
shall be nonvoting members of the commission and be appointed 56579  
within thirty days after the commencement of the first regular 56580  
session of each general assembly, and shall serve until the 56581  
expiration of the session of the general assembly during which 56582  
they were appointed. 56583

Members of the commission shall serve without 56584  
compensation, but shall be reimbursed for the actual and 56585  
necessary expenses they incur in the performance of their 56586  
official duties. 56587

(B) The commission shall promote health and the prevention 56588  
of disease among members of minority groups. Each year the 56589  
commission shall distribute grants from available funds to 56590  
community-based health groups to be used to promote health and 56591  
the prevention of disease among members of minority groups. As 56592  
used in this division, "minority group" means any of the 56593  
following economically disadvantaged groups: Blacks, American 56594  
Indians, Hispanics, and Orientals. The commission shall adopt 56595

and maintain rules pursuant to Chapter 119. of the Revised Code 56596  
to provide for the distribution of these grants. No group shall 56597  
qualify to receive a grant from the commission unless it 56598  
receives at least twenty per cent of its funds from sources 56599  
other than grants distributed under this section. 56600

(C) The commission may appoint such employees as it 56601  
considers necessary to carry out its duties under this section. 56602  
The department of health shall provide office space for the 56603  
commission. 56604

(D) The commission shall meet at the call of its 56605  
chairperson to conduct its official business. A majority of the 56606  
voting members of the commission constitute a quorum. The votes 56607  
of at least eight voting members of the commission are necessary 56608  
for the commission to take any official action or to approve the 56609  
distribution of grants under this section. 56610

**Sec. 3701.916.** (A) As used in this section, "direct care" 56611  
and "home health agency" have the same meanings as in section 56612  
3701.881 of the Revised Code. 56613

(B) For the purpose of identifying jobs that are in demand 56614  
in this state under section 6301.11 of the Revised Code, direct 56615  
care provided by a home health agency shall be considered a 56616  
targeted industry sector as identified by the ~~governor's~~ office 56617  
of workforce transformation created under section 3301.0732 of 56618  
the Revised Code. 56619

(C) The director of job and family services shall review 56620  
the criteria for any program that provides occupational 56621  
training, adult education, or career pathway assistance through 56622  
a grant or other source of funding to determine whether an 56623  
employee of a home health agency may participate in the program, 56624

and, to the extent possible, make any necessary changes to the 56625  
criteria to allow a home health agency employee to participate 56626  
in the program. 56627

**Sec. 3701.924.** (A) The patient centered medical home 56628  
education advisory group is hereby created for the purpose of 56629  
advising the director of health on the implementation and 56630  
administration of the patient centered medical home education 56631  
program. The advisory group shall develop and provide to the 56632  
director a set of expected outcomes for the pilot project. The 56633  
advisory group shall consider and provide other recommendations 56634  
to the director and complete other duties as the director 56635  
considers appropriate. 56636

(B) The advisory group shall consist of the following 56637  
members: 56638

(1) The following members appointed by the director of 56639  
health: 56640

(a) One individual with expertise in the training and 56641  
education of primary care physicians recommended by the dean of 56642  
the university of Toledo college of medicine; 56643

(b) One individual with expertise in the training and 56644  
education of primary care physicians recommended by the dean of 56645  
the Boonshoft school of medicine at Wright state university; 56646

(c) One individual with expertise in the training and 56647  
education of primary care physicians recommended by the 56648  
president and dean of the northeast Ohio medical university; 56649

(d) One individual with expertise in the training and 56650  
education of primary care physicians recommended by the dean of 56651  
the Ohio university college of osteopathic medicine; 56652

(e) Two individuals recommended by the governing board of the Ohio academy of family physicians;	56653 56654
(f) One individual recommended by the governing board of the Ohio chapter of the American college of physicians;	56655 56656
(g) One individual recommended by the governing board of the Ohio chapter of the American academy of pediatrics;	56657 56658
(h) One individual recommended by the governing board of the Ohio osteopathic association;	56659 56660
(i) One individual with expertise in the training and education of advanced practice registered nurses, recommended by the governing board of the Ohio council of deans and directors of baccalaureate and higher degree programs in nursing;	56661 56662 56663 56664
(j) One individual recommended by the governing board of the Ohio nurses association;	56665 56666
(k) One individual recommended by the governing board of the Ohio association of advanced practice nurses;	56667 56668
(l) One individual recommended by the governing board of the Ohio council for home care and hospice;	56669 56670
(m) One individual recommended by the superintendent of insurance;	56671 56672
(n) An employee of the department of health;	56673
(o) Not more than five additional members who have relevant expertise that the director considers appropriate.	56674 56675
(2) The following members:	56676
(a) The executive director of the state medical board or the director's designee;	56677 56678

(b) The executive director of the board of nursing or the director's designee; 56679  
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(c) ~~The chancellor of the Ohio board of regents~~ director of learning and achievement or the ~~chancellor's~~ director's designee; 56681  
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(d) The medical assistance director, or the director's designee. 56684  
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(C) (1) In making the original appointments of the members specified in divisions (B) (1) (a) to (m) of this section, the director shall appoint the member who served in that capacity in the patient centered medical home advisory group, as it existed immediately prior to September 10, 2012. If for any reason the member who served immediately prior to September 10, 2012, is unable to serve on the advisory group, the director shall request from the specified recommending authority a list of not less than two persons qualified to serve as members of the advisory group. The director shall appoint as a member one person from the list submitted by the recommending authority. 56686  
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(2) The advisory group members specified in divisions (B) (1) (a) to (m) of this section shall serve at the pleasure of the director, in consultation with their respective recommending authorities. 56697  
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(3) Vacancies shall be filled in the manner provided for original appointments. 56701  
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(D) Members shall serve without compensation, except to the extent that serving on the advisory group is considered part of their regular employment duties. 56703  
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(E) The director may appoint from the members of the advisory group a chairperson and vice-chairperson. 56706  
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A majority of the members of the advisory group 56708  
constitutes a quorum. A majority of a quorum is necessary for 56709  
the advisory group to make any recommendations to the director. 56710

The advisory group shall meet at the call of the director. 56711  
The director shall call the advisory group to meet not less than 56712  
annually to discuss or consider recommendations to the director 56713  
on the administration of the patient centered medical home 56714  
education program. 56715

(F) Sections 101.82 to 101.87 of the Revised Code do not 56716  
apply to the advisory group. 56717

**Sec. 3702.92.** There is hereby created the dentist loan 56718  
repayment advisory board. The board shall consist of the 56719  
following members: 56720

(A) Two members of the house of representatives, one from 56721  
each political party, appointed by the speaker of the house of 56722  
representatives; 56723

(B) Two members of the senate, one from each political 56724  
party, appointed by the president of the senate; 56725

(C) ~~A representative of the board of regents, appointed by~~ 56726  
~~the chancellor~~ The director of learning and achievement or an 56727  
employee of the department of learning and achievement 56728  
designated by the director; 56729

(D) The director of health or an employee of the 56730  
department of health designated by the director; 56731

(E) Four representatives of the dental profession, 56732  
appointed by the governor from persons nominated by the Ohio 56733  
dental association. 56734

Terms of office of the appointed members shall be two 56735

years, with each term commencing on the twenty-eighth day of 56736  
January and ending on the twenty-seventh day of January of the 56737  
second year after appointment. The governor, speaker of the 56738  
house of representatives , and president of the senate shall 56739  
make each of their respective appointments not later than the 56740  
twenty-seventh day of January of the year in which the term of 56741  
the member being appointed is to commence. Each member shall 56742  
hold office from the date of appointment until the end of the 56743  
term for which the member was appointed, except that a 56744  
legislative member ceases to be a member of the board on ceasing 56745  
to be a member of the general assembly. No person shall be 56746  
appointed to the board for more than two consecutive terms. 56747

Vacancies shall be filled in the manner prescribed for the 56748  
original appointment. A member appointed to fill a vacancy 56749  
occurring prior to the expiration of the term for which the 56750  
member's predecessor was appointed shall hold office for the 56751  
remainder of that term. A member shall continue in office 56752  
subsequent to the expiration of the member's term until a 56753  
successor takes office or until sixty days have elapsed, 56754  
whichever occurs first. 56755

The governor, speaker, or president may remove a member 56756  
for whom the governor, speaker, or president was the appointing 56757  
authority, for misfeasance, malfeasance, or willful neglect of 56758  
duty. 56759

The board shall designate a member to serve as chairperson 56760  
of the board. 56761

The board shall meet at least once annually. The 56762  
chairperson shall call special meetings as needed or upon the 56763  
request of four members. 56764

Six members of the board constitute a quorum to transact and vote on all business coming before the board. 56765  
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Members of the board shall serve without compensation. 56767

The department of health shall provide the board with staff assistance as requested by the board. 56768  
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**Sec. 3707.58.** (A) As used in this section: 56770

(1) "Youth athlete" means an individual who wishes to practice for or compete in athletic activities organized by a youth sports organization; 56771  
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(2) "Youth sports organization" has the same meaning as in section 3707.51 of the Revised Code. 56774  
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(B) Prior to the start of each athletic season, a youth sports organization that is subject to this section may hold an informational meeting for youth athletes, parents, guardians, other persons having care or charge of a youth athlete, physicians, pediatric cardiologists, athletic trainers, and any other persons regarding the symptoms and warning signs of sudden cardiac arrest for all ages of youth athletes. 56776  
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(C) No youth athlete shall participate in an athletic activity organized by a youth sports organization until the youth athlete has submitted to a designated official of the youth sports organization a form signed by the youth athlete and the parent, guardian, or other person having care or charge of the youth athlete stating that the youth athlete and the parent, guardian, or other person having care or charge of the youth athlete have received and reviewed a copy of the information developed by the departments of health and ~~education~~ learning and achievement and posted on their respective internet web sites as required by section 3707.59 of the Revised Code. A 56783  
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completed form shall be submitted each calendar year to each 56794  
youth sports organization that organizes an athletic activity in 56795  
which the youth athlete participates. 56796

(D) No individual shall coach an athletic activity 56797  
organized by a youth sports organization unless the individual 56798  
has completed, on an annual basis, the sudden cardiac arrest 56799  
training course approved by the department of health under 56800  
division (C) of section 3707.59 of the Revised Code. 56801

(E) (1) A youth athlete shall not be allowed to participate 56802  
in an athletic activity organized by a youth sports organization 56803  
if either of the following is the case: 56804

(a) The youth athlete's biological parent, biological 56805  
sibling, or biological child has previously experienced sudden 56806  
cardiac arrest, and the youth athlete has not been evaluated and 56807  
cleared for participation in an athletic activity organized by a 56808  
youth sports organization by a physician authorized under 56809  
Chapter 4731. of the Revised Code to practice medicine and 56810  
surgery or osteopathic medicine and surgery. 56811

(b) The youth athlete is known to have exhibited syncope 56812  
or fainting at any time prior to or following an athletic 56813  
activity and has not been evaluated and cleared for return under 56814  
division (E) (3) of this section after exhibiting syncope or 56815  
fainting. 56816

(2) A youth athlete shall be removed by the youth 56817  
athlete's coach from participation in an athletic activity 56818  
organized by a youth sports organization if the youth athlete 56819  
exhibits syncope or fainting. 56820

(3) If a youth athlete is not allowed to participate in or 56821  
is removed from participation in an athletic activity organized 56822

by a youth sports organization under division (E) (1) or (2) of 56823  
this section, the youth athlete shall not be allowed to return 56824  
to participation until the youth athlete is evaluated and 56825  
cleared for return in writing by any of the following: 56826

(a) A physician authorized under Chapter 4731. of the 56827  
Revised Code to practice medicine and surgery or osteopathic 56828  
medicine and surgery, including a physician who specializes in 56829  
cardiology; 56830

(b) A certified nurse practitioner, clinical nurse 56831  
specialist, or certified nurse-midwife who holds a certificate 56832  
of authority issued under Chapter 4723. of the Revised Code. 56833

The licensed health care providers specified in divisions 56834  
(E) (3) (a) and (b) of this section may consult with any other 56835  
licensed or certified health care providers in order to 56836  
determine whether a youth athlete is ready to return to 56837  
participation. 56838

(F) A youth sports organization that is subject to this 56839  
section shall establish penalties for a coach who violates the 56840  
provisions of division (E) of this section. 56841

(G) (1) A youth sports organization or official, employee, 56842  
or volunteer of a youth sports organization, including a coach, 56843  
is not liable in damages in a civil action for injury, death, or 56844  
loss to person or property allegedly arising from providing 56845  
services or performing duties under this section, unless the act 56846  
or omission constitutes willful or wanton misconduct. 56847

(2) This section does not eliminate, limit, or reduce any 56848  
other immunity or defense that a public entity, public official, 56849  
or public employee may be entitled to under Chapter 2744. or any 56850  
other provision of the Revised Code or under the common law of 56851

this state. 56852

**Sec. 3707.59.** (A) As used in this section: 56853

(1) "Athletic activity" means both of the following: 56854

(a) An athletic activity, as defined in section 3313.5310 56855  
of the Revised Code; 56856

(b) An athletic activity organized by a youth sports 56857  
organization. 56858

(2) "Youth athlete" and "youth sports organization" have 56859  
the same meanings as in section 3707.58 of the Revised Code. 56860

(B) The department of health and the department of 56861  
~~education-learning and achievement~~ jointly shall develop and 56862  
shall post on their respective internet web sites guidelines and 56863  
other relevant materials to inform and educate students and 56864  
youth athletes participating in or desiring to participate in an 56865  
athletic activity, their parents, and their coaches about the 56866  
nature and warning signs of sudden cardiac arrest. These 56867  
guidelines and materials shall address the risks associated with 56868  
continuing to participate in an athletic activity after 56869  
experiencing one or more symptoms of sudden cardiac arrest, such 56870  
as fainting, difficulty breathing, chest pains, dizziness, and 56871  
an abnormal racing heart rate. In developing guidelines and 56872  
other relevant materials under this division, the department of 56873  
health and the department of ~~education-learning and achievement~~ 56874  
shall consult with the Ohio chapter of the American college of 56875  
cardiology and with an interscholastic conference or an 56876  
organization that regulates interscholastic athletic competition 56877  
and conducts interscholastic athletic events. 56878

In developing guidelines and materials under this 56879  
division, the departments may utilize existing materials 56880

developed by the parent heart watch organization, the sudden 56881  
arrhythmia death syndromes foundation, and any other 56882  
organizations deemed appropriate by the departments. 56883

(C) For purposes of the training required for a coach of 56884  
an athletic activity under division (D) of section 3313.5310 or 56885  
division (D) of section 3707.58 of the Revised Code, the 56886  
department of health shall approve a sudden cardiac arrest 56887  
training course offered by an outside entity. 56888

**Sec. 3734.62.** On and after ~~the effective date of this~~ 56889  
~~section April 6, 2007,~~ no school district or educational service 56890  
center established under Chapter 3311. of the Revised Code, 56891  
community school established under Chapter 3314. of the Revised 56892  
Code, or nonpublic school for which the ~~state board of education-~~ 56893  
~~department of learning and achievement~~ prescribes standards 56894  
under section 3301.07 of the Revised Code and no employee of 56895  
such a school district, educational service center, community 56896  
school, or nonpublic school shall purchase mercury or a mercury- 56897  
added measuring device for classroom use. 56898

If a school district, educational service center, 56899  
community school, or nonpublic school or an employee of a school 56900  
district, educational service center, community school, or 56901  
nonpublic school purchases mercury or a mercury-added measuring 56902  
device for classroom use on or after ~~the effective date of this~~ 56903  
~~section April 6, 2007,~~ in violation of this section, but 56904  
properly recycles or disposes of the mercury or mercury-added 56905  
measuring device upon learning of or being informed of the 56906  
violation and creates and implements a mercury reduction plan, 56907  
the director of environmental protection shall consider the 56908  
recycling or disposal of the mercury or mercury-added measuring 56909  
device and the implementation of and compliance with the mercury 56910

reduction plan as mitigating circumstances for purposes of 56911  
enforcement of a violation of this section. 56912

**Sec. 3737.22.** (A) The fire marshal shall do all of the 56913  
following: 56914

(1) Adopt the state fire code under sections 3737.82 to 56915  
3737.86 of the Revised Code; 56916

(2) Enforce the state fire code; 56917

(3) Appoint assistant fire marshals who are authorized to 56918  
enforce the state fire code; 56919

(4) Conduct investigations into the cause, origin, and 56920  
circumstances of fires and explosions, and assist in the 56921  
prosecution of persons believed to be guilty of arson or a 56922  
similar crime; 56923

(5) Compile statistics concerning loss due to fire and 56924  
explosion as the fire marshal considers necessary, and consider 56925  
the compatibility of the fire marshal's system of compilation 56926  
with the systems of other state and federal agencies and fire 56927  
marshals of other states; 56928

(6) Engage in research on the cause and prevention of 56929  
losses due to fire and explosion; 56930

(7) Engage in public education and informational 56931  
activities which will inform the public of fire safety 56932  
information; 56933

(8) Operate a fire training academy and forensic 56934  
laboratory; 56935

(9) Conduct other fire safety and fire fighting training 56936  
activities for the public and groups as will further the cause 56937

of fire safety; 56938

(10) Conduct licensing examinations, and issue permits, 56939  
licenses, and certificates, as authorized by the Revised Code; 56940

(11) Conduct tests of fire protection systems and devices, 56941  
and fire fighting equipment to determine compliance with the 56942  
state fire code, unless a building is insured against the hazard 56943  
of fire, in which case such tests may be performed by the 56944  
company insuring the building; 56945

(12) Establish and collect fees for conducting licensing 56946  
examinations and for issuing permits, licenses, and 56947  
certificates; 56948

(13) Make available for the prosecuting attorney and an 56949  
assistant prosecuting attorney from each county of this state, 56950  
in accordance with section 3737.331 of the Revised Code, a 56951  
seminar program, attendance at which is optional, that is 56952  
designed to provide current information, data, training, and 56953  
techniques relative to the prosecution of arson cases; 56954

(14) Administer and enforce Chapter 3743. of the Revised 56955  
Code; 56956

(15) Develop a uniform standard for the reporting of 56957  
information required to be filed under division (E) (4) of 56958  
section 2921.22 of the Revised Code, and accept the reports of 56959  
the information when they are filed. 56960

(B) The fire marshal shall appoint a chief deputy fire 56961  
marshal, and shall employ professional and clerical assistants 56962  
as the fire marshal considers necessary. The chief deputy shall 56963  
be a competent former or current member of a fire agency and 56964  
possess five years of recent, progressively more responsible 56965  
experience in fire inspection, fire code enforcement, and fire 56966

code management. The chief deputy, with the approval of the 56967  
director of commerce, shall temporarily assume the duties of the 56968  
fire marshal when the fire marshal is absent or temporarily 56969  
unable to carry out the duties of the office. When there is a 56970  
vacancy in the office of fire marshal, the chief deputy, with 56971  
the approval of the director of commerce, shall temporarily 56972  
assume the duties of the fire marshal until a new fire marshal 56973  
is appointed under section 3737.21 of the Revised Code. 56974

All employees, other than the fire marshal; the chief 56975  
deputy fire marshal; the superintendent of the Ohio fire 56976  
academy; the grants administrator; the fiscal officer; the 56977  
executive secretary to the fire marshal; legal counsel; the 56978  
pyrotechnics administrator, the chief of the forensic 56979  
laboratory; the person appointed by the fire marshal to serve as 56980  
administrator over functions concerning testing, license 56981  
examinations, and the issuance of permits and certificates; and 56982  
the chiefs of the bureaus of fire prevention, of fire and 56983  
explosion investigation, of code enforcement, and of underground 56984  
storage tanks shall be in the classified civil service. The fire 56985  
marshal shall authorize the chief deputy and other employees 56986  
under the fire marshal's supervision to exercise powers granted 56987  
to the fire marshal by law as may be necessary to carry out the 56988  
duties of the fire marshal's office. 56989

(C) The fire marshal shall create, in and as a part of the 56990  
office of fire marshal, a fire and explosion investigation 56991  
bureau consisting of a chief of the bureau and additional 56992  
assistant fire marshals as the fire marshal determines necessary 56993  
for the efficient administration of the bureau. The chief shall 56994  
be experienced in the investigation of the cause, origin, and 56995  
circumstances of fires, and in administration, including the 56996  
supervision of subordinates. The chief, among other duties 56997

delegated to the chief by the fire marshal, shall be 56998  
responsible, under the direction of the fire marshal, for the 56999  
investigation of the cause, origin, and circumstances of fires 57000  
and explosions in the state, and for assistance in the 57001  
prosecution of persons believed to be guilty of arson or a 57002  
similar crime. 57003

(D) (1) The fire marshal shall create, as part of the 57004  
office of fire marshal, a bureau of code enforcement consisting 57005  
of a chief of the bureau and additional assistant fire marshals 57006  
as the fire marshal determines necessary for the efficient 57007  
administration of the bureau. The chief shall be qualified, by 57008  
education or experience, in fire inspection, fire code 57009  
development, fire code enforcement, or any other similar field 57010  
determined by the fire marshal, and in administration, including 57011  
the supervision of subordinates. The chief is responsible, under 57012  
the direction of the fire marshal, for fire inspection, fire 57013  
code development, fire code enforcement, and any other duties 57014  
delegated to the chief by the fire marshal. 57015

(2) The fire marshal, the chief deputy fire marshal, the 57016  
chief of the bureau of code enforcement, or any assistant fire 57017  
marshal under the direction of the fire marshal, the chief 57018  
deputy fire marshal, or the chief of the bureau of code 57019  
enforcement may cause to be conducted the inspection of all 57020  
buildings, structures, and other places, the condition of which 57021  
may be dangerous from a fire safety standpoint to life or 57022  
property, or to property adjacent to the buildings, structures, 57023  
or other places. 57024

(E) The fire marshal shall create, as a part of the office 57025  
of fire marshal, a bureau of fire prevention consisting of a 57026  
chief of the bureau and additional assistant fire marshals as 57027

the fire marshal determines necessary for the efficient 57028  
administration of the bureau. The chief shall be qualified, by 57029  
education or experience, to promote programs for rural and urban 57030  
fire prevention and protection. The chief, among other duties 57031  
delegated to the chief by the fire marshal, is responsible, 57032  
under the direction of the fire marshal, for the promotion of 57033  
rural and urban fire prevention and protection through public 57034  
information and education programs. 57035

(F) The fire marshal shall cooperate with the director of 57036  
job and family services when the director adopts rules under 57037  
section 5104.052 of the Revised Code regarding fire prevention 57038  
and fire safety in licensed type B family day-care homes, as 57039  
defined in section 5104.01 of the Revised Code, recommend 57040  
procedures for inspecting type B homes to determine whether they 57041  
are in compliance with those rules, and provide training and 57042  
technical assistance to the director and county directors of job 57043  
and family services on the procedures for determining compliance 57044  
with those rules. 57045

(G) The fire marshal, upon request of a provider of child 57046  
care in a type B home that is not licensed by the director of 57047  
job and family services, as a precondition of approval by the 57048  
~~state board of education department of learning and achievement~~ 57049  
under section 3313.813 of the Revised Code for receipt of United 57050  
States department of agriculture child and adult care food 57051  
program funds established under the "National School Lunch Act," 57052  
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, shall inspect 57053  
the type B home to determine compliance with rules adopted under 57054  
section 5104.052 of the Revised Code regarding fire prevention 57055  
and fire safety in licensed type B homes. In municipal 57056  
corporations and in townships where there is a certified fire 57057  
safety inspector, the inspections shall be made by that 57058

inspector under the supervision of the fire marshal, according 57059  
to rules adopted under section 5104.052 of the Revised Code. In 57060  
townships outside municipal corporations where there is no 57061  
certified fire safety inspector, inspections shall be made by 57062  
the fire marshal. 57063

**Sec. 3737.73.** (A) No principal or person in charge of a 57064  
public or private school or educational institution having an 57065  
average daily attendance of twenty or more pupils, and no person 57066  
in charge of any children's home or orphanage housing twenty or 57067  
more minor persons, shall willfully neglect to instruct and 57068  
train such children by means of drills or rapid dismissals, so 57069  
that such children in a sudden emergency may leave the building 57070  
in the shortest possible time without confusion. Except as 57071  
provided for in division (F) of this section, the principal or 57072  
person in charge of a school or educational institution shall 57073  
conduct drills or rapid dismissals at least six times during the 57074  
school year, pursuant to division (E) of this section, which 57075  
shall be at the times and frequency prescribed in rules adopted 57076  
by the fire marshal. The principal or person in charge of a 57077  
children's home or orphanage shall conduct drills or rapid 57078  
dismissals at least once each month while the home is in 57079  
operation. In the case of schools, no principal or person in 57080  
charge of a school shall willfully neglect to keep the doors and 57081  
exits of such building unlocked during school hours. The fire 57082  
marshal may order the immediate installation of necessary fire 57083  
gongs or signals in such schools, institutions, or children's 57084  
homes and enforce this division and divisions (B), (C) (3), and 57085  
(F) of this section. 57086

(B) In conjunction with the drills or rapid dismissals 57087  
required by division (A) or (F) of this section, whichever is 57088  
applicable, principals or persons in charge of public or private 57089

primary and secondary schools, or educational institutions, 57090  
shall instruct pupils in safety precautions to be taken in case 57091  
of a tornado alert or warning. Such principals or persons in 57092  
charge of such schools or institutions shall designate, in 57093  
accordance with standards prescribed by the fire marshal, 57094  
appropriate locations to be used to shelter pupils in case of a 57095  
tornado, tornado alert, or warning. 57096

(C) (1) The fire marshal or the fire marshal's designee 57097  
shall annually inspect each school, institution, home, or 57098  
orphanage subject to division (A) or (F) of this section to 57099  
determine compliance with the applicable division, and each 57100  
school or institution subject to division (B) of this section to 57101  
ascertain whether the locations comply with the standards 57102  
prescribed under that division. Nothing in this section shall 57103  
require a school or institution to construct or improve a 57104  
facility or location for use as a shelter area. 57105

(2) The fire marshal or the fire marshal's designee shall 57106  
issue a warning to any person found in violation of division 57107  
(A), (B), or (F) of this section. The warning shall indicate the 57108  
specific violation and a date by which such violation shall be 57109  
corrected. 57110

(3) No person shall fail to correct violations by the date 57111  
indicated on a warning issued under division (C) (2) of this 57112  
section. 57113

(D) (1) (a) The principal or person in charge of each public 57114  
or private school or educational institution shall conduct 57115  
school safety drills at least three times during the school 57116  
year, pursuant to division (E) of this section, to provide 57117  
pupils with instruction in the procedures to follow in 57118  
situations where pupils must be secured in the school building 57119

or rapidly evacuated in response to a threat to the school 57120  
involving an act of terrorism; a person possessing a deadly 57121  
weapon or dangerous ordnance, as defined in section 2923.11 of 57122  
the Revised Code, on school property; or other act of violence. 57123  
At least one safety drill shall include a scenario where pupils 57124  
must be secured in the school building rather than rapidly 57125  
evacuated. 57126

Each safety drill shall be conducted in conjunction with 57127  
the police chief or other similar chief law enforcement officer, 57128  
or designee, of the municipal corporation, township, or township 57129  
or joint police district in which the school or institution is 57130  
located, or, in absence of any such person, the county sheriff 57131  
of the county, or designee, in which the school or institution 57132  
is located. 57133

(b) In addition to the three safety drills described in 57134  
division (D) (1) (a) of this section, the principal or person in 57135  
charge shall conduct a theoretical school safety drill at least 57136  
once during the school year to provide all faculty and staff 57137  
employed by the school or institution with instruction in the 57138  
procedures to follow in such situations. The theoretical drill 57139  
does not need to include student participation and may be 57140  
conducted at the annual training session required by division 57141  
(D) (3) of this section. 57142

(c) All safety drills required under division (D) of this 57143  
section shall be conducted pursuant to the district's or 57144  
school's emergency management plan adopted under section 57145  
~~3313.536~~ 5502.262 of the Revised Code. 57146

(2) (a) The principal or person in charge of each public or 57147  
private school or educational institution shall provide to the 57148  
police chief or other similar chief law enforcement officer of 57149

the municipal corporation, township, or township or joint police 57150  
district in which the school or institution is located, or, in 57151  
absence of any such person, the county sheriff of the county in 57152  
which the school or institution is located advance written 57153  
notice of each school safety drill required under division (D) 57154  
(1) of this section and shall keep a written record of the date 57155  
and time of each drill conducted. The advance notice shall be 57156  
provided not later than seventy-two hours prior to the date the 57157  
drill will be conducted and shall include the date and time the 57158  
drill will be conducted and the address of the school or 57159  
educational institution. The notice shall be provided by mail, 57160  
facsimile, or electronic submission. 57161

(b) Not later than the fifth day of December each year, 57162  
the principal or person in charge of each public or private 57163  
school or educational institution shall provide written 57164  
certification by mail, facsimile, or electronic submission of 57165  
the date and time each school safety drill required under 57166  
division (D) (1) of this section was conducted during the 57167  
previous school year, as well as the date and time each drill 57168  
will be conducted during the current school year, to the police 57169  
chief or other similar chief law enforcement officer of the 57170  
municipal corporation, township, or township or joint police 57171  
district in which the school or institution is located, or, in 57172  
the absence of any such person, the county sheriff of the county 57173  
in which the school or institution is located. If such 57174  
certification is not provided, the principal or person in charge 57175  
of the school or institution shall be considered to have failed 57176  
to meet this requirement and shall be subject to division (D) (4) 57177  
of this section. 57178

(3) The principal or person in charge of each public or 57179  
private school or educational institution shall hold annual 57180

training sessions for employees of the school or institution 57181  
regarding the conduct of school safety drills. 57182

(4) The police chief or other similar chief law 57183  
enforcement officer of a municipal corporation, township, or 57184  
township or joint police district, or, in the absence of any 57185  
such person, the county sheriff shall issue a warning to any 57186  
person found in violation of division (D)(1) of this section. 57187  
Each warning issued for a violation of division (D)(1) of this 57188  
section shall require the principal or person in charge of the 57189  
school or institution to correct the violation by conducting a 57190  
school safety drill not later than the thirtieth day after the 57191  
date the warning is issued. The violation shall not be 57192  
considered corrected unless, not later than forty days after the 57193  
date the warning is issued, the principal or person in charge of 57194  
the school or institution provides written certification of the 57195  
date and time this drill was conducted, as well as the date and 57196  
time each remaining drill will be conducted during the current 57197  
school year, to the police chief or other similar chief law 57198  
enforcement officer or county sheriff who issued the warning. 57199

(5) No person shall fail to correct violations by the date 57200  
indicated on a warning issued under division (D)(4) of this 57201  
section. 57202

(E) The principal or person in charge of each public or 57203  
private school or educational institution shall conduct at least 57204  
one drill or rapid dismissal required under division (A) or (F) 57205  
of this section, whichever is applicable, or one school safety 57206  
drill required under division (D) of this section during each 57207  
month of the school year. However, the principal or person in 57208  
charge may determine the exact date and time that each drill 57209  
will be conducted. A drill or rapid dismissal under division (A) 57210

or (F) of this section may be conducted during the same month as 57211  
a school safety drill under division (D) of this section. 57212

(F) If a public or private school or educational 57213  
institution does not currently have smoke detectors, as defined 57214  
in section 3781.104 of the Revised Code, or a sprinkler system 57215  
in all classroom buildings of the school, the principal or 57216  
person in charge of the school or educational institution shall 57217  
conduct drills or rapid dismissals at least nine times during 57218  
the school year, pursuant to division (E) of this section, which 57219  
shall be at the times and frequency prescribed in rules adopted 57220  
by the fire marshal. At the discretion of the principal or 57221  
person in charge of the school or institution, drills conducted 57222  
under this division may be combined with drills conducted under 57223  
division (D) of this section, so long as at least one drill 57224  
conducted under that division provides pupils with instruction 57225  
in the procedures to follow in situations where pupils must be 57226  
secured in the school building rather than rapidly evacuated. 57227

**Sec. 3742.32.** (A) The director of health shall appoint an 57228  
advisory council to assist in the ongoing development and 57229  
implementation of the child lead poisoning prevention program 57230  
created under section 3742.31 of the Revised Code. The advisory 57231  
council shall consist of the following members: 57232

(1) A representative of the department of medicaid; 57233

(2) A representative of the bureau of child care in the 57234  
department of job and family services; 57235

(3) A representative of the department of environmental 57236  
protection; 57237

(4) A representative of the department of ~~education~~ 57238  
learning and achievement; 57239

(5) A representative of the development services agency;	57240
(6) A representative of the Ohio apartment owner's association;	57241 57242
(7) A representative of the Ohio help end lead poisoning coalition;	57243 57244
(8) A representative of the Ohio environmental health association;	57245 57246
(9) An Ohio representative of the national paint and coatings association.	57247 57248
(B) The advisory council shall do both of the following:	57249
(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation;	57250 57251 57252 57253
(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year.	57254 57255 57256
(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code.	57257 57258
<b>Sec. 3743.59.</b> (A) Upon application by an affected party, the fire marshal may grant variances from the requirements of this chapter or from the requirements of rules adopted pursuant to this chapter if the fire marshal determines that a literal enforcement of the requirement will result in practical difficulty in complying with the requirements of this chapter or the rules adopted pursuant to this chapter and that the variance will not be contrary to the public health, safety, or welfare. A variance shall not be granted to a person who is initially	57259 57260 57261 57262 57263 57264 57265 57266 57267

licensed as a manufacturer or wholesaler of fireworks after June 14, 1988. 57268  
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(B) The fire marshal may authorize a variance from the 57270  
prohibitions in this chapter against the possession and use of 57271  
pyrotechnic compounds to a person who submits proof that the 57272  
person is certified and in good standing with the ~~Ohio state~~ 57273  
~~board of education~~ department of learning and achievement, 57274  
provided that the pyrotechnic compounds are used for educational 57275  
purposes only, or are used only at an authorized educational 57276  
function approved by the governing board that exercises 57277  
authority over the educational function. 57278

(C) The fire marshal may authorize a variance from the 57279  
prohibitions in this chapter against the possession and use of 57280  
pyrotechnic compounds to a person who possesses and uses the 57281  
pyrotechnic compounds for personal and noncommercial purposes as 57282  
a hobby. The fire marshal may rescind a variance authorized 57283  
under this division at any time, exclusively at the fire 57284  
marshal's discretion. 57285

**Sec. 3745.21.** (A) There is hereby created within the 57286  
environmental protection agency the environmental education 57287  
council consisting of the directors of environmental protection 57288  
and natural resources, and ~~the superintendent of public~~ 57289  
~~instruction~~ learning and achievement, or their designees, as 57290  
members ex officio, one member of the house of representatives 57291  
to be appointed by the speaker of the house of representatives 57292  
or the member's designee, one member of the senate to be 57293  
appointed by the president of the senate or the member's 57294  
designee, one member to be appointed by the ~~Ohio board of~~ 57295  
~~regents~~ department of learning and achievement who shall have 57296  
experience in providing environmental education at the 57297

university or college level, and six members to be appointed by 57298  
the governor with the advice and consent of the senate. Of the 57299  
members appointed by the governor, two shall be from statewide 57300  
environmental advocacy organizations, one shall represent the 57301  
interests of the industrial community in this state, one shall 57302  
represent the interests of employers in this state with one 57303  
hundred fifty or fewer employees, one shall represent municipal 57304  
corporations, and one shall represent the interests of 57305  
elementary and secondary school teachers in this state. Within 57306  
thirty days after October 1, 1990, the appointing authorities 57307  
shall make their initial appointments to the council. The 57308  
initial appointment to the council by the Ohio board of regents 57309  
shall be for a term ending two years after October 1, 1990. Of 57310  
the initial appointments made to the council by the governor, 57311  
three shall be for a term ending one year after October 1, 1990, 57312  
and three shall be for a term ending two years after October 1, 57313  
1990. Thereafter, the terms of office of the members appointed 57314  
by the ~~Ohio board of regents department of learning and~~ 57315  
achievement and the governor shall be for two years, with each 57316  
term ending on the same day of the same month as the term that 57317  
it succeeds. Each member shall hold office from the date of 57318  
appointment until the end of the term for which the member was 57319  
appointed. Members may be reappointed. Vacancies shall be filled 57320  
in the manner provided for original appointments. Any member 57321  
appointed to fill a vacancy occurring prior to the expiration 57322  
date of the term for which the member's predecessor was 57323  
appointed shall hold office as a member of the board of trustees 57324  
for the remainder of that term. A member of the council 57325  
appointed by the ~~Ohio board of regents department~~ or the 57326  
governor shall continue in office subsequent to the expiration 57327  
date of the member's term until the member's successor takes 57328  
office or until a period of sixty days has elapsed, whichever 57329

occurs first. 57330

The council shall hold at least two regular, semiannual 57331  
meetings each year. Special meetings may be held at the behest 57332  
of the chairperson or a majority of the members. The director of 57333  
environmental protection shall serve as the chairperson of the 57334  
council. The council annually shall select from among its 57335  
members a vice-chairperson and a secretary to keep a record of 57336  
its proceedings. A majority vote of the members of the council 57337  
is necessary to take action on any matter. 57338

Serving as a member of the council does not constitute 57339  
holding a public office or a position of employment under the 57340  
laws of this state and does not constitute grounds for the 57341  
removal of public officers or employees from their offices or 57342  
positions of employment. The ~~Ohio board of regents department~~ 57343  
may at any time remove a member of the council appointed by it 57344  
for misfeasance, malfeasance, or nonfeasance in office. The 57345  
governor may at any time remove a member of the council 57346  
appointed by the governor for misfeasance, malfeasance, or 57347  
nonfeasance in office. 57348

Members of the council appointed by the ~~Ohio board of~~ 57349  
~~regents department~~ and the governor shall serve without 57350  
compensation. Members of the council shall be reimbursed for 57351  
their actual and necessary expenses incurred in the performance 57352  
of their duties as members of the council from moneys credited 57353  
to the environmental education fund created in section 3745.22 57354  
of the Revised Code. 57355

(B) The council shall advise and assist the director in 57356  
the implementation and administration of section 3745.22 of the 57357  
Revised Code and shall review and comment on all expenditures 57358  
from the fund proposed by the director. 57359

(C) The council may adopt bylaws for the regulation and 57360  
conduct of the council's affairs and may propose to the director 57361  
expenditures from the fund. 57362

**Sec. 3781.106.** (A) The board of building standards shall 57363  
adopt rules, in accordance with Chapter 119. of the Revised 57364  
Code, for the use of a device by a staff member of a public or 57365  
private school or institution of higher education that prevents 57366  
both ingress and egress through a door in a school building, for 57367  
a finite period of time, in an emergency situation, and during 57368  
active shooter drills. The rules shall provide that the use of a 57369  
device is permissible only if the device requires minimal steps 57370  
to remove it after it is engaged. 57371

The rules shall provide that the administrative authority 57372  
of a building notify the police chief, or equivalent, of the law 57373  
enforcement agency that has jurisdiction over the building, and 57374  
the fire chief, or equivalent, of the fire department that 57375  
serves the political subdivision in which the building is 57376  
located, prior to the use of such devices in a building. 57377

The rules may require that the device be visible from the 57378  
exterior of the door. 57379

(B) The device described in division (A) of this section 57380  
shall not be permanently mounted to the door. 57381

(C) Each public and private school and institution of 57382  
higher education shall provide its staff members in-service 57383  
training on the use of the device described in division (A) of 57384  
this section. The school shall maintain a record verifying this 57385  
training on file. 57386

(D) In consultation with the ~~state board of education and~~ 57387  
~~the chancellor of higher education~~ department of learning and 57388

achievement, the board shall determine and include in the rules 57389  
a definition of "emergency situation." These rules shall apply 57390  
to both existing and new school buildings. 57391

(E) As used in this section: 57392

(1) "Institution of higher education" means a state 57393  
institution of higher education as defined in section 3345.011 57394  
of the Revised Code, a private nonprofit college or university 57395  
located in this state that possesses a certificate of 57396  
authorization issued pursuant to Chapter 1713. of the Revised 57397  
Code, or a school located in this state that possesses a 57398  
certificate of registration and one or more program 57399  
authorizations issued by the state board of career colleges and 57400  
schools under Chapter 3332. of the Revised Code. 57401

(2) "Private school" means a chartered nonpublic school or 57402  
a nonchartered nonpublic school. 57403

(3) "Public school" means any school operated by a school 57404  
district board of education, any community school established 57405  
under Chapter 3314. of the Revised Code, any STEM school 57406  
established under Chapter 3326. of the Revised Code, and any 57407  
college-preparatory boarding school established under Chapter 57408  
3328. of the Revised Code. 57409

(4) "School building" means a structure used for the 57410  
instruction of students by a public or private school or 57411  
institution of higher education. 57412

**Sec. 3781.11.** (A) The rules of the board of building 57413  
standards shall: 57414

(1) For nonresidential buildings, provide uniform minimum 57415  
standards and requirements, and for residential buildings, 57416  
provide standards and requirements that are uniform throughout 57417

the state, for construction and construction materials, 57418  
including construction of industrialized units, to make 57419  
residential and nonresidential buildings safe and sanitary as 57420  
defined in section 3781.06 of the Revised Code; 57421

(2) Formulate such standards and requirements, so far as 57422  
may be practicable, in terms of performance objectives, so as to 57423  
make adequate performance for the use intended the test of 57424  
acceptability; 57425

(3) Permit, to the fullest extent feasible, the use of 57426  
materials and technical methods, devices, and improvements, 57427  
including the use of industrialized units which tend to reduce 57428  
the cost of construction and erection without affecting minimum 57429  
requirements for the health, safety, and security of the 57430  
occupants or users of buildings or industrialized units and 57431  
without preferential treatment of types or classes of materials 57432  
or products or methods of construction; 57433

(4) Encourage, so far as may be practicable, the 57434  
standardization of construction practices, methods, equipment, 57435  
material, and techniques, including methods employed to produce 57436  
industrialized units; 57437

(5) Not require any alteration or repair of any part of a 57438  
school building owned by a chartered nonpublic school or a city, 57439  
local, exempted village, or joint vocational school district and 57440  
operated in conjunction with any primary or secondary school 57441  
program that is not being altered or repaired if all of the 57442  
following apply: 57443

(a) The school building meets all of the applicable 57444  
building code requirements in existence at the time of the 57445  
construction of the building. 57446

(b) The school building otherwise satisfies the requirements of section 3781.06 of the Revised Code. 57447  
57448

(c) The part of the school building altered or repaired conforms to all rules of the board existing on the date of the repair or alteration. 57449  
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(6) Not require any alteration or repair to any part of a workshop or factory that is not otherwise being altered, repaired, or added to if all of the following apply: 57452  
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(a) The workshop or factory otherwise satisfies the requirements of section 3781.06 of the Revised Code. 57455  
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(b) The part of the workshop or factory altered, repaired, or added conforms to all rules of the board existing on the date of plan approval of the repair, alteration, or addition. 57457  
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(B) The rules of the board shall supersede and govern any order, standard, or rule of the division of industrial compliance in the department of commerce, division of the state fire marshal, the department of health, and of counties and townships, in all cases where such orders, standards, or rules are in conflict with the rules of the board, except that rules adopted and orders issued by the state fire marshal pursuant to Chapter 3743. of the Revised Code prevail in the event of a conflict. 57460  
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(C) The construction, alteration, erection, and repair of buildings including industrialized units, and the materials and devices of any kind used in connection with them and the heating and ventilating of them and the plumbing and electric wiring in them shall conform to the statutes of this state or the rules adopted and promulgated by the board, and to provisions of local ordinances not inconsistent therewith. Any building, structure, 57469  
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or part thereof, constructed, erected, altered, manufactured, or 57476  
repaired not in accordance with the statutes of this state or 57477  
with the rules of the board, and any building, structure, or 57478  
part thereof in which there is installed, altered, or repaired 57479  
any fixture, device, and material, or plumbing, heating, or 57480  
ventilating system, or electric wiring not in accordance with 57481  
such statutes or rules is a public nuisance. 57482

(D) As used in this section: 57483

(1) "Nonpublic school" means a chartered school for which 57484  
minimum standards are prescribed by the ~~state board of education~~ 57485  
department of learning and achievement pursuant to division (D) 57486  
of section 3301.07 of the Revised Code. 57487

(2) "Workshop or factory" includes manufacturing, 57488  
mechanical, electrical, mercantile, art, and laundering 57489  
establishments, printing, telegraph, and telephone offices, 57490  
railroad depots, and memorial buildings, but does not include 57491  
hotels and tenement and apartment houses. 57492

**Sec. 3797.06.** (A) As used in this section, "specified 57493  
geographical notification area" means the geographic area or 57494  
areas within which the attorney general requires by rule adopted 57495  
under section 3797.08 of the Revised Code the notice described 57496  
in division (B) of this section to be given to the persons 57497  
identified in divisions (A)(1) to (9) of this section. If a 57498  
court enters a declaratory judgment against a registrant under 57499  
section 2721.21 of the Revised Code, the sheriff with whom the 57500  
registrant has most recently registered under section 3797.02 or 57501  
3797.03 of the Revised Code and the sheriff to whom the 57502  
registrant most recently sent a notice of intent to reside under 57503  
section 3797.03 of the Revised Code shall provide within the 57504  
period of time specified in division (C) of this section a 57505

written notice containing the information set forth in division 57506  
(B) of this section to all of the persons described in divisions 57507  
(A) (1) to (9) of this section. If the sheriff has sent a notice 57508  
to the persons described in those divisions as a result of 57509  
receiving a notice of intent to reside and if the registrant 57510  
registers a residence address that is the same residence address 57511  
described in the notice of intent to reside, the sheriff is not 57512  
required to send an additional notice when the registrant 57513  
registers. The sheriff shall provide the notice to all of the 57514  
following persons: 57515

(1) (a) Any occupant of each residential unit that is 57516  
located within one thousand feet of the registrant's residential 57517  
premises, that is located within the county served by the 57518  
sheriff, and that is not located in a multi-unit building. 57519  
Division (D) (3) of this section applies regarding notices 57520  
required under this division. 57521

(b) If the registrant resides in a multi-unit building, 57522  
any occupant of each residential unit that is located in that 57523  
multi-unit building and that shares a common hallway with the 57524  
registrant. For purposes of this division, an occupant's unit 57525  
shares a common hallway with the registrant if the entrance door 57526  
into the occupant's unit is located on the same floor and opens 57527  
into the same hallway as the entrance door to the unit the 57528  
registrant occupies. Division (D) (3) of this section applies 57529  
regarding notices required under this division. 57530

(c) The building manager, or the person the building owner 57531  
or condominium unit owners association authorizes to exercise 57532  
management and control, of each multi-unit building that is 57533  
located within one thousand feet of the registrant's residential 57534  
premises, including a multi-unit building in which the 57535

registrant resides, and that is located within the county served 57536  
by the sheriff. In addition to notifying the building manager or 57537  
the person authorized to exercise management and control in the 57538  
multi-unit building under this division, the sheriff shall post 57539  
a copy of the notice prominently in each common entryway in the 57540  
building and any other location in the building the sheriff 57541  
determines appropriate. The manager or person exercising 57542  
management and control of the building shall permit the sheriff 57543  
to post copies of the notice under this division as the sheriff 57544  
determines appropriate. In lieu of posting copies of the notice 57545  
as described in this division, a sheriff may provide notice to 57546  
all occupants of the multi-unit building by mail or personal 57547  
contact. If the sheriff so notifies all the occupants, the 57548  
sheriff is not required to post copies of the notice in the 57549  
common entryways to the building. Division (D)(3) of this 57550  
section applies regarding notices required under this division. 57551

(d) All additional persons who are within any category of 57552  
neighbors of the registrant that the attorney general by rule 57553  
adopted under section 3797.08 of the Revised Code requires to be 57554  
provided the notice and who reside within the county served by 57555  
the sheriff. 57556

(2) The executive director of the public children services 57557  
agency that has jurisdiction within the specified geographical 57558  
notification area and that is located within the county served 57559  
by the sheriff; 57560

(3) The superintendent of each board of education of a 57561  
school district that has schools within the specified 57562  
geographical notification area and that is located within the 57563  
county served by the sheriff; 57564

(4) The appointing or hiring officer of each nonpublic 57565

school located within the specified geographical notification area and within the county served by the sheriff or of each other school located within the specified geographical notification area and within the county served by the sheriff and that is not operated by a board of education described in division (A) (3) of this section;

(5) The director, head teacher, elementary principal, or site administrator of each preschool program governed by Chapter 3301. of the Revised Code that is located within the specified geographical notification area and within the county served by the sheriff;

(6) The administrator of each child day-care center or type A family day-care home that is located within the specified geographical notification area and within the county served by the sheriff, and each holder of a license to operate a type B family day-care home that is located within the specified geographical notification area and within the county served by the sheriff. As used in this division, "child day-care center," "type A family day-care home," and "type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code.

(7) The president or other chief administrative officer of each institution of higher education, as defined in section 2907.03 of the Revised Code, that is located within the specified geographical notification area and within the county served by the sheriff and the chief law enforcement officer of any state university law enforcement agency or campus police department established under section 3345.04 or 1713.50 of the Revised Code that serves that institution;

(8) The sheriff of each county that includes any portion

of the specified geographical notification area; 57596

(9) If the registrant resides within the county served by 57597  
the sheriff, the chief of police, marshal, or other chief law 57598  
enforcement officer of the municipal corporation in which the 57599  
registrant resides or, if the registrant resides in an 57600  
unincorporated area, the constable or chief of the police 57601  
department or police district police force of the township in 57602  
which the registrant resides. 57603

(B) The notice required under division (A) of this section 57604  
shall include the registrant's name, residence or employment 57605  
address, as applicable, and a statement that the registrant has 57606  
been found liable for childhood sexual abuse in a civil action 57607  
and is listed on the civil registry established by the attorney 57608  
general pursuant to section 3797.08 of the Revised Code. 57609

(C) If a sheriff with whom a registrant registers under 57610  
section 3797.02 or 3797.03 of the Revised Code or to whom the 57611  
registrant most recently sent a notice of intent to reside under 57612  
section 3797.03 of the Revised Code is required by division (A) 57613  
of this section to provide notices regarding a registrant and if 57614  
the sheriff provides a notice pursuant to that requirement the 57615  
sheriff provides a notice to a sheriff of one or more other 57616  
counties in accordance with division (A) (8) of this section, the 57617  
sheriff of each of the other counties who is provided notice 57618  
under division (A) (8) of this section shall provide the notices 57619  
described in divisions (A) (1) to (7) and (A) (9) of this section 57620  
to each person or entity identified within those divisions that 57621  
is located within the specified geographical notification area 57622  
and within the county served by the sheriff in question. 57623

(D) (1) A sheriff required by division (A) or (C) of this 57624  
section to provide notices regarding a registrant shall provide 57625

the notice to the neighbors that are described in division (A) 57626  
(1) of this section and the notices to law enforcement personnel 57627  
that are described in divisions (A) (8) and (9) of this section 57628  
as soon as practicable, but not later than five days after the 57629  
registrant sends the notice of intent to reside to the sheriff, 57630  
and again not later than five days after the registrant 57631  
registers with the sheriff or, if the sheriff is required by 57632  
division (C) to provide the notices, not later than five days 57633  
after the sheriff is provided the notice described in division 57634  
(A) (8) of this section. 57635

A sheriff required by division (A) or (C) of this section 57636  
to provide notices regarding a registrant shall provide the 57637  
notices to all other specified persons that are described in 57638  
divisions (A) (2) to (7) of this section as soon as practicable, 57639  
but not later than seven days after the registrant registers 57640  
with the sheriff, or, if the sheriff is required by division (C) 57641  
to provide the notices, not later than five days after the 57642  
sheriff is provided the notice described in division (A) (8) of 57643  
this section. 57644

(2) If a registrant in relation to whom division (A) of 57645  
this section applies verifies the registrant's current residence 57646  
address with a sheriff pursuant to section 3797.04 of the 57647  
Revised Code, the sheriff may provide a written notice 57648  
containing the information set forth in division (B) of this 57649  
section to the persons identified in divisions (A) (1) to (9) of 57650  
this section. If a sheriff provides a notice pursuant to this 57651  
division to the sheriff of one or more other counties in 57652  
accordance with division (A) (8) of this section, the sheriff of 57653  
each of the other counties who is provided the notice under 57654  
division (A) (8) of this section may provide, but is not required 57655  
to provide, a written notice containing the information set 57656

forth in division (B) of this section to the persons identified 57657  
in divisions (A) (1) to (7) and (A) (9) of this section. 57658

(3) A sheriff may provide notice under division (A) (1) (a) 57659  
or (b) of this section, and may provide notice under division 57660  
(A) (1) (c) of this section to a building manager or person 57661  
authorized to exercise management and control of a building, by 57662  
mail, by personal contact, or by leaving the notice at or under 57663  
the entry door to a residential unit. For purposes of divisions 57664  
(A) (1) (a) and (b) of this section and of the portion of division 57665  
(A) (1) (c) of this section relating to the provision of notice to 57666  
occupants of a multi-unit building by mail or personal contact, 57667  
the provision of one written notice per unit is deemed providing 57668  
notice to all occupants of that unit. 57669

(E) All information that a sheriff possesses regarding a 57670  
registrant that is described in division (B) of this section and 57671  
that must be provided in a notice required under division (A) or 57672  
(C) of this section or that may be provided in a notice 57673  
authorized under division (D) (2) of this section is a public 57674  
record that is open to inspection under section 149.43 of the 57675  
Revised Code. 57676

(F) A sheriff required by division (A) or (C) of this 57677  
section, or authorized by division (D) (2) of this section, to 57678  
provide notices regarding a registrant may request the 57679  
department of job and family services, or department of 57680  
~~education, or Ohio board of regents~~ learning and achievement, by 57681  
telephone, in registrant, or by mail, to provide the sheriff 57682  
with the names, addresses, and telephone numbers of the 57683  
appropriate persons and entities to whom the notices described 57684  
in divisions (A) (2) to (7) of this section are to be provided. 57685  
Upon receipt of a request, the department or board shall provide 57686

the requesting sheriff with the names, addresses, and telephone 57687  
numbers of the appropriate persons and entities to whom those 57688  
notices are to be provided. 57689

(G) (1) Upon the motion of the registrant or the judge that 57690  
entered a declaratory judgment pursuant to section 2721.21 of 57691  
the Revised Code or that judge's successor in office, the judge 57692  
may schedule a hearing to determine whether the interests of 57693  
justice would be served by suspending the community notification 57694  
requirement under this section in relation to the registrant. 57695  
The judge may dismiss the motion without a hearing but may not 57696  
issue an order suspending the community notification requirement 57697  
without a hearing. At the hearing, all parties are entitled to 57698  
be heard. If, at the conclusion of the hearing, the judge finds 57699  
that the registrant has proven by clear and convincing evidence 57700  
that the registrant is unlikely to commit childhood sexual abuse 57701  
in the future and that suspending the community notification 57702  
requirement is in the interests of justice, the judge may issue 57703  
an order suspending the application of this section in relation 57704  
to the registrant. The order shall contain both of these 57705  
findings. 57706

The judge promptly shall serve a copy of the order upon 57707  
the sheriff with whom the registrant most recently registered a 57708  
residence address and the sheriff with whom the registrant most 57709  
recently registered an employment address under section 3797.02 57710  
of the Revised Code. 57711

An order suspending the community notification requirement 57712  
does not suspend or otherwise alter a registrant's duties to 57713  
comply with sections 3797.02, 3797.03, and 3797.04 of the 57714  
Revised Code. 57715

(2) A registrant has the right to appeal an order denying 57716

a motion made under division (G) (1) of this section.	57717
<b>Sec. 3798.01.</b> As used in this chapter:	57718
(A) "Administrative safeguards," "physical safeguards," and "technical safeguards" have the same meanings as in 45 C.F.R. 164.304.	57719 57720 57721
(B) "Approved health information exchange" means a health information exchange that has been approved or reapproved by the medicaid director pursuant to the approval or reapproval process, as applicable, the director establishes in rules adopted under division (A) of section 3798.15 of the Revised Code or that has been certified by the office of the national coordinator for health information technology in the United States department of health and human services.	57722 57723 57724 57725 57726 57727 57728 57729
(C) "Covered entity," "disclosure," "health care provider," "health information," "individually identifiable health information," "protected health information," and "use" have the same meanings as in 45 C.F.R. 160.103.	57730 57731 57732 57733
(D) "Designated record set" has the same meaning as in 45 C.F.R. 164.501.	57734 57735
(E) "Direct exchange" means the activity of electronic transmission of health information through a direct connection between the electronic record systems of health care providers without the use of a health information exchange.	57736 57737 57738 57739
(F) "Health care component" and "hybrid entity" have the same meanings as in 45 C.F.R. 164.103.	57740 57741
(G) "Health information exchange" means any person or governmental entity that provides in this state a technical infrastructure to connect computer systems or other electronic	57742 57743 57744

devices used by covered entities to facilitate the secure 57745  
transmission of health information. "Health information 57746  
exchange" excludes health care providers engaged in direct 57747  
exchange, including direct exchange through the use of a health 57748  
information service provider. 57749

(H) "HIPAA privacy rule" means the standards for privacy 57750  
of individually identifiable health information in 45 C.F.R. 57751  
part 160 and in 45 C.F.R. part 164, subparts A and E. 57752

(I) "Interoperability" means the capacity of two or more 57753  
information systems to exchange information in an accurate, 57754  
effective, secure, and consistent manner. 57755

(J) "Minor" means an unemancipated person under eighteen 57756  
years of age or a mentally or physically disabled person under 57757  
twenty-one years of age who meets criteria specified in rules 57758  
adopted by the medicaid director under section 3798.13 of the 57759  
Revised Code. 57760

(K) "More stringent" has the same meaning as in 45 C.F.R. 57761  
160.202. 57762

(L) "Office of health transformation" means the office of 57763  
health transformation created by executive order 2011-02K or a 57764  
successor governmental entity responsible for health system 57765  
oversight in this state. 57766

(M) "Personal representative" means a person who has 57767  
authority under applicable law to make decisions related to 57768  
health care on behalf of an adult or emancipated minor, or the 57769  
parent, legal guardian, or other person acting in loco parentis 57770  
who is authorized under law to make health care decisions on 57771  
behalf of an unemancipated minor. "Personal representative" does 57772  
not include the parent or legal guardian of, or another person 57773

acting in loco parentis to, a minor who consents to the minor's own receipt of health care or a minor who makes medical decisions on the minor's own behalf pursuant to law, court approval, or because the minor's parent, legal guardian, or other person acting in loco parentis has assented to an agreement of confidentiality between the provider and the minor.

(N) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state.

(O) "State agency" means any one or more of the following:

- (1) The department of administrative services;
- (2) The department of aging;
- (3) The department of mental health and addiction services;
- (4) The department of developmental disabilities;
- (5) The department of education;
- (6) The department of health;
- (7) The department of insurance;
- (8) The department of job and family services;
- (9) The department of medicaid;
- (10) The department of rehabilitation and correction;
- (11) The department of youth services;
- (12) The bureau of workers' compensation;
- (13) The opportunities for Ohioans with disabilities

agency;	57799
(14) The office of the attorney general;	57800
(15) A health care licensing board created under Title XLVII of the Revised Code that possesses individually identifiable health information;	57801 57802 57803
<u>(16) The department of learning and achievement.</u>	57804
<b>Sec. 3905.484.</b> (A) The superintendent of insurance shall establish criteria for any course or program of study that is offered in this state under section 3905.04 or sections 3905.481 to 3905.486 of the Revised Code.	57805 57806 57807 57808
(B) No course or program of study shall be offered in this state under section 3905.04 or sections 3905.481 to 3905.486 of the Revised Code unless it is approved by the superintendent.	57809 57810 57811
(C) A course or program of study offered in this state under section 3905.04 or sections 3905.481 to 3905.486 of the Revised Code shall be developed or sponsored only by one of the following:	57812 57813 57814 57815
(1) An insurance company admitted to transact business in this state;	57816 57817
(2) An accredited college or university;	57818
(3) An insurance trade association;	57819
(4) An independent program of instruction that is approved by the superintendent;	57820 57821
(5) Any institution as defined in section 1713.01 of the Revised Code that holds a certificate of authorization issued by the <del>Ohio board of regents</del> <u>department of learning and achievement</u> under Chapter 1713. of the Revised Code or is exempt under that	57822 57823 57824 57825

chapter from the requirements for a certificate of 57826  
authorization. 57827

**Sec. 4109.01.** As used in this chapter: 57828

(A) "Employ" means to permit or suffer to work. 57829

(B) "Employer" means the state, its political 57830  
subdivisions, and every person who employs any individual. 57831

(C) "Enforcement official" means the director of commerce 57832  
or the director's authorized representative, the ~~superintendent-~~ 57833  
~~of public instruction~~ director of learning and achievement or 57834  
the ~~superintendent's~~ director's authorized representative, any 57835  
school attendance officer, any probation officer, the director 57836  
of health or the director of health's authorized representative, 57837  
and any representative of a local department of health. 57838

(D) "Minor" means any person less than eighteen years of 57839  
age. 57840

(E) "Seasonal amusement or recreational establishment" 57841  
means both of the following: 57842

(1) An amusement or recreational establishment that does 57843  
not operate for more than seven months in any calendar year; 57844

(2) An amusement or recreational establishment whose 57845  
average receipts for any six months during the preceding 57846  
calendar year were not more than thirty-three and one-third per 57847  
cent of its average receipts for the other six months of that 57848  
calendar year. 57849

**Sec. 4109.06.** (A) This chapter does not apply to the 57850  
following: 57851

(1) Minors who are students working on any properly 57852

guarded machines in the manual training department of any school 57853  
when the work is performed under the personal supervision of an 57854  
instructor; 57855

(2) Students participating in a career-technical or STEM 57856  
program approved by the ~~Ohio~~ department of ~~education~~ learning 57857  
and achievement or students participating in any eligible 57858  
classes through the college credit plus program established 57859  
under Chapter 3365. of the Revised Code that include a state- 57860  
recognized pre-apprenticeship program that imparts the skills 57861  
and knowledge needed for successful participation in a 57862  
registered apprenticeship occupation course; 57863

(3) A minor participating in a play, pageant, or concert 57864  
produced by an outdoor historical drama corporation, a 57865  
professional traveling theatrical production, a professional 57866  
concert tour, or a personal appearance tour as a professional 57867  
motion picture star, or as an actor or performer in motion 57868  
pictures or in radio or television productions in accordance 57869  
with the rules adopted pursuant to division (A) of section 57870  
4109.05 of the Revised Code; 57871

(4) The participation, without remuneration of a minor and 57872  
with the consent of a parent or guardian, in a performance given 57873  
by a church, school, or academy, or at a concert or 57874  
entertainment given solely for charitable purposes, or by a 57875  
charitable or religious institution; 57876

(5) Minors who are employed by their parents in 57877  
occupations other than occupations prohibited by rule adopted 57878  
under this chapter; 57879

(6) Minors engaged in the delivery of newspapers to the 57880  
consumer; 57881

(7) Minors who have received a high school diploma or a certificate of attendance from an accredited secondary school or a certificate of high school equivalence;	57882 57883 57884
(8) Minors who are currently heads of households or are parents contributing to the support of their children;	57885 57886
(9) Minors engaged in lawn mowing, snow shoveling, and other related employment;	57887 57888
(10) Minors employed in agricultural employment in connection with farms operated by their parents, grandparents, or guardians where they are members of the guardians' household. Minors are not exempt from this chapter if they reside in agricultural labor camps as defined in section 3733.41 of the Revised Code;	57889 57890 57891 57892 57893 57894
(11) Students participating in a program to serve as precinct officers as authorized by section 3501.22 of the Revised Code.	57895 57896 57897
(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the Revised Code do not apply to the following:	57898 57899
(1) Minors who work in a sheltered workshop operated by a county board of developmental disabilities;	57900 57901
(2) Minors performing services for a nonprofit organization where the minor receives no compensation, except for any expenses incurred by the minor or except for meals provided to the minor;	57902 57903 57904 57905
(3) Minors who are employed in agricultural employment and who do not reside in agricultural labor camps.	57906 57907
(C) Division (D) of section 4109.07 of the Revised Code does not apply to minors who have their employment hours	57908 57909

established as follows: 57910

(1) A minor adjudicated to be an unruly child or 57911  
delinquent child who, as a result of the adjudication, is placed 57912  
on probation may either file a petition in the juvenile court in 57913  
whose jurisdiction the minor resides, or apply to the 57914  
superintendent or to the chief administrative officer who issued 57915  
the minor's age and schooling certificate pursuant to section 57916  
3331.01 of the Revised Code, alleging the restrictions on the 57917  
hours of employment described in division (D) of section 4109.07 57918  
of the Revised Code will cause a substantial hardship or are not 57919  
in the minor's best interests. Upon receipt of a petition or 57920  
application, the court, the superintendent, or the chief 57921  
administrative officer, as appropriate, shall consult with the 57922  
person required to supervise the minor on probation. If after 57923  
that consultation, the court, the superintendent, or the chief 57924  
administrative officer finds the minor has failed to show the 57925  
restrictions will result in a substantial hardship or that the 57926  
restrictions are not in the minor's best interests, the court, 57927  
the superintendent, or the chief administrative officer shall 57928  
uphold the restrictions. If after that consultation, the court, 57929  
the superintendent, or the chief administrative officer finds 57930  
the minor has shown the restricted hours will cause a 57931  
substantial hardship or are not in the minor's best interests, 57932  
the court, the superintendent, or the chief administrative 57933  
officer shall establish differing hours of employment for the 57934  
minor and notify the minor and the minor's employer of those 57935  
hours, which shall be binding in lieu of the restrictions on the 57936  
hours of employment described in division (D) of section 4109.07 57937  
of the Revised Code. 57938

(2) Any minor to whom division (C) (1) of this section does 57939  
not apply may either file a petition in the juvenile court in 57940

whose jurisdiction the person resides, or apply to the 57941  
superintendent or to the chief administrative officer who issued 57942  
the minor's age and schooling certificate pursuant to section 57943  
3331.01 of the Revised Code, alleging the restrictions on the 57944  
hours of employment described in division (D) of section 4109.07 57945  
of the Revised Code will cause a substantial hardship or are not 57946  
in the minor's best interests. 57947

If, as a result of a petition or application, the court, 57948  
the superintendent, or the chief administrative officer, as 57949  
appropriate, finds the minor has failed to show such 57950  
restrictions will result in a substantial hardship or that the 57951  
restrictions are not in the minor's best interests, the court, 57952  
the superintendent, or the chief administrative officer shall 57953  
uphold the restrictions. If the court, the superintendent, or 57954  
the chief administrative officer finds the minor has shown the 57955  
restricted hours will cause a substantial hardship or are not in 57956  
the minor's best interests, the court, the superintendent, or 57957  
the chief administrative officer shall establish the hours of 57958  
employment for the minor and shall notify the minor and the 57959  
minor's employer of those hours. 57960

(D) Section 4109.03, divisions (A) and (C) of section 57961  
4109.02, and division (B) of section 4109.08 of the Revised Code 57962  
do not apply to minors who are sixteen or seventeen years of age 57963  
and who are employed at a seasonal amusement or recreational 57964  
establishment. 57965

(E) As used in this section, "certificate of high school 57966  
equivalence" means either: 57967

(1) A statement issued by the ~~department of education~~ 57968  
superintendent of public instruction that the holder of the 57969  
statement has achieved the equivalent of a high school education 57970

as measured by scores obtained on a high school equivalency test 57971  
approved by the department of learning and achievement pursuant 57972  
to division (B) of section 3301.80 of the Revised Code; 57973

(2) A statement issued by a primary-secondary education or 57974  
higher education agency of another state that the holder of the 57975  
statement has achieved the equivalent of a high school education 57976  
as measured by scores obtained on a similar nationally 57977  
recognized high school equivalency test. 57978

**Sec. 4109.07.** (A) No person under sixteen years of age 57979  
shall be employed: 57980

(1) During school hours except where specifically 57981  
permitted by this chapter; 57982

(2) Before seven a.m.; 57983

(3) After nine p.m. from the first day of June to the 57984  
first day of September or during any school holiday of five 57985  
school days or more duration, or after seven p.m. at any other 57986  
time; 57987

(4) For more than three hours a day in any school day; 57988

(5) For more than eighteen hours in any week while school 57989  
is in session; 57990

(6) For more than eight hours in any day which is not a 57991  
school day; 57992

(7) For more than forty hours in any week that school is 57993  
not in session. 57994

(B) No person under sixteen years of age may be employed 57995  
more than forty hours in any one week nor during school hours 57996  
unless employment is incidental to bona fide programs of 57997

vocational cooperative training, work-study, or other work- 57998  
oriented programs with the purpose of educating students, and 57999  
the program meets standards established by the ~~state board of~~ 58000  
~~education~~ department of learning and achievement. 58001

(C) No employer shall employ a minor more than five 58002  
consecutive hours without allowing the minor a rest period of at 58003  
least thirty minutes. The rest period need not be included in 58004  
the computation of the number of hours worked by the minor. 58005

(D) No person sixteen or seventeen years of age who is 58006  
required to attend school under Chapter 3321. of the Revised 58007  
Code shall be employed: 58008

(1) Before seven a.m. on any day that school is in 58009  
session, except such person may be employed after six a.m. if 58010  
the person was not employed after eight p.m. the previous night; 58011

(2) After eleven p.m. on any night preceding a day that 58012  
school is in session. 58013

(E) As used in this section, "school" refers to either a 58014  
school the child actually attends or a school he is required to 58015  
attend pursuant to Chapter 3321. of the Revised Code. 58016

**Sec. 4112.04.** (A) The commission shall do all of the 58017  
following: 58018

(1) Establish and maintain a principal office in the city 58019  
of Columbus and any other offices within the state that it 58020  
considers necessary; 58021

(2) Appoint an executive director who shall serve at the 58022  
pleasure of the commission and be its principal administrative 58023  
officer. The executive director shall be paid a salary fixed 58024  
pursuant to Chapter 124. of the Revised Code. 58025

- (3) Appoint hearing examiners and other employees and agents who it considers necessary and prescribe their duties subject to Chapter 124. of the Revised Code; 58026  
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- (4) Adopt, promulgate, amend, and rescind rules to effectuate the provisions of this chapter and the policies and practice of the commission in connection with this chapter; 58029  
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- (5) Formulate policies to effectuate the purposes of this chapter and make recommendations to agencies and officers of the state or political subdivisions to effectuate the policies; 58032  
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- (6) Receive, investigate, and pass upon written charges made under oath of unlawful discriminatory practices; 58035  
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- (7) Make periodic surveys of the existence and effect of discrimination because of race, color, religion, sex, military status, familial status, national origin, disability, age, or ancestry on the enjoyment of civil rights by persons within the state; 58037  
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- (8) Report, from time to time, but not less than once a year, to the general assembly and the governor, describing in detail the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, and the other work performed by it, which report shall include a copy of any surveys prepared pursuant to division (A) (7) of this section and shall include the recommendations of the commission as to legislative or other remedial action; 58042  
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- (9) Prepare a comprehensive educational program, in cooperation with the department of ~~education~~ learning and achievement, for the students of the public schools of this state and for all other residents of this state that is designed to eliminate prejudice on the basis of race, color, religion, 58050  
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sex, military status, familial status, national origin, 58055  
disability, age, or ancestry in this state, to further good will 58056  
among those groups, and to emphasize the origin of prejudice 58057  
against those groups, its harmful effects, and its 58058  
incompatibility with American principles of equality and fair 58059  
play; 58060

(10) Receive progress reports from agencies, 58061  
instrumentalities, institutions, boards, commissions, and other 58062  
entities of this state or any of its political subdivisions and 58063  
their agencies, instrumentalities, institutions, boards, 58064  
commissions, and other entities regarding affirmative action 58065  
programs for the employment of persons against whom 58066  
discrimination is prohibited by this chapter, or regarding any 58067  
affirmative housing accommodations programs developed to 58068  
eliminate or reduce an imbalance of race, color, religion, sex, 58069  
military status, familial status, national origin, disability, 58070  
or ancestry. All agencies, instrumentalities, institutions, 58071  
boards, commissions, and other entities of this state or its 58072  
political subdivisions, and all political subdivisions, that 58073  
have undertaken affirmative action programs pursuant to a 58074  
conciliation agreement with the commission, an executive order 58075  
of the governor, any federal statute or rule, or an executive 58076  
order of the president of the United States shall file progress 58077  
reports with the commission annually on or before the first day 58078  
of November. The commission shall analyze and evaluate the 58079  
progress reports and report its findings annually to the general 58080  
assembly on or before the thirtieth day of January of the year 58081  
immediately following the receipt of the reports. 58082

(B) The commission may do any of the following: 58083

(1) Meet and function at any place within the state; 58084

(2) Initiate and undertake on its own motion 58085  
investigations of problems of employment or housing 58086  
accommodations discrimination; 58087

(3) Hold hearings, subpoena witnesses, compel their 58088  
attendance, administer oaths, take the testimony of any person 58089  
under oath, require the production for examination of any books 58090  
and papers relating to any matter under investigation or in 58091  
question before the commission, and make rules as to the 58092  
issuance of subpoenas by individual commissioners. 58093

(a) In conducting a hearing or investigation, the 58094  
commission shall have access at all reasonable times to 58095  
premises, records, documents, individuals, and other evidence or 58096  
possible sources of evidence and may examine, record, and copy 58097  
the premises, records, documents, and other evidence or possible 58098  
sources of evidence and take and record the testimony or 58099  
statements of the individuals as reasonably necessary for the 58100  
furtherance of the hearing or investigation. In investigations, 58101  
the commission shall comply with the fourth amendment to the 58102  
United States Constitution relating to unreasonable searches and 58103  
seizures. The commission or a member of the commission may issue 58104  
subpoenas to compel access to or the production of premises, 58105  
records, documents, and other evidence or possible sources of 58106  
evidence or the appearance of individuals, and may issue 58107  
interrogatories to a respondent, to the same extent and subject 58108  
to the same limitations as would apply if the subpoenas or 58109  
interrogatories were issued or served in aid of a civil action 58110  
in a court of common pleas. 58111

(b) Upon written application by a party to a hearing under 58112  
division (B) of section 4112.05 of the Revised Code, the 58113  
commission shall issue subpoenas in its name to the same extent 58114

and subject to the same limitations as subpoenas issued by the 58115  
commission. Subpoenas issued at the request of a party shall 58116  
show on their face the name and address of the party and shall 58117  
state that they were issued at the party's request. 58118

(c) Witnesses summoned by subpoena of the commission are 58119  
entitled to the witness and mileage fees provided for under 58120  
section 119.094 of the Revised Code. 58121

(d) Within five days after service of a subpoena upon any 58122  
person, the person may petition the commission to revoke or 58123  
modify the subpoena. The commission shall grant the petition if 58124  
it finds that the subpoena requires an appearance or attendance 58125  
at an unreasonable time or place, that it requires production of 58126  
evidence that does not relate to any matter before the 58127  
commission, that it does not describe with sufficient 58128  
particularity the evidence to be produced, that compliance would 58129  
be unduly onerous, or for other good reason. 58130

(e) In case of contumacy or refusal to obey a subpoena, 58131  
the commission or person at whose request it was issued may 58132  
petition for its enforcement in the court of common pleas in the 58133  
county in which the person to whom the subpoena was addressed 58134  
resides, was served, or transacts business. 58135

(4) Create local or statewide advisory agencies and 58136  
conciliation councils to aid in effectuating the purposes of 58137  
this chapter. The commission may itself, or it may empower these 58138  
agencies and councils to, do either or both of the following: 58139

(a) Study the problems of discrimination in all or 58140  
specific fields of human relationships when based on race, 58141  
color, religion, sex, military status, familial status, national 58142  
origin, disability, age, or ancestry; 58143

(b) Foster through community effort, or otherwise, good will among the groups and elements of the population of the state.

The agencies and councils may make recommendations to the commission for the development of policies and procedures in general. They shall be composed of representative citizens who shall serve without pay, except that reimbursement for actual and necessary traveling expenses shall be made to citizens who serve on a statewide agency or council.

(5) Issue any publications and the results of investigations and research that in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, color, religion, sex, military status, familial status, national origin, disability, age, or ancestry.

**Sec. 4112.12.** (A) There is hereby created the commission on African-American males, which shall consist of not more than twenty-five members as follows: the directors or their designees of the departments of health, development, mental health and addiction services, and job and family services; the equal employment opportunity officer of the department of administrative services or the equal employment opportunity officer's designee; the executive director or the executive director's designee of the Ohio civil rights commission; the executive director or the executive director's designee of the division of criminal justice services in the department of public safety; the ~~superintendent of public instruction; the chancellor director of learning and achievement~~ or the ~~chancellor's director's~~ designee of the Ohio board of regents; two members of the house of representatives appointed by the speaker of the house of representatives each of whom shall be

members of different political parties; and two members of the 58174  
senate appointed by the president of the senate each of whom 58175  
shall be members of different political parties. The members who 58176  
are members of the general assembly shall be nonvoting members. 58177  
The Ohio state university African American and African studies 58178  
community extension center, in consultation with the governor, 58179  
shall appoint four members from the private corporate sector, at 58180  
least four members from the public sector, and two members from 58181  
the nonprofit sector. 58182

(B) Terms of office shall be for three years, except that 58183  
members of the general assembly appointed to the commission 58184  
shall be members only so long as they are members of the general 58185  
assembly. Each term ends on the same day of the same month as 58186  
did the term that it succeeds. Each member shall hold office 58187  
from the date of appointment until the end of the term for which 58188  
the member was appointed. Members may be reappointed. Vacancies 58189  
shall be filled in the manner provided for original 58190  
appointments. Any member appointed to fill a vacancy occurring 58191  
prior to the expiration date of the term for which the member's 58192  
predecessor was appointed shall hold office as a member for the 58193  
remainder of that term. A member shall continue in office 58194  
subsequent to the expiration date of the member's term until the 58195  
member's successor takes office or until a period of sixty days 58196  
has elapsed, whichever occurs first. 58197

The commission annually shall elect a chairperson from 58198  
among its members. 58199

(C) Members of the commission and members of subcommittees 58200  
appointed under division (B) of section 4112.13 of the Revised 58201  
Code shall not be compensated, but shall be reimbursed for their 58202  
necessary and actual expenses incurred in the performance of 58203

their official duties. 58204

(D) The Ohio state university African American and African 58205  
studies community extension center, in consultation with the 58206  
governor, shall appoint an executive director of the commission 58207  
on African-American males, who shall be in the unclassified 58208  
civil service. The executive director shall supervise the 58209  
commission's activities and report to the commission and to the 58210  
Ohio state university African American and African studies 58211  
community extension center on the progress of those activities. 58212  
The executive director shall do all things necessary for the 58213  
efficient and effective implementation of the duties of the 58214  
commission. 58215

The responsibilities assigned to the executive director do 58216  
not relieve the members of the commission from final 58217  
responsibility for the proper performance of the requirements of 58218  
this division. 58219

(E) The commission on African-American males shall do all 58220  
of the following: 58221

(1) Employ, promote, supervise, and remove all employees, 58222  
as needed, in connection with the performance of its duties 58223  
under this section; 58224

(2) Maintain its office in Columbus; 58225

(3) Acquire facilities, equipment, and supplies necessary 58226  
to house the commission, its employees, and files and records 58227  
under its control, and to discharge any duty imposed upon it by 58228  
law. The expense of these acquisitions shall be audited and paid 58229  
for in the same manner as other state expenses. 58230

(4) Establish the overall policy and management of the 58231  
commission in accordance with this chapter; 58232

(5) Follow all state procurement requirements;	58233
(6) Implement the policies and plans of the Ohio state university African American and African studies community extension center as those policies and plans are formulated and adopted by the Ohio state university African American and African studies community extension center;	58234 58235 58236 58237 58238
(7) Report to the Ohio state university African American and African studies community extension center on the progress of the commission on African-American males in implementing the policies and plans of the Ohio state university African American and African studies community extension center.	58239 58240 58241 58242 58243
(F) The commission on African-American males may:	58244
(1) Hold sessions at any place within the state, except that the commission on African-American males shall meet at least quarterly;	58245 58246 58247
(2) Establish, change, or abolish positions, and assign and reassign duties and responsibilities of any employee of the commission on African-American males as necessary to achieve the most efficient performance of its functions.	58248 58249 58250 58251
(G) The Ohio state university African American and African studies community extension center shall establish the overall policy and management of the commission on African-American males and shall direct, manage, and oversee the commission. The Ohio state university African American and African studies community extension center shall develop overall policies and plans, and the commission on African-American males shall implement those policies and plans. The commission on African-American males, through its executive director, shall keep the Ohio state university African American and African studies	58252 58253 58254 58255 58256 58257 58258 58259 58260 58261

community extension center informed as to the activities of the 58262  
commission on African-American males in such manner and at such 58263  
times as the Ohio state university African American and African 58264  
studies community extension center shall determine. 58265

The Ohio state university African American and African 58266  
studies community extension center may prescribe duties and 58267  
responsibilities of the commission on African-American males in 58268  
addition to those prescribed in section 4112.13 of the Revised 58269  
Code. 58270

(H) The Ohio state university African American and African 58271  
studies community extension center annually shall contract for a 58272  
report on the status of African Americans in this state. Issues 58273  
to be evaluated in the report shall include the criminal justice 58274  
system, education, employment, health care, and housing, and 58275  
such other issues as the Ohio state university African American 58276  
and African studies community extension center may specify. The 58277  
report shall include policy recommendations relating to the 58278  
issues covered in the report. 58279

**Sec. 4117.10.** (A) An agreement between a public employer 58280  
and an exclusive representative entered into pursuant to this 58281  
chapter governs the wages, hours, and terms and conditions of 58282  
public employment covered by the agreement. If the agreement 58283  
provides for a final and binding arbitration of grievances, 58284  
public employers, employees, and employee organizations are 58285  
subject solely to that grievance procedure and the state 58286  
personnel board of review or civil service commissions have no 58287  
jurisdiction to receive and determine any appeals relating to 58288  
matters that were the subject of a final and binding grievance 58289  
procedure. Where no agreement exists or where an agreement makes 58290  
no specification about a matter, the public employer and public 58291

employees are subject to all applicable state or local laws or	58292
ordinances pertaining to the wages, hours, and terms and	58293
conditions of employment for public employees. All of the	58294
following prevail over conflicting provisions of agreements	58295
between employee organizations and public employers:	58296
(1) Laws pertaining to any of the following subjects:	58297
(a) Civil rights;	58298
(b) Affirmative action;	58299
(c) Unemployment compensation;	58300
(d) Workers' compensation;	58301
(e) The retirement of public employees;	58302
(f) Residency requirements;	58303
(g) The minimum educational requirements contained in the	58304
Revised Code pertaining to public education including the	58305
requirement of a certificate by the fiscal officer of a school	58306
district pursuant to section 5705.41 of the Revised Code;	58307
(h) The provisions of division (A) of section 124.34 of	58308
the Revised Code governing the disciplining of officers and	58309
employees who have been convicted of a felony;	58310
(i) The minimum standards promulgated by the <del>state board</del>	58311
<del>of education</del> department of learning and achievement pursuant to	58312
division (D) of section 3301.07 of the Revised Code.	58313
(2) The law pertaining to the leave of absence and	58314
compensation provided under section 5923.05 of the Revised Code,	58315
if the terms of the agreement contain benefits which are less	58316
than those contained in that section or the agreement contains	58317
no such terms and the public authority is the state or any	58318

agency, authority, commission, or board of the state or if the 58319  
public authority is another entity listed in division (B) of 58320  
section 4117.01 of the Revised Code that elects to provide leave 58321  
of absence and compensation as provided in section 5923.05 of 58322  
the Revised Code; 58323

(3) The law pertaining to the leave established under 58324  
section 5906.02 of the Revised Code, if the terms of the 58325  
agreement contain benefits that are less than those contained in 58326  
section 5906.02 of the Revised Code; 58327

(4) The law pertaining to excess benefits prohibited under 58328  
section 3345.311 of the Revised Code with respect to an 58329  
agreement between an employee organization and a public employer 58330  
entered into on or after ~~the effective date of this amendment~~ 58331  
September 29, 2015. 58332

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 58333  
the Revised Code and arrangements entered into thereunder, and 58334  
section 4981.21 of the Revised Code as necessary to comply with 58335  
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 58336  
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 58337  
entered into thereunder, this chapter prevails over any and all 58338  
other conflicting laws, resolutions, provisions, present or 58339  
future, except as otherwise specified in this chapter or as 58340  
otherwise specified by the general assembly. Nothing in this 58341  
section prohibits or shall be construed to invalidate the 58342  
provisions of an agreement establishing supplemental workers' 58343  
compensation or unemployment compensation benefits or exceeding 58344  
minimum requirements contained in the Revised Code pertaining to 58345  
public education or the minimum standards promulgated by the 58346  
~~state board of education~~ department of learning and achievement 58347  
pursuant to division (D) of section 3301.07 of the Revised Code. 58348

(B) The public employer shall submit a request for funds 58349  
necessary to implement an agreement and for approval of any 58350  
other matter requiring the approval of the appropriate 58351  
legislative body to the legislative body within fourteen days of 58352  
the date on which the parties finalize the agreement, unless 58353  
otherwise specified, but if the appropriate legislative body is 58354  
not in session at the time, then within fourteen days after it 58355  
convenes. The legislative body must approve or reject the 58356  
submission as a whole, and the submission is deemed approved if 58357  
the legislative body fails to act within thirty days after the 58358  
public employer submits the agreement. The parties may specify 58359  
that those provisions of the agreement not requiring action by a 58360  
legislative body are effective and operative in accordance with 58361  
the terms of the agreement, provided there has been compliance 58362  
with division (C) of this section. If the legislative body 58363  
rejects the submission of the public employer, either party may 58364  
reopen all or part of the entire agreement. 58365

As used in this section, "legislative body" includes the 58366  
governing board of a municipal corporation, school district, 58367  
college or university, village, township, or board of county 58368  
commissioners or any other body that has authority to approve 58369  
the budget of their public jurisdiction and, with regard to the 58370  
state, "legislative body" means the controlling board. 58371

(C) The chief executive officer, or the chief executive 58372  
officer's representative, of each municipal corporation, the 58373  
designated representative of the board of education of each 58374  
school district, college or university, or any other body that 58375  
has authority to approve the budget of their public 58376  
jurisdiction, the designated representative of the board of 58377  
county commissioners and of each elected officeholder of the 58378  
county whose employees are covered by the collective 58379

negotiations, and the designated representative of the village 58380  
or the board of township trustees of each township is 58381  
responsible for negotiations in the collective bargaining 58382  
process; except that the legislative body may accept or reject a 58383  
proposed collective bargaining agreement. When the matters about 58384  
which there is agreement are reduced to writing and approved by 58385  
the employee organization and the legislative body, the 58386  
agreement is binding upon the legislative body, the employer, 58387  
and the employee organization and employees covered by the 58388  
agreement. 58389

(D) There is hereby established an office of collective 58390  
bargaining in the department of administrative services for the 58391  
purpose of negotiating with and entering into written agreements 58392  
between state agencies, departments, boards, and commissions and 58393  
the exclusive representative on matters of wages, hours, terms 58394  
and other conditions of employment and the continuation, 58395  
modification, or deletion of an existing provision of a 58396  
collective bargaining agreement. Nothing in any provision of law 58397  
to the contrary shall be interpreted as excluding the bureau of 58398  
workers' compensation and the industrial commission from the 58399  
preceding sentence. This office shall not negotiate on behalf of 58400  
other statewide elected officials or boards of trustees of state 58401  
institutions of higher education who shall be considered as 58402  
separate public employers for the purposes of this chapter; 58403  
however, the office may negotiate on behalf of these officials 58404  
or trustees where authorized by the officials or trustees. The 58405  
staff of the office of collective bargaining are in the 58406  
unclassified service. The director of administrative services 58407  
shall fix the compensation of the staff. 58408

The office of collective bargaining shall: 58409

- (1) Assist the director in formulating management's philosophy for public collective bargaining as well as planning bargaining strategies; 58410  
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- (2) Conduct negotiations with the exclusive representatives of each employee organization; 58413  
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- (3) Coordinate the state's resources in all mediation, fact-finding, and arbitration cases as well as in all labor disputes; 58415  
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- (4) Conduct systematic reviews of collective bargaining agreements for the purpose of contract negotiations; 58418  
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- (5) Coordinate the systematic compilation of data by all agencies that is required for negotiating purposes; 58420  
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- (6) Prepare and submit an annual report and other reports as requested to the governor and the general assembly on the implementation of this chapter and its impact upon state government. 58422  
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- Sec. 4117.102.** The state employment relations board shall compile a list of the school districts in the state that have filed with the board agreements entered into with teacher employee organizations under this chapter. The board shall annually update the list to reflect, for each district, for the current fiscal year, the starting salary in the district for teachers with no prior teaching experience who hold bachelors degrees. The board shall send a copy of each annually updated list to the ~~state board of education~~ department of learning and achievement. 58426  
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- Sec. 4141.01.** As used in this chapter, unless the context otherwise requires: 58436  
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(A) (1) "Employer" means the state, its instrumentalities, 58438  
its political subdivisions and their instrumentalities, Indian 58439  
tribes, and any individual or type of organization including any 58440  
partnership, limited liability company, association, trust, 58441  
estate, joint-stock company, insurance company, or corporation, 58442  
whether domestic or foreign, or the receiver, trustee in 58443  
bankruptcy, trustee, or the successor thereof, or the legal 58444  
representative of a deceased person who subsequent to December 58445  
31, 1971, or in the case of political subdivisions or their 58446  
instrumentalities, subsequent to December 31, 1973: 58447

(a) Had in employment at least one individual, or in the 58448  
case of a nonprofit organization, subsequent to December 31, 58449  
1973, had not less than four individuals in employment for some 58450  
portion of a day in each of twenty different calendar weeks, in 58451  
either the current or the preceding calendar year whether or not 58452  
the same individual was in employment in each such day; or 58453

(b) Except for a nonprofit organization, had paid for 58454  
service in employment wages of fifteen hundred dollars or more 58455  
in any calendar quarter in either the current or preceding 58456  
calendar year; or 58457

(c) Had paid, subsequent to December 31, 1977, for 58458  
employment in domestic service in a local college club, or local 58459  
chapter of a college fraternity or sorority, cash remuneration 58460  
of one thousand dollars or more in any calendar quarter in the 58461  
current calendar year or the preceding calendar year, or had 58462  
paid subsequent to December 31, 1977, for employment in domestic 58463  
service in a private home cash remuneration of one thousand 58464  
dollars in any calendar quarter in the current calendar year or 58465  
the preceding calendar year: 58466

(i) For the purposes of divisions (A) (1) (a) and (b) of 58467

this section, there shall not be taken into account any wages 58468  
paid to, or employment of, an individual performing domestic 58469  
service as described in this division. 58470

(ii) An employer under this division shall not be an 58471  
employer with respect to wages paid for any services other than 58472  
domestic service unless the employer is also found to be an 58473  
employer under division (A) (1) (a), (b), or (d) of this section. 58474

(d) As a farm operator or a crew leader subsequent to 58475  
December 31, 1977, had in employment individuals in agricultural 58476  
labor; and 58477

(i) During any calendar quarter in the current calendar 58478  
year or the preceding calendar year, paid cash remuneration of 58479  
twenty thousand dollars or more for the agricultural labor; or 58480

(ii) Had at least ten individuals in employment in 58481  
agricultural labor, not including agricultural workers who are 58482  
aliens admitted to the United States to perform agricultural 58483  
labor pursuant to sections 1184(c) and 1101(a) (15) (H) of the 58484  
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 58485  
1101(a) (15) (H) (ii) (a), 1184(c), for some portion of a day in 58486  
each of the twenty different calendar weeks, in either the 58487  
current or preceding calendar year whether or not the same 58488  
individual was in employment in each day; or 58489

(e) Is not otherwise an employer as defined under division 58490  
(A) (1) (a) or (b) of this section; and 58491

(i) For which, within either the current or preceding 58492  
calendar year, service, except for domestic service in a private 58493  
home not covered under division (A) (1) (c) of this section, is or 58494  
was performed with respect to which such employer is liable for 58495  
any federal tax against which credit may be taken for 58496

contributions required to be paid into a state unemployment fund; 58497  
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(ii) Which, as a condition for approval of this chapter for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required, pursuant to such act to be an employer under this chapter; or 58499  
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(iii) Who became an employer by election under division (A) (4) or (5) of this section and for the duration of such election; or 58504  
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(f) In the case of the state, its instrumentalities, its political subdivisions, and their instrumentalities, and Indian tribes, had in employment, as defined in divisions (B) (2) (a) and (B) (2) (1) of this section, at least one individual; 58507  
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(g) For the purposes of division (A) (1) (a) of this section, if any week includes both the thirty-first day of December and the first day of January, the days of that week before the first day of January shall be considered one calendar week and the days beginning the first day of January another week. 58511  
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(2) Each individual employed to perform or to assist in performing the work of any agent or employee of an employer is employed by such employer for all the purposes of this chapter, whether such individual was hired or paid directly by such employer or by such agent or employee, provided the employer had actual or constructive knowledge of the work. All individuals performing services for an employer of any person in this state who maintains two or more establishments within this state are employed by a single employer for the purposes of this chapter. 58517  
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(3) An employer subject to this chapter within any 58526  
calendar year is subject to this chapter during the whole of 58527  
such year and during the next succeeding calendar year. 58528

(4) An employer not otherwise subject to this chapter who 58529  
files with the director of job and family services a written 58530  
election to become an employer subject to this chapter for not 58531  
less than two calendar years shall, with the written approval of 58532  
such election by the director, become an employer subject to 58533  
this chapter to the same extent as all other employers as of the 58534  
date stated in such approval, and shall cease to be subject to 58535  
this chapter as of the first day of January of any calendar year 58536  
subsequent to such two calendar years only if at least thirty 58537  
days prior to such first day of January the employer has filed 58538  
with the director a written notice to that effect. 58539

(5) Any employer for whom services that do not constitute 58540  
employment are performed may file with the director a written 58541  
election that all such services performed by individuals in the 58542  
employer's employ in one or more distinct establishments or 58543  
places of business shall be deemed to constitute employment for 58544  
all the purposes of this chapter, for not less than two calendar 58545  
years. Upon written approval of the election by the director, 58546  
such services shall be deemed to constitute employment subject 58547  
to this chapter from and after the date stated in such approval. 58548  
Such services shall cease to be employment subject to this 58549  
chapter as of the first day of January of any calendar year 58550  
subsequent to such two calendar years only if at least thirty 58551  
days prior to such first day of January such employer has filed 58552  
with the director a written notice to that effect. 58553

(B) (1) "Employment" means service performed by an 58554  
individual for remuneration under any contract of hire, written 58555

or oral, express or implied, including service performed in 58556  
interstate commerce and service performed by an officer of a 58557  
corporation, without regard to whether such service is 58558  
executive, managerial, or manual in nature, and without regard 58559  
to whether such officer is a stockholder or a member of the 58560  
board of directors of the corporation, unless it is shown to the 58561  
satisfaction of the director that such individual has been and 58562  
will continue to be free from direction or control over the 58563  
performance of such service, both under a contract of service 58564  
and in fact. The director shall adopt rules to define "direction 58565  
or control." 58566

(2) "Employment" includes: 58567

(a) Service performed after December 31, 1977, by an 58568  
individual in the employ of the state or any of its 58569  
instrumentalities, or any political subdivision thereof or any 58570  
of its instrumentalities or any instrumentality of more than one 58571  
of the foregoing or any instrumentality of any of the foregoing 58572  
and one or more other states or political subdivisions and 58573  
without regard to divisions (A)(1)(a) and (b) of this section, 58574  
provided that such service is excluded from employment as 58575  
defined in the "Federal Unemployment Tax Act," 53 Stat. 183, 26 58576  
U.S.C.A. 3301, 3306(c)(7) and is not excluded under division (B) 58577  
(3) of this section; or the services of employees covered by 58578  
voluntary election, as provided under divisions (A)(4) and (5) 58579  
of this section; 58580

(b) Service performed after December 31, 1971, by an 58581  
individual in the employ of a religious, charitable, 58582  
educational, or other organization which is excluded from the 58583  
term "employment" as defined in the "Federal Unemployment Tax 58584  
Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 58585

of section 26 U.S.C.A. 3306(c) (8) of that act and is not 58586  
excluded under division (B) (3) of this section; 58587

(c) Domestic service performed after December 31, 1977, 58588  
for an employer, as provided in division (A) (1) (c) of this 58589  
section; 58590

(d) Agricultural labor performed after December 31, 1977, 58591  
for a farm operator or a crew leader, as provided in division 58592  
(A) (1) (d) of this section; 58593

(e) Service not covered under division (B) (1) of this 58594  
section which is performed after December 31, 1971: 58595

(i) As an agent-driver or commission-driver engaged in 58596  
distributing meat products, vegetable products, fruit products, 58597  
bakery products, beverages other than milk, laundry, or dry- 58598  
cleaning services, for the individual's employer or principal; 58599

(ii) As a traveling or city salesperson, other than as an 58600  
agent-driver or commission-driver, engaged on a full-time basis 58601  
in the solicitation on behalf of and in the transmission to the 58602  
salesperson's employer or principal except for sideline sales 58603  
activities on behalf of some other person of orders from 58604  
wholesalers, retailers, contractors, or operators of hotels, 58605  
restaurants, or other similar establishments for merchandise for 58606  
resale, or supplies for use in their business operations, 58607  
provided that for the purposes of division (B) (2) (e) (ii) of this 58608  
section, the services shall be deemed employment if the contract 58609  
of service contemplates that substantially all of the services 58610  
are to be performed personally by the individual and that the 58611  
individual does not have a substantial investment in facilities 58612  
used in connection with the performance of the services other 58613  
than in facilities for transportation, and the services are not 58614

in the nature of a single transaction that is not a part of a 58615  
continuing relationship with the person for whom the services 58616  
are performed. 58617

(f) An individual's entire service performed within or 58618  
both within and without the state if: 58619

(i) The service is localized in this state. 58620

(ii) The service is not localized in any state, but some 58621  
of the service is performed in this state and either the base of 58622  
operations, or if there is no base of operations then the place 58623  
from which such service is directed or controlled, is in this 58624  
state or the base of operations or place from which such service 58625  
is directed or controlled is not in any state in which some part 58626  
of the service is performed but the individual's residence is in 58627  
this state. 58628

(g) Service not covered under division (B) (2) (f) (ii) of 58629  
this section and performed entirely without this state, with 58630  
respect to no part of which contributions are required and paid 58631  
under an unemployment compensation law of any other state, the 58632  
Virgin Islands, Canada, or of the United States, if the 58633  
individual performing such service is a resident of this state 58634  
and the director approves the election of the employer for whom 58635  
such services are performed; or, if the individual is not a 58636  
resident of this state but the place from which the service is 58637  
directed or controlled is in this state, the entire services of 58638  
such individual shall be deemed to be employment subject to this 58639  
chapter, provided service is deemed to be localized within this 58640  
state if the service is performed entirely within this state or 58641  
if the service is performed both within and without this state 58642  
but the service performed without this state is incidental to 58643  
the individual's service within the state, for example, is 58644

temporary or transitory in nature or consists of isolated 58645  
transactions; 58646

(h) Service of an individual who is a citizen of the 58647  
United States, performed outside the United States except in 58648  
Canada after December 31, 1971, or the Virgin Islands, after 58649  
December 31, 1971, and before the first day of January of the 58650  
year following that in which the United States secretary of 58651  
labor approves the Virgin Islands law for the first time, in the 58652  
employ of an American employer, other than service which is 58653  
"employment" under divisions (B) (2) (f) and (g) of this section 58654  
or similar provisions of another state's law, if: 58655

(i) The employer's principal place of business in the 58656  
United States is located in this state; 58657

(ii) The employer has no place of business in the United 58658  
States, but the employer is an individual who is a resident of 58659  
this state; or the employer is a corporation which is organized 58660  
under the laws of this state, or the employer is a partnership 58661  
or a trust and the number of partners or trustees who are 58662  
residents of this state is greater than the number who are 58663  
residents of any other state; or 58664

(iii) None of the criteria of divisions (B) (2) (f) (i) and 58665  
(ii) of this section is met but the employer has elected 58666  
coverage in this state or the employer having failed to elect 58667  
coverage in any state, the individual has filed a claim for 58668  
benefits, based on such service, under this chapter. 58669

(i) For the purposes of division (B) (2) (h) of this 58670  
section, the term "American employer" means an employer who is 58671  
an individual who is a resident of the United States; or a 58672  
partnership, if two-thirds or more of the partners are residents 58673

of the United States; or a trust, if all of the trustees are 58674  
residents of the United States; or a corporation organized under 58675  
the laws of the United States or of any state, provided the term 58676  
"United States" includes the states, the District of Columbia, 58677  
the Commonwealth of Puerto Rico, and the Virgin Islands. 58678

(j) Notwithstanding any other provisions of divisions (B) 58679  
(1) and (2) of this section, service, except for domestic 58680  
service in a private home not covered under division (A) (1) (c) 58681  
of this section, with respect to which a tax is required to be 58682  
paid under any federal law imposing a tax against which credit 58683  
may be taken for contributions required to be paid into a state 58684  
unemployment fund, or service, except for domestic service in a 58685  
private home not covered under division (A) (1) (c) of this 58686  
section, which, as a condition for full tax credit against the 58687  
tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 58688  
26 U.S.C.A. 3301 to 3311, is required to be covered under this 58689  
chapter. 58690

(k) Construction services performed by any individual 58691  
under a construction contract, as defined in section 4141.39 of 58692  
the Revised Code, if the director determines that the employer 58693  
for whom services are performed has the right to direct or 58694  
control the performance of the services and that the individuals 58695  
who perform the services receive remuneration for the services 58696  
performed. The director shall presume that the employer for whom 58697  
services are performed has the right to direct or control the 58698  
performance of the services if ten or more of the following 58699  
criteria apply: 58700

(i) The employer directs or controls the manner or method 58701  
by which instructions are given to the individual performing 58702  
services; 58703

- (ii) The employer requires particular training for the individual performing services; 58704  
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- (iii) Services performed by the individual are integrated into the regular functioning of the employer; 58706  
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- (iv) The employer requires that services be provided by a particular individual; 58708  
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- (v) The employer hires, supervises, or pays the wages of the individual performing services; 58710  
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- (vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work; 58712  
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- (vii) The employer requires the individual to perform services during established hours; 58715  
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- (viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer; 58717  
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- (ix) The employer requires the individual to perform services on the employer's premises; 58720  
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- (x) The employer requires the individual performing services to follow the order of work established by the employer; 58722  
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- (xi) The employer requires the individual performing services to make oral or written reports of progress; 58725  
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- (xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly; 58727  
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- (xiii) The employer pays expenses for the individual performing services; 58729  
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(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	58731 58732
(xv) The individual performing services has not invested in the facilities used to perform services;	58733 58734
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	58735 58736 58737
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	58738 58739
(xviii) The individual performing services does not make the services available to the general public;	58740 58741
(xix) The employer has a right to discharge the individual performing services;	58742 58743
(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.	58744 58745 58746 58747
(1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division (B)(3) of this section.	58748 58749 58750 58751 58752 58753 58754 58755 58756
(3) "Employment" does not include the following services if they are found not subject to the "Federal Unemployment Tax	58757 58758

Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the 58759  
services are not required to be included under division (B) (2) 58760  
(j) of this section: 58761

(a) Service performed after December 31, 1977, in 58762  
agricultural labor, except as provided in division (A) (1) (d) of 58763  
this section; 58764

(b) Domestic service performed after December 31, 1977, in 58765  
a private home, local college club, or local chapter of a 58766  
college fraternity or sorority except as provided in division 58767  
(A) (1) (c) of this section; 58768

(c) Service performed after December 31, 1977, for this 58769  
state or a political subdivision as described in division (B) (2) 58770  
(a) of this section when performed: 58771

(i) As a publicly elected official; 58772

(ii) As a member of a legislative body, or a member of the 58773  
judiciary; 58774

(iii) As a military member of the Ohio national guard; 58775

(iv) As an employee, not in the classified service as 58776  
defined in section 124.11 of the Revised Code, serving on a 58777  
temporary basis in case of fire, storm, snow, earthquake, flood, 58778  
or similar emergency; 58779

(v) In a position which, under or pursuant to law, is 58780  
designated as a major nontenured policymaking or advisory 58781  
position, not in the classified service of the state, or a 58782  
policymaking or advisory position the performance of the duties 58783  
of which ordinarily does not require more than eight hours per 58784  
week. 58785

(d) In the employ of any governmental unit or 58786

instrumentality of the United States; 58787

(e) Service performed after December 31, 1971: 58788

(i) Service in the employ of an educational institution or 58789  
institution of higher education, including those operated by the 58790  
state or a political subdivision, if such service is performed 58791  
by a student who is enrolled and is regularly attending classes 58792  
at the educational institution or institution of higher 58793  
education; or 58794

(ii) By an individual who is enrolled at a nonprofit or 58795  
public educational institution which normally maintains a 58796  
regular faculty and curriculum and normally has a regularly 58797  
organized body of students in attendance at the place where its 58798  
educational activities are carried on as a student in a full- 58799  
time program, taken for credit at the institution, which 58800  
combines academic instruction with work experience, if the 58801  
service is an integral part of the program, and the institution 58802  
has so certified to the employer, provided that this subdivision 58803  
shall not apply to service performed in a program established 58804  
for or on behalf of an employer or group of employers. 58805

(f) Service performed by an individual in the employ of 58806  
the individual's son, daughter, or spouse and service performed 58807  
by a child under the age of eighteen in the employ of the 58808  
child's father or mother; 58809

(g) Service performed for one or more principals by an 58810  
individual who is compensated on a commission basis, who in the 58811  
performance of the work is master of the individual's own time 58812  
and efforts, and whose remuneration is wholly dependent on the 58813  
amount of effort the individual chooses to expend, and which 58814  
service is not subject to the "Federal Unemployment Tax Act," 53 58815

Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed	58816
after December 31, 1971:	58817
(i) By an individual for an employer as an insurance agent	58818
or as an insurance solicitor, if all this service is performed	58819
for remuneration solely by way of commission;	58820
(ii) As a home worker performing work, according to	58821
specifications furnished by the employer for whom the services	58822
are performed, on materials or goods furnished by such employer	58823
which are required to be returned to the employer or to a person	58824
designated for that purpose.	58825
(h) Service performed after December 31, 1971:	58826
(i) In the employ of a church or convention or association	58827
of churches, or in an organization which is operated primarily	58828
for religious purposes and which is operated, supervised,	58829
controlled, or principally supported by a church or convention	58830
or association of churches;	58831
(ii) By a duly ordained, commissioned, or licensed	58832
minister of a church in the exercise of the individual's	58833
ministry or by a member of a religious order in the exercise of	58834
duties required by such order; or	58835
(iii) In a facility conducted for the purpose of carrying	58836
out a program of rehabilitation for individuals whose earning	58837
capacity is impaired by age or physical or mental deficiency or	58838
injury, or providing remunerative work for individuals who	58839
because of their impaired physical or mental capacity cannot be	58840
readily absorbed in the competitive labor market, by an	58841
individual receiving such rehabilitation or remunerative work.	58842
(i) Service performed after June 30, 1939, with respect to	58843
which unemployment compensation is payable under the "Railroad	58844

Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 58845  
351; 58846

(j) Service performed by an individual in the employ of 58847  
any organization exempt from income tax under section 501 of the 58848  
"Internal Revenue Code of 1954," if the remuneration for such 58849  
service does not exceed fifty dollars in any calendar quarter, 58850  
or if such service is in connection with the collection of dues 58851  
or premiums for a fraternal beneficial society, order, or 58852  
association and is performed away from the home office or is 58853  
ritualistic service in connection with any such society, order, 58854  
or association; 58855

(k) Casual labor not in the course of an employer's trade 58856  
or business; incidental service performed by an officer, 58857  
appraiser, or member of a finance committee of a bank, building 58858  
and loan association, savings and loan association, or savings 58859  
association when the remuneration for such incidental service 58860  
exclusive of the amount paid or allotted for directors' fees 58861  
does not exceed sixty dollars per calendar quarter is casual 58862  
labor; 58863

(l) Service performed in the employ of a voluntary 58864  
employees' beneficial association providing for the payment of 58865  
life, sickness, accident, or other benefits to the members of 58866  
such association or their dependents or their designated 58867  
beneficiaries, if admission to a membership in such association 58868  
is limited to individuals who are officers or employees of a 58869  
municipal or public corporation, of a political subdivision of 58870  
the state, or of the United States and no part of the net 58871  
earnings of such association inures, other than through such 58872  
payments, to the benefit of any private shareholder or 58873  
individual; 58874

- (m) Service performed by an individual in the employ of a foreign government, including service as a consular or other officer or employee or of a nondiplomatic representative; 58875  
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- (n) Service performed in the employ of an instrumentality wholly owned by a foreign government if the service is of a character similar to that performed in foreign countries by employees of the United States or of an instrumentality thereof and if the director finds that the secretary of state of the United States has certified to the secretary of the treasury of the United States that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States and of instrumentalities thereof; 58878  
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- (o) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress; 58889  
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- (p) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law, and service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law; 58892  
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- (q) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution; 58899  
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- (r) Service performed in the employ of the United States 58903

or an instrumentality of the United States immune under the 58904  
Constitution of the United States from the contributions imposed 58905  
by this chapter, except that to the extent that congress permits 58906  
states to require any instrumentalities of the United States to 58907  
make payments into an unemployment fund under a state 58908  
unemployment compensation act, this chapter shall be applicable 58909  
to such instrumentalities and to services performed for such 58910  
instrumentalities in the same manner, to the same extent, and on 58911  
the same terms as to all other employers, individuals, and 58912  
services, provided that if this state is not certified for any 58913  
year by the proper agency of the United States under section 58914  
3304 of the "Internal Revenue Code of 1954," the payments 58915  
required of such instrumentalities with respect to such year 58916  
shall be refunded by the director from the fund in the same 58917  
manner and within the same period as is provided in division (E) 58918  
of section 4141.09 of the Revised Code with respect to 58919  
contributions erroneously collected; 58920

(s) Service performed by an individual as a member of a 58921  
band or orchestra, provided such service does not represent the 58922  
principal occupation of such individual, and which service is 58923  
not subject to or required to be covered for full tax credit 58924  
against the tax imposed by the "Federal Unemployment Tax Act," 58925  
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 58926

(t) Service performed in the employ of a day camp whose 58927  
camping season does not exceed twelve weeks in any calendar 58928  
year, and which service is not subject to the "Federal 58929  
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 58930  
3311. Service performed after December 31, 1971: 58931

(i) In the employ of a hospital, if the service is 58932  
performed by a patient of the hospital, as defined in division 58933

(W) of this section;	58934
(ii) For a prison or other correctional institution by an inmate of the prison or correctional institution;	58935 58936
(iii) Service performed after December 31, 1977, by an inmate of a custodial institution operated by the state, a political subdivision, or a nonprofit organization.	58937 58938 58939
(u) Service that is performed by a nonresident alien individual for the period the individual temporarily is present in the United States as a nonimmigrant under division (F), (J), (M), or (Q) of section 101(a)(15) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded under section 3306(c)(19) of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.	58940 58941 58942 58943 58944 58945 58946 58947
(v) Notwithstanding any other provisions of division (B) (3) of this section, services that are excluded under divisions (B) (3) (g), (j), (k), and (l) of this section shall not be excluded from employment when performed for a nonprofit organization, as defined in division (X) of this section, or for this state or its instrumentalities, or for a political subdivision or its instrumentalities or for Indian tribes;	58948 58949 58950 58951 58952 58953 58954
(w) Service that is performed by an individual working as an election official or election worker if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than one thousand dollars;	58955 58956 58957 58958 58959
(x) Service performed for an elementary or secondary school that is operated primarily for religious purposes, that is described in subsection 501(c)(3) and exempt from federal	58960 58961 58962

income taxation under subsection 501(a) of the Internal Revenue Code, 26 U.S.C.A. 501;	58963 58964
(y) Service performed by a person committed to a penal institution.	58965 58966
(z) Service performed for an Indian tribe as described in division (B) (2) (1) of this section when performed in any of the following manners:	58967 58968 58969
(i) As a publicly elected official;	58970
(ii) As a member of an Indian tribal council;	58971
(iii) As a member of a legislative or judiciary body;	58972
(iv) In a position which, pursuant to Indian tribal law, is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position where the performance of the duties ordinarily does not require more than eight hours of time per week;	58973 58974 58975 58976 58977
(v) As an employee serving on a temporary basis in the case of a fire, storm, snow, earthquake, flood, or similar emergency.	58978 58979 58980
(aa) Service performed after December 31, 1971, for a nonprofit organization, this state or its instrumentalities, a political subdivision or its instrumentalities, or an Indian tribe as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision, thereof, by an individual receiving the work-relief or work-training.	58981 58982 58983 58984 58985 58986 58987 58988
(bb) Participation in a learn to earn program as defined in section 4141.293 of the Revised Code.	58989 58990

(4) If the services performed during one half or more of any pay period by an employee for the person employing that employee constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one half of any such pay period by an employee for the person employing that employee do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in division (B) (4) of this section, "pay period" means a period, of not more than thirty-one consecutive days, for which payment of remuneration is ordinarily made to the employee by the person employing that employee. Division (B) (4) of this section does not apply to services performed in a pay period by an employee for the person employing that employee, if any of such service is excepted by division (B) (3) (o) of this section. 58991  
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(C) "Benefits" means money payments payable to an individual who has established benefit rights, as provided in this chapter, for loss of remuneration due to the individual's unemployment. 59006  
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(D) "Benefit rights" means the weekly benefit amount and the maximum benefit amount that may become payable to an individual within the individual's benefit year as determined by the director. 59010  
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(E) "Claim for benefits" means a claim for waiting period or benefits for a designated week. 59014  
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(F) "Additional claim" means the first claim for benefits filed following any separation from employment during a benefit year; "continued claim" means any claim other than the first claim for benefits and other than an additional claim. 59016  
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(G) "Wages" means remuneration paid to an employee by each 59020  
of the employee's employers with respect to employment; except 59021  
that wages shall not include that part of remuneration paid 59022  
during any calendar year to an individual by an employer or such 59023  
employer's predecessor in interest in the same business or 59024  
enterprise, which in any calendar year is in excess of nine 59025  
thousand dollars on and after January 1, 1995; nine thousand 59026  
five hundred dollars on and after January 1, 2018; and nine 59027  
thousand dollars on and after January 1, 2020. Remuneration in 59028  
excess of such amounts shall be deemed wages subject to 59029  
contribution to the same extent that such remuneration is 59030  
defined as wages under the "Federal Unemployment Tax Act," 84 59031  
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 59032  
remuneration paid an employee by an employer with respect to 59033  
employment in another state, upon which contributions were 59034  
required and paid by such employer under the unemployment 59035  
compensation act of such other state, shall be included as a 59036  
part of remuneration in computing the amount specified in this 59037  
division. 59038

(H) (1) "Remuneration" means all compensation for personal 59039  
services, including commissions and bonuses and the cash value 59040  
of all compensation in any medium other than cash, except that 59041  
in the case of agricultural or domestic service, "remuneration" 59042  
includes only cash remuneration. Gratuities customarily received 59043  
by an individual in the course of the individual's employment 59044  
from persons other than the individual's employer and which are 59045  
accounted for by such individual to the individual's employer 59046  
are taxable wages. 59047

The reasonable cash value of compensation paid in any 59048  
medium other than cash shall be estimated and determined in 59049  
accordance with rules prescribed by the director, provided that 59050

"remuneration" does not include: 59051

(a) Payments as provided in divisions (b) (2) to (b) (20) of 59052  
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 59053  
713, 26 U.S.C.A. 3301 to 3311, as amended; 59054

(b) The payment by an employer, without deduction from the 59055  
remuneration of the individual in the employer's employ, of the 59056  
tax imposed upon an individual in the employer's employ under 59057  
section 3101 of the "Internal Revenue Code of 1954," with 59058  
respect to services performed after October 1, 1941. 59059

(2) "Cash remuneration" means all remuneration paid in 59060  
cash, including commissions and bonuses, but not including the 59061  
cash value of all compensation in any medium other than cash. 59062

(I) "Interested party" means the director and any party to 59063  
whom notice of a determination of an application for benefit 59064  
rights or a claim for benefits is required to be given under 59065  
section 4141.28 of the Revised Code. 59066

(J) "Annual payroll" means the total amount of wages 59067  
subject to contributions during a twelve-month period ending 59068  
with the last day of the second calendar quarter of any calendar 59069  
year. 59070

(K) "Average annual payroll" means the average of the last 59071  
three annual payrolls of an employer, provided that if, as of 59072  
any computation date, the employer has had less than three 59073  
annual payrolls in such three-year period, such average shall be 59074  
based on the annual payrolls which the employer has had as of 59075  
such date. 59076

(L) (1) "Contributions" means the money payments to the 59077  
state unemployment compensation fund required of employers by 59078  
section 4141.25 of the Revised Code and of the state and any of 59079

its political subdivisions electing to pay contributions under 59080  
section 4141.242 of the Revised Code. Employers paying 59081  
contributions shall be described as "contributory employers." 59082

(2) "Payments in lieu of contributions" means the money 59083  
payments to the state unemployment compensation fund required of 59084  
reimbursing employers under sections 4141.241 and 4141.242 of 59085  
the Revised Code. 59086

(M) An individual is "totally unemployed" in any week 59087  
during which the individual performs no services and with 59088  
respect to such week no remuneration is payable to the 59089  
individual. 59090

(N) An individual is "partially unemployed" in any week 59091  
if, due to involuntary loss of work, the total remuneration 59092  
payable to the individual for such week is less than the 59093  
individual's weekly benefit amount. 59094

(O) "Week" means the calendar week ending at midnight 59095  
Saturday unless an equivalent week of seven consecutive calendar 59096  
days is prescribed by the director. 59097

(1) "Qualifying week" means any calendar week in an 59098  
individual's base period with respect to which the individual 59099  
earns or is paid remuneration in employment subject to this 59100  
chapter. A calendar week with respect to which an individual 59101  
earns remuneration but for which payment was not made within the 59102  
base period, when necessary to qualify for benefit rights, may 59103  
be considered to be a qualifying week. The number of qualifying 59104  
weeks which may be established in a calendar quarter shall not 59105  
exceed the number of calendar weeks in the quarter. 59106

(2) "Average weekly wage" means the amount obtained by 59107  
dividing an individual's total remuneration for all qualifying 59108

weeks during the base period by the number of such qualifying 59109  
weeks, provided that if the computation results in an amount 59110  
that is not a multiple of one dollar, such amount shall be 59111  
rounded to the next lower multiple of one dollar. 59112

(P) "Weekly benefit amount" means the amount of benefits 59113  
an individual would be entitled to receive for one week of total 59114  
unemployment. 59115

(Q) (1) "Base period" means the first four of the last five 59116  
completed calendar quarters immediately preceding the first day 59117  
of an individual's benefit year, except as provided in division 59118  
(Q) (2) of this section. 59119

(2) If an individual does not have sufficient qualifying 59120  
weeks and wages in the base period to qualify for benefit 59121  
rights, the individual's base period shall be the four most 59122  
recently completed calendar quarters preceding the first day of 59123  
the individual's benefit year. Such base period shall be known 59124  
as the "alternate base period." If information as to weeks and 59125  
wages for the most recent quarter of the alternate base period 59126  
is not available to the director from the regular quarterly 59127  
reports of wage information, which are systematically 59128  
accessible, the director may, consistent with the provisions of 59129  
section 4141.28 of the Revised Code, base the determination of 59130  
eligibility for benefits on the affidavit of the claimant with 59131  
respect to weeks and wages for that calendar quarter. The 59132  
claimant shall furnish payroll documentation, where available, 59133  
in support of the affidavit. The determination based upon the 59134  
alternate base period as it relates to the claimant's benefit 59135  
rights, shall be amended when the quarterly report of wage 59136  
information from the employer is timely received and that 59137  
information causes a change in the determination. As provided in 59138

division (B) of section 4141.28 of the Revised Code, any 59139  
benefits paid and charged to an employer's account, based upon a 59140  
claimant's affidavit, shall be adjusted effective as of the 59141  
beginning of the claimant's benefit year. No calendar quarter in 59142  
a base period or alternate base period shall be used to 59143  
establish a subsequent benefit year. 59144

(3) The "base period" of a combined wage claim, as 59145  
described in division (H) of section 4141.43 of the Revised 59146  
Code, shall be the base period prescribed by the law of the 59147  
state in which the claim is allowed. 59148

(4) For purposes of determining the weeks that comprise a 59149  
completed calendar quarter under this division, only those weeks 59150  
ending at midnight Saturday within the calendar quarter shall be 59151  
utilized. 59152

(R) (1) "Benefit year" with respect to an individual means 59153  
the fifty-two week period beginning with the first day of that 59154  
week with respect to which the individual first files a valid 59155  
application for determination of benefit rights, and thereafter 59156  
the fifty-two week period beginning with the first day of that 59157  
week with respect to which the individual next files a valid 59158  
application for determination of benefit rights after the 59159  
termination of the individual's last preceding benefit year, 59160  
except that the application shall not be considered valid unless 59161  
the individual has had employment in six weeks that is subject 59162  
to this chapter or the unemployment compensation act of another 59163  
state, or the United States, and has, since the beginning of the 59164  
individual's previous benefit year, in the employment earned 59165  
three times the average weekly wage determined for the previous 59166  
benefit year. The "benefit year" of a combined wage claim, as 59167  
described in division (H) of section 4141.43 of the Revised 59168

Code, shall be the benefit year prescribed by the law of the 59169  
state in which the claim is allowed. Any application for 59170  
determination of benefit rights made in accordance with section 59171  
4141.28 of the Revised Code is valid if the individual filing 59172  
such application is unemployed, has been employed by an employer 59173  
or employers subject to this chapter in at least twenty 59174  
qualifying weeks within the individual's base period, and has 59175  
earned or been paid remuneration at an average weekly wage of 59176  
not less than twenty-seven and one-half per cent of the 59177  
statewide average weekly wage for such weeks. For purposes of 59178  
determining whether an individual has had sufficient employment 59179  
since the beginning of the individual's previous benefit year to 59180  
file a valid application, "employment" means the performance of 59181  
services for which remuneration is payable. 59182

(2) Effective for benefit years beginning on and after 59183  
December 26, 2004, any application for determination of benefit 59184  
rights made in accordance with section 4141.28 of the Revised 59185  
Code is valid if the individual satisfies the criteria described 59186  
in division (R) (1) of this section, and if the reason for the 59187  
individual's separation from employment is not disqualifying 59188  
pursuant to division (D) (2) of section 4141.29 or section 59189  
4141.291 of the Revised Code. A disqualification imposed 59190  
pursuant to division (D) (2) of section 4141.29 or section 59191  
4141.291 of the Revised Code must be removed as provided in 59192  
those sections as a requirement of establishing a valid 59193  
application for benefit years beginning on and after December 59194  
26, 2004. 59195

(3) The statewide average weekly wage shall be calculated 59196  
by the director once a year based on the twelve-month period 59197  
ending the thirtieth day of June, as set forth in division (B) 59198  
(3) of section 4141.30 of the Revised Code, rounded down to the 59199

nearest dollar. Increases or decreases in the amount of 59200  
remuneration required to have been earned or paid in order for 59201  
individuals to have filed valid applications shall become 59202  
effective on Sunday of the calendar week in which the first day 59203  
of January occurs that follows the twelve-month period ending 59204  
the thirtieth day of June upon which the calculation of the 59205  
statewide average weekly wage was based. 59206

(4) As used in this division, an individual is 59207  
"unemployed" if, with respect to the calendar week in which such 59208  
application is filed, the individual is "partially unemployed" 59209  
or "totally unemployed" as defined in this section or if, prior 59210  
to filing the application, the individual was separated from the 59211  
individual's most recent work for any reason which terminated 59212  
the individual's employee-employer relationship, or was laid off 59213  
indefinitely or for a definite period of seven or more days. 59214

(S) "Calendar quarter" means the period of three 59215  
consecutive calendar months ending on the thirty-first day of 59216  
March, the thirtieth day of June, the thirtieth day of 59217  
September, and the thirty-first day of December, or the 59218  
equivalent thereof as the director prescribes by rule. 59219

(T) "Computation date" means the first day of the third 59220  
calendar quarter of any calendar year. 59221

(U) "Contribution period" means the calendar year 59222  
beginning on the first day of January of any year. 59223

(V) "Agricultural labor," for the purpose of this 59224  
division, means any service performed prior to January 1, 1972, 59225  
which was agricultural labor as defined in this division prior 59226  
to that date, and service performed after December 31, 1971: 59227

(1) On a farm, in the employ of any person, in connection 59228

with cultivating the soil, or in connection with raising or 59229  
harvesting any agricultural or horticultural commodity, 59230  
including the raising, shearing, feeding, caring for, training, 59231  
and management of livestock, bees, poultry, and fur-bearing 59232  
animals and wildlife; 59233

(2) In the employ of the owner or tenant or other operator 59234  
of a farm in connection with the operation, management, 59235  
conservation, improvement, or maintenance of such farm and its 59236  
tools and equipment, or in salvaging timber or clearing land of 59237  
brush and other debris left by hurricane, if the major part of 59238  
such service is performed on a farm; 59239

(3) In connection with the production or harvesting of any 59240  
commodity defined as an agricultural commodity in section 15 (g) 59241  
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 59242  
U.S.C. 1141j, as amended, or in connection with the ginning of 59243  
cotton, or in connection with the operation or maintenance of 59244  
ditches, canals, reservoirs, or waterways, not owned or operated 59245  
for profit, used exclusively for supplying and storing water for 59246  
farming purposes; 59247

(4) In the employ of the operator of a farm in handling, 59248  
planting, drying, packing, packaging, processing, freezing, 59249  
grading, storing, or delivering to storage or to market or to a 59250  
carrier for transportation to market, in its unmanufactured 59251  
state, any agricultural or horticultural commodity, but only if 59252  
the operator produced more than one half of the commodity with 59253  
respect to which such service is performed; 59254

(5) In the employ of a group of operators of farms, or a 59255  
cooperative organization of which the operators are members, in 59256  
the performance of service described in division (V) (4) of this 59257  
section, but only if the operators produced more than one-half 59258

of the commodity with respect to which the service is performed;	59259
(6) Divisions (V) (4) and (5) of this section shall not be deemed to be applicable with respect to service performed:	59260 59261
(a) In connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or	59262 59263 59264 59265
(b) On a farm operated for profit if the service is not in the course of the employer's trade or business.	59266 59267
As used in division (V) of this section, "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities and orchards.	59268 59269 59270 59271 59272
(W) "Hospital" means an institution which has been registered or licensed by the Ohio department of health as a hospital.	59273 59274 59275
(X) "Nonprofit organization" means an organization, or group of organizations, described in section 501(c) (3) of the "Internal Revenue Code of 1954," and exempt from income tax under section 501(a) of that code.	59276 59277 59278 59279
(Y) "Institution of higher education" means a public or nonprofit educational institution, including an educational institution operated by an Indian tribe, which:	59280 59281 59282
(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent;	59283 59284 59285
(2) Is legally authorized in this state or by the Indian	59286

tribe to provide a program of education beyond high school; and 59287

(3) Provides an educational program for which it awards a 59288  
bachelor's or higher degree, or provides a program which is 59289  
acceptable for full credit toward such a degree, a program of 59290  
post-graduate or post-doctoral studies, or a program of training 59291  
to prepare students for gainful employment in a recognized 59292  
occupation. 59293

For the purposes of this division, all colleges and 59294  
universities in this state are institutions of higher education. 59295

(Z) For the purposes of this chapter, "states" includes 59296  
the District of Columbia, the Commonwealth of Puerto Rico, and 59297  
the Virgin Islands. 59298

(AA) "Alien" means, for the purposes of division (A) (1) (d) 59299  
of this section, an individual who is an alien admitted to the 59300  
United States to perform service in agricultural labor pursuant 59301  
to sections 214 (c) and 101 (a) (15) (H) of the "Immigration and 59302  
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 59303

(BB) (1) "Crew leader" means an individual who furnishes 59304  
individuals to perform agricultural labor for any other employer 59305  
or farm operator, and: 59306

(a) Pays, either on the individual's own behalf or on 59307  
behalf of the other employer or farm operator, the individuals 59308  
so furnished by the individual for the service in agricultural 59309  
labor performed by them; 59310

(b) Has not entered into a written agreement with the 59311  
other employer or farm operator under which the agricultural 59312  
worker is designated as in the employ of the other employer or 59313  
farm operator. 59314

(2) For the purposes of this chapter, any individual who 59315  
is a member of a crew furnished by a crew leader to perform 59316  
service in agricultural labor for any other employer or farm 59317  
operator shall be treated as an employee of the crew leader if: 59318

(a) The crew leader holds a valid certificate of 59319  
registration under the "Farm Labor Contractor Registration Act 59320  
of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 59321

(b) Substantially all the members of the crew operate or 59322  
maintain tractors, mechanized harvesting or crop-dusting 59323  
equipment, or any other mechanized equipment, which is provided 59324  
by the crew leader; and 59325

(c) If the individual is not in the employment of the 59326  
other employer or farm operator within the meaning of division 59327  
(B)(1) of this section. 59328

(3) For the purposes of this division, any individual who 59329  
is furnished by a crew leader to perform service in agricultural 59330  
labor for any other employer or farm operator and who is not 59331  
treated as in the employment of the crew leader under division 59332  
(BB)(2) of this section shall be treated as the employee of the 59333  
other employer or farm operator and not of the crew leader. The 59334  
other employer or farm operator shall be treated as having paid 59335  
cash remuneration to the individual in an amount equal to the 59336  
amount of cash remuneration paid to the individual by the crew 59337  
leader, either on the crew leader's own behalf or on behalf of 59338  
the other employer or farm operator, for the service in 59339  
agricultural labor performed for the other employer or farm 59340  
operator. 59341

(CC) "Educational institution" means an institution other 59342  
than an institution of higher education as defined in division 59343

(Y) of this section, including an educational institution 59344  
operated by an Indian tribe, which: 59345

(1) Offers participants, trainees, or students an 59346  
organized course of study or training designed to transfer to 59347  
them knowledge, skills, information, doctrines, attitudes, or 59348  
abilities from, by, or under the guidance of an instructor or 59349  
teacher; and 59350

(2) Is approved, chartered, or issued a permit to operate 59351  
as a school by the ~~state board of education~~ department of 59352  
learning and achievement, other government agency, or Indian 59353  
tribe that is authorized within the state to approve, charter, 59354  
or issue a permit for the operation of a school. 59355

For the purposes of this division, the courses of study or 59356  
training which the institution offers may be academic, 59357  
technical, trade, or preparation for gainful employment in a 59358  
recognized occupation. 59359

(DD) "Cost savings day" means any unpaid day off from work 59360  
in which employees continue to accrue employee benefits which 59361  
have a determinable value including, but not limited to, 59362  
vacation, pension contribution, sick time, and life and health 59363  
insurance. 59364

**Sec. 4141.47.** (A) There is hereby created the auxiliary 59365  
services personnel unemployment compensation fund, which shall 59366  
not be a part of the state treasury. The fund shall consist of 59367  
moneys paid into the fund pursuant to section 3317.06 of the 59368  
Revised Code. The treasurer of state shall administer it in 59369  
accordance with the directions of the director of job and family 59370  
services. The director shall establish procedures under which 59371  
school districts that are charged and have paid for unemployment 59372

benefits as reimbursing employers pursuant to this chapter for 59373  
personnel employed pursuant to section 3317.06 of the Revised 59374  
Code may apply for and receive reimbursement for those payments 59375  
under this section. School districts are not entitled to 59376  
reimbursement for any delinquency charges, except as otherwise 59377  
provided by law. In the case of school districts electing to pay 59378  
contributions under section 4141.242 of the Revised Code, the 59379  
director shall establish procedures for reimbursement of the 59380  
district from the fund of contributions made on wages earned by 59381  
any auxiliary service personnel. 59382

(B) In the event of the termination of the auxiliary 59383  
services program established pursuant to section 3317.06 of the 59384  
Revised Code, and after the director has made reimbursement to 59385  
school districts for all possible unemployment compensation 59386  
claims of persons who were employed pursuant to section 3317.06 59387  
of the Revised Code, the director shall certify that fact to the 59388  
treasurer of state, who shall then transfer all unexpended 59389  
moneys in the auxiliary services personnel unemployment 59390  
compensation fund to the general revenue fund. In the event the 59391  
auxiliary services personnel unemployment compensation fund 59392  
contains insufficient moneys to pay all valid claims by school 59393  
districts for reimbursement pursuant to this section, the 59394  
director shall estimate the total additional amount necessary to 59395  
meet the liabilities of the fund and submit a request to the 59396  
general assembly for an appropriation of that amount of money 59397  
from the general revenue fund to the auxiliary services 59398  
personnel unemployment compensation fund. 59399

(C) All disbursements from the auxiliary services 59400  
personnel unemployment compensation fund shall be paid by the 59401  
treasurer of state on warrants drawn by the director. The 59402  
warrants may bear the facsimile signature of the director 59403

printed thereon or that of a deputy or other employee of the 59404  
director charged with the duty of keeping the account of the 59405  
fund. Moneys in the fund shall be maintained in a separate 59406  
account on the books of the depository bank. The money shall be 59407  
secured by the depository bank to the same extent and in the 59408  
same manner as required by Chapter 135. of the Revised Code. All 59409  
sums recovered for losses sustained by the fund shall be 59410  
deposited therein. The treasurer of state is liable on the 59411  
treasurer of state's official bond for the faithful performance 59412  
of the treasurer of state's duties in connection with the fund. 59413

(D) All necessary and proper expenses incurred in 59414  
administering this section shall be paid to the director from 59415  
the auxiliary services personnel unemployment compensation fund. 59416  
For this purpose, there is hereby created in the state treasury 59417  
the auxiliary services program administrative fund. The 59418  
treasurer of state, pursuant to the warrant procedures specified 59419  
in division (C) of this section, shall advance moneys as 59420  
requested by the director from the auxiliary services personnel 59421  
unemployment compensation fund to the auxiliary services program 59422  
administrative fund. The director periodically may request the 59423  
advance of such moneys as in the treasurer of state's opinion 59424  
are needed to meet anticipated administrative expenses and may 59425  
make disbursements from the auxiliary services program 59426  
administrative fund to pay those expenses. 59427

(E) Upon receipt of a certification from the department of 59428  
~~education-learning and achievement~~ regarding a refund to a board 59429  
of education pursuant to section 3317.06 of the Revised Code, 59430  
the director shall issue a refund in the amount certified to the 59431  
board from the auxiliary services personnel unemployment 59432  
compensation fund. 59433

**Sec. 4503.51.** (A) The owner or lessee of any passenger 59434  
car, noncommercial motor vehicle, recreational vehicle, or 59435  
vehicle of a class approved by the registrar of motor vehicles 59436  
may voluntarily choose to submit an application to the registrar 59437  
for registration of such motor vehicle and for issuance of 59438  
collegiate license plates. The request for a collegiate license 59439  
plate may be combined with a request for a special reserved 59440  
license plate under section 4503.40 or 4503.42 of the Revised 59441  
Code. 59442

Upon receipt of the completed application for registration 59443  
of a vehicle in accordance with any rules adopted under this 59444  
section and upon compliance with division (B) of this section, 59445  
the registrar shall issue to the applicant appropriate vehicle 59446  
registration and a set of collegiate license plates with a 59447  
validation sticker, or a validation sticker alone when required 59448  
by section 4503.191 of the Revised Code. 59449

In addition to the letters and numbers ordinarily 59450  
inscribed thereon, collegiate license plates shall be inscribed 59451  
with the name of a university or college that is participating 59452  
with the registrar in the issuance of collegiate license plates, 59453  
or any other identifying marking or design selected by such a 59454  
university or college and approved by the registrar. Collegiate 59455  
license plates shall bear county identification stickers that 59456  
identify the county of registration as required under section 59457  
4503.19 of the Revised Code. 59458

(B) The collegiate license plates and validation sticker 59459  
shall be issued upon receipt of a contribution as provided in 59460  
division (C) of this section and payment of the regular license 59461  
fees as prescribed under section 4503.04 of the Revised Code, 59462  
any applicable motor vehicle tax levied under Chapter 4504. of 59463

the Revised Code, a fee not to exceed ten dollars for the 59464  
purpose of compensating the bureau of motor vehicles for 59465  
additional services required in the issuing of collegiate 59466  
license plates, and compliance with all other applicable laws 59467  
relating to the registration of motor vehicles, including 59468  
presentation of any inspection certificate required to be 59469  
obtained for the motor vehicle under section 3704.14 of the 59470  
Revised Code. If the application for a collegiate license plate 59471  
is combined with a request for a special reserved license plate 59472  
under section 4503.40 or 4503.42 of the Revised Code, the 59473  
license plate and validation sticker shall be issued upon 59474  
payment of the contribution, fees, and taxes referred to in this 59475  
division, the additional fee prescribed under section 4503.40 or 59476  
4503.42 of the Revised Code, and compliance with all other laws 59477  
relating to the registration of motor vehicles, including 59478  
presentation of any inspection certificate required to be 59479  
obtained for the motor vehicle under section 3704.14 of the 59480  
Revised Code. 59481

(C) The registrar shall collect a contribution of twenty- 59482  
five dollars for each application for registration and 59483  
registration renewal notice under this section. 59484

The registrar shall transmit this contribution to the 59485  
treasurer of state for deposit into the license plate 59486  
contribution fund created by section 4501.21 of the Revised 59487  
Code. The additional fee not to exceed ten dollars that the 59488  
applicant for registration voluntarily pays for the purpose of 59489  
compensating the bureau for the additional services required in 59490  
the issuing of the applicant's collegiate license plates shall 59491  
be transmitted into the state treasury to the credit of the 59492  
public safety - highway purposes fund created in section 4501.06 59493  
of the Revised Code. 59494

(D) The registrar, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary for the efficient administration of the collegiate license plate program.

(E) As used in this section, "university or college" means a state university or college or a private university or college located in this state that possesses a certificate of authorization issued by the ~~Ohio board of regents~~ department of learning and achievement pursuant to Chapter 1713. of the Revised Code. "University or college" also includes community colleges created pursuant to Chapter 3354. of the Revised Code, university branches created pursuant to Chapter 3355. of the Revised Code, technical colleges created pursuant to Chapter 3357. of the Revised Code, and state community colleges created pursuant to Chapter 3358. of the Revised Code.

**Sec. 4506.09.** (A) The registrar of motor vehicles, subject to approval by the director of public safety, shall adopt rules conforming with applicable standards adopted by the federal motor carrier safety administration as regulations under Pub. L. No. 103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 31317. The rules shall establish requirements for the qualification and testing of persons applying for a commercial driver's license, which are in addition to other requirements established by this chapter. Except as provided in division (B) of this section, the highway patrol or any other employee of the department of public safety the registrar authorizes shall supervise and conduct the testing of persons applying for a commercial driver's license.

(B) The director may adopt rules, in accordance with Chapter 119. of the Revised Code and applicable requirements of the federal motor carrier safety administration, authorizing the

skills test specified in this section to be administered by any 59525  
person, by an agency of this or another state, or by an agency, 59526  
department, or instrumentality of local government. Each party 59527  
authorized under this division to administer the skills test may 59528  
charge a maximum divisible fee of eighty-five dollars for each 59529  
skills test given as part of a commercial driver's license 59530  
examination. The fee shall consist of not more than twenty 59531  
dollars for the pre-trip inspection portion of the test, not 59532  
more than twenty dollars for the off-road maneuvering portion of 59533  
the test, and not more than forty-five dollars for the on-road 59534  
portion of the test. Each such party may require an appointment 59535  
fee in the same manner provided in division (E) (2) of this 59536  
section, except that the maximum amount such a party may require 59537  
as an appointment fee is eighty-five dollars. The skills test 59538  
administered by another party under this division shall be the 59539  
same as otherwise would be administered by this state. The other 59540  
party shall enter into an agreement with the director that, 59541  
without limitation, does all of the following: 59542

(1) Allows the director or the director's representative 59543  
and the federal motor carrier safety administration or its 59544  
representative to conduct random examinations, inspections, and 59545  
audits of the other party, whether covert or overt, without 59546  
prior notice; 59547

(2) Requires the director or the director's representative 59548  
to conduct on-site inspections of the other party at least 59549  
annually; 59550

(3) Requires that all examiners of the other party meet 59551  
the same qualification and training standards as examiners of 59552  
the department of public safety, including criminal background 59553  
checks, to the extent necessary to conduct skills tests in the 59554

manner required by 49 C.F.R. 383.110 through 383.135. In 59555  
accordance with federal guidelines, any examiner employed on ~~the~~ 59556  
~~effective date of this amendment~~ July 1, 2017, shall have a 59557  
criminal background check conducted at least once, and any 59558  
examiner hired after July 1, 2015, shall have a criminal 59559  
background check conducted after the examiner is initially 59560  
hired. 59561

(4) Requires either that state employees take, at least 59562  
annually and as though the employees were test applicants, the 59563  
tests actually administered by the other party, that the 59564  
director test a sample of drivers who were examined by the other 59565  
party to compare the test results, or that state employees 59566  
accompany a test applicant during an actual test; 59567

(5) Unless the other party is a governmental entity, 59568  
requires the other party to initiate and maintain a bond in an 59569  
amount determined by the director to sufficiently pay for the 59570  
retesting of drivers in the event that the other party or its 59571  
skills test examiners are involved in fraudulent activities 59572  
related to skills testing; 59573

(6) Requires the other party to use only skills test 59574  
examiners who have successfully completed a commercial driver's 59575  
license examiner training course as prescribed by the director, 59576  
and have been certified by the state as a commercial driver's 59577  
license skills test examiner qualified to administer skills 59578  
tests; 59579

(7) Requires the other party to use designated road test 59580  
routes that have been approved by the director; 59581

(8) Requires the other party to submit a schedule of 59582  
skills test appointments to the director not later than two 59583

business days prior to each skills test; 59584

(9) Requires the other party to maintain copies of the 59585  
following records at its principal place of business: 59586

(a) The other party's commercial driver's license skills 59587  
testing program certificate; 59588

(b) Each skills test examiner's certificate of 59589  
authorization to administer skills tests for the classes and 59590  
types of commercial motor vehicles listed in the certificate; 59591

(c) Each completed skills test scoring sheet for the 59592  
current calendar year as well as the prior two calendar years; 59593

(d) A complete list of the test routes that have been 59594  
approved by the director; 59595

(e) A complete and accurate copy of each examiner's 59596  
training record. 59597

(10) If the other party also is a driver training school, 59598  
prohibits its skills test examiners from administering skills 59599  
tests to applicants that the examiner personally trained; 59600

(11) Requires each skills test examiner to administer a 59601  
complete skills test to a minimum of thirty-two different 59602  
individuals per calendar year; 59603

(12) Reserves to this state the right to take prompt and 59604  
appropriate remedial action against the other party and its 59605  
skills test examiners if the other party or its skills test 59606  
examiners fail to comply with standards of this state or federal 59607  
standards for the testing program or with any other terms of the 59608  
contract. 59609

(C) The director shall enter into an agreement with the 59610

department of ~~education~~ learning and achievement authorizing the 59611  
skills test specified in this section to be administered by the 59612  
department at any location operated by the department for 59613  
purposes of training and testing school bus drivers, provided 59614  
that the agreement between the director and the department 59615  
complies with the requirements of division (B) of this section. 59616  
Skills tests administered by the department shall be limited to 59617  
persons applying for a commercial driver's license with a school 59618  
bus endorsement. 59619

(D) (1) The director shall adopt rules, in accordance with 59620  
Chapter 119. of the Revised Code, authorizing waiver of the 59621  
skills test specified in this section for any applicant for a 59622  
commercial driver's license who meets all of the following 59623  
requirements: 59624

(a) As authorized under 49 C.F.R. 383.3(c), the applicant 59625  
operates a commercial motor vehicle for military purposes and is 59626  
one of the following: 59627

(i) Active duty military personnel; 59628

(ii) A member of the military reserves; 59629

(iii) A member of the national guard on active duty, 59630  
including full-time national guard duty, part-time national 59631  
guard training, and national guard military technicians; 59632

(iv) Active duty U.S. coast guard personnel. 59633

(b) The applicant certifies that, during the two-year 59634  
period immediately preceding application for a commercial 59635  
driver's license, all of the following apply: 59636

(i) The applicant has not had more than one license, 59637  
excluding any military license. 59638

- (ii) The applicant has not had any license suspended, 59639  
revoked, or canceled. 59640
- (iii) The applicant has not had any convictions for any 59641  
type of motor vehicle for the offenses for which 59642  
disqualification is prescribed in section 4506.16 of the Revised 59643  
Code. 59644
- (iv) The applicant has not had more than one conviction 59645  
for any type of motor vehicle for a serious traffic violation. 59646
- (v) The applicant has not had any violation of a state or 59647  
local law relating to motor vehicle traffic control other than a 59648  
parking violation arising in connection with any traffic 59649  
accident and has no record of an accident in which the applicant 59650  
was at fault. 59651
- (c) In accordance with rules adopted by the director, the 59652  
applicant certifies and also provides evidence of all of the 59653  
following: 59654
- (i) That the applicant is or was regularly employed in a 59655  
military position requiring operation of a commercial motor 59656  
vehicle; 59657
- (ii) That the applicant was exempt from the requirements 59658  
of this chapter under division (B) (6) of section 4506.03 of the 59659  
Revised Code; 59660
- (iii) That, for at least two years immediately preceding 59661  
the date of application or at least two years immediately 59662  
preceding the date the applicant separated from military service 59663  
or employment, the applicant regularly operated a vehicle 59664  
representative of the commercial motor vehicle type that the 59665  
applicant operates or expects to operate. 59666

(2) The waiver established under division (D)(1) of this section does not apply to United States reserve technicians.

(E)(1) The department of public safety may charge and collect a divisible fee of fifty dollars for each skills test given as part of a commercial driver's license examination. The fee shall consist of ten dollars for the pre-trip inspection portion of the test, ten dollars for the off-road maneuvering portion of the test, and thirty dollars for the on-road portion of the test.

(2) No applicant is eligible to take the skills test until a minimum of fourteen days have elapsed since the initial issuance of a commercial driver's license temporary instruction permit to the applicant. The director may require an applicant for a commercial driver's license who schedules an appointment with the highway patrol or other authorized employee of the department of public safety to take all portions of the skills test and to pay an appointment fee of fifty dollars at the time of scheduling the appointment. If the applicant appears at the time and location specified for the appointment and takes all portions of the skills test during that appointment, the appointment fee serves as the skills test fee. If the applicant schedules an appointment to take all portions of the skills test and fails to appear at the time and location specified for the appointment, the director shall not refund any portion of the appointment fee. If the applicant schedules an appointment to take all portions of the skills test and appears at the time and location specified for the appointment, but declines or is unable to take all portions of the skills test, the director shall not refund any portion of the appointment fee. If the applicant cancels a scheduled appointment forty-eight hours or more prior to the time of the appointment time, the applicant

shall not forfeit the appointment fee. 59698

An applicant for a commercial driver's license who 59699  
schedules an appointment to take one or more, but not all, 59700  
portions of the skills test is required to pay an appointment 59701  
fee equal to the costs of each test scheduled, as prescribed in 59702  
division (E) (1) of this section, when scheduling such an 59703  
appointment. If the applicant appears at the time and location 59704  
specified for the appointment and takes all the portions of the 59705  
skills test during that appointment that the applicant was 59706  
scheduled to take, the appointment fee serves as the skills test 59707  
fee. If the applicant schedules an appointment to take one or 59708  
more, but not all, portions of the skills test and fails to 59709  
appear at the time and location specified for the appointment, 59710  
the director shall not refund any portion of the appointment 59711  
fee. If the applicant schedules an appointment to take one or 59712  
more, but not all, portions of the skills test and appears at 59713  
the time and location specified for the appointment, but 59714  
declines or is unable to take all portions of the skills test 59715  
that the applicant was scheduled to take, the director shall not 59716  
refund any portion of the appointment fee. If the applicant 59717  
cancels a scheduled appointment forty-eight hours or more prior 59718  
to the time of the appointment time, the applicant shall not 59719  
forfeit the appointment fee. 59720

(3) The department of public safety shall deposit all fees 59721  
it collects under division (E) of this section in the public 59722  
safety - highway purposes fund established in section 4501.06 of 59723  
the Revised Code. 59724

(F) A person who has successfully completed commercial 59725  
driver's license training in this state but seeks a commercial 59726  
driver's license in another state where the person is domiciled 59727

may schedule an appointment to take the skills test in this state and shall pay the appropriate appointment fee. Upon the person's completion of the skills test, this state shall electronically transmit the applicant's results to the state where the person is domiciled. If a person who is domiciled in this state takes a skills test in another state, this state shall accept the results of the skills test from the other state. If the person passed the other state's skills test and meets all of the other licensing requirements set forth in this chapter and rules adopted under this chapter, the registrar of motor vehicles or a deputy registrar shall issue a commercial driver's license to that person.

(G) Unless otherwise specified, the director or the director's representative shall conduct the examinations, inspections, audits, and test monitoring set forth in divisions (B) (2), (3), and (4) of this section at least annually. If the other party or any of its skills test examiners fail to comply with state or federal standards for the skills testing program, the director or the director's representative shall take prompt and appropriate remedial action against the party and its skills test examiners. Remedial action may include termination of the agreement or revocation of a skills test examiner's certification.

(H) As used in this section, "skills test" means a test of an applicant's ability to drive the type of commercial motor vehicle for which the applicant seeks a commercial driver's license by having the applicant drive such a motor vehicle while under the supervision of an authorized state driver's license examiner or tester.

**Sec. 4506.10.** (A) No person who holds a valid commercial

driver's license shall drive a commercial motor vehicle unless 59758  
the person is physically qualified to do so. 59759

(1) Any person applying for a commercial driver's license 59760  
or commercial driver's license temporary instruction permit, the 59761  
renewal or upgrade of a commercial driver's license or 59762  
commercial driver's license temporary instruction permit, or the 59763  
transfer of a commercial driver's license from out of state 59764  
shall self-certify to the registrar for purposes of 49 C.F.R. 59765  
383.71, one of the following in regard to the applicant's 59766  
operation of a commercial motor vehicle, as applicable: 59767

(a) (i) If the applicant operates or expects to operate a 59768  
commercial motor vehicle in interstate or foreign commerce and 59769  
is subject to and meets the requirements under 49 C.F.R. part 59770  
391, the applicant shall self-certify that the applicant is non- 59771  
excepted interstate and shall provide the registrar with the 59772  
original or a copy of a medical examiner's certificate and each 59773  
subsequently issued medical examiner's certificate prepared by a 59774  
qualified medical examiner to maintain a medically certified 59775  
status on the applicant's commercial driver licensing system 59776  
driver record; 59777

(ii) If the applicant operates or expects to operate a 59778  
commercial motor vehicle in interstate commerce, but engages in 59779  
transportation or operations excepted under 49 C.F.R. 390.3(f), 59780  
391.2, 391.68, or 398.3 from all or parts of the qualification 59781  
requirements of 49 C.F.R. part 391, the applicant shall self- 59782  
certify that the applicant is excepted interstate and is not 59783  
required to obtain a medical examiner's certificate. 59784

(b) (i) If the applicant operates only in intrastate 59785  
commerce and is subject to state driver qualification 59786  
requirements, the applicant shall self-certify that the 59787

applicant is non-excepted intrastate; 59788

(ii) If the applicant operates only in intrastate commerce 59789  
and is excepted from all or parts of the state driver 59790  
qualification requirements, the applicant shall self-certify 59791  
that the applicant is excepted intrastate. 59792

(2) Notwithstanding the expiration date on a person's 59793  
commercial driver's license or commercial driver's license 59794  
temporary instruction permit, every commercial driver's license 59795  
or commercial driver's license temporary instruction permit 59796  
holder shall provide the registrar with the certification 59797  
required by this section, on or after January 30, 2012, but 59798  
prior to January 30, 2014. 59799

(B) A person is qualified to drive a school bus if the 59800  
person holds a valid commercial driver's license along with the 59801  
proper endorsements, and if the person has been certified as 59802  
medically qualified in accordance with rules adopted by the 59803  
department of ~~education~~ learning and achievement. 59804

(C) (1) Except as provided in division (C) (2) of this 59805  
section, only a medical examiner who is listed on the national 59806  
registry of certified medical examiners established by the 59807  
federal motor carrier safety administration shall perform a 59808  
medical examination required by this section. 59809

(2) A person licensed under Chapter 4725. of the Revised 59810  
Code to practice optometry in this state, or licensed under any 59811  
similar law of another state, may perform any part of an 59812  
examination required by this section that pertains to visual 59813  
acuity, field of vision, and the ability to recognize colors. 59814

(3) The individual who performed an examination conducted 59815  
pursuant to this section shall complete any written 59816

documentation of a physical examination on a form that 59817  
substantially complies with the requirements of 49 C.F.R. 59818  
391.43(h). 59819

(D) Whenever good cause appears, the registrar, upon 59820  
issuing a commercial driver's license or commercial driver's 59821  
license temporary instruction permit under this chapter, may 59822  
impose restrictions suitable to the licensee's driving ability 59823  
with respect to the type of motor vehicle or special mechanical 59824  
control devices required on a motor vehicle that the licensee 59825  
may operate, or such other restrictions applicable to the 59826  
licensee as the registrar determines to be necessary. 59827

The registrar may either issue a special restricted 59828  
license or may set forth upon the usual license form the 59829  
restrictions imposed. 59830

The registrar, upon receiving satisfactory evidence of any 59831  
violation of the restrictions of the license, may impose a class 59832  
D license suspension of the license for the period of time 59833  
specified in division (B) (4) of section 4510.02 of the Revised 59834  
Code. 59835

The registrar, upon receiving satisfactory evidence that 59836  
an applicant or holder of a commercial driver's license or 59837  
commercial driver's license temporary instruction permit has 59838  
violated division (A) (4) of section 4506.04 of the Revised Code 59839  
and knowingly given false information in any application or 59840  
certification required by section 4506.07 of the Revised Code, 59841  
shall cancel the person's commercial driver's license or 59842  
commercial driver's license temporary instruction permit or any 59843  
pending application from the person for a commercial driver's 59844  
license, commercial driver's license temporary instruction 59845  
permit, or class D driver's license for a period of at least 59846

sixty days, during which time no application for a commercial driver's license, commercial driver's license temporary instruction permit, or class D driver's license shall be received from the person.

(E) Whoever violates this section is guilty of a misdemeanor of the first degree.

**Sec. 4507.21.** (A) Each applicant for a driver's license shall file an application in the office of the registrar of motor vehicles or of a deputy registrar.

(B) (1) Each person under eighteen years of age applying for a driver's license issued in this state shall present satisfactory evidence of having successfully completed any one of the following:

(a) A driver education course approved by the ~~state~~ department of ~~education~~ learning and achievement prior to December 31, 2003.

(b) A driver training course approved by the director of public safety.

(c) A driver training course comparable to a driver education or driver training course described in division (B) (1) (a) or (b) of this section and administered by a branch of the armed forces of the United States and completed by the applicant while residing outside this state for the purpose of being with or near any person serving in the armed forces of the United States.

(2) Each person under eighteen years of age applying for a driver's license also shall present, on a form prescribed by the registrar, an affidavit signed by an eligible adult attesting that the person has acquired at least fifty hours of actual

driving experience, with at least ten of those hours being at 59876  
night. 59877

(C) Commencing one year after the effective date of the 59878  
rules adopted pursuant to division (F) of section 4508.02 of the 59879  
Revised Code that govern the abbreviated driver training course, 59880  
each applicant for an initial driver's license who is eighteen 59881  
years of age or older and who failed the road or maneuverability 59882  
test required under division (A) (2) of section 4507.11 of the 59883  
Revised Code shall present satisfactory evidence of having 59884  
successfully completed the abbreviated driver training course 59885  
for adults, approved by the director of public safety, prior to 59886  
attempting the test a second or subsequent time. 59887

(D) If the registrar or deputy registrar determines that 59888  
the applicant is entitled to the driver's license, it shall be 59889  
issued. If the application shows that the applicant's license 59890  
has been previously canceled or suspended, the deputy registrar 59891  
shall forward the application to the registrar, who shall 59892  
determine whether the license shall be granted. 59893

(E) An applicant shall file an application in duplicate, 59894  
and the deputy registrar issuing the license shall immediately 59895  
forward to the office of the registrar the original copy of the 59896  
application, together with the duplicate copy of any certificate 59897  
of completion if issued for purposes of division (B) of this 59898  
section. The registrar shall prescribe rules as to the manner in 59899  
which the deputy registrar files and maintains the applications 59900  
and other records. The registrar shall file every application 59901  
for a driver's or commercial driver's license and index them by 59902  
name and number, and shall maintain a suitable record of all 59903  
licenses issued, all convictions and bond forfeitures, all 59904  
applications for licenses denied, and all licenses that have 59905

been suspended or canceled. 59906

(F) For purposes of section 2313.06 of the Revised Code, 59907  
the registrar shall maintain accurate and current lists of the 59908  
residents of each county who are eighteen years of age or older, 59909  
have been issued, on and after January 1, 1984, driver's or 59910  
commercial driver's licenses that are valid and current, and 59911  
would be electors if they were registered to vote, regardless of 59912  
whether they actually are registered to vote. The lists shall 59913  
contain the names, addresses, dates of birth, duration of 59914  
residence in this state, citizenship status, and social security 59915  
numbers, if the numbers are available, of the licensees, and may 59916  
contain any other information that the registrar considers 59917  
suitable. 59918

(G) Each person under eighteen years of age applying for a 59919  
motorcycle operator's endorsement or a restricted license 59920  
enabling the applicant to operate a motorcycle shall present 59921  
satisfactory evidence of having completed the courses of 59922  
instruction in the motorcycle safety and education program 59923  
described in section 4508.08 of the Revised Code or a comparable 59924  
course of instruction administered by a branch of the armed 59925  
forces of the United States and completed by the applicant while 59926  
residing outside this state for the purpose of being with or 59927  
near any person serving in the armed forces of the United 59928  
States. If the registrar or deputy registrar then determines 59929  
that the applicant is entitled to the endorsement or restricted 59930  
license, it shall be issued. 59931

(H) No person shall knowingly make a false statement in an 59932  
affidavit presented in accordance with division (B) (2) of this 59933  
section. 59934

(I) As used in this section, "eligible adult" means any of 59935

the following persons: 59936

(1) A parent, guardian, or custodian of the applicant; 59937

(2) A person over the age of twenty-one who acts in loco 59938  
parentis of the applicant and who maintains proof of financial 59939  
responsibility with respect to the operation of a motor vehicle 59940  
owned by the applicant or with respect to the applicant's 59941  
operation of any motor vehicle. 59942

(J) Whoever violates division (H) of this section is 59943  
guilty of a minor misdemeanor and shall be fined one hundred 59944  
dollars. 59945

**Sec. 4508.01.** As used in this chapter: 59946

(A) "Beginning driver" means any person being trained to 59947  
drive a particular motor vehicle who has not been previously 59948  
licensed to drive that motor vehicle by any state or country. 59949

(B) "Disabled person" means a person who, in the opinion 59950  
of the registrar of motor vehicles, is afflicted with or 59951  
suffering from a physical or mental disability or disease that 59952  
prevents the person, in the absence of special training or 59953  
equipment, from exercising reasonable and ordinary control over 59954  
a motor vehicle while operating the vehicle upon the highways. 59955  
"Disabled person" does not mean any person who is or has been 59956  
subject to any condition resulting in episodic impairment of 59957  
consciousness or loss of muscular control and whose condition, 59958  
in the opinion of the registrar, is dormant or is sufficiently 59959  
under medical control that the person is capable of exercising 59960  
reasonable and ordinary control over a motor vehicle. 59961

(C) "Driver training school" or "school" means any of the 59962  
following: 59963

(1) A private business enterprise conducted by an individual, association, partnership, or corporation for the education and training of persons to operate or drive motor vehicles, that does any of the following:

(a) Uses public streets or highways to provide training and charges a consideration or tuition for such services;

(b) Provides an online driver education course approved by the director of public safety pursuant to division (A)(2) of section 4508.02 of the Revised Code and charges a consideration or tuition for the course;

(c) Provides an abbreviated driver training course for adults that is approved by the director pursuant to division (F) of section 4508.02 of the Revised Code and charges a consideration or tuition for the course.

(2) A lead school district as provided in section 4508.09 of the Revised Code;

(3) A board of education of a city, exempted village, local, or joint vocational school district or the governing board of an educational service center that offers a driver education course for high school students enrolled in the district or in a district served by the educational service center.

(D) "Instructor" means any person, whether acting for self as operator of a driver training school or for such a school for compensation, who teaches, conducts classes of, gives demonstrations to, or supervises practice of, persons learning to operate or drive motor vehicles.

(E) "Lead school district" means a school district, including a joint vocational school district, designated by the

department of ~~education~~ learning and achievement as either a 59993  
vocational education planning district itself or as responsible 59994  
for providing primary vocational education leadership within a 59995  
vocational education planning district that is composed of a 59996  
group of districts. A "vocational education planning district" 59997  
is a school district or group of school districts designated by 59998  
the department as responsible for planning and providing 59999  
vocational education services to students within the district or 60000  
group of districts. 60001

**Sec. 4511.21.** (A) No person shall operate a motor vehicle, 60002  
trackless trolley, or streetcar at a speed greater or less than 60003  
is reasonable or proper, having due regard to the traffic, 60004  
surface, and width of the street or highway and any other 60005  
conditions, and no person shall drive any motor vehicle, 60006  
trackless trolley, or streetcar in and upon any street or 60007  
highway at a greater speed than will permit the person to bring 60008  
it to a stop within the assured clear distance ahead. 60009

(B) It is prima-facie lawful, in the absence of a lower 60010  
limit declared or established pursuant to this section by the 60011  
director of transportation or local authorities, for the 60012  
operator of a motor vehicle, trackless trolley, or streetcar to 60013  
operate the same at a speed not exceeding the following: 60014

(1) (a) Twenty miles per hour in school zones during school 60015  
recess and while children are going to or leaving school during 60016  
the opening or closing hours, and when twenty miles per hour 60017  
school speed limit signs are erected; except that, on 60018  
controlled-access highways and expressways, if the right-of-way 60019  
line fence has been erected without pedestrian opening, the 60020  
speed shall be governed by division (B) (4) of this section and 60021  
on freeways, if the right-of-way line fence has been erected 60022

without pedestrian opening, the speed shall be governed by 60023  
divisions (B) (10) and (11) of this section. The end of every 60024  
school zone may be marked by a sign indicating the end of the 60025  
zone. Nothing in this section or in the manual and 60026  
specifications for a uniform system of traffic control devices 60027  
shall be construed to require school zones to be indicated by 60028  
signs equipped with flashing or other lights, or giving other 60029  
special notice of the hours in which the school zone speed limit 60030  
is in effect. 60031

(b) As used in this section and in section 4511.212 of the 60032  
Revised Code, "school" means any school chartered under section 60033  
3301.16 of the Revised Code and any nonchartered school that 60034  
during the preceding year filed with the department of ~~education~~ 60035  
learning and achievement in compliance with rule 3301-35-08 of 60036  
the Ohio Administrative Code, a copy of the school's report for 60037  
the parents of the school's pupils certifying that the school 60038  
meets Ohio minimum standards for nonchartered, nontax-supported 60039  
schools and presents evidence of this filing to the jurisdiction 60040  
from which it is requesting the establishment of a school zone. 60041  
"School" also includes a special elementary school that in 60042  
writing requests the county engineer of the county in which the 60043  
special elementary school is located to create a school zone at 60044  
the location of that school. Upon receipt of such a written 60045  
request, the county engineer shall create a school zone at that 60046  
location by erecting the appropriate signs. 60047

(c) As used in this section, "school zone" means that 60048  
portion of a street or highway passing a school fronting upon 60049  
the street or highway that is encompassed by projecting the 60050  
school property lines to the fronting street or highway, and 60051  
also includes that portion of a state highway. Upon request from 60052  
local authorities for streets and highways under their 60053

jurisdiction and that portion of a state highway under the 60054  
jurisdiction of the director of transportation or a request from 60055  
a county engineer in the case of a school zone for a special 60056  
elementary school, the director may extend the traditional 60057  
school zone boundaries. The distances in divisions (B) (1) (c) (i), 60058  
(ii), and (iii) of this section shall not exceed three hundred 60059  
feet per approach per direction and are bounded by whichever of 60060  
the following distances or combinations thereof the director 60061  
approves as most appropriate: 60062

(i) The distance encompassed by projecting the school 60063  
building lines normal to the fronting highway and extending a 60064  
distance of three hundred feet on each approach direction; 60065

(ii) The distance encompassed by projecting the school 60066  
property lines intersecting the fronting highway and extending a 60067  
distance of three hundred feet on each approach direction; 60068

(iii) The distance encompassed by the special marking of 60069  
the pavement for a principal school pupil crosswalk plus a 60070  
distance of three hundred feet on each approach direction of the 60071  
highway. 60072

Nothing in this section shall be construed to invalidate 60073  
the director's initial action on August 9, 1976, establishing 60074  
all school zones at the traditional school zone boundaries 60075  
defined by projecting school property lines, except when those 60076  
boundaries are extended as provided in divisions (B) (1) (a) and 60077  
(c) of this section. 60078

(d) As used in this division, "crosswalk" has the meaning 60079  
given that term in division (LL) (2) of section 4511.01 of the 60080  
Revised Code. 60081

The director may, upon request by resolution of the 60082

legislative authority of a municipal corporation, the board of 60083  
trustees of a township, or a county board of developmental 60084  
disabilities created pursuant to Chapter 5126. of the Revised 60085  
Code, and upon submission by the municipal corporation, 60086  
township, or county board of such engineering, traffic, and 60087  
other information as the director considers necessary, designate 60088  
a school zone on any portion of a state route lying within the 60089  
municipal corporation, lying within the unincorporated territory 60090  
of the township, or lying adjacent to the property of a school 60091  
that is operated by such county board, that includes a crosswalk 60092  
customarily used by children going to or leaving a school during 60093  
recess and opening and closing hours, whenever the distance, as 60094  
measured in a straight line, from the school property line 60095  
nearest the crosswalk to the nearest point of the crosswalk is 60096  
no more than one thousand three hundred twenty feet. Such a 60097  
school zone shall include the distance encompassed by the 60098  
crosswalk and extending three hundred feet on each approach 60099  
direction of the state route. 60100

(e) As used in this section, "special elementary school" 60101  
means a school that meets all of the following criteria: 60102

(i) It is not chartered and does not receive tax revenue 60103  
from any source. 60104

(ii) It does not educate children beyond the eighth grade. 60105

(iii) It is located outside the limits of a municipal 60106  
corporation. 60107

(iv) A majority of the total number of students enrolled 60108  
at the school are not related by blood. 60109

(v) The principal or other person in charge of the special 60110  
elementary school annually sends a report to the superintendent 60111

of the school district in which the special elementary school is 60112  
located indicating the total number of students enrolled at the 60113  
school, but otherwise the principal or other person in charge 60114  
does not report any other information or data to the 60115  
superintendent. 60116

(2) Twenty-five miles per hour in all other portions of a 60117  
municipal corporation, except on state routes outside business 60118  
districts, through highways outside business districts, and 60119  
alleys; 60120

(3) Thirty-five miles per hour on all state routes or 60121  
through highways within municipal corporations outside business 60122  
districts, except as provided in divisions (B) (4) and (6) of 60123  
this section; 60124

(4) Fifty miles per hour on controlled-access highways and 60125  
expressways within municipal corporations; 60126

(5) Fifty-five miles per hour on highways outside 60127  
municipal corporations, other than highways within island 60128  
jurisdictions as provided in division (B) (8) of this section, 60129  
highways as provided in divisions (B) (9) and (10) of this 60130  
section, and highways, expressways, and freeways as provided in 60131  
divisions (B) (13), (14), (15), and (17) of this section; 60132

(6) Fifty miles per hour on state routes within municipal 60133  
corporations outside urban districts unless a lower prima-facie 60134  
speed is established as further provided in this section; 60135

(7) Fifteen miles per hour on all alleys within the 60136  
municipal corporation; 60137

(8) Thirty-five miles per hour on highways outside 60138  
municipal corporations that are within an island jurisdiction; 60139

- (9) Thirty-five miles per hour on through highways, except state routes, that are outside municipal corporations and that are within a national park with boundaries extending through two or more counties; 60140  
60141  
60142  
60143
- (10) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under division (H) (2) of this section; 60144  
60145  
60146
- (11) Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B) (15) and (17) of this section; 60147  
60148  
60149  
60150
- (12) Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in divisions (B) (15) and (17) of this section; 60151  
60152  
60153
- (13) Sixty miles per hour for operators of any motor vehicle at all times on all portions of rural divided highways; 60154  
60155
- (14) Sixty-five miles per hour for operators of any motor vehicle at all times on all rural expressways without traffic control signals; 60156  
60157  
60158
- (15) Seventy miles per hour for operators of any motor vehicle at all times on all rural freeways; 60159  
60160
- (16) Fifty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in congested areas as determined by the director and that are part of the interstate system and are located within a municipal corporation or within an interstate freeway outerbelt; 60161  
60162  
60163  
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60165
- (17) Sixty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in urban areas 60166  
60167

as determined by the director and that are part of the 60168  
interstate system and are part of an interstate freeway 60169  
outerbelt. 60170

(C) It is prima-facie unlawful for any person to exceed 60171  
any of the speed limitations in divisions (B) (1) (a), (2), (3), 60172  
(4), (6), (7), (8), and (9) of this section, or any declared or 60173  
established pursuant to this section by the director or local 60174  
authorities and it is unlawful for any person to exceed any of 60175  
the speed limitations in division (D) of this section. No person 60176  
shall be convicted of more than one violation of this section 60177  
for the same conduct, although violations of more than one 60178  
provision of this section may be charged in the alternative in a 60179  
single affidavit. 60180

(D) No person shall operate a motor vehicle, trackless 60181  
trolley, or streetcar upon a street or highway as follows: 60182

(1) At a speed exceeding fifty-five miles per hour, except 60183  
upon a two-lane state route as provided in division (B) (10) of 60184  
this section and upon a highway, expressway, or freeway as 60185  
provided in divisions (B) (13), (14), (15), and (17) of this 60186  
section; 60187

(2) At a speed exceeding sixty miles per hour upon a two- 60188  
lane state route as provided in division (B) (10) of this section 60189  
and upon a highway as provided in division (B) (13) of this 60190  
section; 60191

(3) At a speed exceeding sixty-five miles per hour upon an 60192  
expressway as provided in division (B) (14) or upon a freeway as 60193  
provided in division (B) (17) of this section, except upon a 60194  
freeway as provided in division (B) (15) of this section; 60195

(4) At a speed exceeding seventy miles per hour upon a 60196

freeway as provided in division (B) (15) of this section; 60197

(5) At a speed exceeding the posted speed limit upon a 60198  
highway, expressway, or freeway for which the director has 60199  
determined and declared a speed limit pursuant to division (I) 60200  
(2) or (L) (2) of this section. 60201

(E) In every charge of violation of this section the 60202  
affidavit and warrant shall specify the time, place, and speed 60203  
at which the defendant is alleged to have driven, and in charges 60204  
made in reliance upon division (C) of this section also the 60205  
speed which division (B) (1) (a), (2), (3), (4), (6), (7), (8), or 60206  
(9) of, or a limit declared or established pursuant to, this 60207  
section declares is prima-facie lawful at the time and place of 60208  
such alleged violation, except that in affidavits where a person 60209  
is alleged to have driven at a greater speed than will permit 60210  
the person to bring the vehicle to a stop within the assured 60211  
clear distance ahead the affidavit and warrant need not specify 60212  
the speed at which the defendant is alleged to have driven. 60213

(F) When a speed in excess of both a prima-facie 60214  
limitation and a limitation in division (D) of this section is 60215  
alleged, the defendant shall be charged in a single affidavit, 60216  
alleging a single act, with a violation indicated of both 60217  
division (B) (1) (a), (2), (3), (4), (6), (7), (8), or (9) of this 60218  
section, or of a limit declared or established pursuant to this 60219  
section by the director or local authorities, and of the 60220  
limitation in division (D) of this section. If the court finds a 60221  
violation of division (B) (1) (a), (2), (3), (4), (6), (7), (8), 60222  
or (9) of, or a limit declared or established pursuant to, this 60223  
section has occurred, it shall enter a judgment of conviction 60224  
under such division and dismiss the charge under division (D) of 60225  
this section. If it finds no violation of division (B) (1) (a), 60226

(2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or 60227  
established pursuant to, this section, it shall then consider 60228  
whether the evidence supports a conviction under division (D) of 60229  
this section. 60230

(G) Points shall be assessed for violation of a limitation 60231  
under division (D) of this section in accordance with section 60232  
4510.036 of the Revised Code. 60233

(H) (1) Whenever the director determines upon the basis of 60234  
a geometric and traffic characteristic study that any speed 60235  
limit set forth in divisions (B) (1) (a) to (D) of this section is 60236  
greater or less than is reasonable or safe under the conditions 60237  
found to exist at any portion of a street or highway under the 60238  
jurisdiction of the director, the director shall determine and 60239  
declare a reasonable and safe prima-facie speed limit, which 60240  
shall be effective when appropriate signs giving notice of it 60241  
are erected at the location. 60242

(2) Whenever the director determines upon the basis of a 60243  
geometric and traffic characteristic study that the speed limit 60244  
of fifty-five miles per hour on a two-lane state route outside a 60245  
municipal corporation is less than is reasonable or safe under 60246  
the conditions found to exist at that portion of the state 60247  
route, the director may determine and declare a speed limit of 60248  
sixty miles per hour for that portion of the state route, which 60249  
shall be effective when appropriate signs giving notice of it 60250  
are erected at the location. 60251

(3) For purposes of the safe and orderly movement of 60252  
traffic upon any portion of a street or highway under the 60253  
jurisdiction of the director, the director may establish a 60254  
variable speed limit that is different than the speed limit 60255  
established by or under this section on all or portions of 60256

interstate six hundred seventy, interstate two hundred seventy- 60257  
five, and interstate ninety commencing at the intersection of 60258  
that interstate with interstate seventy-one and continuing to 60259  
the border of the state of Ohio with the state of Pennsylvania. 60260  
The director shall establish criteria for determining the 60261  
appropriate use of variable speed limits and shall establish 60262  
variable speed limits in accordance with the criteria. The 60263  
director may establish variable speed limits based upon the time 60264  
of day, weather conditions, traffic incidents, or other factors 60265  
that affect the safe speed on a street or highway. The director 60266  
shall not establish a variable speed limit that is based on a 60267  
particular type or class of vehicle. A variable speed limit 60268  
established by the director under this section is effective when 60269  
appropriate signs giving notice of the speed limit are displayed 60270  
at the location. 60271

(4) Nothing in this section shall be construed to limit 60272  
the authority of the director to establish speed limits within a 60273  
construction zone as authorized under section 4511.98 of the 60274  
Revised Code. 60275

(I) (1) Except as provided in divisions (I) (2) and (K) of 60276  
this section, whenever local authorities determine upon the 60277  
basis of an engineering and traffic investigation that the speed 60278  
permitted by divisions (B) (1) (a) to (D) of this section, on any 60279  
part of a highway under their jurisdiction, is greater than is 60280  
reasonable and safe under the conditions found to exist at such 60281  
location, the local authorities may by resolution request the 60282  
director to determine and declare a reasonable and safe prima- 60283  
facie speed limit. Upon receipt of such request the director may 60284  
determine and declare a reasonable and safe prima-facie speed 60285  
limit at such location, and if the director does so, then such 60286  
declared speed limit shall become effective only when 60287

appropriate signs giving notice thereof are erected at such 60288  
location by the local authorities. The director may withdraw the 60289  
declaration of a prima-facie speed limit whenever in the 60290  
director's opinion the altered prima-facie speed becomes 60291  
unreasonable. Upon such withdrawal, the declared prima-facie 60292  
speed shall become ineffective and the signs relating thereto 60293  
shall be immediately removed by the local authorities. 60294

(2) A local authority may determine on the basis of a 60295  
geometric and traffic characteristic study that the speed limit 60296  
of sixty-five miles per hour on a portion of a freeway under its 60297  
jurisdiction that was established through the operation of 60298  
division (L) (3) of this section is greater than is reasonable or 60299  
safe under the conditions found to exist at that portion of the 60300  
freeway. If the local authority makes such a determination, the 60301  
local authority by resolution may request the director to 60302  
determine and declare a reasonable and safe speed limit of not 60303  
less than fifty-five miles per hour for that portion of the 60304  
freeway. If the director takes such action, the declared speed 60305  
limit becomes effective only when appropriate signs giving 60306  
notice of it are erected at such location by the local 60307  
authority. 60308

(J) Local authorities in their respective jurisdictions 60309  
may authorize by ordinance higher prima-facie speeds than those 60310  
stated in this section upon through highways, or upon highways 60311  
or portions thereof where there are no intersections, or between 60312  
widely spaced intersections, provided signs are erected giving 60313  
notice of the authorized speed, but local authorities shall not 60314  
modify or alter the basic rule set forth in division (A) of this 60315  
section or in any event authorize by ordinance a speed in excess 60316  
of fifty miles per hour. 60317

Alteration of prima-facie limits on state routes by local authorities shall not be effective until the alteration has been approved by the director. The director may withdraw approval of any altered prima-facie speed limits whenever in the director's opinion any altered prima-facie speed becomes unreasonable, and upon such withdrawal, the altered prima-facie speed shall become ineffective and the signs relating thereto shall be immediately removed by the local authorities.

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of this section, "unimproved highway" means a highway consisting of any of the following:

- (a) Unimproved earth;
- (b) Unimproved graded and drained earth;
- (c) Gravel.

(2) Except as otherwise provided in divisions (K) (4) and (5) of this section, whenever a board of township trustees determines upon the basis of an engineering and traffic investigation that the speed permitted by division (B) (5) of this section on any part of an unimproved highway under its jurisdiction and in the unincorporated territory of the township is greater than is reasonable or safe under the conditions found to exist at the location, the board may by resolution declare a reasonable and safe prima-facie speed limit of fifty-five but not less than twenty-five miles per hour. An altered speed limit adopted by a board of township trustees under this division becomes effective when appropriate traffic control devices, as prescribed in section 4511.11 of the Revised Code, giving notice thereof are erected at the location, which shall be no sooner than sixty days after adoption of the resolution.

(3) (a) Whenever, in the opinion of a board of township trustees, any altered prima-facie speed limit established by the board under this division becomes unreasonable, the board may adopt a resolution withdrawing the altered prima-facie speed limit. Upon the adoption of such a resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(b) Whenever a highway ceases to be an unimproved highway and the board has adopted an altered prima-facie speed limit pursuant to division (K) (2) of this section, the board shall, by resolution, withdraw the altered prima-facie speed limit as soon as the highway ceases to be unimproved. Upon the adoption of such a resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(4) (a) If the boundary of two townships rests on the centerline of an unimproved highway in unincorporated territory and both townships have jurisdiction over the highway, neither of the boards of township trustees of such townships may declare an altered prima-facie speed limit pursuant to division (K) (2) of this section on the part of the highway under their joint jurisdiction unless the boards of township trustees of both of the townships determine, upon the basis of an engineering and traffic investigation, that the speed permitted by division (B) (5) of this section is greater than is reasonable or safe under the conditions found to exist at the location and both boards agree upon a reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both boards so agree, each shall follow the procedure specified in division (K) (2) of this section for altering the prima-facie speed limit on the highway. Except as

otherwise provided in division (K) (4) (b) of this section, no 60378  
speed limit altered pursuant to division (K) (4) (a) of this 60379  
section may be withdrawn unless the boards of township trustees 60380  
of both townships determine that the altered prima-facie speed 60381  
limit previously adopted becomes unreasonable and each board 60382  
adopts a resolution withdrawing the altered prima-facie speed 60383  
limit pursuant to the procedure specified in division (K) (3) (a) 60384  
of this section. 60385

(b) Whenever a highway described in division (K) (4) (a) of 60386  
this section ceases to be an unimproved highway and two boards 60387  
of township trustees have adopted an altered prima-facie speed 60388  
limit pursuant to division (K) (4) (a) of this section, both 60389  
boards shall, by resolution, withdraw the altered prima-facie 60390  
speed limit as soon as the highway ceases to be unimproved. Upon 60391  
the adoption of the resolution, the altered prima-facie speed 60392  
limit becomes ineffective and the traffic control devices 60393  
relating thereto shall be immediately removed. 60394

(5) As used in division (K) (5) of this section: 60395

(a) "Commercial subdivision" means any platted territory 60396  
outside the limits of a municipal corporation and fronting a 60397  
highway where, for a distance of three hundred feet or more, the 60398  
frontage is improved with buildings in use for commercial 60399  
purposes, or where the entire length of the highway is less than 60400  
three hundred feet long and the frontage is improved with 60401  
buildings in use for commercial purposes. 60402

(b) "Residential subdivision" means any platted territory 60403  
outside the limits of a municipal corporation and fronting a 60404  
highway, where, for a distance of three hundred feet or more, 60405  
the frontage is improved with residences or residences and 60406  
buildings in use for business, or where the entire length of the 60407

highway is less than three hundred feet long and the frontage is 60408  
improved with residences or residences and buildings in use for 60409  
business. 60410

Whenever a board of township trustees finds upon the basis 60411  
of an engineering and traffic investigation that the prima-facie 60412  
speed permitted by division (B) (5) of this section on any part 60413  
of a highway under its jurisdiction that is located in a 60414  
commercial or residential subdivision, except on highways or 60415  
portions thereof at the entrances to which vehicular traffic 60416  
from the majority of intersecting highways is required to yield 60417  
the right-of-way to vehicles on such highways in obedience to 60418  
stop or yield signs or traffic control signals, is greater than 60419  
is reasonable and safe under the conditions found to exist at 60420  
the location, the board may by resolution declare a reasonable 60421  
and safe prima-facie speed limit of less than fifty-five but not 60422  
less than twenty-five miles per hour at the location. An altered 60423  
speed limit adopted by a board of township trustees under this 60424  
division shall become effective when appropriate signs giving 60425  
notice thereof are erected at the location by the township. 60426  
Whenever, in the opinion of a board of township trustees, any 60427  
altered prima-facie speed limit established by it under this 60428  
division becomes unreasonable, it may adopt a resolution 60429  
withdrawing the altered prima-facie speed, and upon such 60430  
withdrawal, the altered prima-facie speed shall become 60431  
ineffective, and the signs relating thereto shall be immediately 60432  
removed by the township. 60433

(L) (1) On September 29, 2013, the director of 60434  
transportation, based upon an engineering study of a highway, 60435  
expressway, or freeway described in division (B) (13), (14), 60436  
(15), (16), or (17) of this section, in consultation with the 60437  
director of public safety and, if applicable, the local 60438

authority having jurisdiction over the studied highway, 60439  
expressway, or freeway, may determine and declare that the speed 60440  
limit established on such highway, expressway, or freeway under 60441  
division (B) (13), (14), (15), (16), or (17) of this section 60442  
either is reasonable and safe or is more or less than that which 60443  
is reasonable and safe. 60444

(2) If the established speed limit for a highway, 60445  
expressway, or freeway studied pursuant to division (L) (1) of 60446  
this section is determined to be more or less than that which is 60447  
reasonable and safe, the director of transportation, in 60448  
consultation with the director of public safety and, if 60449  
applicable, the local authority having jurisdiction over the 60450  
studied highway, expressway, or freeway, shall determine and 60451  
declare a reasonable and safe speed limit for that highway, 60452  
expressway, or freeway. 60453

(M) (1) (a) If the boundary of two local authorities rests 60454  
on the centerline of a highway and both authorities have 60455  
jurisdiction over the highway, the speed limit for the part of 60456  
the highway within their joint jurisdiction shall be either one 60457  
of the following as agreed to by both authorities: 60458

(i) Either prima-facie speed limit permitted by division 60459  
(B) of this section; 60460

(ii) An altered speed limit determined and posted in 60461  
accordance with this section. 60462

(b) If the local authorities are unable to reach an 60463  
agreement, the speed limit shall remain as established and 60464  
posted under this section. 60465

(2) Neither local authority may declare an altered prima- 60466  
facie speed limit pursuant to this section on the part of the 60467

highway under their joint jurisdiction unless both of the local 60468  
authorities determine, upon the basis of an engineering and 60469  
traffic investigation, that the speed permitted by this section 60470  
is greater than is reasonable or safe under the conditions found 60471  
to exist at the location and both authorities agree upon a 60472  
uniform reasonable and safe prima-facie speed limit of less than 60473  
fifty-five but not less than twenty-five miles per hour for that 60474  
location. If both authorities so agree, each shall follow the 60475  
procedure specified in this section for altering the prima-facie 60476  
speed limit on the highway, and the speed limit for the part of 60477  
the highway within their joint jurisdiction shall be uniformly 60478  
altered. No altered speed limit may be withdrawn unless both 60479  
local authorities determine that the altered prima-facie speed 60480  
limit previously adopted becomes unreasonable and each adopts a 60481  
resolution withdrawing the altered prima-facie speed limit 60482  
pursuant to the procedure specified in this section. 60483

(N) The legislative authority of a municipal corporation 60484  
or township in which a boarding school is located, by resolution 60485  
or ordinance, may establish a boarding school zone. The 60486  
legislative authority may alter the speed limit on any street or 60487  
highway within the boarding school zone and shall specify the 60488  
hours during which the altered speed limit is in effect. For 60489  
purposes of determining the boundaries of the boarding school 60490  
zone, the altered speed limit within the boarding school zone, 60491  
and the hours the altered speed limit is in effect, the 60492  
legislative authority shall consult with the administration of 60493  
the boarding school and with the county engineer or other 60494  
appropriate engineer, as applicable. A boarding school zone 60495  
speed limit becomes effective only when appropriate signs giving 60496  
notice thereof are erected at the appropriate locations. 60497

(O) As used in this section: 60498

- (1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101. 60499  
60500
- (2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation. 60501  
60502  
60503
- (3) "Noncommercial bus" includes but is not limited to a school bus or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization. 60504  
60505  
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- (4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the director. 60508  
60509  
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- (5) "Rural" means outside urbanized areas, as designated in accordance with 23 U.S.C. 101, and outside of a business or urban district. 60512  
60513  
60514
- (P) (1) A violation of any provision of this section is one of the following: 60515  
60516
- (a) Except as otherwise provided in divisions (P) (1) (b), (1) (c), (2), and (3) of this section, a minor misdemeanor; 60517  
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- (b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree; 60519  
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60523
- (c) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any 60524  
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provision of a municipal ordinance that is substantially similar 60527  
to any provision of this section, a misdemeanor of the third 60528  
degree. 60529

(2) If the offender has not previously been convicted of 60530  
or pleaded guilty to a violation of any provision of this 60531  
section or of any provision of a municipal ordinance that is 60532  
substantially similar to this section and operated a motor 60533  
vehicle faster than thirty-five miles an hour in a business 60534  
district of a municipal corporation, faster than fifty miles an 60535  
hour in other portions of a municipal corporation, or faster 60536  
than thirty-five miles an hour in a school zone during recess or 60537  
while children are going to or leaving school during the 60538  
school's opening or closing hours, a misdemeanor of the fourth 60539  
degree. 60540

(3) Notwithstanding division (P)(1) of this section, if 60541  
the offender operated a motor vehicle in a construction zone 60542  
where a sign was then posted in accordance with section 4511.98 60543  
of the Revised Code, the court, in addition to all other 60544  
penalties provided by law, shall impose upon the offender a fine 60545  
of two times the usual amount imposed for the violation. No 60546  
court shall impose a fine of two times the usual amount imposed 60547  
for the violation upon an offender if the offender alleges, in 60548  
an affidavit filed with the court prior to the offender's 60549  
sentencing, that the offender is indigent and is unable to pay 60550  
the fine imposed pursuant to this division and if the court 60551  
determines that the offender is an indigent person and unable to 60552  
pay the fine. 60553

**Sec. 4511.75.** (A) The driver of a vehicle, streetcar, or 60554  
trackless trolley upon meeting or overtaking from either 60555  
direction any school bus stopped for the purpose of receiving or 60556

discharging any school child, person attending programs offered 60557  
by community boards of mental health and county boards of 60558  
developmental disabilities, or child attending a program offered 60559  
by a head start agency, shall stop at least ten feet from the 60560  
front or rear of the school bus and shall not proceed until such 60561  
school bus resumes motion, or until signaled by the school bus 60562  
driver to proceed. 60563

It is no defense to a charge under this division that the 60564  
school bus involved failed to display or be equipped with an 60565  
automatically extended stop warning sign as required by division 60566  
(B) of this section. 60567

(B) Every school bus shall be equipped with amber and red 60568  
visual signals meeting the requirements of section 4511.771 of 60569  
the Revised Code, and an automatically extended stop warning 60570  
sign of a type approved by the ~~state board of education~~ 60571  
department of learning and achievement, which shall be actuated 60572  
by the driver of the bus whenever but only whenever the bus is 60573  
stopped or stopping on the roadway for the purpose of receiving 60574  
or discharging school children, persons attending programs 60575  
offered by community boards of mental health and county boards 60576  
of developmental disabilities, or children attending programs 60577  
offered by head start agencies. A school bus driver shall not 60578  
actuate the visual signals or the stop warning sign in 60579  
designated school bus loading areas where the bus is entirely 60580  
off the roadway or at school buildings when children or persons 60581  
attending programs offered by community boards of mental health 60582  
and county boards of developmental disabilities are loading or 60583  
unloading at curbside or at buildings when children attending 60584  
programs offered by head start agencies are loading or unloading 60585  
at curbside. The visual signals and stop warning sign shall be 60586  
synchronized or otherwise operated as required by rule of the 60587

board. 60588

(C) Where a highway has been divided into four or more 60589  
traffic lanes, a driver of a vehicle, streetcar, or trackless 60590  
trolley need not stop for a school bus approaching from the 60591  
opposite direction which has stopped for the purpose of 60592  
receiving or discharging any school child, persons attending 60593  
programs offered by community boards of mental health and county 60594  
boards of developmental disabilities, or children attending 60595  
programs offered by head start agencies. The driver of any 60596  
vehicle, streetcar, or trackless trolley overtaking the school 60597  
bus shall comply with division (A) of this section. 60598

(D) School buses operating on divided highways or on 60599  
highways with four or more traffic lanes shall receive and 60600  
discharge all school children, persons attending programs 60601  
offered by community boards of mental health and county boards 60602  
of developmental disabilities, and children attending programs 60603  
offered by head start agencies on their residence side of the 60604  
highway. 60605

(E) No school bus driver shall start the driver's bus 60606  
until after any child, person attending programs offered by 60607  
community boards of mental health and county boards of 60608  
developmental disabilities, or child attending a program offered 60609  
by a head start agency who may have alighted therefrom has 60610  
reached a place of safety on the child's or person's residence 60611  
side of the road. 60612

(F) (1) Whoever violates division (A) of this section may 60613  
be fined an amount not to exceed five hundred dollars. A person 60614  
who is issued a citation for a violation of division (A) of this 60615  
section is not permitted to enter a written plea of guilty and 60616  
waive the person's right to contest the citation in a trial but 60617

instead must appear in person in the proper court to answer the charge. 60618  
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(2) In addition to and independent of any other penalty 60620  
provided by law, the court or mayor may impose upon an offender 60621  
who violates this section a class seven suspension of the 60622  
offender's driver's license, commercial driver's license, 60623  
temporary instruction permit, probationary license, or 60624  
nonresident operating privilege from the range specified in 60625  
division (A)(7) of section 4510.02 of the Revised Code. When a 60626  
license is suspended under this section, the court or mayor 60627  
shall cause the offender to deliver the license to the court, 60628  
and the court or clerk of the court immediately shall forward 60629  
the license to the registrar of motor vehicles, together with 60630  
notice of the court's action. 60631

(G) As used in this section: 60632

(1) "Head start agency" has the same meaning as in section 60633  
3301.32 of the Revised Code. 60634

(2) "School bus," as used in relation to children who 60635  
attend a program offered by a head start agency, means a bus 60636  
that is owned and operated by a head start agency, is equipped 60637  
with an automatically extended stop warning sign of a type 60638  
approved by the ~~state board of education~~ department of learning 60639  
and achievement, is painted the color and displays the markings 60640  
described in section 4511.77 of the Revised Code, and is 60641  
equipped with amber and red visual signals meeting the 60642  
requirements of section 4511.771 of the Revised Code, 60643  
irrespective of whether or not the bus has fifteen or more 60644  
children aboard at any time. "School bus" does not include a van 60645  
owned and operated by a head start agency, irrespective of its 60646  
color, lights, or markings. 60647

**Sec. 4511.76.** (A) The department of public safety, by and 60648  
with the advice of the ~~superintendent of public instruction~~ 60649  
department of learning and achievement, shall adopt and enforce 60650  
rules relating to the construction, design, and equipment, 60651  
including lighting equipment required by section 4511.771 of the 60652  
Revised Code, of all school buses both publicly and privately 60653  
owned and operated in this state. 60654

(B) The department of ~~education~~ learning and achievement, 60655  
by and with the advice of the director of public safety, shall 60656  
adopt and enforce rules relating to the operation of all 60657  
vehicles used for pupil transportation. 60658

(C) No person shall operate a vehicle used for pupil 60659  
transportation within this state in violation of the rules of 60660  
the department of ~~education~~ learning and achievement or the 60661  
department of public safety. No person, being the owner thereof 60662  
or having the supervisory responsibility therefor, shall permit 60663  
the operation of a vehicle used for pupil transportation within 60664  
this state in violation of the rules of the department of 60665  
~~education~~ learning and achievement or the department of public 60666  
safety. 60667

(D) The department of public safety shall adopt and 60668  
enforce rules relating to the issuance of a license under 60669  
section 4511.763 of the Revised Code. The rules may relate to 60670  
the moral character of the applicant; the condition of the 60671  
equipment to be operated; the liability and property damage 60672  
insurance carried by the applicant; the posting of satisfactory 60673  
and sufficient bond; and such other rules as the director of 60674  
public safety determines reasonably necessary for the safety of 60675  
the pupils to be transported. 60676

(E) As used in this section, "vehicle used for pupil 60677

transportation" means any vehicle that is identified as such by the department of ~~education~~ learning and achievement by rule and that is subject to Chapter 3301-83 of the Administrative Code.

(F) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

**Sec. 4709.07.** (A) Each person who desires to obtain an initial license to practice barbering shall apply to the state cosmetology and barber board, on forms provided by the board. The application form shall include the name of the person applying for the license and evidence that the applicant meets all of the requirements of division (B) of this section. The application shall be accompanied by two signed current photographs of the applicant, in the size determined by the board, that show only the head and shoulders of the applicant, and the examination application fee.

(B) In order to take the required barber examination and to qualify for licensure as a barber, an applicant must demonstrate that the applicant meets all of the following:

(1) Is of good moral character;

(2) Is at least eighteen years of age;

(3) Has an eighth grade education or an equivalent education as determined by the ~~state board of education~~ department of learning and achievement in the state where the

applicant resides; 60707

(4) Has graduated with at least one thousand eight hundred 60708  
hours of training from a board-approved barber school or has 60709  
graduated with at least one thousand hours of training from a 60710  
board-approved barber school in this state and has a current 60711  
cosmetology or hair designer license issued pursuant to Chapter 60712  
4713. of the Revised Code. No hours of instruction earned by an 60713  
applicant five or more years prior to the examination apply to 60714  
the hours of study required by this division. 60715

(C) Any applicant who meets all of the requirements of 60716  
divisions (A) and (B) of this section may take the barber 60717  
examination at the time and place specified by the board. If the 60718  
applicant fails to attain at least a seventy-five per cent pass 60719  
rate on each part of the examination, the applicant is 60720  
ineligible for licensure; however, the applicant may reapply for 60721  
examination within ninety days after the date of the release of 60722  
the examination scores by paying the required reexamination fee. 60723  
An applicant is only required to take that part or parts of the 60724  
examination on which the applicant did not receive a score of 60725  
seventy-five per cent or higher. If the applicant fails to 60726  
reapply for examination within ninety days or fails the second 60727  
examination, in order to reapply for examination for licensure 60728  
the applicant shall complete an additional course of study of 60729  
not less than two hundred hours, in a board-approved barber 60730  
school. The board shall provide to an applicant, upon request, a 60731  
report which explains the reasons for the applicant's failure to 60732  
pass the examination. 60733

(D) The board shall issue a license to practice barbering 60734  
to any applicant who, to the satisfaction of the board, meets 60735  
the requirements of divisions (A) and (B) of this section, who 60736

passes the required examination, and pays the initial licensure fee. Every licensed barber shall display the certificate of licensure in a conspicuous place adjacent to or near the licensed barber's work chair, along with a signed current photograph, in the size determined by the board, showing head and shoulders only.

**Sec. 4709.10.** (A) Each person who desires to obtain a license to operate a barber school shall apply to the state cosmetology and barber board, on forms provided by the board. The board shall issue a barber school license to a person if the board determines that the person meets and will comply with all of the requirements of division (B) of this section and pays the required licensure and inspection fees.

(B) In order for a person to qualify for a license to operate a barber school, the barber school to be operated by the person must meet all of the following requirements:

(1) Have a training facility sufficient to meet the required educational curriculum established by the board, including enough space to accommodate all the facilities and equipment required by rule by the board;

(2) Provide sufficient licensed teaching personnel to meet the minimum pupil-teacher ratio established by rule of the board;

(3) Have established and provide to the board proof that it has met all of the board requirements to operate a barber school, as adopted by rule of the board;

(4) File with the board a program of its curriculum, accounting for not less than one thousand eight hundred hours of instruction in the courses of theory and practical demonstration

required by rule of the board; 60766

(5) File with the board a surety bond in the amount of ten 60767  
thousand dollars issued by a bonding company licensed to do 60768  
business in this state. The bond shall be in the form prescribed 60769  
by the board and conditioned upon the barber school's continued 60770  
instruction in the theory and practice of barbering. The bond 60771  
shall continue in effect until notice of its termination is 60772  
provided to the board. In no event, however, shall the bond be 60773  
terminated while the barber school is in operation. Any student 60774  
who is injured or damaged by reason of a barber school's failure 60775  
to continue instruction in the theory and practice of barbering 60776  
may maintain an action on the bond against the barber school or 60777  
the surety, or both, for the recovery of any money or tuition 60778  
paid in advance for instruction in the theory and practice of 60779  
barbering which was not received. The aggregate liability of the 60780  
surety to all students shall not exceed the sum of the bond. 60781

(6) Maintain adequate record keeping to ensure that it has 60782  
met the requirements for records of student progress as required 60783  
by board rule; 60784

(7) Establish minimum standards for acceptance of student 60785  
applicants for admission to the barber school. The barber school 60786  
may establish entrance requirements which are more stringent 60787  
than those prescribed by the board, but the requirements must at 60788  
a minimum require the applicant to meet all of the following: 60789

(a) Be at least seventeen years of age; 60790

(b) Be of good moral character; 60791

(c) Have an eighth grade education, or an equivalent 60792  
education as determined by the ~~state board of education~~ 60793  
department of learning and achievement; 60794

- (d) Submit two signed current photographs of the applicant, in the size determined by the board. 60795  
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- (8) Have a procedure to submit every student applicant's admission application to the board for the board's review and approval prior to the applicant's admission to the barber school; 60797  
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- (9) Operate in a manner which reflects credit upon the barbering profession; 60801  
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- (10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board; 60803  
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- (11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility. 60806  
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- (C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the board, on forms provided by the board. The board shall only issue a barber teacher license to a person who meets all of the following requirements: 60810  
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- (1) Holds a current barber license issued pursuant to this chapter and has at least eighteen months of work experience in a licensed barber shop or has been employed as an assistant barber teacher under the supervision of a licensed barber teacher for at least one year, unless, for good cause, the board waives this requirement; 60815  
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- (2) Meets such other requirements as adopted by rule by the board; 60821  
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- (3) Passes the required examination; and 60823
- (4) Pays the required fees. If an applicant fails to pass 60824  
the examination, the applicant may reapply for the examination 60825  
and licensure no earlier than one year after the failure to pass 60826  
and provided that during that period, the applicant remains 60827  
employed as an assistant barber teacher. 60828
- The board shall only issue an assistant barber teacher 60829  
license to a person who holds a current barber license issued 60830  
pursuant to this chapter and pays the required fees. 60831
- (D) Any person who meets the qualifications of an 60832  
assistant teacher pursuant to division (C) of this section, may 60833  
be employed as an assistant teacher, provided that within five 60834  
days after the commencement of the employment the barber school 60835  
submits to the board, on forms provided by the board, the 60836  
applicant's qualifications. 60837
- Sec. 4713.02.** (A) There is hereby created the state 60838  
cosmetology and barber board, consisting of all of the following 60839  
members appointed by the governor, with the advice and consent 60840  
of the senate: 60841
- (1) One individual holding a current, valid cosmetologist 60842  
or cosmetology instructor license at the time of appointment; 60843
- (2) Two individuals holding current, valid cosmetologist 60844  
licenses and actively engaged in managing beauty salons for a 60845  
period of not less than five years at the time of appointment; 60846
- (3) One individual who holds a current, valid independent 60847  
contractor license at the time of appointment and practices a 60848  
branch of cosmetology; 60849
- (4) One individual who represents individuals who teach 60850

the theory and practice of a branch of cosmetology at a vocational or career-technical school; 60851  
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(5) One owner or executive actively engaged in the daily operations of a licensed school of cosmetology; 60853  
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(6) One owner of at least five licensed salons; 60855

(7) One individual who is either a certified nurse practitioner or clinical nurse specialist holding a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 60856  
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(8) One individual representing the general public; 60863

(9) One individual who holds a current, valid tanning permit and who has owned or managed a tanning facility for at least five years immediately preceding the individual's appointment; 60864  
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(10) One individual who holds a current, valid esthetician license and who has been actively practicing esthetics for a period of not less than five years immediately preceding the individual's appointment; 60868  
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(11) Two barbers, one of whom is an employer barber and one of whom is employed as a barber, both of whom have been licensed as barbers in this state for at least five years immediately preceding their appointment. 60872  
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(B) The ~~superintendent of public instruction~~ director of learning and achievement shall nominate three individuals for the governor to choose from when making an appointment under 60876  
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division (A) (4) of this section. 60879

(C) All members shall be at least twenty-five years of 60880  
age, residents of the state, and citizens of the United States. 60881  
No more than two members, at any time, shall be graduates of the 60882  
same school of cosmetology. Not more than one member shall have 60883  
a common financial connection with any school of cosmetology, 60884  
salon, barber school, or barber shop. 60885

Terms of office are for five years. Terms shall commence 60886  
on the first day of November and end on the thirty-first day of 60887  
October. Each member shall hold office from the date of 60888  
appointment until the end of the term for which appointed. In 60889  
case of a vacancy occurring on the board, the governor shall, in 60890  
the same manner prescribed for the regular appointment to the 60891  
board, fill the vacancy by appointing a member. Any member 60892  
appointed to fill a vacancy occurring prior to the expiration of 60893  
the term for which the member's predecessor was appointed shall 60894  
hold office for the remainder of such term. Any member shall 60895  
continue in office subsequent to the expiration date of the 60896  
member's term until the member's successor takes office, or 60897  
until a period of sixty days has elapsed, whichever occurs 60898  
first. Before entering upon the discharge of the duties of the 60899  
office of member, each member shall take, and file with the 60900  
secretary of state, the oath of office required by Section 7 of 60901  
Article XV, Ohio Constitution. 60902

The members of the board shall receive an amount fixed 60903  
pursuant to Chapter 124. of the Revised Code per diem for every 60904  
meeting of the board which they attend, together with their 60905  
necessary expenses, and mileage for each mile necessarily 60906  
traveled. 60907

The members of the board shall annually elect, from among 60908

their number, a chairperson and a vice-chairperson. The 60909  
executive director appointed pursuant to section 4713.06 of the 60910  
Revised Code shall serve as the board's secretary. 60911

(D) The board shall prescribe the duties of its officers 60912  
and establish an office within Franklin county. The board shall 60913  
keep all records and files at the office and have the records 60914  
and files at all reasonable hours open to public inspection in 60915  
accordance with section 149.43 of the Revised Code and any rules 60916  
adopted by the board in compliance with this state's record 60917  
retention policy. The board also shall adopt a seal for the 60918  
authentication of its orders, communications, and records. 60919

(E) The governor may remove any member for cause prior to 60920  
the expiration of the member's term of office. 60921

(F) Whenever the term "state board of cosmetology" is 60922  
used, referred to, or designated in statute, rule, contract, 60923  
grant, or other document, the use, reference, or designation 60924  
shall be deemed to mean the "state cosmetology and barber board" 60925  
or the executive director of the state cosmetology and barber 60926  
board, whichever is appropriate in context. Whenever the term 60927  
"barber board" is used, referred to, or designated in statute, 60928  
rule, contract, grant, or other document, the use, reference, or 60929  
designation shall be deemed to mean the "state cosmetology and 60930  
barber board" or the executive director of the state cosmetology 60931  
and barber board, whichever is appropriate in context. 60932

**Sec. 4717.05.** (A) Any person who desires to be licensed as 60933  
an embalmer shall apply to the board of embalmers and funeral 60934  
directors on a form provided by the board. The applicant shall 60935  
include with the application an initial license fee as set forth 60936  
in section 4717.07 of the Revised Code and evidence, verified by 60937  
oath and satisfactory to the board, that the applicant meets all 60938

of the following requirements: 60939

(1) The applicant is at least eighteen years of age and of 60940  
good moral character. 60941

(2) If the applicant has pleaded guilty to, has been found 60942  
by a judge or jury to be guilty of, or has had a judicial 60943  
finding of eligibility for treatment in lieu of conviction 60944  
entered against the applicant in this state for aggravated 60945  
murder, murder, voluntary manslaughter, felonious assault, 60946  
kidnapping, rape, sexual battery, gross sexual imposition, 60947  
aggravated arson, aggravated robbery, or aggravated burglary, or 60948  
has pleaded guilty to, has been found by a judge or jury to be 60949  
guilty of, or has had a judicial finding of eligibility for 60950  
treatment in lieu of conviction entered against the applicant in 60951  
another jurisdiction for a substantially equivalent offense, at 60952  
least five years has elapsed since the applicant was released 60953  
from incarceration, a community control sanction, a post-release 60954  
control sanction, parole, or treatment in connection with the 60955  
offense. 60956

(3) The applicant holds at least a bachelor's degree from 60957  
a college or university authorized to confer degrees by the 60958  
department of ~~higher education~~ learning and achievement or the 60959  
comparable legal agency of another state in which the college or 60960  
university is located and submits an official transcript from 60961  
that college or university with the application. 60962

(4) The applicant has satisfactorily completed at least 60963  
twelve months of instruction in a prescribed course in mortuary 60964  
science as approved by the board and has presented to the board 60965  
a certificate showing successful completion of the course. The 60966  
course of mortuary science college training may be completed 60967  
either before or after the completion of the educational 60968

standard set forth in division (A) (3) of this section. 60969

(5) The applicant has registered with the board prior to 60970  
beginning an embalmer apprenticeship. 60971

(6) The applicant has satisfactorily completed at least 60972  
one year of apprenticeship under an embalmer licensed in this 60973  
state and has participated in embalming at least twenty-five 60974  
dead human bodies. 60975

(7) The applicant, upon meeting the educational standards 60976  
provided for in divisions (A) (3) and (4) of this section and 60977  
completing the apprenticeship required in division (A) (6) of 60978  
this section, has completed the examination for an embalmer's 60979  
license required by the board. 60980

(B) Upon receiving satisfactory evidence verified by oath 60981  
that the applicant meets all the requirements of division (A) of 60982  
this section, the board shall issue the applicant an embalmer's 60983  
license. 60984

(C) Any person who desires to be licensed as a funeral 60985  
director shall apply to the board on a form prescribed by the 60986  
board. The application shall include an initial license fee as 60987  
set forth in section 4717.07 of the Revised Code and evidence, 60988  
verified by oath and satisfactory to the board, that the 60989  
applicant meets all of the following requirements: 60990

(1) Except as otherwise provided in division (D) of this 60991  
section, the applicant has satisfactorily met all the 60992  
requirements for an embalmer's license as described in divisions 60993  
(A) (1) to (4) of this section. 60994

(2) The applicant has registered with the board prior to 60995  
beginning a funeral director apprenticeship. 60996

(3) The applicant, following mortuary science college training described in division (A) (4) of this section, has satisfactorily completed a one-year apprenticeship under a licensed funeral director in this state and has participated in directing at least twenty-five funerals.

(4) The applicant has satisfactorily completed the examination for a funeral director's license as required by the board.

(D) In lieu of mortuary science college training required for a funeral director's license under division (C) (1) of this section, the applicant may substitute a satisfactorily completed two-year apprenticeship under a licensed funeral director in this state assisting that person in directing at least fifty funerals.

(E) Upon receiving satisfactory evidence that the applicant meets all the requirements of division (C) of this section, the board shall issue to the applicant a funeral director's license.

(F) A funeral director or embalmer may request the funeral director's or embalmer's license be placed on inactive status by submitting to the board a form prescribed by the board and such other information as the board may request. A funeral director or embalmer may not place the funeral director's or embalmer's license on inactive status unless the funeral director or embalmer is in good standing with the board and is in compliance with applicable continuing education requirements. A funeral director or embalmer who is granted inactive status is prohibited from participating in any activity for which a funeral director's or embalmer's license is required in this state. A funeral director or embalmer who has been granted

inactive status is exempt from the continuing education 61027  
requirements under section 4717.09 of the Revised Code during 61028  
the period of the inactive status. 61029

(G) A funeral director or embalmer who has been granted 61030  
inactive status may not return to active status for at least two 61031  
years following the date that the inactive status was granted. 61032  
Following a period of at least two years of inactive status, the 61033  
funeral director or embalmer may apply to return to active 61034  
status upon completion of all of the following conditions: 61035

(1) The funeral director or embalmer files with the board 61036  
a form prescribed by the board seeking active status and 61037  
provides any other information as the board may request; 61038

(2) The funeral director or embalmer takes and passes the 61039  
Ohio laws examination for each license being activated; 61040

(3) The funeral director or embalmer pays a reactivation 61041  
fee to the board in the amount of one hundred forty dollars for 61042  
each license being reactivated. 61043

(H) As used in this section: 61044

(1) "Community control sanction" has the same meaning as 61045  
in section 2929.01 of the Revised Code. 61046

(2) "Post-release control sanction" has the same meaning 61047  
as in section 2967.01 of the Revised Code. 61048

**Sec. 4723.063.** (A) As used in this section: 61049

(1) "Health care facility" means: 61050

(a) A hospital registered under section 3701.07 of the 61051  
Revised Code; 61052

(b) A nursing home licensed under section 3721.02 of the 61053

Revised Code, or by a political subdivision certified under 61054  
section 3721.09 of the Revised Code; 61055

(c) A county home or a county nursing home as defined in 61056  
section 5155.31 of the Revised Code that is certified under 61057  
Title XVIII or XIX of the "Social Security Act," 49 Stat. 620 61058  
(1935), 42 U.S.C. 301, as amended; 61059

(d) A freestanding dialysis center; 61060

(e) A freestanding inpatient rehabilitation facility; 61061

(f) An ambulatory surgical facility; 61062

(g) A freestanding cardiac catheterization facility; 61063

(h) A freestanding birthing center; 61064

(i) A freestanding or mobile diagnostic imaging center; 61065

(j) A freestanding radiation therapy center. 61066

(2) "Nurse education program" means a prelicensure nurse 61067  
education program approved by the board of nursing under section 61068  
4723.06 of the Revised Code or a postlicensure nurse education 61069  
program approved by the ~~board of regents~~ department of learning 61070  
and achievement under section 3333.04 of the Revised Code. 61071

(B) The state board of nursing shall establish and 61072  
administer the nurse education grant program. Under the program, 61073  
the board shall award grants to nurse education programs that 61074  
have partnerships with other education programs, community 61075  
health agencies, health care facilities, or patient centered 61076  
medical homes. Grant recipients shall use the money to fund 61077  
partnerships to increase the nurse education program's 61078  
enrollment capacity. Methods of increasing a program's 61079  
enrollment capacity may include hiring faculty and preceptors, 61080

purchasing educational equipment and materials, and other 61081  
actions acceptable to the board. Grant money shall not be used 61082  
to construct or renovate buildings. Partnerships may be 61083  
developed between one or more nurse education programs and one 61084  
or more health care facilities. 61085

In awarding grants, the board shall give preference to 61086  
partnerships between nurse education programs and hospitals, 61087  
nursing homes, and county homes or county nursing homes, but may 61088  
also award grants to fund partnerships between nurse education 61089  
programs and other health care facilities and between nurse 61090  
education programs and patient centered medical homes. 61091

(C) The board shall adopt rules in accordance with Chapter 61092  
119. of the Revised Code establishing the following: 61093

(1) Eligibility requirements for receipt of a grant; 61094

(2) Grant application forms and procedures; 61095

(3) The amounts in which grants may be made and the total 61096  
amount that may be awarded to a nurse education program that has 61097  
a partnership with other education programs, a community health 61098  
agency, a health care facility, or a patient centered medical 61099  
home; 61100

(4) A method whereby the board may evaluate the 61101  
effectiveness of a partnership between joint recipients in 61102  
increasing the nurse education program's enrollment capacity; 61103

(5) The percentage of the money in the fund that must 61104  
remain in the fund at all times to maintain a fiscally 61105  
responsible fund balance; 61106

(6) The percentage of available grants to be awarded to 61107  
licensed practical nurse education programs, registered nurse 61108

education programs, and graduate programs; 61109

(7) Any other matters incidental to the operation of the 61110  
program. 61111

(D) Until December 31, 2023, ten dollars of each nursing 61112  
license renewal fee collected under section 4723.08 of the 61113  
Revised Code shall be dedicated to the nurse education grant 61114  
program fund, which is hereby created in the state treasury. The 61115  
board shall use money in the fund for grants awarded under 61116  
division (A) of this section and for expenses of administering 61117  
the grant program. The amount used for administrative expenses 61118  
in any year shall not exceed ten per cent of the amount 61119  
transferred to the fund in that year. 61120

(E) Each quarter, for the purposes of transferring funds 61121  
to the nurse education grant program, the board of nursing shall 61122  
certify to the director of budget and management the number of 61123  
licenses renewed under this chapter during the preceding quarter 61124  
and the amount equal to that number times ten dollars. 61125

(F) Notwithstanding the requirements of section 4743.05 of 61126  
the Revised Code, from January 1, 2004, until December 31, 2023, 61127  
at the end of each quarter, the director of budget and 61128  
management shall transfer from the occupational licensing and 61129  
regulatory fund to the nurse education grant program fund the 61130  
amount certified under division (E) of this section. 61131

**Sec. 4729.42.** (A) As used in this section, "qualified 61132  
pharmacy technician" means a person who is under the personal 61133  
supervision of a pharmacist and to whom all of the following 61134  
apply: 61135

(1) The person is eighteen years of age or older. 61136

(2) The person possesses a high school diploma, possesses 61137

a certificate of high school equivalence, or was employed prior 61138  
to April 8, 2009, as a pharmacy technician without a high school 61139  
diploma or a certificate of high school equivalence. 61140

(3) The person has passed an examination approved by the 61141  
state board of pharmacy to determine a person's competency to 61142  
perform services as a pharmacy technician. 61143

(4) Except as otherwise provided in this section, the 61144  
person has submitted to a criminal records check in accordance 61145  
with section 4776.02 of the Revised Code as if the person was an 61146  
applicant for an initial license who is subject to that section, 61147  
and the results of the criminal records check provided as 61148  
described in that section and section 4776.04 of the Revised 61149  
Code do not show that the person previously has been convicted 61150  
of or pleaded guilty to any felony in this state, any other 61151  
state, or the United States. 61152

(B) Except as provided in division (F) of this section, no 61153  
person who is not a pharmacist, pharmacy intern, or qualified 61154  
pharmacy technician shall do any of the following in a pharmacy 61155  
or while performing a function of a pharmacy: 61156

(1) Engage in the compounding of any drug; 61157

(2) Package or label any drug; 61158

(3) Prepare or mix any intravenous drug to be injected 61159  
into a human being. 61160

(C) No pharmacist shall allow any person employed or 61161  
otherwise under the control of the pharmacist to violate 61162  
division (B) of this section. 61163

(D) No person who owns, manages, or conducts a pharmacy 61164  
shall allow any person employed or otherwise under the control 61165

of the person who owns, manages, or conducts the pharmacy to 61166  
violate division (B) of this section. 61167

(E) No person who submits to a criminal records check in 61168  
accordance with section 4776.02 of the Revised Code for the 61169  
purpose of satisfying the criterion set forth in division (A) (4) 61170  
of this section and who obtains a report pursuant to section 61171  
4776.02 or 4776.04 of the Revised Code containing the results of 61172  
the criminal records check and any information provided by the 61173  
federal bureau of investigation shall modify or alter, or allow 61174  
any other person to modify or alter, any item, record, or 61175  
information contained in the report and thereafter use the 61176  
modified or altered report for the purpose of satisfying the 61177  
criterion set forth in division (A) (4) of this section or 61178  
otherwise submit or use it for any purpose or in any manner 61179  
identified in division (A) of section 2921.13 of the Revised 61180  
Code. 61181

(F) (1) Division (B) of this section does not prohibit a 61182  
health care professional authorized to engage in the activities 61183  
specified in division (B) (1), (2), or (3) of this section while 61184  
acting in the course of the professional's practice. 61185

(2) Division (B) of this section does not prohibit the 61186  
activities performed by a student as an integral part of a 61187  
pharmacy technician training program that is operated by a 61188  
vocational school district or joint vocational school district, 61189  
certified or approved by the department of ~~education, or~~ 61190  
~~approved by the Ohio board of regents~~ learning and achievement. 61191

(3) In the case of a person employed after April 8, 2009, 61192  
division (B) of this section does not prohibit the person's 61193  
activities for the first twelve months following the initial 61194  
date of employment, if both of the following apply: 61195

(a) The person is participating in or has completed a pharmacy technician training program that meets the board's standards for those programs and is making substantial progress in preparation to take a pharmacy technician examination approved by the board.

(b) The results of the person's criminal records check provided as described in sections 4776.02 and 4776.04 of the Revised Code show that the person previously has not been convicted of or has not pleaded guilty to any felony in this state, any other state, or the United States.

(4) In the case of a person who completes a pharmacy technician training program that is operated by a vocational school district or joint vocational school district, division (B) of this section does not prohibit the person's activities for the first twelve months following the date of completing the program, if both of the following apply:

(a) The person is making substantial progress in preparation to take a pharmacy technician examination approved by the board.

(b) The results of the person's criminal records check show that the person previously has not been convicted of or has not pleaded guilty to any felony in this state, any other state, or the United States.

(5) In the case of a person employed on April 8, 2009, in the capacity of a pharmacy technician, division (B) of this section does not do either of the following:

(a) Require the person to undergo a criminal records check if the person has been employed for five years or longer;

(b) Prohibit the person's activities until the earlier of

either of the following: 61225

(i) If the person has not passed an examination described 61226  
in division (A) (3) of this section, eighteen months after April 61227  
8, 2009; 61228

(ii) If a criminal records check is required because the 61229  
person has not been employed for five years or longer, the date 61230  
on which the person and the employer receive the results of a 61231  
criminal records check provided as described in sections 4776.02 61232  
and 4776.04 of the Revised Code that show the person previously 61233  
has been convicted of or pleaded guilty to any felony in this 61234  
state, any other state, or the United States. 61235

(G) If, pursuant to rules adopted under section 4729.26 of 61236  
the Revised Code, the board requires a person that develops or 61237  
administers a pharmacy technician examination to submit 61238  
examination materials to the board for approval, any examination 61239  
materials that are submitted shall not be public records for 61240  
purposes of section 149.43 of the Revised Code. 61241

**Sec. 4732.10.** (A) The state board of psychology shall 61242  
appoint an entrance examiner who shall determine the sufficiency 61243  
of an applicant's qualifications for admission to the 61244  
appropriate examination. A member of the board or the executive 61245  
director may be appointed as the entrance examiner. 61246

(B) Requirements for admission to examination for a 61247  
psychologist license shall be that the applicant: 61248

(1) Is at least twenty-one years of age; 61249

(2) Is of good moral character; 61250

(3) Meets one of the following requirements: 61251

(a) Received an earned doctoral degree from an institution 61252

accredited or recognized by a national or regional accrediting agency and a program accredited by any of the following:	61253 61254
(i) The American psychological association, office of program consultation and accreditation;	61255 61256
(ii) The accreditation office of the Canadian psychological association;	61257 61258
(iii) A program listed by the association of state and provincial psychology boards/national register designation committee;	61259 61260 61261
(iv) The national association of school psychologists.	61262
(b) Received an earned doctoral degree in psychology or school psychology from an institution accredited or recognized by a national or regional accrediting agency but the program does not meet the program accreditation requirements of division (B) (3) (a) of this section;	61263 61264 61265 61266 61267
(c) Received from an academic institution outside of the United States or Canada a degree determined, under rules adopted by the board under division (E) of this section, to be equivalent to a doctoral degree in psychology from a program described in division (B) (3) (a) of this section;	61268 61269 61270 61271 61272
(d) Held a psychologist license, certificate, or registration required for practice in another United States or Canadian jurisdiction for a minimum of ten years and meets educational, experience, and professional requirements established under rules adopted by the board.	61273 61274 61275 61276 61277
(4) Has had at least two years of supervised professional experience in psychological work of a type satisfactory to the board, at least one year of which must be a predoctoral	61278 61279 61280

internship. The board shall adopt guidelines for the kind of 61281  
supervised professional experience that fulfill this 61282  
requirement. 61283

(5) If applying under division (B) (3) (b) or (c) of this 61284  
section, has had at least two years of supervised professional 61285  
experience in psychological work of a type satisfactory to the 61286  
board, at least one year of which must be postdoctoral. The 61287  
board shall adopt guidelines for the kind of supervised 61288  
professional experience that fulfill this requirement. 61289

(C) Requirements for admission to examination for a school 61290  
psychologist license shall be that the applicant: 61291

(1) Has received from an educational institution 61292  
accredited or recognized by national or regional accrediting 61293  
agencies as maintaining satisfactory standards, including those 61294  
approved by the state board of education for the training of 61295  
school psychologists, at least a master's degree in school 61296  
psychology, or a degree considered equivalent by the board; 61297

(2) Is at least twenty-one years of age; 61298

(3) Is of good moral character; 61299

(4) Has completed at least sixty quarter hours, or the 61300  
semester hours equivalent, at the graduate level, of accredited 61301  
study in course work relevant to the study of school psychology; 61302

(5) Has completed an internship in an educational 61303  
institution approved by the Ohio department of ~~education~~ 61304  
learning and achievement for school psychology supervised 61305  
experience or one year of other training experience acceptable 61306  
to the board, such as supervised professional experience under 61307  
the direction of a licensed psychologist or licensed school 61308  
psychologist; 61309

(6) Furnishes proof of at least twenty-seven months, 61310  
exclusive of internship, of full-time experience as a 61311  
certificated school psychologist employed by a board of 61312  
education or a private school meeting the standards prescribed 61313  
by the ~~state board of education~~ department of learning and 61314  
achievement, or of experience that the board deems equivalent. 61315

(D) If the entrance examiner finds that the applicant 61316  
meets the requirements set forth in this section, the applicant 61317  
shall be admitted to the appropriate examination. 61318

(E) The board shall adopt under Chapter 119. of the 61319  
Revised Code rules for determining for the purposes of division 61320  
(B) (3) (b) of this section whether a degree is equivalent to a 61321  
degree in psychology from an institution in the United States. 61322

**Sec. 4732.141.** (A) (1) Except as provided in division (D) 61323  
of this section, on or before the thirty-first day of August of 61324  
each even-numbered year, each person who holds a license issued 61325  
by the state board of psychology shall have completed, in the 61326  
preceding two-year period, not less than twenty-three hours of 61327  
continuing education in psychology, including not less than four 61328  
hours of continuing education in one or more of the following: 61329

(a) Professional conduct; 61330

(b) Ethics; 61331

(c) The role of culture, ethnic identity, or both in the 61332  
provision of psychological assessment, consultation, or 61333  
psychological interventions, or a combination thereof. 61334

(2) Each license holder shall certify to the board, at the 61335  
time of biennial registration pursuant to section 4732.14 of the 61336  
Revised Code and on the registration form prescribed by the 61337  
board under that section, that in the preceding two years the 61338

license holder has completed continuing psychology education in 61339  
compliance with this section. The board shall adopt rules 61340  
establishing the procedure for a license holder to certify to 61341  
the board and for properly recording with the Ohio psychological 61342  
association or the Ohio school psychologists association 61343  
completion of the continuing education. 61344

(B) Continuing psychology education may be applied to meet 61345  
the requirement of division (A) of this section if both of the 61346  
following requirements are met: 61347

(1) It is obtained through a program or course approved by 61348  
the state board of psychology, the Ohio psychological 61349  
association, the Ohio association of black psychologists, or the 61350  
American psychological association or, in the case of a school 61351  
psychologist who holds a license issued under this chapter or a 61352  
licensed psychologist with a school psychology specialty, by the 61353  
state board of education, the Ohio school psychologists 61354  
association, or the national association of school 61355  
psychologists; 61356

(2) Completion of the program or course is recorded with 61357  
the Ohio psychological association or the Ohio school 61358  
psychologists association in accordance with rules adopted by 61359  
the state board of psychology in accordance with division (A) of 61360  
this section. 61361

The state board of psychology may disapprove any program 61362  
or course that has been approved by the Ohio psychological 61363  
association, Ohio association of black psychologists, American 61364  
psychological association, ~~state board of education~~ department 61365  
of learning and achievement, Ohio school psychologists 61366  
association, or national association of school psychologists. 61367  
Such program or course may not be applied to meet the 61368

requirement of division (A) of this section. 61369

(C) Each license holder shall be given a sufficient choice 61370  
of continuing education programs or courses in psychology, 61371  
including programs or courses on professional conduct and ethics 61372  
when required under division (A) (2) of this section, to ensure 61373  
that the license holder has had a reasonable opportunity to 61374  
participate in programs or courses that are relevant to the 61375  
license holder's practice in terms of subject matter and level. 61376

(D) The board shall adopt rules providing for reductions 61377  
of the hours of continuing psychology education required by this 61378  
section for license holders in their first registration period. 61379

(E) Each license holder shall retain in the license 61380  
holder's records for at least three years the receipts, 61381  
vouchers, or certificates necessary to document completion of 61382  
continuing psychology education. Proof of continuing psychology 61383  
education recorded with the Ohio psychological association or 61384  
the Ohio school psychologists association in accordance with the 61385  
procedures established pursuant to division (A) of this section 61386  
shall serve as sufficient documentation of completion. With 61387  
cause, the board may request the documentation from the license 61388  
holder. The board may review any continuing psychology education 61389  
records recorded by the Ohio psychological association or the 61390  
Ohio school psychologists association. 61391

(F) The board may excuse license holders, as a group or as 61392  
individuals, from all or any part of the requirements of this 61393  
section because of an unusual circumstance, emergency, or 61394  
special hardship. 61395

(G) The state board of psychology shall approve one or 61396  
more continuing education courses of study that assist 61397

psychologists and school psychologists in recognizing the signs 61398  
of domestic violence and its relationship to child abuse. 61399  
Psychologists and school psychologists are not required to take 61400  
the courses. 61401

(H) The board may require a license holder to evidence 61402  
completion of specific continuing education coursework as part 61403  
of the process of registering or continuing to register a person 61404  
working under the license holder's supervision under division 61405  
(B) of section 4732.22 of the Revised Code and conducting 61406  
psychological or psychological work or training supervision. 61407  
Procedures for the completion, verification, and documentation 61408  
of such continuing education shall be specified in rules adopted 61409  
by the board. A license holder completing this continuing 61410  
education may receive credit toward the four-hour requirement in 61411  
division (A) (1) of this section during the next continuing 61412  
education period following the completion of this continuing 61413  
education. 61414

**Sec. 4732.22.** (A) The following persons are exempted from 61415  
the licensing requirements of this chapter: 61416

(1) A person who holds a license or certificate issued by 61417  
the state board of education authorizing the practice of school 61418  
psychology, while practicing school psychology within the scope 61419  
of employment by a board of education or by a private school 61420  
meeting the standards prescribed by the ~~state board of education~~ 61421  
department of learning and achievement under division (D) of 61422  
section 3301.07 of the Revised Code, or while acting as a school 61423  
psychologist within the scope of employment in a program for 61424  
children with disabilities established under Chapter 3323. or 61425  
5126. of the Revised Code. A person exempted under this division 61426  
shall not offer psychological services to any other individual, 61427

organization, or group for remuneration, monetary or otherwise, 61428  
unless the person is licensed by the state board of psychology. 61429

(2) Any nonresident temporarily employed in this state to 61430  
render psychological services for not more than thirty days a 61431  
year, who, in the opinion of the board, meets the standards for 61432  
entrance in division (B) of section 4732.10 of the Revised Code, 61433  
who has paid the required fee and submitted an application 61434  
prescribed by the board, and who holds whatever license or 61435  
certificate, if any, is required for such practice in the 61436  
person's home state or home country. 61437

(3) Any person working under the supervision of a 61438  
psychologist or school psychologist licensed under this chapter, 61439  
while carrying out specific tasks, under the license holder's 61440  
supervision, as an extension of the license holder's legal and 61441  
ethical authority as specified under this chapter if the person 61442  
is registered under division (B) of this section. All fees shall 61443  
be billed under the name of the license holder. The person 61444  
working under the license holder's supervision shall not 61445  
represent self to the public as a psychologist or school 61446  
psychologist, although supervised persons and persons in 61447  
training may be ascribed such titles as "psychology trainee," 61448  
"psychology assistant," "psychology intern," or other 61449  
appropriate term that clearly implies their supervised or 61450  
training status. 61451

(4) Any student in an accredited educational institution, 61452  
while carrying out activities that are part of the student's 61453  
prescribed course of study, provided such activities are 61454  
supervised by a professional person who is qualified to perform 61455  
such activities and is licensed under this chapter or is a 61456  
qualified supervisor pursuant to rules of the board; 61457

(5) Recognized religious officials, including ministers, 61458  
priests, rabbis, imams, Christian science practitioners, and 61459  
other persons recognized by the board, conducting counseling 61460  
when the counseling activities are within the scope of the 61461  
performance of their regular duties and are performed under the 61462  
auspices or sponsorship of an established and legally cognizable 61463  
religious denomination or sect, as defined in current federal 61464  
tax regulations, and when the religious official does not refer 61465  
to the official's self as a psychologist and remains accountable 61466  
to the established authority of the religious denomination or 61467  
sect; 61468

(6) Persons in the employ of the federal government 61469  
insofar as their activities are a part of the duties of their 61470  
positions; 61471

(7) Persons licensed, certified, or registered under any 61472  
other provision of the Revised Code who are practicing those 61473  
arts and utilizing psychological procedures that are allowed and 61474  
within the standards and ethics of their profession or within 61475  
new areas of practice that represent appropriate extensions of 61476  
their profession, provided that they do not hold themselves out 61477  
to the public by the title of psychologist; 61478

(8) Persons using the term "social psychologist," 61479  
"experimental psychologist," "developmental psychologist," 61480  
"research psychologist," "cognitive psychologist," and other 61481  
terms used by those in academic and research settings who 61482  
possess a doctoral degree in psychology from an educational 61483  
institution accredited or recognized by national or regional 61484  
accrediting agencies as maintaining satisfactory standards and 61485  
who do not use such a term in the solicitation or rendering of 61486  
professional psychological services. 61487

(B) The license holder who is supervising a person 61488  
described in division (A) (3) of this section shall register the 61489  
person with the board. The board shall adopt rules regarding the 61490  
registration process and the supervisory relationship. 61491

**Sec. 4734.211.** (A) In consultation with the state medical 61492  
board, the state chiropractic board shall approve courses of 61493  
study in acupuncture that prepare a chiropractor licensed under 61494  
this chapter to receive a certificate to practice acupuncture 61495  
issued under section 4732.283 of the Revised Code. 61496

(B) To be approved, a course of study must require the 61497  
successful completion of at least three hundred hours of 61498  
instruction. Of the three hundred hours of instruction, at least 61499  
two hundred hours must consist of direct clinical instruction 61500  
that covers all of the following: 61501

(1) Application of acupuncture techniques; 61502

(2) An introduction to traditional Chinese acupuncture; 61503

(3) Acupuncture points; 61504

(4) Applications of acupuncture in modern western 61505  
medicine; 61506

(5) Guidelines on safety in acupuncture; 61507

(6) Treatment techniques. 61508

(C) In determining whether to approve a course of study, 61509  
the state chiropractic board shall take into consideration the 61510  
qualifications of the entity that administers the course of 61511  
study. The board may approve a course of study that is 61512  
administered by any of the following: 61513

(1) A school or college of chiropractic that has been 61514

approved by a national entity acceptable to the board; 61515

(2) An institution with an acupuncture program that is 61516  
accredited by the accreditation commission for acupuncture and 61517  
oriental medicine; 61518

(3) A school or college of medicine and surgery, 61519  
osteopathic medicine and surgery, or podiatric medicine and 61520  
surgery; 61521

(4) A hospital; 61522

(5) An institution that holds a certificate of 61523  
authorization from the ~~board of regents~~ department of learning 61524  
and achievement; 61525

(6) An institution that holds program authorization from 61526  
the state board of career colleges and schools under section 61527  
3332.05 of the Revised Code. 61528

**Sec. 4735.09.** (A) Application for a license as a real 61529  
estate salesperson shall be made to the superintendent of real 61530  
estate on forms furnished by the superintendent and signed by 61531  
the applicant. The application shall be in the form prescribed 61532  
by the superintendent and shall contain such information as is 61533  
required by this chapter and the rules of the Ohio real estate 61534  
commission. The application shall be accompanied by the 61535  
recommendation of the real estate broker with whom the applicant 61536  
is associated or with whom the applicant intends to be 61537  
associated, certifying that the applicant is honest, truthful, 61538  
and of good reputation, has not been convicted of a felony or a 61539  
crime involving moral turpitude, and has not been finally 61540  
adjudged by a court to have violated any municipal, state, or 61541  
federal civil rights laws relevant to the protection of 61542  
purchasers or sellers of real estate, which conviction or 61543

adjudication the applicant has not disclosed to the 61544  
superintendent, and recommending that the applicant be admitted 61545  
to the real estate salesperson examination. 61546

(B) A fee of sixty dollars shall accompany the 61547  
application, which fee includes the fee for the initial year of 61548  
the licensing period, if a license is issued. The initial year 61549  
of the licensing period commences at the time the license is 61550  
issued and ends on the applicant's first birthday thereafter. 61551  
The application fee shall be nonrefundable. A fee of sixty 61552  
dollars shall be charged by the superintendent for each 61553  
successive application made by the applicant. One dollar of each 61554  
application fee shall be credited to the real estate education 61555  
and research fund. 61556

(C) There shall be no limit placed on the number of times 61557  
an applicant may retake the examination. 61558

(D) The superintendent, with the consent of the 61559  
commission, may enter into an agreement with a recognized 61560  
national testing service to administer the real estate 61561  
salesperson's examination under the superintendent's supervision 61562  
and control, consistent with the requirements of this chapter as 61563  
to the contents of the examination. 61564

If the superintendent, with the consent of the commission, 61565  
enters into an agreement with a national testing service to 61566  
administer the real estate salesperson's examination, the 61567  
superintendent may require an applicant to pay the testing 61568  
service's examination fee directly to the testing service. If 61569  
the superintendent requires the payment of the examination fee 61570  
directly to the testing service, each applicant shall submit to 61571  
the superintendent a processing fee in an amount determined by 61572  
the Ohio real estate commission pursuant to division (A) (1) of 61573

section 4735.10 of the Revised Code. 61574

(E) The superintendent shall issue a real estate 61575  
salesperson's license when satisfied that the applicant has 61576  
received a passing score on each portion of the salesperson's 61577  
examination as determined by rule by the real estate commission, 61578  
except that the superintendent may waive one or more of the 61579  
requirements of this section in the case of an applicant who is 61580  
a licensed real estate salesperson in another state pursuant to 61581  
a reciprocity agreement with the licensing authority of the 61582  
state from which the applicant holds a valid real estate 61583  
salesperson's license. 61584

(F) No applicant for a salesperson's license shall take 61585  
the salesperson's examination who has not established to the 61586  
satisfaction of the superintendent that the applicant: 61587

(1) Is honest, truthful, and of good reputation; 61588

(2) (a) Has not been convicted of a felony or crime of 61589  
moral turpitude or, if the applicant has been so convicted, the 61590  
superintendent has disregarded the conviction because the 61591  
applicant has proven to the superintendent, by a preponderance 61592  
of the evidence, that the applicant's activities and employment 61593  
record since the conviction show that the applicant is honest, 61594  
truthful, and of good reputation, and there is no basis in fact 61595  
for believing that the applicant again will violate the laws 61596  
involved; 61597

(b) Has not been finally adjudged by a court to have 61598  
violated any municipal, state, or federal civil rights laws 61599  
relevant to the protection of purchasers or sellers of real 61600  
estate or, if the applicant has been so adjudged, at least two 61601  
years have passed since the court decision and the 61602

superintendent has disregarded the adjudication because the 61603  
applicant has proven, by a preponderance of the evidence, that 61604  
the applicant is honest, truthful, and of good reputation, and 61605  
there is no basis in fact for believing that the applicant again 61606  
will violate the laws involved. 61607

(3) Has not, during any period in which the applicant was 61608  
licensed under this chapter, violated any provision of, or any 61609  
rule adopted pursuant to this chapter, or, if the applicant has 61610  
violated such provision or rule, has established to the 61611  
satisfaction of the superintendent that the applicant will not 61612  
again violate such provision or rule; 61613

(4) Is at least eighteen years of age; 61614

(5) If born after the year 1950, has a high school diploma 61615  
or a certificate of high school equivalence ~~issued by the~~ 61616  
~~department of education;~~ 61617

(6) Has successfully completed at an institution of higher 61618  
education all of the following credit-eligible courses by either 61619  
classroom instruction or distance education: 61620

(a) Forty hours of instruction in real estate practice; 61621

(b) Forty hours of instruction that includes the subjects 61622  
of Ohio real estate law, municipal, state, and federal civil 61623  
rights law, new case law on housing discrimination, 61624  
desegregation issues, and methods of eliminating the effects of 61625  
prior discrimination. If feasible, the instruction in Ohio real 61626  
estate law shall be taught by a member of the faculty of an 61627  
accredited law school. If feasible, the instruction in 61628  
municipal, state, and federal civil rights law, new case law on 61629  
housing discrimination, desegregation issues, and methods of 61630  
eliminating the effects of prior discrimination shall be taught 61631

by a staff member of the Ohio civil rights commission who is 61632  
knowledgeable with respect to those subjects. The requirements 61633  
of this division do not apply to an applicant who is admitted to 61634  
practice before the supreme court. 61635

(c) Twenty hours of instruction in real estate appraisal; 61636

(d) Twenty hours of instruction in real estate finance. 61637

(G) (1) Successful completion of the instruction required 61638  
by division (F) (6) of this section shall be determined by the 61639  
law in effect on the date the instruction was completed. 61640

(2) Division (F) (6) (c) of this section does not apply to 61641  
any new applicant who holds a valid Ohio real estate appraiser 61642  
license or certificate issued prior to the date of application 61643  
for a real estate salesperson's license. 61644

(H) Only for noncredit course offerings, an institution of 61645  
higher education shall obtain approval from the appropriate 61646  
state authorizing entity prior to offering a real estate course 61647  
that is designed and marketed as satisfying the salesperson 61648  
license education requirements of division (F) (6) of this 61649  
section. The state authorizing entity may consult with the 61650  
superintendent in reviewing the course for compliance with this 61651  
section. 61652

(I) Any person who has not been licensed as a real estate 61653  
salesperson or broker within a four-year period immediately 61654  
preceding the person's current application for the salesperson's 61655  
examination shall have successfully completed the prelicensure 61656  
instruction required by division (F) (6) of this section within a 61657  
ten-year period immediately preceding the person's current 61658  
application for the salesperson's examination. 61659

(J) Not earlier than the date of issue of a real estate 61660

salesperson's license to a licensee, but not later than twelve 61661  
months after the date of issue of a real estate salesperson 61662  
license to a licensee, the licensee shall submit proof 61663  
satisfactory to the superintendent, on forms made available by 61664  
the superintendent, of the completion of twenty hours of 61665  
instruction that shall be completed in schools, seminars, and 61666  
educational institutions approved by the commission. The 61667  
instruction shall include, but is not limited to, current 61668  
practices relating to commercial real estate, property 61669  
management, short sales, and land contracts; contract law; 61670  
federal and state programs; economic conditions; and fiduciary 61671  
responsibility. Approval of the curriculum and providers shall 61672  
be granted according to rules adopted pursuant to section 61673  
4735.10 of the Revised Code and may be taken through classroom 61674  
instruction or distance education. 61675

If proof of completion of the required instruction is not 61676  
submitted within twelve months of the date a license is issued 61677  
under this section, the licensee's license is suspended 61678  
automatically without the taking of any action by the 61679  
superintendent. The superintendent immediately shall notify the 61680  
broker with whom such salesperson is associated of the 61681  
suspension of the salesperson's license. A salesperson whose 61682  
license has been suspended under this division shall have twelve 61683  
months after the date of the suspension of the salesperson's 61684  
license to submit proof of successful completion of the 61685  
instruction required under this division. No such license shall 61686  
be reactivated by the superintendent until it is established, to 61687  
the satisfaction of the superintendent, that the requirements of 61688  
this division have been met and that the licensee is in 61689  
compliance with this chapter. A licensee's license is revoked 61690  
automatically without the taking of any action by the 61691

superintendent when the licensee fails to submit the required 61692  
proof of completion of the education requirements under division 61693  
(I) of this section within twelve months of the date the license 61694  
is suspended. 61695

(K) Examinations shall be administered with reasonable 61696  
accommodations in accordance with the requirements of the 61697  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 61698  
U.S.C. 12189. The contents of an examination shall be consistent 61699  
with the classroom instructional requirements of division (F) (6) 61700  
of this section. An applicant who has completed the classroom 61701  
instructional requirements of division (F) (6) of this section at 61702  
the time of application shall be examined no later than twelve 61703  
months after the applicant is notified of the applicant's 61704  
admission to the examination. 61705

**Sec. 4735.23.** At the request of the superintendent of real 61706  
estate, the department of ~~higher education~~ learning and 61707  
achievement may, in consultation with the division of real 61708  
estate, perform a review of programs offered by an institution 61709  
of higher education pursuant to division (B) (6) (a) or (b) of 61710  
section 4735.07 and division (F) (6) of section 4735.09 of the 61711  
Revised Code. The superintendent or the ~~chancellor~~ director of 61712  
~~higher education~~ learning and achievement may request from the 61713  
institution any information the superintendent or ~~chancellor~~ 61714  
director considers necessary to perform this review. 61715

**Sec. 4742.02.** (A) ~~The state board of education~~ department 61716  
of learning and achievement, in conjunction with emergency 61717  
service providers, shall develop a program to provide emergency 61718  
service telecommunicator training, and shall implement the 61719  
program not more than one year after ~~the effective date of this~~ 61720  
~~section~~ November 5, 1997. In developing the program, the ~~state~~ 61721

~~board department~~ and the emergency service providers shall 61722  
accept and consider suggestions from any political subdivision 61723  
or other entity, whether located within or outside of this 61724  
state, that offers suggestions. The program shall include all of 61725  
the following: 61726

(1) A curriculum for a basic course of emergency service 61727  
telecommunicator training that conforms to the requirements of 61728  
division (A) of section 4742.03 of the Revised Code; 61729

(2) A curriculum for continuing education coursework in 61730  
emergency service telecommunicator training that conforms to the 61731  
requirements of division (B) of section 4742.03 of the Revised 61732  
Code; 61733

(3) Standards and examinations to be used in the program 61734  
to certify that a person has successfully completed a basic 61735  
course of, or continuing education coursework in, emergency 61736  
service telecommunicator training; 61737

(4) Implementation of the training program at vocational 61738  
education centers that are approved by the board to offer 61739  
vocational education; 61740

(5) The provision at least eight times per year of a basic 61741  
course of emergency service telecommunicator training at 61742  
different vocational education centers around this state 61743  
selected to reasonably accommodate persons requesting the 61744  
training; 61745

(6) A requirement that any employee of an emergency 61746  
service provider may enroll in and complete any course offered 61747  
under the program at no charge by the ~~state board department~~ to 61748  
the employee or provider. The tuition and materials costs for 61749  
training such employees under the program shall be paid from the 61750

emergency service telecommunicator training fund created under 61751  
division (B) of this section. 61752

(7) A requirement that space available in each basic 61753  
course offered by the ~~state board department~~ shall be allocated 61754  
on a priority basis, first to unpaid volunteers of emergency 61755  
service providers, second to paid volunteers of such providers, 61756  
and third to other persons; 61757

(8) A provision allowing persons who are not employees of 61758  
emergency service providers to enroll in any course offered 61759  
under the program, on a space-available basis. The ~~state board~~ 61760  
~~department~~ may charge reasonable tuition to such persons to 61761  
attend the course. 61762

(B) The emergency service telecommunicator training fund 61763  
is hereby established in the state treasury. The ~~state board of~~ 61764  
~~education department~~ shall use money in the fund only for the 61765  
following purposes: 61766

(1) To develop the emergency service telecommunicator 61767  
training program required under division (A) of this section; 61768

(2) To pay the compensation of ~~state board of education~~ 61769  
~~department~~ employees who administer the program and the ~~state~~ 61770  
~~board's department's~~ costs of training employees of emergency 61771  
service providers at courses offered under the program. 61772

(C) The ~~state board of education department~~, in accordance 61773  
with Chapter 119. of the Revised Code, shall adopt rules 61774  
necessary to develop and administer the training program under 61775  
this section. 61776

**Sec. 4742.03.** (A) A person may obtain certification as an 61777  
emergency service telecommunicator by successfully completing a 61778  
basic course of emergency service telecommunicator training that 61779

is conducted by the ~~state board of education~~ department of learning and achievement under section 4742.02 of the Revised Code. The basic course of emergency service telecommunicator training shall include, but not be limited to, both of the following:

(1) At least forty hours of instruction or training;

(2) Instructional or training units in all of the following subjects:

(a) The role of the emergency service telecommunicator;

(b) Effective communication skills;

(c) Emergency service telecommunicator liability;

(d) Telephone techniques;

(e) Requirements of the "Americans With Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101, as amended, that pertain to emergency service telecommunicators;

(f) Handling hysterical and suicidal callers;

(g) Informing individuals who call about an apparent drug overdose about the immunity from prosecution for a minor drug possession offense created by section 2925.11 of the Revised Code;

(h) Law enforcement terminology;

(i) Fire service terminology;

(j) Emergency medical service terminology;

(k) Emergency call processing guides for law enforcement;

(l) Emergency call processing guides for fire service;

(m) Emergency call processing guides for emergency medical service; 61805  
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(n) Radio broadcast techniques; 61807

(o) Disaster planning; 61808

(p) Police officer survival, fire or emergency medical service scene safety, or both police officer survival and fire or emergency medical service scene safety. 61809  
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(B) A person may maintain certification as an emergency service telecommunicator by successfully completing at least eight hours of continuing education coursework in emergency service telecommunicator training during each two-year period after a person first obtains the certification referred to in division (A) of this section. The continuing education coursework shall consist of review and advanced training and instruction in the subjects listed in division (A) (2) of this section. 61812  
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(C) If a person successfully completes the basic course of emergency service telecommunicator training described in division (A) of this section, the ~~state board of education~~ department or a designee of the ~~board~~ department shall certify the person's successful completion. The ~~board~~ department shall send a copy of the certification to the person and to the emergency service provider by whom the person is employed. 61821  
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If a person successfully completes the continuing education coursework described in division (B) of this section, the ~~state board of education~~ department or a designee of the ~~board~~ department shall certify the person's successful completion. The ~~board~~ department shall send a copy of the certification to the person and to the emergency service 61828  
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provider by whom the person is employed. 61834

**Sec. 4742.05.** (A) A career school that holds a valid 61835  
certificate of registration from the state board of career 61836  
colleges and schools may apply to the ~~state board of education-~~ 61837  
department of learning and achievement for certification of a 61838  
basic course of emergency service telecommunicator training or 61839  
of continuing education coursework in emergency service 61840  
telecommunicator training. The ~~state board of education-~~ 61841  
department shall prescribe the form of the application. 61842

(B) Upon receipt of an application, the ~~state board of-~~ 61843  
education department shall review it and consider whether the 61844  
proposed course or coursework meets the requirements of division 61845  
(A) or (B) of section 4742.03 of the Revised Code concerning 61846  
course length and content. If the proposed course or coursework 61847  
meets those requirements, the ~~state board of education-~~ 61848  
department shall issue a certification of that fact to the 61849  
career school. Inclusion of on-site verifiable electronic 61850  
training as part of a proposed basic or continuing education 61851  
course shall not be a reason for the ~~state board department~~ to 61852  
deny certification. 61853

(C) If, after receiving a certification from the ~~state-~~ 61854  
~~board of education department~~ under this section, the career 61855  
school changes the approved course or coursework, the prior 61856  
certification is canceled and the career school shall apply to 61857  
the ~~state board of education department~~ for certification of the 61858  
changed course or coursework. 61859

**Sec. 4742.06.** (A) A person may obtain certification as an 61860  
emergency service telecommunicator by successfully completing a 61861  
basic course of emergency service telecommunicator training that 61862  
is conducted by a career school that has obtained certification 61863

of that course from the ~~state board of education~~ department of learning and achievement under section 4742.05 of the Revised Code. If a person successfully completes the course, the career school shall certify the person's successful completion.

(B) A person may maintain certification as an emergency service telecommunicator by successfully completing continuing education coursework in emergency service telecommunicator training that is conducted by a career school that has obtained certification of that coursework from the ~~state board of education~~ department of learning and achievement under section 4742.05 of the Revised Code. If a person successfully completes the coursework, the career school shall certify the person's successful completion.

(C) Upon certification of a person's successful completion under division (A) or (B) of this section, the career school shall send a copy of the certification to the person and to the emergency service provider that employs the person.

(D) Tuition and materials costs for a person enrolled in a certified basic or continuing education course conducted by a career school shall be paid by the person, an emergency service provider, or any other entity on behalf of the person or an emergency service provider.

**Sec. 4742.07.** The ~~state board of education~~ department of learning and achievement and any emergency service provider or career school that certifies emergency service telecommunicators shall comply with section 4776.20 of the Revised Code.

**Sec. 4743.03.** No board, commission, or agency created under or by virtue of Title 47 of the Revised Code shall restrict entry into any occupation, profession, or trade under

its supervision or regulation by: 61893

(A) Unreasonably restricting the number of schools or 61894  
other institutions it certifies or accredits for the purpose of 61895  
fulfilling educational or training requirements for such 61896  
occupation, profession, or trade; 61897

(B) Denying certification or accreditation for the purpose 61898  
of fulfilling such educational or training requirements to any 61899  
school, college, or other educational institution that has been 61900  
certified by the ~~Ohio board of regents~~ department of learning 61901  
and achievement or the state board of career colleges and 61902  
schools or to a high school for which the ~~state board of~~ 61903  
~~education~~ department prescribes minimum standards under division 61904  
(D) of section 3301.07 of the Revised Code, unless the 61905  
educational or training program offered by such school, college, 61906  
or institution is not in substantial compliance with applicable 61907  
standards of the occupation, profession, or trade. 61908

(C) Rules of state regulatory boards relevant to age and 61909  
level of education required for admission to courses of study 61910  
leading to examination and licensing in professions or 61911  
occupations controlled by regulatory boards not requiring a 61912  
technical, associate, or baccalaureate degree shall not apply to 61913  
vocational education programs conducted in the public schools 61914  
where such vocational education programs in all other respects 61915  
meet the minimum standards and requirements of any regulatory 61916  
board and students completing such programs are of the minimum 61917  
age required for examination and licensing for the purpose of 61918  
practicing professions or occupations controlled by regulatory 61919  
boards. 61920

Nothing in this section shall prohibit a board, 61921  
commission, or agency from prescribing and enforcing educational 61922

and training requirements and standards for certification and 61923  
accreditation of schools and other institutions that constitute 61924  
reasonable bases for maintaining necessary standards of 61925  
performance in any occupation, profession, or trade. 61926

**Sec. 4747.10.** Each person currently engaged in training to 61927  
become a licensed hearing aid dealer or fitter shall apply to 61928  
the state speech and hearing professionals board for a hearing 61929  
aid dealer's and fitter's trainee permit. The board shall issue 61930  
to each applicant within thirty days of receipt of a properly 61931  
completed application and payment of one hundred fifty dollars, 61932  
a trainee permit if such applicant meets all of the following 61933  
criteria: 61934

(A) Is at least eighteen years of age; 61935

(B) Is the holder of a diploma from an accredited high 61936  
school or a certificate of high school equivalence ~~issued by the~~ 61937  
~~department of education;~~ 61938

(C) Has not committed a disqualifying offense or a crime 61939  
of moral turpitude, as those terms are defined in section 61940  
4776.10 of the Revised Code; 61941

(D) Is free of contagious or infectious disease. 61942

Subject to the next paragraph, the board shall not deny a 61943  
trainee permit issued under this section to any individual based 61944  
on the individual's past criminal history or an interpretation 61945  
of moral character unless the individual has committed a 61946  
disqualifying offense or crime of moral turpitude as those terms 61947  
are defined in section 4776.10 of the Revised Code. Except as 61948  
otherwise provided in this paragraph, if an individual applying 61949  
for a trainee permit has been convicted of or pleaded guilty to 61950  
a misdemeanor that is not a crime of moral turpitude or a 61951

disqualifying offense less than one year prior to making the 61952  
application, the board may use the board's discretion in 61953  
granting or denying the individual a trainee permit. Except as 61954  
otherwise provided in this paragraph, if an individual applying 61955  
for a trainee permit has been convicted of or pleaded guilty to 61956  
a felony that is not a crime of moral turpitude or a 61957  
disqualifying offense less than three years prior to making the 61958  
application, the board may use the board's discretion in 61959  
granting or denying the individual a trainee permit. The 61960  
provisions in this paragraph do not apply with respect to any 61961  
offense unless the board, prior to September 28, 2012, was 61962  
required or authorized to deny the application based on that 61963  
offense. 61964

In all other circumstances not described in the preceding 61965  
paragraph, the board shall follow the procedures it adopts by 61966  
rule that conform to this section. 61967

In considering a renewal of an individual's trainee 61968  
permit, the board shall not consider any conviction or plea of 61969  
guilty prior to the issuance of the initial trainee permit. 61970  
However, the board may consider a conviction or plea of guilty 61971  
if it occurred after the individual was initially granted the 61972  
trainee permit, or after the most recent trainee permit renewal. 61973  
If the board denies an individual for a trainee permit or 61974  
renewal, the reasons for such denial shall be put in writing. 61975  
Additionally, the board may grant an individual a conditional 61976  
trainee permit that lasts for one year. After the one-year 61977  
period has expired, the permit is no longer considered 61978  
conditional, and the individual shall be considered to be 61979  
granted a full trainee permit. 61980

Each trainee permit issued by the board expires one year 61981

from the date it was first issued, and may be renewed once if 61982  
the trainee has not successfully completed the qualifying 61983  
requirements for licensing as a hearing aid dealer or fitter 61984  
before the expiration date of such permit. The board shall issue 61985  
a renewed permit to each applicant upon receipt of a properly 61986  
completed application and payment of one hundred five dollars. 61987  
No person holding a trainee permit shall engage in the practice 61988  
of dealing in or fitting of hearing aids except while under 61989  
supervision by a licensed hearing aid dealer or fitter. 61990

**Sec. 4757.01.** As used in this chapter: 61991

(A) "Practice of professional counseling" means rendering 61992  
or offering to render to individuals, groups, organizations, or 61993  
the general public a counseling service involving the 61994  
application of clinical counseling principles, methods, or 61995  
procedures to assist individuals in achieving more effective 61996  
personal, social, educational, or career development and 61997  
adjustment, including the diagnosis and treatment of mental and 61998  
emotional disorders. 61999

(B) "Clinical counseling principles, methods, or 62000  
procedures" means an approach to counseling that emphasizes the 62001  
counselor's role in systematically assisting clients through all 62002  
of the following: assessing and analyzing background and current 62003  
information, diagnosing mental and emotional disorders, 62004  
exploring possible solutions, and developing and providing a 62005  
treatment plan for mental and emotional adjustment or 62006  
development. "Clinical counseling principles, methods, or 62007  
procedures" includes at least counseling, appraisal, consulting, 62008  
and referral. 62009

(C) "Practice of social work" means the application of 62010  
social work theory and specialized knowledge of human 62011

development and behavior and social, economic, and cultural 62012  
systems in directly assisting individuals, families, and groups 62013  
in a clinical setting to improve or restore their capacity for 62014  
social functioning, including counseling, the use of 62015  
psychosocial interventions, and the use of social psychotherapy, 62016  
which includes the diagnosis and treatment of mental and 62017  
emotional disorders. 62018

(D) "Accredited educational institution" means an 62019  
institution accredited by a national or regional accrediting 62020  
agency accepted by the ~~board of regents~~ department of learning  
and achievement. 62021  
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(E) "Scope of practice" means the services, methods, and 62023  
techniques in which and the areas for which a person licensed or 62024  
registered under this chapter is trained and qualified. 62025

(F) "Mental and emotional disorders" means those disorders 62026  
that are classified in accepted nosologies such as the 62027  
international classification of diseases and the diagnostic and 62028  
statistical manual of mental disorders and in future editions of 62029  
those nosologies. 62030

(G) "Marriage and family therapy" means the diagnosis, 62031  
evaluation, assessment, counseling, management and treatment of 62032  
mental and emotional disorders, whether cognitive, affective, or 62033  
behavioral, within the context of marriage and family systems, 62034  
through the professional application of marriage and family 62035  
therapies and techniques. 62036

(H) "Practice of marriage and family therapy" means the 62037  
diagnosis, treatment, evaluation, assessment, counseling, and 62038  
management, of mental and emotional disorders, whether 62039  
cognitive, affective or behavioral, within the context of 62040

marriage and family systems, to individuals, couples, and 62041  
families, singly or in groups, whether those services are 62042  
offered directly to the general public or through public or 62043  
private organizations, for a fee, salary or other consideration 62044  
through the professional application of marriage and family 62045  
theories, therapies, and techniques, including, but not limited 62046  
to psychotherapeutic theories, therapies and techniques that 62047  
marriage and family therapists are educated and trained to 62048  
perform. 62049

(I) "Social functioning" means living up to the 62050  
expectations that are made of an individual by the individual's 62051  
own self, the immediate social environment, and by society at 62052  
large. "Social functioning" includes meeting basic needs of the 62053  
individual and the individual's dependents, including physical 62054  
aspects, personal fulfillment, emotional needs, and an adequate 62055  
self-concept. 62056

**Sec. 4757.41.** (A) This chapter shall not apply to the 62057  
following: 62058

(1) A person certified by the state board of education 62059  
under Chapter 3319. of the Revised Code while performing any 62060  
services within the person's scope of employment by a board of 62061  
education or by a private school meeting the standards 62062  
prescribed by the ~~state board of education~~ department of 62063  
learning and achievement under division (D) of section 3301.07 62064  
of the Revised Code or in a program operated under Chapter 5126. 62065  
of the Revised Code for training individuals with developmental 62066  
disabilities; 62067

(2) Psychologists or school psychologists licensed under 62068  
Chapter 4732. of the Revised Code; 62069

(3) Members of other professions licensed, certified, or registered by this state while performing services within the recognized scope, standards, and ethics of their respective professions;

(4) Rabbis, priests, Christian science practitioners, clergy, or members of religious orders and other individuals participating with them in pastoral counseling when the counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally cognizable church, denomination, or sect or an integrated auxiliary of a church as defined in federal tax regulations, paragraph (g) (5) of 26 C.F.R. 1.6033-2 (1995), and when the individual rendering the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary;

(5) Any person who is not licensed under this chapter as a licensed professional clinical counselor, licensed professional counselor, independent social worker, or social worker and is employed in the civil service as defined in section 124.01 of the Revised Code while engaging in professional counseling or social work as a civil service employee, if on July 10, 2014, the person has at least two years of service in that capacity;

(6) A student in an accredited educational institution while carrying out activities that are part of the student's prescribed course of study if the activities are supervised as required by the educational institution and if the student does not hold herself or himself out as a person licensed or registered under this chapter;

(7) An individual who holds a license or certificate under

Chapter 4758. of the Revised Code who is acting within the scope 62100  
of the individual's license or certificate as a member of the 62101  
profession of chemical dependency counseling or prevention 62102  
services; 62103

(8) Any person employed by the American red cross while 62104  
engaging in activities relating to services for military 62105  
families and veterans and disaster relief, as described in the 62106  
"American National Red Cross Act," 33 Stat. 599 (1905), 36 62107  
U.S.C.A. 1, as amended; 62108

(9) Members of labor organizations who hold union 62109  
counselor certificates while performing services in their 62110  
official capacity as union counselors; 62111

(10) Any person employed in a hospital as defined in 62112  
section 3727.01 of the Revised Code or in a nursing home as 62113  
defined in section 3721.01 of the Revised Code while providing 62114  
as a hospital employee or nursing home employee, respectively, 62115  
social services other than counseling and the use of 62116  
psychosocial interventions and social psychotherapy; 62117

(11) A vocational rehabilitation professional who is 62118  
providing rehabilitation services to individuals under section 62119  
3304.17 of the Revised Code, or holds certification by the 62120  
commission on rehabilitation counselor certification and is 62121  
providing rehabilitation counseling services consistent with the 62122  
commission's standards; 62123

(12) A caseworker not licensed under this chapter as an 62124  
independent social worker or social worker who is employed by a 62125  
public children services agency under section 5153.112 of the 62126  
Revised Code. 62127

(B) Divisions (A) (5) and (10) of this section do not 62128

prevent a person described in those divisions from obtaining a license or certificate of registration under this chapter.

(C) Except as provided in divisions (A) and (D) of this section, no employee in the service of the state, including public employees as defined by Chapter 4117. of the Revised Code, shall engage in the practice of professional counseling, social work, or marriage and family therapy without the appropriate license issued by the board. Failure to comply with this division constitutes nonfeasance under section 124.34 of the Revised Code or just cause under a collective bargaining agreement. Nothing in this division restricts the director of administrative services from developing new classifications related to this division or from reassigning affected employees to appropriate classifications based on the employee's duties and qualifications.

(D) Except as provided in division (A) of this section, an employee who was engaged in the practice of professional counseling, social work, or marriage and family therapy in the service of the state prior to July 10, 2014, including public employees as defined by Chapter 4117. of the Revised Code, shall comply with division (C) of this section within two years after July 10, 2014. Any such employee who fails to comply shall be removed from employment.

(E) Nothing in this chapter prevents a public children services agency from employing as a caseworker a person not licensed under this chapter as an independent social worker or social worker who has the qualifications specified in section 5153.112 of the Revised Code.

**Sec. 4758.01.** As used in this chapter:

(A) "Accredited educational institution" means an educational institution accredited by an accrediting agency accepted by the ~~Ohio board of regents~~ department of learning and achievement.

(B) (1) "Alcohol and other drug clinical counseling principles, methods, or procedures" means an approach to chemical dependency counseling that emphasizes the chemical dependency counselor's role in systematically assisting clients through all of the following:

(a) Analyzing background and current information;

(b) Exploring possible solutions;

(c) Developing and providing a treatment plan;

(d) In the case of an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III only, diagnosing chemical dependency conditions.

(2) "Alcohol and other drug clinical counseling principles, methods, or procedures" includes counseling, assessing, consulting, and referral as they relate to chemical dependency conditions.

(C) "Chemical dependency conditions" means those conditions relating to the abuse of or dependency on alcohol or other drugs that are classified in accepted nosologies, including the diagnostic and statistical manual of mental disorders and the international classification of diseases, and in editions of those nosologies published after December 23, 2002.

(D) "Chemical dependency counseling" means rendering or

offering to render to individuals, groups, or the public a 62186  
counseling service involving the application of alcohol and 62187  
other drug clinical counseling principles, methods, or 62188  
procedures to assist individuals who are abusing or dependent on 62189  
alcohol or other drugs. 62190

(E) "Gambling disorder" means a persistent and recurring 62191  
maladaptive gambling behavior that is classified in accepted 62192  
nosologies, including the diagnostic and statistical manual of 62193  
mental disorders and the international classification of 62194  
diseases, and in editions of those nosologies published after 62195  
September 15, 2014. 62196

(F) "Prevention services" means a comprehensive, multi- 62197  
system set of individual and environmental approaches that 62198  
maximizes physical health, promotes safety, and precludes the 62199  
onset of behavioral health disorders. 62200

(G) Unless the context provides otherwise, "scope of 62201  
practice" means the services, methods, and techniques in which 62202  
and the areas for which a person who holds a license, 62203  
certificate, or endorsement under this chapter is trained and 62204  
qualified. 62205

(H) "Substance abuse professional" has the same meaning as 62206  
in 49 C.F.R. 40.3. 62207

(I) "U.S. department of transportation drug and alcohol 62208  
testing program" means a transportation workplace drug and 62209  
alcohol testing program governed by 49 C.F.R. part 40. 62210

**Sec. 4758.61.** An individual who holds a valid prevention 62211  
specialist assistant certificate or registered applicant 62212  
certificate issued under this chapter may engage in the practice 62213  
of prevention services under the supervision of any of the 62214

following:	62215
(A) A prevention consultant or prevention specialist certified under this chapter;	62216 62217
(B) An independent chemical dependency counselor clinical supervisor, an independent chemical dependency counselor, or a chemical dependency counselor III licensed under this chapter;	62218 62219 62220
(C) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	62221 62222 62223
(D) A psychologist licensed under Chapter 4732. of the Revised Code;	62224 62225
(E) A registered nurse licensed under Chapter 4723. of the Revised Code;	62226 62227
(F) A licensed professional clinical counselor, a licensed professional counselor, an independent social worker, a social worker, an independent marriage and family therapist, or a marriage and family therapist licensed under Chapter 4757. of the Revised Code;	62228 62229 62230 62231 62232
(G) A school counselor licensed by the <del>department</del> <u>state board</u> of education pursuant to section 3319.22 of the Revised Code;	62233 62234 62235
(H) A health education specialist certified by the national commission for health education credentialing;	62236 62237
(I) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code.	62238 62239 62240
<b>Sec. 4760.031.</b> As a condition of being eligible to receive	62241

a certificate to practice as an anesthesiologist assistant, an 62242  
individual must successfully complete the following training 62243  
requirements: 62244

(A) A baccalaureate or higher degree program at an 62245  
institution of higher education accredited by an organization 62246  
recognized by the ~~board of regents~~ department of learning and 62247  
achievement. The program must have included courses in the 62248  
following areas of study: 62249

(1) General biology; 62250

(2) General chemistry; 62251

(3) Organic chemistry; 62252

(4) Physics; 62253

(5) Calculus. 62254

(B) A training program conducted for the purpose of 62255  
preparing individuals to practice as anesthesiologist 62256  
assistants. If the program was completed prior to May 31, 2000, 62257  
the program must have been completed at case western reserve 62258  
university or emory university in Atlanta, Georgia. If the 62259  
program is completed on or after May 31, 2000, the program must 62260  
be a graduate-level program accredited by the commission on 62261  
accreditation of allied health education programs or any of the 62262  
commission's successor organizations. In either case, the 62263  
training program must have included at least all of the 62264  
following components: 62265

(1) Basic sciences of anesthesia: physiology, 62266  
pathophysiology, anatomy, and biochemistry. The courses must be 62267  
presented as a continuum of didactic courses designed to teach 62268  
students the foundations of human biological existence on which 62269

clinical correlations to anesthesia practice are based.	62270
(2) Pharmacology for the anesthetic sciences. The course	62271
must include instruction in the anesthetic principles of	62272
pharmacology, pharmacodynamics, pharmacokinetics, uptake and	62273
distribution, intravenous anesthetics and narcotics, and	62274
volatile anesthetics.	62275
(3) Physics in anesthesia.	62276
(4) Fundamentals of anesthetic sciences, presented as a	62277
continuum of courses covering a series of topics in basic	62278
medical sciences with special emphasis on the effects of	62279
anesthetics on normal physiology and pathophysiology.	62280
(5) Patient instrumentation and monitoring, presented as a	62281
continuum of courses focusing on the design of, proper	62282
preparation of, and proper methods of resolving problems that	62283
arise with anesthesia equipment. The courses must provide a	62284
balance between the engineering concepts used in anesthesia	62285
instruments and the clinical application of anesthesia	62286
instruments.	62287
(6) Clinically based conferences in which techniques of	62288
anesthetic management, quality assurance issues, and current	62289
professional literature are reviewed from the perspective of	62290
practice improvement.	62291
(7) Clinical experience consisting of at least two	62292
thousand hours of direct patient contact, presented as a	62293
continuum of courses throughout the entirety of the program,	62294
beginning with a gradual introduction of the techniques for the	62295
anesthetic management of patients and culminating in the	62296
assimilation of the graduate of the program into the work force.	62297
Areas of instruction must include the following:	62298

(a) Preoperative patient assessment;	62299
(b) Indwelling vascular catheter placement, including intravenous and arterial catheters;	62300 62301
(c) Airway management, including mask airway and orotracheal intubation;	62302 62303
(d) Intraoperative charting;	62304
(e) Administration and maintenance of anesthetic agents, narcotics, hypnotics, and muscle relaxants;	62305 62306
(f) Administration and maintenance of volatile anesthetics;	62307 62308
(g) Administration of blood products and fluid therapy;	62309
(h) Patient monitoring;	62310
(i) Postoperative management of patients;	62311
(j) Regional anesthesia techniques;	62312
(k) Administration of vasoactive substances for treatment of unacceptable patient hemodynamic status;	62313 62314
(l) Specific clinical training in all the subspecialties of anesthesia, including pediatrics, neurosurgery, cardiovascular surgery, trauma, obstetrics, orthopedics, and vascular surgery.	62315 62316 62317 62318
(8) Basic life support that qualifies the individual to administer cardiopulmonary resuscitation to patients in need. The course must include the instruction necessary to be certified in basic life support by the American red cross or the American heart association.	62319 62320 62321 62322 62323
(9) Advanced cardiac life support that qualifies the	62324

individual to participate in the pharmacologic intervention and 62325  
management resuscitation efforts for a patient in full cardiac 62326  
arrest. The course must include the instruction necessary to be 62327  
certified in advanced cardiac life support by the American red 62328  
cross or the American heart association. 62329

**Sec. 4762.02.** (A) Except as provided in division (B), (C), 62330  
or (D) of this section, no person shall do either of the 62331  
following: 62332

(1) Engage in the practice of oriental medicine unless the 62333  
person holds a valid certificate to practice as an oriental 62334  
medicine practitioner issued by the state medical board under 62335  
this chapter; 62336

(2) Engage in the practice of acupuncture unless the 62337  
person holds a valid certificate to practice as an acupuncturist 62338  
issued by the state medical board under this chapter. 62339

(B) Division (A) of this section does not apply to a 62340  
physician. 62341

(C) Division (A)(1) of this section does not apply to the 62342  
following: 62343

(1) A person who engages in activities included in the 62344  
practice of oriental medicine as part of a training program in 62345  
oriental medicine, but only if both of the following conditions 62346  
are met: 62347

(a) The training program is operated by an educational 62348  
institution that holds an effective certificate of authorization 62349  
issued by the ~~Ohio board of regents~~ department of learning and 62350  
achievement under section 1713.02 of the Revised Code or a 62351  
school that holds an effective certificate of registration 62352  
issued by the state board of career colleges and schools under 62353

section 3332.05 of the Revised Code. 62354

(b) The person engages in the activities under the general 62355  
supervision of an individual who holds a certificate to practice 62356  
as an oriental medicine practitioner issued under this chapter 62357  
and is not practicing within the supervisory period required by 62358  
section 4762.10 of the Revised Code. 62359

(2) To the extent that acupuncture is a component of 62360  
oriental medicine, an individual who holds a certificate to 62361  
practice as an acupuncturist issued under this chapter or a 62362  
chiropractor who holds a certificate to practice acupuncture 62363  
issued by the state chiropractic board under section 4734.283 of 62364  
the Revised Code. 62365

(D) Division (A) (2) of this section does not apply to the 62366  
following: 62367

(1) A person who performs acupuncture as part of a 62368  
training program in acupuncture, but only if both of the 62369  
following conditions are met: 62370

(a) The training program is operated by an educational 62371  
institution that holds an effective certificate of authorization 62372  
issued by the ~~Ohio board of regents~~ department under section 62373  
1713.02 of the Revised Code or a school that holds an effective 62374  
certificate of registration issued by the state board of career 62375  
colleges and schools under section 3332.05 of the Revised Code. 62376

(b) The person performs the acupuncture under the general 62377  
supervision of an acupuncturist who holds a certificate to 62378  
practice as an acupuncturist issued under this chapter and is 62379  
not practicing within the supervisory period required by section 62380  
4762.10 of the Revised Code. 62381

(2) An individual who holds a certificate to practice as 62382

an oriental medicine practitioner issued under this chapter. 62383

(3) A chiropractor who holds a certificate to practice 62384  
acupuncture issued by the state chiropractic board under section 62385  
4734.283 of the Revised Code. 62386

**Sec. 4763.01.** As used in this chapter: 62387

(A) "Real estate appraisal" or "appraisal" means an 62388  
analysis, opinion, or conclusion relating to the nature, 62389  
quality, value, or utility of specified interests in, or aspects 62390  
of identified real estate that is classified as either a 62391  
valuation or an analysis. 62392

(B) "Valuation" means an estimate of the value of real 62393  
estate. 62394

(C) "Analysis" means a study of real estate for purposes 62395  
other than valuation. 62396

(D) "Appraisal report" means a written communication of a 62397  
real estate appraisal or appraisal review, or an oral 62398  
communication of a real estate appraisal or appraisal review, 62399  
that is documented by a writing that supports the oral 62400  
communication. 62401

(E) "Appraisal assignment" means an engagement for which a 62402  
person licensed or certified under this chapter is employed, 62403  
retained, or engaged to act, or would be perceived by third 62404  
parties or the public as acting, as a disinterested third party 62405  
in rendering an unbiased real estate appraisal. 62406

(F) "Specialized services" means all appraisal services, 62407  
other than appraisal assignments, including, but not limited to, 62408  
valuation and analysis given in connection with activities such 62409  
as real estate brokerage, mortgage banking, real estate 62410

counseling, and real estate tax counseling, and specialized 62411  
marketing, financing, and feasibility studies. 62412

(G) "Real estate" has the same meaning as in section 62413  
4735.01 of the Revised Code. 62414

(H) "Appraisal foundation" means a nonprofit corporation 62415  
incorporated under the laws of the state of Illinois on November 62416  
30, 1987, for the purposes of establishing and improving uniform 62417  
appraisal standards by defining, issuing, and promoting those 62418  
standards; establishing appropriate criteria for the 62419  
certification and recertification of qualified appraisers by 62420  
defining, issuing, and promoting the qualification criteria and 62421  
disseminating the qualification criteria to others; and 62422  
developing or assisting in development of appropriate 62423  
examinations for qualified appraisers. 62424

(I) "Prepare" means to develop and communicate, whether 62425  
through a personal physical inspection or through the act or 62426  
process of critically studying a report prepared by another who 62427  
made the physical inspection, an appraisal, analysis, or 62428  
opinion, or specialized service and to report the results. If 62429  
the person who develops and communicates the appraisal or 62430  
specialized service does not make the personal inspection, the 62431  
name of the person who does make the personal inspection shall 62432  
be identified on the appraisal or specialized service reported. 62433

(J) "Report" means any communication, written, oral, or by 62434  
any other means of transmission of information, of a real estate 62435  
appraisal, appraisal review, or specialized service that is 62436  
transmitted to a client or employer upon completion of the 62437  
appraisal or service. 62438

(K) "State-certified general real estate appraiser" means 62439

any person who satisfies the certification requirements of this chapter relating to the appraisal of all types of real property and who holds a current and valid certificate or renewal certificate issued to the person pursuant to this chapter.

(L) "State-certified residential real estate appraiser" means any person who satisfies the certification requirements only relating to the appraisal of one to four units of single-family residential real estate without regard to transaction value or complexity and who holds a current and valid certificate or renewal certificate issued to the person pursuant to this chapter.

(M) "State-licensed residential real estate appraiser" means any person who satisfies the licensure requirements of this chapter relating to the appraisal of noncomplex one-to-four unit single-family residential real estate having a transaction value of less than one million dollars and complex one-to-four unit single-family residential real estate having a transaction value of less than two hundred fifty thousand dollars and who holds a current and valid license or renewal license issued to the person pursuant to this chapter.

(N) "Certified or licensed real estate appraisal" means an appraisal prepared and reported by a certificate holder or licensee under this chapter acting within the scope of certification or licensure and as a disinterested third party.

(O) "State-registered real estate appraiser assistant" means any person, other than a state-certified general real estate appraiser, state-certified residential real estate appraiser, or a state-licensed residential real estate appraiser, who satisfies the registration requirements of this chapter for participating in the development and preparation of

real estate appraisals and who holds a current and valid 62470  
registration or renewal registration issued to the person 62471  
pursuant to this chapter. 62472

(P) "Institution of higher education" means a state 62473  
university or college, a private college or university located 62474  
in this state that possesses a certificate of authorization 62475  
issued by the ~~chancellor of higher education department of~~ 62476  
learning and achievement pursuant to Chapter 1713. of the 62477  
Revised Code, or an accredited college or university located 62478  
outside this state that is accredited by an accrediting 62479  
organization or professional accrediting association recognized 62480  
by the ~~chancellor of higher education department~~. 62481

(Q) "Division of real estate" may be used interchangeably 62482  
with, and for all purposes has the same meaning as, "division of 62483  
real estate and professional licensing." 62484

(R) "Superintendent" or "superintendent of real estate" 62485  
means the superintendent of the division of real estate and 62486  
professional licensing of this state. Whenever the division or 62487  
superintendent of real estate is referred to or designated in 62488  
any statute, rule, contract, or other document, the reference or 62489  
designation shall be deemed to refer to the division or 62490  
superintendent of real estate and professional licensing, as the 62491  
case may be. 62492

(S) "Appraisal review" means the act or process of 62493  
developing and communicating an opinion about the quality of 62494  
another appraiser's work that was performed as part of an 62495  
appraisal or appraisal review. 62496

(T) "Work file" means documentation used during the 62497  
preparation of an appraisal report or necessary to support an 62498

appraiser's analyses, opinions, or conclusions. 62499

**Sec. 4771.01.** As used in this chapter: 62500

(A) "Agent contract" means any contract or agreement 62501  
pursuant to which an athlete authorizes or empowers or agrees to 62502  
authorize or empower at some later date an athlete agent to do 62503  
any of the following: 62504

(1) Negotiate or solicit an agreement on behalf of the 62505  
athlete with one or more professional sports teams for the 62506  
employment of the athlete by a professional sports team; 62507

(2) Negotiate or solicit an agreement on behalf of the 62508  
athlete for the employment of the athlete as a professional 62509  
athlete; 62510

(3) Market, or enter an agreement to market, an athlete or 62511  
an athlete's reputation. 62512

(B) "Athlete agent" means any person who directly or 62513  
indirectly recruits or solicits any athlete to enter into an 62514  
agent contract or professional sports services contract, or who 62515  
for a fee procures, offers, promises, or attempts to obtain 62516  
employment for an athlete with a professional sports team, or as 62517  
a professional athlete, or otherwise attempts to market an 62518  
athlete or an athlete's reputation. Athlete agent does not 62519  
include either of the following: 62520

(1) A member of a student athlete's immediate family; 62521

(2) An attorney from whom an athlete seeks legal advice 62522  
concerning a proposed professional sports services contract if 62523  
the attorney does not represent the athlete in negotiating or 62524  
soliciting the contract. 62525

(C) "Immediate family" means an individual's spouse, 62526

child, parent, stepparent, grandparent, grandchild, brother, 62527  
sister, parent-in-law, brother-in-law, sister-in-law, nephew, 62528  
niece, aunt, uncle, first cousin, or the spouse or guardian of 62529  
any of the individuals described in this division. 62530

(D) "Athlete" means either of the following: 62531

(1) A student enrolled in any educational institution or 62532  
institution of higher education in this state, who participates, 62533  
or is or may become eligible to participate, in any athletic 62534  
sporting event, contest, exhibition, or program at the 62535  
educational institution or institution of higher education; 62536

(2) A student who meets one of the following criteria: 62537

(a) Resides in this state, is eligible to participate in 62538  
an amateur athletic program, and has informed an educational 62539  
institution or institution of higher education, in writing, of 62540  
the student's intent to participate in that institution's 62541  
amateur athletic program; 62542

(b) Does not reside in this state but is eligible to 62543  
participate in an amateur athletic program and has informed, in 62544  
writing, an educational institution or institution of higher 62545  
education in this state of the student's intent to participate 62546  
in that institution's amateur athletic program. 62547

(E) "Institution of higher education" means a state 62548  
university or college or a private nonprofit college or 62549  
university located in this state that possesses a certificate of 62550  
authorization issued by the ~~Ohio board of regents~~ department of 62551  
learning and achievement pursuant to Chapter 1713. of the 62552  
Revised Code. 62553

(F) "Professional sports services contract" means either 62554  
of the following: 62555

(1) Any contract or agreement pursuant to which an athlete is employed or agrees to render services as a player on a professional sports team or as a professional athlete;

(2) Any contract or agreement that provides for the present or future marketing of an athlete or athlete's reputation.

(G) "State university or college" includes the state universities listed in section 3345.011 of the Revised Code, community colleges created pursuant to Chapter 3354. of the Revised Code, university branches created pursuant to Chapter 3355. of the Revised Code, technical colleges created pursuant to Chapter 3357. of the Revised Code, and state community colleges created pursuant to Chapter 3358. of the Revised Code.

(H) "Educational institution" means any institution located in this state, public or private, that provides elementary or secondary education to students as its primary function.

**Sec. 4779.13.** To be eligible for a license to practice pedorthics, an applicant must meet all of the following requirements:

(A) On the date of application, has practiced pedorthics for not less than eight months under the supervision of an individual licensed under this chapter to practice pedorthics;

(B) Holds a high school diploma or certificate of high school equivalence ~~issued by the department of education~~, or a primary-secondary education or higher education agency of another state;

(C) Has completed the education, training, and experience required to take the certification examination developed by the

Ohio occupational therapy, physical therapy, and athletic 62585  
trainers board for certification in pedorthics or an equivalent 62586  
successor organization recognized by the board. 62587

**Sec. 4783.02.** (A) Except as otherwise provided in division 62588  
(B) of this section, no person shall do either of the following: 62589

(1) Engage in the practice of applied behavior analysis in 62590  
this state without holding a certificate issued under section 62591  
4783.04 of the Revised Code; 62592

(2) Hold the person's self out to be a certified Ohio 62593  
behavior analyst unless the person holds a certificate issued 62594  
under section 4783.04 of the Revised Code. 62595

(B) This chapter does not apply to any of the following: 62596

(1) An individual licensed under Chapter 4732. of the 62597  
Revised Code to practice psychology, if the practice of applied 62598  
behavior analysis engaged in by the licensed psychologist is 62599  
within the licensed psychologist's education, training, and 62600  
experience; 62601

(2) An individual licensed under Chapter 4757. of the 62602  
Revised Code to practice counseling, social work, or marriage 62603  
and family therapy, if the practice of applied behavior analysis 62604  
engaged in by the licensed professional counselor, licensed 62605  
professional clinical counselor, licensed social worker, or 62606  
licensed marriage and family therapist is within the licensee's 62607  
education, training, and experience; 62608

(3) An individual acting under the authority and direction 62609  
of an individual described in division (B)(1) or (2) of this 62610  
section; 62611

(4) An individual practicing applied behavior analysis who 62612

is supervised by a certified Ohio behavior analyst and acting 62613  
under the authority and direction of that certified Ohio 62614  
behavior analyst; 62615

(5) The delivery of interventions by a direct care 62616  
provider or family member to implement components of an applied 62617  
behavior analysis treatment plan. 62618

(6) A behavior analyst who practices with nonhuman or 62619  
nonpatient clients or consumers, including applied animal 62620  
behaviorists and practitioners of organizational behavior 62621  
management; 62622

(7) A licensed professional authorized to practice in this 62623  
state who, in the offering or rendering of services, does not 62624  
represent oneself in any printed materials or verbally by 62625  
incorporating the term "applied behavior analyst," if the 62626  
services of the licensed professional are within the scope of 62627  
practice of the licensing law governing the licensed 62628  
professional and the services performed are commensurate with 62629  
the licensed professional's education, training, and experience; 62630

(8) A matriculated graduate student or postdoctoral 62631  
trainee whose activities are part of a defined program of study 62632  
or professional training; 62633

(9) An individual employed by the department of 62634  
developmental disabilities, a county board of developmental 62635  
disabilities, or a council of government consisting of county 62636  
boards of developmental disabilities, when the individual is 62637  
acting in the scope of that employment; 62638

(10) A professional employed in a school or other setting 62639  
that falls under the regulation of the ~~state board of education~~ 62640  
department of learning and achievement when the professional is 62641

acting within the scope of that employment. 62642

(C) For purposes of division (B) (3) or (4) of this 62643  
section, an individual is not subject to this chapter only if 62644  
the licensed psychologist, the licensed professional counselor, 62645  
the licensed professional clinical counselor, the licensed 62646  
social worker, the licensed marriage and family therapist, or 62647  
the certified Ohio behavior analyst under whose authority and 62648  
direction the individual is acting pursuant to division (B) (3) 62649  
or (4) of this section signs an attestation stating that the 62650  
licensed psychologist, licensed professional counselor, licensed 62651  
professional clinical counselor, licensed social worker, 62652  
licensed marriage and family therapist, or certified Ohio 62653  
behavior analyst is responsible for the care provided by the 62654  
individual. 62655

**Sec. 5101.061.** (A) There is hereby established in the 62656  
department of job and family services the office of human 62657  
services innovation. The office shall develop recommendations, 62658  
as described in division (B) of this section, regarding the 62659  
coordination and reform of state programs to assist the 62660  
residents of this state in preparing for life and the dignity of 62661  
work and to promote individual responsibility and work 62662  
opportunity. 62663

The director of job and family services shall establish 62664  
the office's organizational structure, may reassign the 62665  
department's staff and resources as necessary to support the 62666  
office's activities, and is responsible for the office's 62667  
operations. ~~The superintendent of public instruction, chancellor~~ 62668  
~~of the Ohio board of regents, director of learning and~~ 62669  
achievement, assistant director of the governor's office of 62670  
workforce transformation created under section 3301.0732 of the 62671

Revised Code, and director of the governor's office of health 62672  
transformation shall assist the director of job and family 62673  
services with leadership and organizational support for the 62674  
office. 62675

(B) Not later than January 1, 2015, the office shall 62676  
submit to the governor recommendations for all of the following: 62677

(1) Coordinating services across all public assistance 62678  
programs to help individuals find employment, succeed at work, 62679  
and stay out of poverty; 62680

(2) Revising incentives for public assistance programs to 62681  
foster person-centered case management; 62682

(3) Standardizing and automating eligibility determination 62683  
policies and processes for public assistance programs; 62684

(4) Other matters the office considers appropriate. 62685

~~(C) Not later than three months after the effective date~~ 62686  
~~of this section, the~~ The office shall establish clear principles 62687  
to guide the development of its recommendations, shall identify 62688  
in detail the problems to be addressed in the recommendations, 62689  
and shall make an inventory of all state and other resources 62690  
that the office considers relevant to the recommendations. 62691

(D) The office shall convene the directors and staff of 62692  
the departments, agencies, offices, boards, commissions, and 62693  
institutions of the executive branch of the state as necessary 62694  
to develop the office's recommendations. The departments, 62695  
agencies, offices, boards, commissions, and institutions shall 62696  
comply with all requests and directives that the office makes, 62697  
subject to the supervision of the directors of the departments, 62698  
agencies, offices, boards, commissions, and institutions. The 62699  
office also shall convene other individuals interested in the 62700

issues that the office addresses in the development of the 62701  
recommendations to obtain their input on, and support for, the 62702  
recommendations. 62703

**Sec. 5101.34.** (A) There is hereby created in the 62704  
department of job and family services the Ohio commission on 62705  
fatherhood. The commission shall consist of the following 62706  
members: 62707

(1) (a) Four members of the house of representatives 62708  
appointed by the speaker of the house, not more than two of whom 62709  
are members of the same political party. Two of the members must 62710  
be from legislative districts that include a county or part of a 62711  
county that is among the one-third of counties in this state 62712  
with the highest number per capita of households headed by 62713  
females. 62714

(b) Two members of the senate appointed by the president 62715  
of the senate, each from a different political party. One of the 62716  
members must be from a legislative district that includes a 62717  
county or part of a county that is among the one-third of 62718  
counties in this state with the highest number per capita of 62719  
households headed by females. 62720

(2) The governor, or the governor's designee; 62721

(3) One representative of the judicial branch of 62722  
government appointed by the chief justice of the supreme court; 62723

(4) The directors of health, job and family services, 62724  
rehabilitation and correction, mental health and addiction 62725  
services, ~~and youth services, and the superintendent of public~~ 62726  
~~instruction learning and achievement,~~ or their designees; 62727

(5) One representative of the Ohio family and children 62728  
first cabinet council created under section 121.37 of the 62729

Revised Code appointed by the chairperson of the council; 62730

(6) Five representatives of the general public appointed 62731  
by the governor. These members shall have extensive experience 62732  
in issues related to fatherhood. 62733

(B) The appointing authorities of the Ohio commission on 62734  
fatherhood shall make initial appointments to the commission 62735  
within thirty days after September 29, 1999. Of the initial 62736  
appointments to the commission made pursuant to divisions (A) 62737  
(3), (5), and (6) of this section, three of the members shall 62738  
serve a term of one year and four shall serve a term of two 62739  
years. Members so appointed subsequently shall serve two-year 62740  
terms. A member appointed pursuant to division (A)(1) of this 62741  
section shall serve on the commission until the end of the 62742  
general assembly from which the member was appointed or until 62743  
the member ceases to serve in the chamber of the general 62744  
assembly in which the member serves at the time of appointment, 62745  
whichever occurs first. The governor or the governor's designee 62746  
shall serve on the commission until the governor ceases to be 62747  
governor. The directors and superintendent or their designees 62748  
shall serve on the commission until they cease, or the director 62749  
or superintendent a designee represents ceases, to be director 62750  
or superintendent. Each member shall serve on the commission 62751  
from the date of appointment until the end of the term for which 62752  
the member was appointed. Members may be reappointed. 62753

Vacancies shall be filled in the manner provided for 62754  
original appointments. Any member appointed to fill a vacancy 62755  
occurring prior to the expiration date of the term for which the 62756  
member's predecessor was appointed shall serve on the commission 62757  
for the remainder of that term. A member shall continue to serve 62758  
on the commission subsequent to the expiration date of the 62759

member's term until the member's successor is appointed or until 62760  
a period of sixty days has elapsed, whichever occurs first. 62761  
Members shall serve without compensation but shall be reimbursed 62762  
for necessary expenses. 62763

**Sec. 5103.02.** As used in sections 5103.03 to 5103.17 of 62764  
the Revised Code: 62765

(A) (1) "Association" or "institution" includes all of the 62766  
following: 62767

(a) Any incorporated or unincorporated organization, 62768  
society, association, or agency, public or private, that 62769  
receives or cares for children for two or more consecutive 62770  
weeks; 62771

(b) Any individual, including the operator of a foster 62772  
home, who, for hire, gain, or reward, receives or cares for 62773  
children for two or more consecutive weeks, unless the 62774  
individual is related to them by blood or marriage; 62775

(c) Any individual not in the regular employ of a court, 62776  
or of an institution or association certified in accordance with 62777  
section 5103.03 of the Revised Code, who in any manner becomes a 62778  
party to the placing of children in foster homes, unless the 62779  
individual is related to such children by blood or marriage or 62780  
is the appointed guardian of such children. 62781

(2) "Association" or "institution" does not include any of 62782  
the following: 62783

(a) Any organization, society, association, school, 62784  
agency, child guidance center, detention or rehabilitation 62785  
facility, or children's clinic licensed, regulated, approved, 62786  
operated under the direction of, or otherwise certified by the 62787  
department of ~~education~~ learning and achievement, a local board 62788

of education, the department of youth services, the department 62789  
of mental health and addiction services, or the department of 62790  
developmental disabilities; 62791

(b) Any individual who provides care for only a single- 62792  
family group, placed there by their parents or other relative 62793  
having custody; 62794

(c) A private, nonprofit therapeutic wilderness camp. 62795

(B) "Family foster home" means a foster home that is not a 62796  
specialized foster home. 62797

(C) "Foster caregiver" means a person holding a valid 62798  
foster home certificate issued under section 5103.03 of the 62799  
Revised Code. 62800

(D) "Foster home" means a private residence in which 62801  
children are received apart from their parents, guardian, or 62802  
legal custodian, by an individual reimbursed for providing the 62803  
children nonsecure care, supervision, or training twenty-four 62804  
hours a day. "Foster home" does not include care provided for a 62805  
child in the home of a person other than the child's parent, 62806  
guardian, or legal custodian while the parent, guardian, or 62807  
legal custodian is temporarily away. Family foster homes and 62808  
specialized foster homes are types of foster homes. 62809

(E) "Medically fragile foster home" means a foster home 62810  
that provides specialized medical services designed to meet the 62811  
needs of children with intensive health care needs who meet all 62812  
of the following criteria: 62813

(1) Under rules adopted by the medicaid director governing 62814  
medicaid payments for long-term care services, the children 62815  
require a skilled level of care. 62816

(2) The children require the services of a doctor of 62817  
medicine or osteopathic medicine at least once a week due to the 62818  
instability of their medical conditions. 62819

(3) The children require the services of a registered 62820  
nurse on a daily basis. 62821

(4) The children are at risk of institutionalization in a 62822  
hospital, skilled nursing facility, or intermediate care 62823  
facility for individuals with intellectual disabilities. 62824

(F) "Private, nonprofit therapeutic wilderness camp" means 62825  
a structured, alternative residential setting for children who 62826  
are experiencing emotional, behavioral, moral, social, or 62827  
learning difficulties at home or school in which all of the 62828  
following are the case: 62829

(1) The children spend the majority of their time, 62830  
including overnight, either outdoors or in a primitive 62831  
structure. 62832

(2) The children have been placed there by their parents 62833  
or another relative having custody. 62834

(3) The camp accepts no public funds for use in its 62835  
operations. 62836

(G) "Recommending agency" means a public children services 62837  
agency, private child placing agency, or private noncustodial 62838  
agency that recommends that the department of job and family 62839  
services take any of the following actions under section 5103.03 62840  
of the Revised Code regarding a foster home: 62841

(1) Issue a certificate; 62842

(2) Deny a certificate; 62843

- (3) Renew a certificate; 62844
- (4) Deny renewal of a certificate; 62845
- (5) Revoke a certificate. 62846
- (H) "Specialized foster home" means a medically fragile foster home or a treatment foster home. 62847  
62848
- (I) "Treatment foster home" means a foster home that 62849  
incorporates special rehabilitative services designed to treat 62850  
the specific needs of the children received in the foster home 62851  
and that receives and cares for children who are emotionally or 62852  
behaviorally disturbed, who are chemically dependent, who have 62853  
developmental disabilities, or who otherwise have exceptional 62854  
needs. 62855
- Sec. 5103.08.** The department of job and family services 62856  
may enter into contracts with the department of ~~education~~ 62857  
learning and achievement authorizing the department of job and 62858  
family services to administer funds received by the department 62859  
of ~~education~~ learning and achievement under the "State Dependent 62860  
Care Development Grants Act," 100 Stat. 968 (1986), 42 U.S.C.A. 62861  
9871, as amended. In fulfilling its duties under such a 62862  
contract, the department of job and family services may make 62863  
grants to or enter into contracts with other public or private 62864  
entities. 62865
- Sec. 5103.13.** (A) As used in this section and section 62866  
5103.131 of the Revised Code: 62867
- (1) (a) "Children's crisis care facility" means a facility 62868  
that has as its primary purpose the provision of residential and 62869  
other care to either or both of the following: 62870
- (i) One or more preteens voluntarily placed in the 62871

facility by the preteen's parent or other caretaker who is 62872  
facing a crisis that causes the parent or other caretaker to 62873  
seek temporary care for the preteen and referral for support 62874  
services; 62875

(ii) One or more preteens placed in the facility by a 62876  
public children services agency or private child placing agency 62877  
that has legal custody or permanent custody of the preteen and 62878  
determines that an emergency situation exists necessitating the 62879  
preteen's placement in the facility rather than an institution 62880  
certified under section 5103.03 of the Revised Code or 62881  
elsewhere. 62882

(b) "Children's crisis care facility" does not include 62883  
either of the following: 62884

(i) Any organization, society, association, school, 62885  
agency, child guidance center, detention or rehabilitation 62886  
facility, or children's clinic licensed, regulated, approved, 62887  
operated under the direction of, or otherwise certified by the 62888  
department of ~~education~~ learning and achievement, a local board 62889  
of education, the department of youth services, the department 62890  
of mental health and addiction services, or the department of 62891  
developmental disabilities; 62892

(ii) Any individual who provides care for only a single- 62893  
family group, placed there by their parents or other relative 62894  
having custody. 62895

(2) "Legal custody" and "permanent custody" have the same 62896  
meanings as in section 2151.011 of the Revised Code. 62897

(3) "Preteen" means an individual under thirteen years of 62898  
age. 62899

(B) No person shall operate a children's crisis care 62900

facility or hold a children's crisis care facility out as a 62901  
certified children's crisis care facility unless there is a 62902  
valid children's crisis care facility certificate issued under 62903  
this section for the facility. 62904

(C) A person seeking to operate a children's crisis care 62905  
facility shall apply to the director of job and family services 62906  
to obtain a certificate for the facility. The director shall 62907  
certify the person's children's crisis care facility if the 62908  
facility meets all of the certification standards established in 62909  
rules adopted under division (F) of this section and the person 62910  
complies with all of the rules governing the certification of 62911  
children's crisis care facilities adopted under that division. 62912  
The issuance of a children's crisis care facility certificate 62913  
does not exempt the facility from a requirement to obtain 62914  
another certificate or license mandated by law. 62915

(D) (1) No certified children's crisis care facility shall 62916  
do any of the following: 62917

(a) Provide residential care to a preteen for more than 62918  
one hundred twenty days in a calendar year; 62919

(b) Subject to division (D) (1) (c) of this section and 62920  
except as provided in division (D) (2) of this section, provide 62921  
residential care to a preteen for more than sixty consecutive 62922  
days; 62923

(c) Except as provided in division (D) (3) of this section, 62924  
provide residential care to a preteen for more than seventy-two 62925  
consecutive hours if a public children services agency or 62926  
private child placing agency placed the preteen in the facility; 62927

(d) Fail to comply with section 2151.86 of the Revised 62928  
Code. 62929

(2) A certified children's crisis care facility may 62930  
provide residential care to a preteen for up to ninety 62931  
consecutive days, other than a preteen placed in the facility by 62932  
a public children services agency or private child placing 62933  
agency, if any of the following are the case: 62934

(a) The preteen's parent or other caretaker is enrolled in 62935  
an alcohol and drug addiction service or a community mental 62936  
health service certified under section 5119.36 of the Revised 62937  
Code; 62938

(b) The preteen's parent or other caretaker is an 62939  
inpatient in a hospital; 62940

(c) The preteen's parent or other caretaker is 62941  
incarcerated; 62942

(d) A physician has diagnosed the preteen's parent or 62943  
other caretaker as medically incapacitated. 62944

(3) A certified children's crisis care facility may 62945  
provide residential care to a preteen placed in the facility by 62946  
a public children services agency or private child placing 62947  
agency for more than seventy-two consecutive hours if the 62948  
director of job and family services or the director's designee 62949  
issues the agency a waiver of the seventy-two consecutive hour 62950  
limitation. The waiver may authorize the certified children's 62951  
crisis care facility to provide residential care to the preteen 62952  
for up to fourteen consecutive days. 62953

(E) The director of job and family services may suspend or 62954  
revoke a children's crisis care facility's certificate pursuant 62955  
to Chapter 119. of the Revised Code if the facility violates 62956  
division (D) of this section or ceases to meet any of the 62957  
certification standards established in rules adopted under 62958

division (F) of this section or the facility's operator ceases 62959  
to comply with any of the rules governing the certification of 62960  
children's crisis care facilities adopted under that division. 62961

(F) Not later than ninety days after September 21, 2006, 62962  
the director of job and family services shall adopt rules 62963  
pursuant to Chapter 119. of the Revised Code for the 62964  
certification of children's crisis care facilities. The rules 62965  
shall specify that a certificate shall not be issued to an 62966  
applicant if the conditions at the children's crisis care 62967  
facility would jeopardize the health or safety of the preteens 62968  
placed in the facility. 62969

**Sec. 5104.01.** As used in this chapter: 62970

(A) "Administrator" means the person responsible for the 62971  
daily operation of a center, type A home, or type B home. The 62972  
administrator and the owner may be the same person. 62973

(B) "Approved child day camp" means a child day camp 62974  
approved pursuant to section 5104.22 of the Revised Code. 62975

(C) "Border state child care provider" means a child care 62976  
provider that is located in a state bordering Ohio and that is 62977  
licensed, certified, or otherwise approved by that state to 62978  
provide child care. 62979

(D) "Career pathways model" means an alternative pathway 62980  
to meeting the requirements to be a child-care staff member or 62981  
administrator that does both of the following: 62982

(1) Uses a framework approved by the director of job and 62983  
family services to document formal education, training, 62984  
experience, and specialized credentials and certifications; 62985

(2) Allows the child-care staff member or administrator to 62986

achieve a designation as an early childhood professional level 62987  
one, two, three, four, five, or six. 62988

(E) "Caretaker parent" means the father or mother of a 62989  
child whose presence in the home is needed as the caretaker of 62990  
the child, a person who has legal custody of a child and whose 62991  
presence in the home is needed as the caretaker of the child, a 62992  
guardian of a child whose presence in the home is needed as the 62993  
caretaker of the child, and any other person who stands in loco 62994  
parentis with respect to the child and whose presence in the 62995  
home is needed as the caretaker of the child. 62996

(F) "Chartered nonpublic school" means a school that meets 62997  
standards for nonpublic schools prescribed by the ~~state board of~~ 62998  
~~education department of learning and achievement~~ for nonpublic 62999  
schools pursuant to section 3301.07 of the Revised Code. 63000

(G) "Child" includes an infant, toddler, preschool-age 63001  
child, or school-age child. 63002

(H) "Child care block grant act" means the "Child Care and 63003  
Development Block Grant Act of 1990," established in section 63004  
5082 of the "Omnibus Budget Reconciliation Act of 1990," 104 63005  
Stat. 1388-236 (1990), 42 U.S.C. 9858, as amended. 63006

(I) "Child day camp" means a program in which only school- 63007  
age children attend or participate, that operates for no more 63008  
than seven hours per day, that operates only during one or more 63009  
public school district's regular vacation periods or for no more 63010  
than fifteen weeks during the summer, and that operates outdoor 63011  
activities for each child who attends or participates in the 63012  
program for a minimum of fifty per cent of each day that 63013  
children attend or participate in the program, except for any 63014  
day when hazardous weather conditions prevent the program from 63015

operating outdoor activities for a minimum of fifty per cent of 63016  
that day. For purposes of this division, the maximum seven hours 63017  
of operation time does not include transportation time from a 63018  
child's home to a child day camp and from a child day camp to a 63019  
child's home. 63020

(J) "Child care" means all of the following: 63021

(1) Administering to the needs of infants, toddlers, 63022  
preschool-age children, and school-age children outside of 63023  
school hours; 63024

(2) By persons other than their parents, guardians, or 63025  
custodians; 63026

(3) For any part of the twenty-four-hour day; 63027

(4) In a place other than a child's own home, except that 63028  
an in-home aide provides child care in the child's own home. 63029

(K) "Child day-care center" and "center" mean any place in 63030  
which child care or publicly funded child care is provided for 63031  
thirteen or more children at one time or any place that is not 63032  
the permanent residence of the licensee or administrator in 63033  
which child care or publicly funded child care is provided for 63034  
seven to twelve children at one time. In counting children for 63035  
the purposes of this division, any children under six years of 63036  
age who are related to a licensee, administrator, or employee 63037  
and who are on the premises of the center shall be counted. 63038  
"Child day-care center" and "center" do not include any of the 63039  
following: 63040

(1) A place located in and operated by a hospital, as 63041  
defined in section 3727.01 of the Revised Code, in which the 63042  
needs of children are administered to, if all the children whose 63043  
needs are being administered to are monitored under the on-site 63044

supervision of a physician licensed under Chapter 4731. of the 63045  
Revised Code or a registered nurse licensed under Chapter 4723. 63046  
of the Revised Code, and the services are provided only for 63047  
children who, in the opinion of the child's parent, guardian, or 63048  
custodian, are exhibiting symptoms of a communicable disease or 63049  
other illness or are injured; 63050

(2) A child day camp; 63051

(3) A place that provides child care, but not publicly 63052  
funded child care, if all of the following apply: 63053

(a) An organized religious body provides the child care; 63054

(b) A parent, custodian, or guardian of at least one child 63055  
receiving child care is on the premises and readily accessible 63056  
at all times; 63057

(c) The child care is not provided for more than thirty 63058  
days a year; 63059

(d) The child care is provided only for preschool-age and 63060  
school-age children. 63061

(L) "Child care resource and referral service 63062  
organization" means a community-based nonprofit organization 63063  
that provides child care resource and referral services but not 63064  
child care. 63065

(M) "Child care resource and referral services" means all 63066  
of the following services: 63067

(1) Maintenance of a uniform data base of all child care 63068  
providers in the community that are in compliance with this 63069  
chapter, including current occupancy and vacancy data; 63070

(2) Provision of individualized consumer education to 63071

families seeking child care;	63072
(3) Provision of timely referrals of available child care providers to families seeking child care;	63073 63074
(4) Recruitment of child care providers;	63075
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	63076 63077 63078 63079
(6) Collection and analysis of data on the supply of and demand for child care in the community;	63080 63081
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	63082 63083 63084
(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;	63085 63086 63087
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	63088 63089 63090
(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 job and family services;	63091 63092 63093 63094 63095
(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 day-care homes.	63096 63097 63098 63099

(N) "Child-care staff member" means an employee of a child day-care center or type A family day-care home who is primarily responsible for the care and supervision of children. The administrator may be a part-time child-care staff member when not involved in other duties.

(O) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-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.

(P) "Employee" means a person who either:

(1) Receives compensation for duties performed in a child day-care center or type A family day-care home;

(2) Is assigned specific working hours or duties in a child day-care center or type A family day-care home.

(Q) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center or type A family day-care home subject to licensure under this chapter.

(R) "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.

(S) "Head start program" means a comprehensive child development program serving birth to three years old and preschool-age children that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as

amended, and is licensed as a child day-care center. 63129

(T) "Income" means gross income, as defined in section 63130  
5107.10 of the Revised Code, less any amounts required by 63131  
federal statutes or regulations to be disregarded. 63132

(U) "Indicator checklist" means an inspection tool, used 63133  
in conjunction with an instrument-based program monitoring 63134  
information system, that contains selected licensing 63135  
requirements that are statistically reliable indicators or 63136  
predictors of a child day-care center's type A family day-care 63137  
home's, or licensed type B family day-care home's compliance 63138  
with licensing requirements. 63139

(V) "Infant" means a child who is less than eighteen 63140  
months of age. 63141

(W) "In-home aide" means a person who does not reside with 63142  
the child but provides care in the child's home and is certified 63143  
by a county director of job and family services pursuant to 63144  
section 5104.12 of the Revised Code to provide publicly funded 63145  
child care to a child in a child's own home pursuant to this 63146  
chapter and any rules adopted under it. 63147

(X) "Instrument-based program monitoring information 63148  
system" means a method to assess compliance with licensing 63149  
requirements for child day-care centers, type A family day-care 63150  
homes, and licensed type B family day-care homes in which each 63151  
licensing requirement is assigned a weight indicative of the 63152  
relative importance of the requirement to the health, growth, 63153  
and safety of the children that is used to develop an indicator 63154  
checklist. 63155

(Y) "License capacity" means the maximum number in each 63156  
age category of children who may be cared for in a child day- 63157

care center or type A family day-care home at one time as 63158  
determined by the director of job and family services 63159  
considering building occupancy limits established by the 63160  
department of commerce, amount of available indoor floor space 63161  
and outdoor play space, and amount of available play equipment, 63162  
materials, and supplies. For the purposes of a provisional 63163  
license issued under this chapter, the director shall also 63164  
consider the number of available child-care staff members when 63165  
determining "license capacity" for the provisional license. 63166

(Z) "Licensed child care program" means any of the 63167  
following: 63168

(1) A child day-care center licensed by the department of 63169  
job and family services pursuant to this chapter; 63170

(2) A type A family day-care home or type B family day- 63171  
care home licensed by the department of job and family services 63172  
pursuant to this chapter; 63173

(3) A licensed preschool program or licensed school child 63174  
program. 63175

(AA) "Licensed preschool program" or "licensed school 63176  
child program" means a preschool program or school child 63177  
program, as defined in section 3301.52 of the Revised Code, that 63178  
is licensed by the department of ~~education~~ learning and 63179  
achievement pursuant to sections 3301.52 to 3301.59 of the 63180  
Revised Code. 63181

(BB) "Licensed type B family day-care home" and "licensed 63182  
type B home" mean a type B family day-care home for which there 63183  
is a valid license issued by the director of job and family 63184  
services pursuant to section 5104.03 of the Revised Code. 63185

(CC) "Licensee" means the owner of a child day-care 63186

center, type A family day-care home, or type B family day-care 63187  
home that is licensed pursuant to this chapter and who is 63188  
responsible for ensuring its compliance with this chapter and 63189  
rules adopted pursuant to this chapter. 63190

(DD) "Operate a child day camp" means to operate, 63191  
establish, manage, conduct, or maintain a child day camp. 63192

(EE) "Owner" includes a person, as defined in section 1.59 63193  
of the Revised Code, or government entity. 63194

(FF) "Parent cooperative child day-care center," "parent 63195  
cooperative center," "parent cooperative type A family day-care 63196  
home," and "parent cooperative type A home" mean a corporation 63197  
or association organized for providing educational services to 63198  
the children of members of the corporation or association, 63199  
without gain to the corporation or association as an entity, in 63200  
which the services of the corporation or association are 63201  
provided only to children of the members of the corporation or 63202  
association, ownership and control of the corporation or 63203  
association rests solely with the members of the corporation or 63204  
association, and at least one parent-member of the corporation 63205  
or association is on the premises of the center or type A home 63206  
during its hours of operation. 63207

(GG) "Part-time child day-care center," "part-time 63208  
center," "part-time type A family day-care home," and "part-time 63209  
type A home" mean a center or type A home that provides child 63210  
care or publicly funded child care for not more than four hours 63211  
a day for any child or not more than fifteen consecutive weeks 63212  
per year, regardless of the number of hours per day. 63213

(HH) "Place of worship" means a building where activities 63214  
of an organized religious group are conducted and includes the 63215

grounds and any other buildings on the grounds used for such activities. 63216  
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(II) "Preschool-age child" means a child who is three years old or older but is not a school-age child. 63218  
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(JJ) "Protective child care" means publicly funded child care for the direct care and protection of a child to whom either of the following applies: 63220  
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(1) A case plan prepared and maintained for the child pursuant to section 2151.412 of the Revised Code indicates a need for protective care and the child resides with a parent, stepparent, guardian, or another person who stands in loco parentis as defined in rules adopted under section 5104.38 of the Revised Code; 63223  
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(2) The child and the child's caretaker either temporarily reside in a facility providing emergency shelter for homeless families or are determined by the county department of job and family services to be homeless, and are otherwise ineligible for publicly funded child care. 63229  
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(KK) "Publicly funded child care" means administering to the needs of infants, toddlers, preschool-age children, and school-age children under age thirteen during any part of the twenty-four-hour day by persons other than their caretaker parents for remuneration wholly or in part with federal or state funds, including funds available under the child care block grant act, Title IV-A, and Title XX, distributed by the department of job and family services. 63234  
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(LL) "Religious activities" means any of the following: worship or other religious services; religious instruction; Sunday school classes or other religious classes conducted 63242  
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during or prior to worship or other religious services; youth or 63245  
adult fellowship activities; choir or other musical group 63246  
practices or programs; meals; festivals; or meetings conducted 63247  
by an organized religious group. 63248

(MM) "School-age child" means a child who is enrolled in 63249  
or is eligible to be enrolled in a grade of kindergarten or 63250  
above but is less than fifteen years old. 63251

(NN) "School-age child care center" and "school-age child 63252  
type A home" mean a center or type A home that provides child 63253  
care for school-age children only and that does either or both 63254  
of the following: 63255

(1) Operates only during that part of the day that 63256  
immediately precedes or follows the public school day of the 63257  
school district in which the center or type A home is located; 63258

(2) Operates only when the public schools in the school 63259  
district in which the center or type A home is located are not 63260  
open for instruction with pupils in attendance. 63261

(OO) "Serious risk noncompliance" means a licensure or 63262  
certification rule violation that leads to a great risk of harm 63263  
to, or death of, a child, and is observable, not inferable. 63264

(PP) "State median income" means the state median income 63265  
calculated by the department of development pursuant to division 63266  
(A) (1) (g) of section 5709.61 of the Revised Code. 63267

(QQ) "Title IV-A" means Title IV-A of the "Social Security 63268  
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 63269

(RR) "Title XX" means Title XX of the "Social Security 63270  
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 63271

(SS) "Toddler" means a child who is at least eighteen 63272

months of age but less than three years of age. 63273

(TT) "Type A family day-care home" and "type A home" mean 63274  
a permanent residence of the administrator in which child care 63275  
or publicly funded child care is provided for seven to twelve 63276  
children at one time or a permanent residence of the 63277  
administrator in which child care is provided for four to twelve 63278  
children at one time if four or more children at one time are 63279  
under two years of age. In counting children for the purposes of 63280  
this division, any children under six years of age who are 63281  
related to a licensee, administrator, or employee and who are on 63282  
the premises of the type A home shall be counted. "Type A family 63283  
day-care home" and "type A home" do not include any child day 63284  
camp. 63285

(UU) "Type B family day-care home" and "type B home" mean 63286  
a permanent residence of the provider in which child care is 63287  
provided for one to six children at one time and in which no 63288  
more than three children are under two years of age at one time. 63289  
In counting children for the purposes of this division, any 63290  
children under six years of age who are related to the provider 63291  
and who are on the premises of the type B home shall be counted. 63292  
"Type B family day-care home" and "type B home" do not include 63293  
any child day camp. 63294

**Sec. 5104.015.** The director of job and family services 63295  
shall adopt rules in accordance with Chapter 119. of the Revised 63296  
Code governing the operation of child day-care centers, 63297  
including parent cooperative centers, part-time centers, drop-in 63298  
centers, and school-age child care centers. The rules shall 63299  
reflect the various forms of child care and the needs of 63300  
children receiving child care or publicly funded child care and 63301  
shall include specific rules for school-age child care centers 63302

that are developed in consultation with the department of 63303  
~~education~~ learning and achievement. The rules shall not require 63304  
an existing school facility that is in compliance with 63305  
applicable building codes to undergo an additional building code 63306  
inspection or to have structural modifications. The rules shall 63307  
include the following: 63308

(A) Submission of a site plan and descriptive plan of 63309  
operation to demonstrate how the center proposes to meet the 63310  
requirements of this chapter and rules adopted pursuant to this 63311  
chapter for the initial license application; 63312

(B) Standards for ensuring that the physical surroundings 63313  
of the center are safe and sanitary including the physical 63314  
environment, the physical plant, and the equipment of the 63315  
center; 63316

(C) Standards for the supervision, care, and discipline of 63317  
children receiving child care or publicly funded child care in 63318  
the center; 63319

(D) Standards for a program of activities, and for play 63320  
equipment, materials, and supplies, to enhance the development 63321  
of each child; however, any educational curricula, philosophies, 63322  
and methodologies that are developmentally appropriate and that 63323  
enhance the social, emotional, intellectual, and physical 63324  
development of each child shall be permissible. As used in this 63325  
division, "program" does not include instruction in religious or 63326  
moral doctrines, beliefs, or values that is conducted at child 63327  
day-care centers owned and operated by churches and does include 63328  
methods of disciplining children at child day-care centers. 63329

(E) Admissions policies and procedures; 63330

(F) Health care policies and procedures, including 63331

procedures for the isolation of children with communicable diseases;	63332 63333
(G) First aid and emergency procedures;	63334
(H) Procedures for discipline and supervision of children;	63335
(I) Standards for the provision of nutritious meals and snacks;	63336 63337
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	63338 63339 63340
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	63341 63342
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	63343 63344 63345 63346
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	63347 63348 63349
(N) Procedures for record keeping, organization, and administration;	63350 63351
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	63352 63353 63354
(P) Inspection procedures;	63355
(Q) Procedures and standards for setting initial license application fees;	63356 63357
(R) Procedures for receiving, recording, and responding to	63358

complaints about centers;	63359
(S) Procedures for enforcing section 5104.04 of the Revised Code;	63360 63361
(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter;	63362 63363 63364 63365 63366
(U) Requirements for the training of administrators and child-care staff members, including training in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	63367 63368 63369 63370
(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	63371 63372 63373 63374
(W) A procedure for reporting of injuries of children that occur at the center;	63375 63376
(X) Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions;	63377 63378 63379
(Y) Minimum requirements for instructional time for child day-care centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	63380 63381 63382
(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers.	63383 63384 63385
<b>Sec. 5104.02.</b> (A) The director of job and family services	63386

is responsible for the licensing of child day-care centers and 63387  
type A family day-care homes. Each entity operating a head start 63388  
program shall meet the criteria for, and be licensed as, a child 63389  
day-care center. The director is responsible for the enforcement 63390  
of this chapter and of rules promulgated pursuant to this 63391  
chapter. 63392

No person, firm, organization, institution, or agency 63393  
shall operate, establish, manage, conduct, or maintain a child 63394  
day-care center or type A family day-care home without a license 63395  
issued under section 5104.03 of the Revised Code. The current 63396  
license shall be posted in a conspicuous place in the center or 63397  
type A home that is accessible to parents, custodians, or 63398  
guardians and employees of the center or type A home at all 63399  
times when the center or type A home is in operation. 63400

(B) A person, firm, institution, organization, or agency 63401  
operating any of the following programs is exempt from the 63402  
requirements of this chapter: 63403

(1) A program of child care that operates for two or less 63404  
consecutive weeks; 63405

(2) Child care in places of worship during religious 63406  
activities during which children are cared for while at least 63407  
one parent, guardian, or custodian of each child is 63408  
participating in such activities and is readily available; 63409

(3) Religious activities which do not provide child care; 63410

(4) Supervised training, instruction, or activities of 63411  
children in specific areas, including, but not limited to: art; 63412  
drama; dance; music; gymnastics, swimming, or another athletic 63413  
skill or sport; computers; or an educational subject conducted 63414  
on an organized or periodic basis no more than one day a week 63415

and for no more than six hours duration; 63416

(5) Programs in which the director determines that at 63417  
least one parent, custodian, or guardian of each child is on the 63418  
premises of the facility offering child care and is readily 63419  
accessible at all times, except that child care provided on the 63420  
premises at which a parent, custodian, or guardian is employed 63421  
more than two and one-half hours a day shall be licensed in 63422  
accordance with division (A) of this section; 63423

(6) (a) Programs that provide child care funded and 63424  
regulated or operated and regulated by state departments other 63425  
than the department of job and family services or the ~~state-~~ 63426  
~~board of education-~~ department of learning and achievement when 63427  
the director of job and family services has determined that the 63428  
rules governing the program are equivalent to or exceed the 63429  
rules promulgated pursuant to this chapter. 63430

Notwithstanding any exemption from regulation under this 63431  
chapter, each state department shall submit to the director of 63432  
job and family services a copy of the rules that govern programs 63433  
that provide child care and are regulated or operated and 63434  
regulated by the department. Annually, each state department 63435  
shall submit to the director a report for each such program it 63436  
regulates or operates and regulates that includes the following 63437  
information: 63438

(i) The site location of the program; 63439

(ii) The maximum number of infants, toddlers, preschool- 63440  
age children, or school-age children served by the program at 63441  
one time; 63442

(iii) The number of adults providing child care for the 63443  
number of infants, toddlers, preschool-age children, or school- 63444

age children; 63445

(iv) Any changes in the rules made subsequent to the time 63446  
when the rules were initially submitted to the director. 63447

The director shall maintain a record of the child care 63448  
information submitted by other state departments and shall 63449  
provide this information upon request to the general assembly or 63450  
the public. 63451

(b) Child care programs conducted by boards of education 63452  
or by chartered nonpublic schools that are conducted in school 63453  
buildings and that provide child care to school-age children 63454  
only shall be exempt from meeting or exceeding rules promulgated 63455  
pursuant to this chapter. 63456

(7) Any preschool program or school child program, except 63457  
a head start program, that is subject to licensure by the 63458  
department of ~~education~~ learning and achievement under sections 63459  
3301.52 to 3301.59 of the Revised Code. 63460

(8) Any program providing child care that meets all of the 63461  
following requirements and, on October 20, 1987, was being 63462  
operated by a nonpublic school that holds a charter issued by 63463  
the ~~state board of education~~ department of learning and 63464  
achievement for kindergarten only: 63465

(a) The nonpublic school has given the notice to the ~~state~~ 63466  
~~board~~ department of learning and achievement and the director of 63467  
job and family services required by Section 4 of Substitute 63468  
House Bill No. 253 of the 117th general assembly; 63469

(b) The nonpublic school continues to be chartered by the 63470  
~~state board~~ department of learning and achievement for 63471  
kindergarten, or receives and continues to hold a charter from 63472  
the ~~state board~~ department for kindergarten through grade five; 63473

- (c) The program is conducted in a school building; 63474
- (d) The program is operated in accordance with rules 63475  
promulgated by the ~~state board~~ department of learning and 63476  
achievement under sections 3301.52 to 3301.57 of the Revised 63477  
Code. 63478
- (9) A youth development program operated outside of school 63479  
hours by a community-based center to which all of the following 63480  
apply: 63481
- (a) The children enrolled in the program are under 63482  
nineteen years of age and enrolled in or eligible to be enrolled 63483  
in a grade of kindergarten or above. 63484
- (b) The program provides informal child care, which is 63485  
child care that does not require parental signature, permission, 63486  
or notice for the child receiving the care to enter or leave the 63487  
program. 63488
- (c) The program provides any of the following supervised 63489  
activities: educational, recreational, culturally enriching, 63490  
social, and personal development activities. 63491
- (d) The program is eligible for participation in the child 63492  
and adult care food program as an outside-school-hours care 63493  
center pursuant to standards established under section 3313.813 63494  
of the Revised Code. 63495
- (e) The community-based center operating the program is 63496  
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 63497  
and (c) (3). 63498
- (10) A preschool program operated by a nonchartered, 63499  
nontax-supported school if the preschool program meets all of 63500  
the following conditions: 63501

- (a) The program complies with state and local health, fire, and safety laws. 63502  
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- (b) The program annually certifies in a report to the parents of its pupils that the school is in compliance with division (B)(10)(a) of this section and files a copy of the report with the department of job and family services on or before the thirtieth day of September of each year. 63504  
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- (c) The program complies with all applicable reporting requirements in the same manner as required by the ~~state board of education~~ department of learning and achievement for nonchartered, nonpublic primary and secondary schools. 63509  
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- (d) The program is associated with a nonchartered, nontax-supported primary or secondary school. 63513  
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- Sec. 5104.035.** (A) A child day-care center administrator shall show the director of job and family services both of the following: 63515  
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- (1) Evidence of at least high school graduation or a certificate of high school equivalence ~~issued by the department of education~~ or a primary-secondary education or higher education agency of another state; 63518  
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- (2) Evidence of having at least one of the following: 63522
- (a) An associate, bachelor's, master's, doctoral, or other postgraduate degree in child development or early childhood education, or in a related field approved by the director, from an accredited college, university, or technical college; 63523  
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- (b) A license designated as appropriate for teaching in an associate teaching position in a preschool setting issued by the state board of education pursuant to section 3319.22 of the 63527  
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Revised Code;	63530
(c) Designation under the career pathways model as an early childhood professional level three;	63531 63532
(d) Two years of experience working as a child-care staff member in a licensed child care program, designation under the career pathways model as an early childhood professional level one, and, not later than one year after being named as administrator, designation under the career pathways model as an early childhood professional level two;	63533 63534 63535 63536 63537 63538
(e) Two years of experience working as a child-care staff member in a licensed child care program and, except as provided in division (B) of this section, at least four courses in child development or early childhood education from an accredited college, university, or technical college;	63539 63540 63541 63542 63543
(f) Two years of experience working as a child-care staff member in a licensed child care program and a child development associate credential issued by the council for professional recognition;	63544 63545 63546 63547
(g) Two years of training, including at least four courses in child development or early childhood education from an accredited college, university, or technical college;	63548 63549 63550
(h) An infant and toddler or early childhood credential from a program accredited by the Montessori accreditation council for teacher education.	63551 63552 63553
(B) A person who has two years of experience working as a child-care staff member in a child day-care center and is promoted to or designated as administrator of that center shall have one year from the date of the promotion or designation to complete the courses required by division (A) (1) (e) of this	63554 63555 63556 63557 63558

section. 63559

**Sec. 5104.036.** (A) All child-care staff members of a child 63560  
day-care center shall be at least eighteen years of age, shall 63561  
comply with the training requirements set forth in rules adopted 63562  
pursuant to section 5104.015 of the Revised Code, and shall 63563  
furnish the director of job and family services or the 63564  
director's designee evidence of at least high school graduation 63565  
or a certificate of high school equivalence ~~issued by the~~ 63566  
~~department of education~~ or a primary-secondary education or 63567  
higher education agency of another state or evidence of 63568  
completion of a training program approved by the department of 63569  
job and family services or ~~state board of education~~ department 63570  
of learning and achievement, except as follows: 63571

(B) A child-care staff member may be less than eighteen 63572  
years of age if the staff member is either of the following: 63573

(1) A graduate of a two-year vocational child-care 63574  
training program approved by the ~~state board of education~~ 63575  
department of learning and achievement; 63576

(2) A student enrolled in the second year of a vocational 63577  
child-care training program approved by the ~~state board of~~ 63578  
~~education~~ department of learning and achievement which leads to 63579  
high school graduation, provided that the student performs the 63580  
student's duties in the child day-care center under the 63581  
continuous supervision of an experienced child-care staff 63582  
member, receives periodic supervision from the vocational child- 63583  
care training program teacher-coordinator in the student's high 63584  
school, and meets all other requirements of this chapter and 63585  
rules adopted pursuant to this chapter. 63586

(C) A child-care staff member shall be exempt from the 63587

educational requirements of division (A) of this section if the 63588  
staff member: 63589

(1) Prior to January 1, 1972, was employed or designated 63590  
by a child day-care center and has been continuously employed 63591  
since either by the same child day-care center employer or at 63592  
the same child day-care center; 63593

(2) Is a student enrolled in the second year of a 63594  
vocational child-care training program approved by the ~~state-~~ 63595  
~~board of education~~ department of learning and achievement which 63596  
leads to high school graduation, provided that the student 63597  
performs the student's duties in the child day-care center under 63598  
the continuous supervision of an experienced child-care staff 63599  
member, receives periodic supervision from the vocational child- 63600  
care training program teacher-coordinator in the student's high 63601  
school, and meets all other requirements of this chapter and 63602  
rules adopted pursuant to this chapter; 63603

(3) Is receiving or has completed the final year of 63604  
instruction at home as authorized under section 3321.04 of the 63605  
Revised Code or has graduated from a nonchartered, nonpublic 63606  
school in Ohio. 63607

**Sec. 5104.053.** As a precondition of approval by the ~~state-~~ 63608  
~~board of education~~ department of learning and achievement 63609  
pursuant to section 3313.813 of the Revised Code for receipt of 63610  
United States department of agriculture child and adult care 63611  
food program funds established under the "National School Lunch 63612  
Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, the 63613  
provider of child care in a type B family day-care home that is 63614  
not licensed by the director of job and family services shall 63615  
request an inspection of the type B home by the fire marshal, 63616  
who shall inspect the type B home pursuant to section 3737.22 of 63617

the Revised Code to determine that it is in compliance with 63618  
rules established pursuant to section 5104.052 of the Revised 63619  
Code for licensed type B homes. 63620

**Sec. 5104.08.** (A) There is hereby created in the 63621  
department of job and family services a child care advisory 63622  
council to advise and assist the department in the 63623  
administration of this chapter and in the development of child 63624  
care. The council shall consist of twenty-two voting members 63625  
appointed by the director of job and family services with the 63626  
approval of the governor. The director of job and family 63627  
services, the director of developmental disabilities, the 63628  
director of mental health and addiction services, the 63629  
~~superintendent of public instruction~~ director of learning and 63630  
achievement, the director of health, the director of commerce, 63631  
and the state fire marshal shall serve as nonvoting members of 63632  
the council. 63633

Six members shall be representatives of child care centers 63634  
subject to licensing, the members to represent a variety of 63635  
centers, including nonprofit and proprietary, from different 63636  
geographical areas of the state. At least three members shall be 63637  
parents, guardians, or custodians of children receiving child 63638  
care or publicly funded child care in the child's own home, a 63639  
center, a type A home, a head start program, a licensed type B 63640  
home, or a type B home at the time of appointment. Three members 63641  
shall be representatives of in-home aides, type A homes, 63642  
licensed type B homes, or type B homes or head start programs. 63643  
At least six members shall represent county departments of job 63644  
and family services. The remaining members shall be 63645  
representatives of the teaching, child development, and health 63646  
professions, and other individuals interested in the welfare of 63647  
children. At least six members of the council shall not be 63648

employees or licensees of a child day-care center, head start 63649  
program, or type A home, or providers operating a licensed type 63650  
B home or type B home, or in-home aides. 63651

Appointments shall be for three-year terms. Vacancies 63652  
shall be filled for the unexpired terms. A member of the council 63653  
is subject to removal by the director of job and family services 63654  
for a willful and flagrant exercise of authority or power that 63655  
is not authorized by law, for a refusal or willful neglect to 63656  
perform any official duty as a member of the council imposed by 63657  
law, or for being guilty of misfeasance, malfeasance, 63658  
nonfeasance, or gross neglect of duty as a member of the 63659  
council. 63660

There shall be two co-chairpersons of the council. One co- 63661  
chairperson shall be the director of job and family services or 63662  
the director's designee, and one co-chairperson shall be elected 63663  
by the members of the council. The council shall meet as often 63664  
as is necessary to perform its duties, provided that it shall 63665  
meet at least once in each quarter of each calendar year and at 63666  
the call of the co-chairpersons. The co-chairpersons or their 63667  
designee shall send to each member a written notice of the date, 63668  
time, and place of each meeting. 63669

Members of the council shall serve without compensation, 63670  
but shall be reimbursed for necessary expenses. 63671

(B) The child care advisory council shall advise the 63672  
director on matters affecting the licensing of centers, type A 63673  
homes, and type B homes and the certification of in-home aides. 63674  
The council shall make an annual report to the director of job 63675  
and family services that addresses the availability, 63676  
affordability, accessibility, and quality of child care and that 63677  
summarizes the recommendations and plans of action that the 63678

council has proposed to the director during the preceding fiscal year. The director of job and family services shall provide copies of the report to the governor, speaker and minority leader of the house of representatives, and the president and minority leader of the senate and, on request, shall make copies available to the public.

(C) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

**Sec. 5104.29.** (A) As used in this section, "early learning and development program" has the same meaning as "licensed child care program" as defined in section 5104.01 of the Revised Code.

(B) There is hereby created in the department of job and family services the step up to quality program, under which the department of job and family services, in cooperation with the department of ~~education~~ learning and achievement, shall develop a tiered quality rating and improvement system for all early learning and development programs in this state. The step up to quality program shall include all of the following components:

(1) Quality program standards for early learning and development programs;

(2) Accountability measures that include tiered ratings representing each program's level of quality;

(3) Program and provider outreach and support to help programs meet higher standards and promote participation in the step up to quality program;

(4) Financial incentives for early learning and development programs that provide publicly funded child care and are linked to achieving and maintaining quality standards;

(5) Parent and consumer education to help parents learn about program quality and ratings so they can make informed choices on behalf of their children. 63708  
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(C) The step up to quality program shall have the following goals: 63711  
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(1) Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development programs; 63713  
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(2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs; 63717  
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(3) Recognizing and supporting early learning and development programs that achieve higher levels of quality; 63720  
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(4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems. 63722  
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(D) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs that maintain a quality rating may be eligible for unrestricted monetary awards. 63725  
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(E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's performance in meeting program standards in the following four domains: 63730  
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63733

(1) Learning and development; 63734

(2) Administration and leadership practices; 63735

- (3) Staff quality and professional development; 63736
- (4) Family and community partnerships. 63737
- (F) The director of job and family services, in 63738  
collaboration with the ~~superintendent of public instruction~~ 63739  
department of learning and achievement, shall adopt rules in 63740  
accordance with Chapter 119. of the Revised Code to implement 63741  
the step up to quality program described in this section. 63742
- (G) (1) The department of job and family services shall 63743  
ensure that the following percentages of early learning and 63744  
development programs that are not type B family day-care homes 63745  
and that provide publicly funded child care are rated in the 63746  
third highest tier or above in the step up to quality program: 63747
- (a) By June 30, 2017, twenty-five per cent; 63748
- (b) By June 30, 2019, forty per cent; 63749
- (c) By June 30, 2021, sixty per cent; 63750
- (d) By June 30, 2023, eighty per cent; 63751
- (e) By June 30, 2025, one hundred per cent. 63752
- (2) The department of job and family services and the 63753  
department of ~~education~~ learning and achievement shall identify 63754  
ways to accelerate early learning and development programs 63755  
moving to higher tiers in the step up to quality program and 63756  
identify strategies for appropriate ratings of type B homes. The 63757  
departments may consult with the early childhood advisory 63758  
council established pursuant to section 3301.90 of the Revised 63759  
Code to facilitate their efforts and shall include owners and 63760  
administrators of early learning and development programs in the 63761  
identification process. The departments shall report their 63762  
recommendations to the general assembly not later than October 63763

31, 2016. 63764

**Sec. 5104.30.** (A) The department of job and family 63765  
services is hereby designated as the state agency responsible 63766  
for administration and coordination of federal and state funding 63767  
for publicly funded child care in this state. Publicly funded 63768  
child care shall be provided to the following: 63769

(1) Recipients of transitional child care as provided 63770  
under section 5104.34 of the Revised Code; 63771

(2) Participants in the Ohio works first program 63772  
established under Chapter 5107. of the Revised Code; 63773

(3) Individuals who would be participating in the Ohio 63774  
works first program if not for a sanction under section 5107.16 63775  
of the Revised Code and who continue to participate in a work 63776  
activity, developmental activity, or alternative work activity 63777  
pursuant to an assignment under section 5107.42 of the Revised 63778  
Code; 63779

(4) A family receiving publicly funded child care on 63780  
October 1, 1997, until the family's income reaches one hundred 63781  
fifty per cent of the federal poverty line; 63782

(5) Subject to available funds, other individuals 63783  
determined eligible in accordance with rules adopted under 63784  
section 5104.38 of the Revised Code. 63785

The department shall apply to the United States department 63786  
of health and human services for authority to operate a 63787  
coordinated program for publicly funded child care, if the 63788  
director of job and family services determines that the 63789  
application is necessary. For purposes of this section, the 63790  
department of job and family services may enter into agreements 63791  
with other state agencies that are involved in regulation or 63792

funding of child care. The department shall consider the special 63793  
needs of migrant workers when it administers and coordinates 63794  
publicly funded child care and shall develop appropriate 63795  
procedures for accommodating the needs of migrant workers for 63796  
publicly funded child care. 63797

(B) The department of job and family services shall 63798  
distribute state and federal funds for publicly funded child 63799  
care, including appropriations of state funds for publicly 63800  
funded child care and appropriations of federal funds available 63801  
under the child care block grant act, Title IV-A, and Title XX. 63802  
The department may use any state funds appropriated for publicly 63803  
funded child care as the state share required to match any 63804  
federal funds appropriated for publicly funded child care. 63805

(C) In the use of federal funds available under the child 63806  
care block grant act, all of the following apply: 63807

(1) The department may use the federal funds to hire staff 63808  
to prepare any rules required under this chapter and to 63809  
administer and coordinate federal and state funding for publicly 63810  
funded child care. 63811

(2) Not more than five per cent of the aggregate amount of 63812  
the federal funds received for a fiscal year may be expended for 63813  
administrative costs. 63814

(3) The department shall allocate and use at least four 63815  
per cent of the federal funds for the following: 63816

(a) Activities designed to provide comprehensive consumer 63817  
education to parents and the public; 63818

(b) Activities that increase parental choice; 63819

(c) Activities, including child care resource and referral 63820

services, designed to improve the quality, and increase the 63821  
supply, of child care; 63822

(d) Establishing the step up to quality program pursuant 63823  
to section 5104.29 of the Revised Code. 63824

(4) The department shall ensure that the federal funds 63825  
will be used only to supplement, and will not be used to 63826  
supplant, federal, state, and local funds available on the 63827  
effective date of the child care block grant act for publicly 63828  
funded child care and related programs. If authorized by rules 63829  
adopted by the department pursuant to section 5104.42 of the 63830  
Revised Code, county departments of job and family services may 63831  
purchase child care from funds obtained through any other means. 63832

(D) The department shall encourage the development of 63833  
suitable child care throughout the state, especially in areas 63834  
with high concentrations of recipients of public assistance and 63835  
families with low incomes. The department shall encourage the 63836  
development of suitable child care designed to accommodate the 63837  
special needs of migrant workers. On request, the department, 63838  
through its employees or contracts with state or community child 63839  
care resource and referral service organizations, shall provide 63840  
consultation to groups and individuals interested in developing 63841  
child care. The department of job and family services may enter 63842  
into interagency agreements with the department of ~~education~~ 63843  
~~learning and achievement, the chancellor of higher education,~~ 63844  
the department of development, and other state agencies and 63845  
entities whenever the cooperative efforts of the other state 63846  
agencies and entities are necessary for the department of job 63847  
and family services to fulfill its duties and responsibilities 63848  
under this chapter. 63849

The department shall develop and maintain a registry of 63850

persons providing child care. The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures and requirements for the registry's administration.

(E) (1) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing both of the following:

(a) Reimbursement ceilings for providers of publicly funded child care not later than the first day of July in each odd-numbered year;

(b) A procedure for reimbursing and paying providers of publicly funded child care.

(2) In establishing reimbursement ceilings under division (E) (1) (a) of this section, the director shall do all of the following:

(a) Use the information obtained under division (B) (3) of section 5104.04 of the Revised Code;

(b) Establish an enhanced reimbursement ceiling for providers who provide child care for caretaker parents who work nontraditional hours;

(c) For an in-home aide, establish an hourly reimbursement ceiling;

(d) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, do both of the following:

(i) Establish enhanced reimbursement ceilings for child day-care providers that participate in the program and maintain quality ratings;

(ii) Weigh any reduction in reimbursement ceilings more heavily against providers that do not participate in the program or do not maintain quality ratings.

(3) In establishing reimbursement ceilings under division (E) (1) (a) of this section, the director may establish different reimbursement ceilings based on any of the following:

- (a) Geographic location of the provider;
- (b) Type of care provided;
- (c) Age of the child served;
- (d) Special needs of the child served;
- (e) Whether the expanded hours of service are provided;
- (f) Whether weekend service is provided;
- (g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;
- (h) Any other factors the director considers appropriate.

**Sec. 5107.281.** A participant of Ohio works first who is enrolled in a school district in a county that is participating in the learnfare program and is not younger than age six but not older than age nineteen shall participate in the learnfare program unless one of the following is the case:

- (A) The participant is not yet eligible for enrollment in first grade;
- (B) The participant is subject to the LEAP program;
- (C) The participant has received one of the following:
  - (1) A high school diploma;

(2) A certificate stating that the participant has 63903  
achieved the equivalent of a high school education as measured 63904  
by scores obtained on a high school equivalency test approved by 63905  
the department of ~~education~~ learning and achievement pursuant to 63906  
division (B) of section 3301.80 of the Revised Code. 63907

(D) The participant has been excused from school 63908  
attendance pursuant to section 3321.04 of the Revised Code; 63909

(E) If child care services for a member of the 63910  
participant's household are necessary for the participant to 63911  
attend school, child care licensed or certified under Chapter 63912  
5104. of the Revised Code or under sections 3301.52 to 3301.59 63913  
of the Revised Code and transportation to and from the child 63914  
care are not available; 63915

(F) The participant has been adjudicated a delinquent or 63916  
unruly child pursuant to section 2151.28 of the Revised Code. 63917

**Sec. 5107.287.** The county department of job and family 63918  
services shall establish policies defining "good cause for being 63919  
absent from school" and specifying what constitutes a day of 63920  
attendance for purposes of the learnfare program's school 63921  
attendance requirement. 63922

Not later than the fifteenth day of each month of a school 63923  
year or another time agreed to by the county department of job 63924  
and family services and ~~state board of education~~ department of 63925  
learning and achievement but not later than the thirtieth day of 63926  
each month, each attendance officer or assistant appointed under 63927  
section 3321.14 or 3321.15 of the Revised Code who oversees the 63928  
attendance of students enrolled in the school districts of a 63929  
county that is participating in the learnfare program shall 63930  
report to the county department of job and family services the 63931

previous month's school attendance record of each participating student. The report shall specify which if any of the participating student's absences are excused because the absence meets the definition of "good cause for being absent from school." No absence for which there is good cause shall be considered in determining whether a participating student has complied with the learnfare program's school attendance requirement.

**Sec. 5107.40.** As used in sections 5107.40 to 5107.69 of the Revised Code:

(A) "Alternative work activity" means an activity designed to promote self sufficiency and personal responsibility established by a county department of job and family services under section 5107.64 of the Revised Code.

(B) "Developmental activity" means an activity designed to promote self sufficiency and personal responsibility established by a county department of job and family services under section 5107.62 of the Revised Code.

(C) "Certificate of high school equivalence" means a certificate attesting to achievement of the equivalent of a high school education as measured by scores obtained on a high school equivalency test approved by the department of ~~education~~ learning and achievement pursuant to division (B) of section 3301.80 of the Revised Code. "Certificate of high school equivalence" includes a certificate of high school equivalence issued prior to January 1, 1994, attesting to the achievement of the equivalent of a high school education as measured by scores obtained on tests of general educational development.

(D) "Work activity" means the following:

- |  |  |
|--|--|
| (1) Unsubsidized employment activities established under section 5107.60 of the Revised Code;  | 63961<br>63962                                     |
| (2) The subsidized employment program established under section 5107.52 of the Revised Code;   | 63963<br>63964                                     |
| (3) The work experience program established under section 5107.54 of the Revised Code;   | 63965<br>63966                                     |
| (4) On-the-job training activities established under section 5107.60 of the Revised Code;  | 63967<br>63968                                     |
| (5) The job search and readiness program established under section 5107.50 of the Revised Code;  | 63969<br>63970                                     |
| (6) Community service activities established under section 5107.60 of the Revised Code;  | 63971<br>63972                                     |
| (7) Vocational educational training activities established under section 5107.60 of the Revised Code;  | 63973<br>63974                                     |
| (8) Jobs skills training activities established under section 5107.60 of the Revised Code that are directly related to employment;   | 63975<br>63976<br>63977                            |
| (9) Education activities established under section 5107.60 of the Revised Code that are directly related to employment for participants of Ohio works first who have not earned a high school diploma or certificate of high school equivalence;   | 63978<br>63979<br>63980<br>63981                   |
| (10) Education activities established under section 5107.60 of the Revised Code for participants of Ohio works first who have not completed secondary school or received a certificate of high school equivalence under which the participants attend a secondary school or a course of study leading to a certificate of high school equivalence; | 63982<br>63983<br>63984<br>63985<br>63986<br>63987 |

(11) Child-care service activities, including training, 63988  
established under section 5107.60 of the Revised Code to aid 63989  
another participant of Ohio works first assigned to a community 63990  
service activity or other work activity; 63991

(12) The education program established under section 63992  
5107.58 of the Revised Code that are operated pursuant to a 63993  
federal waiver granted by the United States secretary of health 63994  
and human services pursuant to a request made under former 63995  
section 5101.09 of the Revised Code; 63996

(13) To the extent provided by division (C) of section 63997  
5107.30 of the Revised Code, the LEAP program established under 63998  
that section. 63999

**Sec. 5107.58.** In accordance with a federal waiver granted 64000  
by the United States secretary of health and human services 64001  
pursuant to a request made under former section 5101.09 of the 64002  
Revised Code, county departments of job and family services may 64003  
establish and administer as a work activity for minor heads of 64004  
households and adults participating in Ohio works first an 64005  
education program under which the participant is enrolled full- 64006  
time in post-secondary education leading to vocation at a state 64007  
institution of higher education, as defined in section 3345.031 64008  
of the Revised Code; a private nonprofit college or university 64009  
that possesses a certificate of authorization issued by the ~~Ohio~~ 64010  
~~board of regents~~ department of learning and achievement pursuant 64011  
to Chapter 1713. of the Revised Code, or is exempted by division 64012  
(E) of section 1713.02 of the Revised Code from the requirement 64013  
of a certificate; a school that holds a certificate of 64014  
registration and program authorization issued by the state board 64015  
of career colleges and schools under Chapter 3332. of the 64016  
Revised Code; a private institution exempt from regulation under 64017

Chapter 3332. of the Revised Code as prescribed in section 64018  
3333.046 of the Revised Code; or a school that has entered into 64019  
a contract with the county department of job and family 64020  
services. The participant shall make reasonable efforts, as 64021  
determined by the county department, to obtain a loan, 64022  
scholarship, grant, or other assistance to pay for the tuition, 64023  
including a federal Pell grant under 20 U.S.C.A. 1070a, an Ohio 64024  
instructional grant under section 3333.12 of the Revised Code, 64025  
and an Ohio college opportunity grant under section 3333.122 of 64026  
the Revised Code. If the participant has made reasonable efforts 64027  
but is unable to obtain sufficient assistance to pay the tuition 64028  
the program may pay the tuition. On or after October 1, 1998, 64029  
the county department may enter into a loan agreement with the 64030  
participant to pay the tuition. The total period for which 64031  
tuition is paid and loans made shall not exceed two years. If 64032  
the participant, pursuant to division (B) (3) of section 5107.43 64033  
of the Revised Code, volunteers to participate in the education 64034  
program for more hours each week than the participant is 64035  
assigned to the program, the program may pay or the county 64036  
department may loan the cost of the tuition for the additional 64037  
voluntary hours as well as the cost of the tuition for the 64038  
assigned number of hours. The participant may receive, for not 64039  
more than three years, support services, including publicly 64040  
funded child care under Chapter 5104. of the Revised Code and 64041  
transportation, that the participant needs to participate in the 64042  
program. To receive support services in the third year, the 64043  
participant must be, as determined by the educational 64044  
institution in which the participant is enrolled, in good 64045  
standing with the institution. 64046

A county department that provides loans under this section 64047  
shall establish procedures governing loan application for and 64048

approval and administration of loans granted pursuant to this 64049  
section. 64050

**Sec. 5107.62.** County departments of job and family 64051  
services shall establish and administer developmental activities 64052  
for minor heads of households and adults participating in Ohio 64053  
works first. In establishing developmental activities, county 64054  
departments are not limited by the restrictions that Title IV-A 64055  
imposes on work activities. Developmental activities may be 64056  
identical or similar to, or different from, work activities and 64057  
alternative work activities. 64058

In accordance with a federal waiver granted by the United 64059  
States secretary of health and human services pursuant to a 64060  
request made under former section 5101.09 of the Revised Code, a 64061  
county department may establish and administer a developmental 64062  
activity under which a minor head of household or adult attends 64063  
a school, special education program, or adult high school 64064  
continuation program that conforms to the minimum standards 64065  
prescribed by the ~~state board of education~~ department of 64066  
learning and achievement or instructional courses designed to 64067  
prepare the minor head of household or adult to earn a 64068  
certificate of high school equivalence. Pursuant to the waiver, 64069  
a minor head of household or adult assigned to this 64070  
developmental activity is required to earn a high school 64071  
diploma, adult education diploma, or certificate of high school 64072  
equivalence not later than two years after the date the minor 64073  
head of household or adult is placed in the activity. 64074

**Sec. 5119.187.** The courses of study for the instruction 64075  
and training of all persons in institutions under the control of 64076  
the department of mental health and addiction services shall be 64077  
subject to the approval of the superintendent of public 64078

instruction. 64079

All teachers employed in institutions under the control of 64080  
the department of mental health and addiction services shall 64081  
possess such educator licenses or have such qualifications and 64082  
approval as required by the superintendent of public instruction- 64083  
department of learning and achievement, after consulting with 64084  
the officers in charge of the institutions, prescribes for the 64085  
various types of service in the institutions. 64086

**Sec. 5120.031.** (A) As used in this section: 64087

(1) "Certificate of high school equivalence" means either: 64088

(a) A statement that is issued by the ~~department of~~ 64089  
~~education~~ superintendent of public instruction that indicates 64090  
that its holder has achieved the equivalent of a high school 64091  
education as measured by scores obtained on a high school 64092  
equivalency test approved by the department of ~~education-~~ 64093  
learning and achievement pursuant to division (B) of section 64094  
3301.80 of the Revised Code; 64095

(b) A statement that is issued by a primary-secondary 64096  
education or higher education agency of another state that 64097  
indicates that its holder has achieved the equivalent of a high 64098  
school education as measured by scores obtained on a similar 64099  
nationally recognized high school equivalency test. 64100

(2) "Certificate of adult basic education" means a 64101  
statement that is issued by the department of rehabilitation and 64102  
correction through the Ohio central school system approved by 64103  
the ~~state board of education~~ department of learning and 64104  
achievement and that indicates that its holder has achieved a 64105  
6.0 grade level, or higher, as measured by scores of nationally 64106  
standardized or recognized tests. 64107

(3) "Deadly weapon" and "firearm" have the same meanings 64108  
as in section 2923.11 of the Revised Code. 64109

(4) "Eligible offender" means a person, other than one who 64110  
is ineligible to participate in an intensive program prison 64111  
under the criteria specified in section 5120.032 of the Revised 64112  
Code, who has been convicted of or pleaded guilty to, and has 64113  
been sentenced for, a felony. 64114

(5) "Shock incarceration" means the program of 64115  
incarceration that is established pursuant to the rules of the 64116  
department of rehabilitation and correction adopted under this 64117  
section. 64118

(B)(1) The director of rehabilitation and correction, by 64119  
rules adopted under Chapter 119. of the Revised Code, shall 64120  
establish a pilot program of shock incarceration that may be 64121  
used for offenders who are sentenced to serve a term of 64122  
imprisonment under the custody of the department of 64123  
rehabilitation and correction, whom the department determines to 64124  
be eligible offenders, and whom the department, subject to the 64125  
approval of the sentencing judge, may permit to serve their 64126  
sentence as a sentence of shock incarceration in accordance with 64127  
this section. 64128

(2) The rules for the pilot program shall require that the 64129  
program be established at an appropriate state correctional 64130  
institution designated by the director and that the program 64131  
consist of both of the following for each eligible offender whom 64132  
the department, with the approval of the sentencing judge, 64133  
permits to serve the eligible offender's sentence as a sentence 64134  
of shock incarceration: 64135

(a) A period of imprisonment at that institution of ninety 64136

days that shall consist of a military style combination of 64137  
discipline, physical training, and hard labor and substance 64138  
abuse education, employment skills training, social skills 64139  
training, and psychological treatment. During the ninety-day 64140  
period, the department may permit an eligible offender to 64141  
participate in a self-help program. Additionally, during the 64142  
ninety-day period, an eligible offender who holds a high school 64143  
diploma or a certificate of high school equivalence may be 64144  
permitted to tutor other eligible offenders in the shock 64145  
incarceration program. If an eligible offender does not hold a 64146  
high school diploma or certificate of high school equivalence, 64147  
the eligible offender may elect to participate in an education 64148  
program that is designed to award a certificate of adult basic 64149  
education or an education program that is designed to award a 64150  
certificate of high school equivalence to those eligible 64151  
offenders who successfully complete the education program, 64152  
whether the completion occurs during or subsequent to the 64153  
ninety-day period. To the extent possible, the department shall 64154  
use as teachers in the education program persons who have been 64155  
issued a license pursuant to sections 3319.22 to 3319.31 of the 64156  
Revised Code, who have volunteered their services to the 64157  
education program, and who satisfy any other criteria specified 64158  
in the rules for the pilot project. 64159

(b) Immediately following the ninety-day period of 64160  
imprisonment, and notwithstanding any other provision governing 64161  
the early release of a prisoner from imprisonment or the 64162  
transfer of a prisoner to transitional control, one of the 64163  
following, as determined by the director: 64164

(i) An intermediate, transitional type of detention for 64165  
the period of time determined by the director and, immediately 64166  
following the intermediate, transitional type of detention, a 64167

release under a post-release control sanction imposed in 64168  
accordance with section 2967.28 of the Revised Code. The period 64169  
of intermediate, transitional type of detention imposed by the 64170  
director under this division may be in a halfway house, in a 64171  
community-based correctional facility and program or district 64172  
community-based correctional facility and program established 64173  
under sections 2301.51 to 2301.58 of the Revised Code, or in any 64174  
other facility approved by the director that provides for 64175  
detention to serve as a transition between imprisonment in a 64176  
state correctional institution and release from imprisonment. 64177

(ii) A release under a post-release control sanction 64178  
imposed in accordance with section 2967.28 of the Revised Code. 64179

(3) The rules for the pilot program also shall include, 64180  
but are not limited to, all of the following: 64181

(a) Rules identifying the locations within the state 64182  
correctional institution designated by the director that will be 64183  
used for eligible offenders serving a sentence of shock 64184  
incarceration; 64185

(b) Rules establishing specific schedules of discipline, 64186  
physical training, and hard labor for eligible offenders serving 64187  
a sentence of shock incarceration, based upon the offender's 64188  
physical condition and needs; 64189

(c) Rules establishing standards and criteria for the 64190  
department to use in determining which eligible offenders the 64191  
department will permit to serve their sentence of imprisonment 64192  
as a sentence of shock incarceration; 64193

(d) Rules establishing guidelines for the selection of 64194  
post-release control sanctions for eligible offenders; 64195

(e) Rules establishing procedures for notifying sentencing 64196

courts of the performance of eligible offenders serving their 64197  
sentences of imprisonment as a sentence of shock incarceration; 64198

(f) Any other rules that are necessary for the proper 64199  
conduct of the pilot program. 64200

(C) (1) If an offender is sentenced to a term of 64201  
imprisonment under the custody of the department, if the 64202  
sentencing court either recommends the offender for placement in 64203  
a program of shock incarceration under this section or makes no 64204  
recommendation on placement of the offender, and if the 64205  
department determines that the offender is an eligible offender 64206  
for placement in a program of shock incarceration under this 64207  
section, the department may permit the eligible offender to 64208  
serve the sentence in a program of shock incarceration, in 64209  
accordance with division (I) of section 2929.14 of the Revised 64210  
Code, with this section, and with the rules adopted under this 64211  
section. If the sentencing court disapproves placement of the 64212  
offender in a program of shock incarceration, the department 64213  
shall not place the offender in any program of shock 64214  
incarceration. 64215

If the sentencing court recommends the offender for 64216  
placement in a program of shock incarceration and if the 64217  
department subsequently places the offender in the recommended 64218  
program, the department shall notify the court of the offender's 64219  
placement in the recommended program and shall include with the 64220  
notice a brief description of the placement. 64221

If the sentencing court recommends placement of the 64222  
offender in a program of shock incarceration and the department 64223  
for any reason does not subsequently place the offender in the 64224  
recommended program, the department shall send a notice to the 64225  
court indicating why the offender was not placed in the 64226

recommended program. 64227

If the sentencing court does not make a recommendation on 64228  
the placement of an offender in a program of shock incarceration 64229  
and if the department determines that the offender is an 64230  
eligible offender for placement in a program of that nature, the 64231  
department shall screen the offender and determine if the 64232  
offender is suited for the program of shock incarceration. If 64233  
the offender is suited for the program of shock incarceration, 64234  
at least three weeks prior to permitting an eligible offender to 64235  
serve the sentence in a program of shock incarceration, the 64236  
department shall notify the sentencing court of the proposed 64237  
placement of the offender in the program and shall include with 64238  
the notice a brief description of the placement. The court shall 64239  
have ten days from receipt of the notice to disapprove the 64240  
placement. If the sentencing court disapproves of the placement, 64241  
the department shall not permit the eligible offender to serve 64242  
the sentence in a program of shock incarceration. If the judge 64243  
does not timely disapprove of placement of the offender in the 64244  
program of shock incarceration, the department may proceed with 64245  
plans for placement of the offender. 64246

If the department determines that the offender is not 64247  
eligible for placement in a program of shock incarceration, the 64248  
department shall not place the offender in any program of shock 64249  
incarceration. 64250

(2) If the department permits an eligible offender to 64251  
serve the eligible offender's sentence of imprisonment as a 64252  
sentence of shock incarceration and the eligible offender does 64253  
not satisfactorily complete the entire period of imprisonment 64254  
described in division (B) (2) (a) of this section, the offender 64255  
shall be removed from the pilot program for shock incarceration 64256

and shall be required to serve the remainder of the offender's 64257  
sentence of imprisonment imposed by the sentencing court as a 64258  
regular term of imprisonment. If the eligible offender commences 64259  
a period of post-release control described in division (B) (2) (b) 64260  
of this section and violates the conditions of that post-release 64261  
control, the eligible offender shall be subject to the 64262  
provisions of sections 2929.141, 2967.15, and 2967.28 of the 64263  
Revised Code regarding violation of post-release control 64264  
sanctions. 64265

(3) If an eligible offender's stated prison term expires 64266  
at any time during the eligible offender's participation in the 64267  
shock incarceration program, the adult parole authority shall 64268  
terminate the eligible offender's participation in the program 64269  
and shall issue to the eligible offender a certificate of 64270  
expiration of the stated prison term. 64271

(D) The director shall keep sentencing courts informed of 64272  
the performance of eligible offenders serving their sentences of 64273  
imprisonment as a sentence of shock incarceration, including, 64274  
but not limited to, notice of eligible offenders who fail to 64275  
satisfactorily complete their entire sentence of shock 64276  
incarceration or who satisfactorily complete their entire 64277  
sentence of shock incarceration. 64278

(E) Within a reasonable period of time after November 20, 64279  
1990, the director shall appoint a committee to search for one 64280  
or more suitable sites at which one or more programs of shock 64281  
incarceration, in addition to the pilot program required by 64282  
division (B) (1) of this section, may be established. The search 64283  
committee shall consist of the director or the director's 64284  
designee, as chairperson; employees of the department of 64285  
rehabilitation and correction appointed by the director; and any 64286

other persons that the director, in the director's discretion, 64287  
appoints. In searching for such sites, the search committee 64288  
shall give preference to any site owned by the state or any 64289  
other governmental entity and to any existing structure that 64290  
reasonably could be renovated, enlarged, converted, or remodeled 64291  
for purposes of establishing such a program. The search 64292  
committee shall prepare a report concerning its activities and, 64293  
on the earlier of the day that is twelve months after the first 64294  
day on which an eligible offender began serving a sentence of 64295  
shock incarceration under the pilot program or January 1, 1992, 64296  
shall file the report with the president and the minority leader 64297  
of the senate, the speaker and the minority leader of the house 64298  
of representatives, the members of the senate who were members 64299  
of the senate judiciary committee in the 118th general assembly 64300  
or their successors, and the members of the house of 64301  
representatives who were members of the select committee to hear 64302  
drug legislation that was established in the 118th general 64303  
assembly or their successors. Upon the filing of the report, the 64304  
search committee shall terminate. The report required by this 64305  
division shall contain all of the following: 64306

(1) A summary of the process used by the search committee 64307  
in performing its duties under this division; 64308

(2) A summary of all of the sites reviewed by the search 64309  
committee in performing its duties under this division, and the 64310  
benefits and disadvantages it found relative to the 64311  
establishment of a program of shock incarceration at each such 64312  
site; 64313

(3) The findings and recommendations of the search 64314  
committee as to the suitable site or sites, if any, at which a 64315  
program of shock incarceration, in addition to the pilot program 64316

required by division (B)(1) of this section, may be established. 64317

(F) The director periodically shall review the pilot 64318  
program for shock incarceration required to be established by 64319  
division (B)(1) of this section. The director shall prepare a 64320  
report relative to the pilot program and, on the earlier of the 64321  
day that is twelve months after the first day on which an 64322  
eligible offender began serving a sentence of shock 64323  
incarceration under the pilot program or January 1, 1992, shall 64324  
file the report with the president and the minority leader of 64325  
the senate, the speaker and the minority leader of the house of 64326  
representatives, the members of the senate who were members of 64327  
the senate judiciary committee in the 118th general assembly or 64328  
their successors, and the members of the house of 64329  
representatives who were members of the select committee to hear 64330  
drug legislation that was established in the 118th general 64331  
assembly or their successors. The pilot program shall not 64332  
terminate at the time of the filing of the report, but shall 64333  
continue in operation in accordance with this section. The 64334  
report required by this division shall include all of the 64335  
following: 64336

(1) A summary of the pilot program as initially 64337  
established, a summary of all changes in the pilot program made 64338  
during the period covered by the report and the reasons for the 64339  
changes, and a summary of the pilot program as it exists on the 64340  
date of preparation of the report; 64341

(2) A summary of the effectiveness of the pilot program, 64342  
in the opinion of the director and employees of the department 64343  
involved in its operation; 64344

(3) An analysis of the total cost of the pilot program, of 64345  
its cost per inmate who was permitted to serve a sentence of 64346

shock incarceration and who served the entire sentence of shock incarceration, and of its cost per inmate who was permitted to serve a sentence of shock incarceration;

(4) A summary of the standards and criteria used by the department in determining which eligible offenders were permitted to serve their sentence of imprisonment as a sentence of shock incarceration;

(5) A summary of the characteristics of the eligible offenders who were permitted to serve their sentence of imprisonment as a sentence of shock incarceration, which summary shall include, but not be limited to, a listing of every offense of which any such eligible offender was convicted or to which any such eligible offender pleaded guilty and in relation to which the eligible offender served a sentence of shock incarceration, and the total number of such eligible offenders who were convicted of or pleaded guilty to each such offense;

(6) A listing of the number of eligible offenders who were permitted to serve a sentence of shock incarceration and who did not serve the entire sentence of shock incarceration, and, to the extent possible, a summary of the length of the terms of imprisonment served by such eligible offenders after they were removed from the pilot program;

(7) A summary of the effect of the pilot program on overcrowding at state correctional institutions;

(8) To the extent possible, an analysis of the rate of recidivism of eligible offenders who were permitted to serve a sentence of shock incarceration and who served the entire sentence of shock incarceration;

(9) Recommendations as to legislative changes to the pilot

program that would assist in its operation or that could further 64376  
alleviate overcrowding at state correctional institutions, and 64377  
recommendations as to whether the pilot program should be 64378  
expanded. 64379

**Sec. 5120.07.** (A) There is hereby created the ex-offender 64380  
reentry coalition consisting of the following ~~seventeen~~sixteen 64381  
members or their designees: 64382

- (1) The director of rehabilitation and correction; 64383
- (2) The director of aging; 64384
- (3) The director of mental health and addiction services; 64385
- (4) The director of development services; 64386
- (5) ~~The superintendent of public instruction~~ director of 64387  
learning and achievement; 64388
- (6) The director of health; 64389
- (7) The director of job and family services; 64390
- (8) The director of developmental disabilities; 64391
- (9) The director of public safety; 64392
- (10) The director of youth services; 64393
- (11) ~~The chancellor of the Ohio board of regents;~~ 64394
- ~~(12)~~ A representative or member of the governor's staff; 64395
- ~~(13)~~ (12) The executive director of the opportunities for 64396  
Ohioans with disabilities agency; 64397
- ~~(14)~~ (13) The director of the department of commerce; 64398
- ~~(15)~~ (14) The executive director of a health care 64399  
licensing board created under Title XLVII of the Revised Code, 64400

as appointed by the chairperson of the coalition; 64401

~~(16)~~ (15) The director of veterans services; 64402

~~(17)~~ (16) An ex-offender appointed by the director of 64403  
rehabilitation and correction. 64404

(B) The members of the coalition shall serve without 64405  
compensation. The director of rehabilitation and correction or 64406  
the director's designee shall be the chairperson of the 64407  
coalition. 64408

(C) In consultation with persons interested and involved 64409  
in the reentry of ex-offenders into the community, including but 64410  
not limited to, services providers, community-based 64411  
organizations, and local governments, the coalition shall 64412  
identify and examine social service barriers and other obstacles 64413  
to the reentry of ex-offenders into the community. Not later 64414  
than one year after April 7, 2009, and on or before the same 64415  
date of each year thereafter, the coalition shall submit to the 64416  
speaker of the house of representatives and the president of the 64417  
senate a report, including recommendations for legislative 64418  
action, the activities of the coalition, and the barriers 64419  
affecting the successful reentry of ex-offenders into the 64420  
community. The report shall analyze the effects of those 64421  
barriers on ex-offenders and on their children and other family 64422  
members in various areas, including but not limited to, the 64423  
following: 64424

(1) Admission to public and other housing; 64425

(2) Child support obligations and procedures; 64426

(3) Parental incarceration and family reunification; 64427

(4) Social security benefits, veterans' benefits, food 64428

stamps, and other forms of public assistance;	64429
(5) Employment;	64430
(6) Education programs and financial assistance;	64431
(7) Substance abuse and sex offender treatment programs and financial assistance and mental health services and financial assistance;	64432 64433 64434
(8) Civic and political participation;	64435
(9) Other collateral consequences under the Revised Code or the Ohio administrative code law that may result from a criminal conviction.	64436 64437 64438
(D) (1) The report shall also include the following information:	64439 64440
(a) Identification of state appropriations for reentry programs;	64441 64442
(b) Identification of other funding sources for reentry programs that are not funded by the state;	64443 64444
(2) The coalition shall gather information about reentry programs in a repository maintained and made available by the coalition. Where available, the information shall include the following:	64445 64446 64447 64448
(a) The amount of funding received;	64449
(b) The number of program participants;	64450
(c) The composition of the program, including program goals, methods for measuring success, and program success rate;	64451 64452
(d) The type of post-program tracking that is utilized;	64453
(e) Information about employment rates and recidivism	64454

rates of ex-offenders. 64455

(E) The coalition shall cease to exist on December 31, 64456  
2019. 64457

**Sec. 5120.091.** There is hereby created in the state 64458  
treasury the education services fund. The department of 64459  
rehabilitation and correction shall deposit into the fund all 64460  
state revenues it receives from the ~~Ohio department of education-~~ 64461  
learning and achievement. Any money in the fund shall solely be 64462  
used to pay educational expenses incurred by the department of 64463  
rehabilitation and correction. 64464

**Sec. 5120.55.** (A) As used in this section, "licensed 64465  
health professional" means any or all of the following: 64466

(1) A dentist who holds a current, valid license issued 64467  
under Chapter 4715. of the Revised Code to practice dentistry; 64468

(2) A licensed practical nurse who holds a current, valid 64469  
license issued under Chapter 4723. of the Revised Code that 64470  
authorizes the practice of nursing as a licensed practical 64471  
nurse; 64472

(3) An optometrist who holds a current, valid certificate 64473  
of licensure issued under Chapter 4725. of the Revised Code that 64474  
authorizes the holder to engage in the practice of optometry; 64475

(4) A physician who is authorized under Chapter 4731. of 64476  
the Revised Code to practice medicine and surgery, osteopathic 64477  
medicine and surgery, or podiatric medicine and surgery; 64478

(5) A psychologist who holds a current, valid license 64479  
issued under Chapter 4732. of the Revised Code that authorizes 64480  
the practice of psychology as a licensed psychologist; 64481

(6) A registered nurse who holds a current, valid license 64482

issued under Chapter 4723. of the Revised Code that authorizes 64483  
the practice of nursing as a registered nurse, including such a 64484  
nurse who is also licensed to practice as an advanced practice 64485  
registered nurse as defined in section 4723.01 of the Revised 64486  
Code. 64487

(B) (1) The department of rehabilitation and correction may 64488  
establish a recruitment program under which the department, by 64489  
means of a contract entered into under division (C) of this 64490  
section, agrees to repay all or part of the principal and 64491  
interest of a government or other educational loan incurred by a 64492  
licensed health professional who agrees to provide services to 64493  
inmates of correctional institutions under the department's 64494  
administration. 64495

(2) (a) For a physician to be eligible to participate in 64496  
the program, the physician must have attended a school that was, 64497  
during the time of attendance, a medical school or osteopathic 64498  
medical school in this country accredited by the liaison 64499  
committee on medical education or the American osteopathic 64500  
association, a college of podiatry in this country in good 64501  
standing with the state medical board, or a medical school, 64502  
osteopathic medical school, or college of podiatry located 64503  
outside this country that was acknowledged by the world health 64504  
organization and verified by a member state of that organization 64505  
as operating within that state's jurisdiction. 64506

(b) For a nurse to be eligible to participate in the 64507  
program, the nurse must have attended a school that was, during 64508  
the time of attendance, a nursing school in this country 64509  
accredited by the commission on collegiate nursing education or 64510  
the national league for nursing accrediting commission or a 64511  
nursing school located outside this country that was 64512

acknowledged by the world health organization and verified by a member state of that organization as operating within that state's jurisdiction.

(c) For a dentist to be eligible to participate in the program, the dentist must have attended a school that was, during the time of attendance, a dental college that enabled the dentist to meet the requirements specified in section 4715.10 of the Revised Code to be granted a license to practice dentistry.

(d) For an optometrist to be eligible to participate in the program, the optometrist must have attended a school of optometry that was, during the time of attendance, approved by the state vision professionals board.

(e) For a psychologist to be eligible to participate in the program, the psychologist must have attended an educational institution that, during the time of attendance, maintained a specific degree program recognized by the state board of psychology as acceptable for fulfilling the requirement of division (B) (3) of section 4732.10 of the Revised Code.

(C) The department of rehabilitation and correction shall enter into a contract with each licensed health professional it recruits under this section. Each contract shall include at least the following terms:

(1) The licensed health professional agrees to provide a specified scope of medical, osteopathic medical, podiatric, optometric, psychological, nursing, or dental services to inmates of one or more specified state correctional institutions for a specified number of hours per week for a specified number of years.

(2) The department agrees to repay all or a specified

portion of the principal and interest of a government or other 64542  
educational loan taken by the licensed health professional for 64543  
the following expenses to attend, for up to a maximum of four 64544  
years, a school that qualifies the licensed health professional 64545  
to participate in the program: 64546

(a) Tuition; 64547

(b) Other educational expenses for specific purposes, 64548  
including fees, books, and laboratory expenses, in amounts 64549  
determined to be reasonable in accordance with rules adopted 64550  
under division (D) of this section; 64551

(c) Room and board, in an amount determined to be 64552  
reasonable in accordance with rules adopted under division (D) 64553  
of this section. 64554

(3) The licensed health professional agrees to pay the 64555  
department a specified amount, which shall be no less than the 64556  
amount already paid by the department pursuant to its agreement, 64557  
as damages if the licensed health professional fails to complete 64558  
the service obligation agreed to or fails to comply with other 64559  
specified terms of the contract. The contract may vary the 64560  
amount of damages based on the portion of the service obligation 64561  
that remains uncompleted. 64562

(4) Other terms agreed upon by the parties. 64563

The licensed health professional's lending institution or 64564  
the department of ~~higher education~~ learning and achievement may 64565  
be a party to the contract. The contract may include an 64566  
assignment to the department of rehabilitation and correction of 64567  
the licensed health professional's duty to repay the principal 64568  
and interest of the loan. 64569

(D) If the department of rehabilitation and correction 64570

elects to implement the recruitment program, it shall adopt 64571  
rules in accordance with Chapter 119. of the Revised Code that 64572  
establish all of the following: 64573

(1) Criteria for designating institutions for which 64574  
licensed health professionals will be recruited; 64575

(2) Criteria for selecting licensed health professionals 64576  
for participation in the program; 64577

(3) Criteria for determining the portion of a loan which 64578  
the department will agree to repay; 64579

(4) Criteria for determining reasonable amounts of the 64580  
expenses described in divisions (C) (2) (b) and (c) of this 64581  
section; 64582

(5) Procedures for monitoring compliance by a licensed 64583  
health professional with the terms of the contract the licensed 64584  
health professional enters into under this section; 64585

(6) Any other criteria or procedures necessary to 64586  
implement the program. 64587

**Sec. 5123.0423.** As used in this section, "school district 64588  
of residence" has the same meaning as in section 3323.01 of the 64589  
Revised Code. 64590

The director of developmental disabilities shall request a 64591  
student data verification code from the independent contractor 64592  
engaged by the department of ~~education~~ learning and achievement 64593  
to create and maintain such codes for school districts and 64594  
community schools under division (D) (2) of section 3301.0714 of 64595  
the Revised Code for each child who is receiving services from 64596  
the state's part C early intervention services program. The 64597  
director shall request from the parent, guardian, or custodian 64598

of the child, or from any other person who is authorized by law 64599  
to make decisions regarding the child's education, the name and 64600  
address of the child's school district of residence. The 64601  
director shall submit the data verification code for that child 64602  
to the child's school district of residence at the time the 64603  
child ceases to receive services from the part C early 64604  
intervention services program. 64605

The director and each school district that receives a data 64606  
verification code under this section shall not release that code 64607  
to any person except as provided by law. Any document that the 64608  
director holds in the director's files that contains both a 64609  
child's name or other personally identifiable information and 64610  
the child's data verification code is not a public record under 64611  
section 149.43 of the Revised Code. 64612

**Sec. 5126.04.** (A) Each county board of developmental 64613  
disabilities shall plan and set priorities based on available 64614  
resources for the provision of facilities, programs, and other 64615  
services to meet the needs of county residents who are 64616  
individuals with developmental disabilities, former residents of 64617  
the county residing in state institutions or, before September 64618  
29, 2011, placed under purchase of service agreements under 64619  
section 5123.18 of the Revised Code, and children subject to a 64620  
determination made pursuant to section 121.38 of the Revised 64621  
Code. 64622

Each county board shall assess the facility and service 64623  
needs of the individuals with developmental disabilities who are 64624  
residents of the county or former residents of the county 64625  
residing in state institutions or, before September 29, 2011, 64626  
placed under purchase of service agreements under section 64627  
5123.18 of the Revised Code. 64628

Each county board shall require individual habilitation or 64629  
service plans for individuals with developmental disabilities 64630  
who are being served or who have been determined eligible for 64631  
services and are awaiting the provision of services. Each board 64632  
shall ensure that methods of having their service needs 64633  
evaluated are available. 64634

(B) (1) If a foster child is in need of assessment for 64635  
eligible services or is receiving services from a county board 64636  
of developmental disabilities and that child is placed in a 64637  
different county, the agency that placed the child, immediately 64638  
upon placement, shall inform the county board in the new county 64639  
all of the following: 64640

(a) That a foster child has been placed in that county; 64641

(b) The name and other identifying information of the 64642  
foster child; 64643

(c) The name of the foster child's previous county of 64644  
residence; 64645

(d) That the foster child was in need of assessment for 64646  
eligible services or was receiving services from the county 64647  
board of developmental disabilities in the previous county. 64648

(2) Upon receiving the notice described in division (B) (1) 64649  
of this section or otherwise learning that the child was in need 64650  
of assessment for eligible services or was receiving services 64651  
from a county board of developmental disabilities in the 64652  
previous county, the county board in the new county shall 64653  
communicate with the county board of the previous county to 64654  
determine how services for the foster child shall be provided in 64655  
accordance with each board's plan and priorities as described in 64656  
division (A) of this section. 64657

If the two county boards are unable to reach an agreement 64658  
within ten days of the child's placement, the county board in 64659  
the new county shall send notice to the Ohio department of 64660  
developmental disabilities of the failure to agree. The 64661  
department shall decide how services shall be provided for the 64662  
foster child within ten days of receiving notice that the county 64663  
boards could not reach an agreement. The department may decide 64664  
that one, or both, of the county boards shall provide services. 64665  
The services shall be provided in accordance with the board's 64666  
plan and priorities as described in division (A) of this 64667  
section. 64668

(C) The department of developmental disabilities may adopt 64669  
rules in accordance with Chapter 119. of the Revised Code as 64670  
necessary to implement this section. To the extent that rules 64671  
adopted under this section apply to the identification and 64672  
placement of children with disabilities under Chapter 3323. of 64673  
the Revised Code, the rules shall be consistent with the 64674  
standards and procedures established under sections 3323.03 to 64675  
3323.05 of the Revised Code. 64676

(D) The responsibility or authority of a county board to 64677  
provide services under this chapter does not affect the 64678  
responsibility of any other entity of state or local government 64679  
to provide services to individuals with developmental 64680  
disabilities. 64681

(E) On or before the first day of February prior to a 64682  
school year, a county board of developmental disabilities may 64683  
elect not to participate during that school year in the 64684  
provision of or contracting for educational services for 64685  
children ages six through twenty-one years of age, provided that 64686  
on or before that date the board gives notice of this election 64687

to the ~~superintendent of public instruction~~ department of 64688  
learning and achievement, each school district in the county, 64689  
and the educational service center serving the county. If a 64690  
board makes this election, it shall not have any responsibility 64691  
for or authority to provide educational services that school 64692  
year for children ages six through twenty-one years of age. If a 64693  
board does not make an election for a school year in accordance 64694  
with this division, the board shall be deemed to have elected to 64695  
participate during that school year in the provision of or 64696  
contracting for educational services for children ages six 64697  
through twenty-one years of age. 64698

(F) If a county board of developmental disabilities elects 64699  
to provide educational services during a school year to 64700  
individuals six through twenty-one years of age who have 64701  
multiple disabilities, the board may provide these services to 64702  
individuals who are appropriately identified and determined 64703  
eligible pursuant to Chapter 3323. of the Revised Code, and in 64704  
accordance with applicable rules of the ~~state board of education~~ 64705  
department of learning and achievement. The county board may 64706  
also provide related services to individuals six through twenty- 64707  
one years of age who have one or more disabling conditions, in 64708  
accordance with section 3317.20 and Chapter 3323. of the Revised 64709  
Code and applicable rules of the ~~state board of education~~ 64710  
department. 64711

**Sec. 5126.05.** (A) Subject to the rules established by the 64712  
director of developmental disabilities pursuant to Chapter 119. 64713  
of the Revised Code for programs and services offered pursuant 64714  
to this chapter, and subject to the rules established by the 64715  
~~state board of education~~ department of learning and achievement 64716  
pursuant to Chapter 119. of the Revised Code for programs and 64717  
services offered pursuant to Chapter 3323. of the Revised Code, 64718

- the county board of developmental disabilities shall: 64719
- (1) Administer and operate facilities, programs, and 64720  
services as provided by this chapter and Chapter 3323. of the 64721  
Revised Code and establish policies for their administration and 64722  
operation; 64723
- (2) Coordinate, monitor, and evaluate existing services 64724  
and facilities available to individuals with developmental 64725  
disabilities; 64726
- (3) Provide early childhood services, supportive home 64727  
services, and adult services, according to the plan and 64728  
priorities developed under section 5126.04 of the Revised Code; 64729
- (4) Provide or contract for special education services 64730  
pursuant to Chapters 3317. and 3323. of the Revised Code and 64731  
ensure that related services, as defined in section 3323.01 of 64732  
the Revised Code, are available according to the plan and 64733  
priorities developed under section 5126.04 of the Revised Code; 64734
- (5) Adopt a budget, authorize expenditures for the 64735  
purposes specified in this chapter and do so in accordance with 64736  
section 319.16 of the Revised Code, approve attendance of board 64737  
members and employees at professional meetings and approve 64738  
expenditures for attendance, and exercise such powers and duties 64739  
as are prescribed by the director; 64740
- (6) Submit annual reports of its work and expenditures, 64741  
pursuant to sections 3323.09 and 5126.12 of the Revised Code, to 64742  
the director, the ~~superintendent of public instruction~~ 64743  
department of learning and achievement, and the board of county 64744  
commissioners at the close of the fiscal year and at such other 64745  
times as may reasonably be requested; 64746
- (7) Authorize all positions of employment, establish 64747

compensation, including but not limited to salary schedules and 64748  
fringe benefits for all board employees, approve contracts of 64749  
employment for management employees that are for a term of more 64750  
than one year, employ legal counsel under section 309.10 of the 64751  
Revised Code, and contract for employee benefits; 64752

(8) Provide service and support administration in 64753  
accordance with section 5126.15 of the Revised Code; 64754

(9) Certify respite care homes pursuant to rules adopted 64755  
under section 5123.171 of the Revised Code by the director of 64756  
developmental disabilities; 64757

(10) Implement an employment first policy that clearly 64758  
identifies community employment as the desired outcome for every 64759  
individual of working age who receives services from the board; 64760

(11) Set benchmarks for improving community employment 64761  
outcomes. 64762

(B) To the extent that rules adopted under this section 64763  
apply to the identification and placement of children with 64764  
disabilities under Chapter 3323. of the Revised Code, they shall 64765  
be consistent with the standards and procedures established 64766  
under sections 3323.03 to 3323.05 of the Revised Code. 64767

(C) Any county board may enter into contracts with other 64768  
such boards and with public or private, nonprofit, or profit- 64769  
making agencies or organizations of the same or another county, 64770  
to provide the facilities, programs, and services authorized or 64771  
required, upon such terms as may be agreeable, and in accordance 64772  
with this chapter and Chapter 3323. of the Revised Code and 64773  
rules adopted thereunder and in accordance with sections 307.86 64774  
and 5126.071 of the Revised Code. 64775

(D) A county board may combine transportation for children 64776

and adults enrolled in programs and services offered under 64777  
Chapter 5126. of the Revised Code with transportation for 64778  
children enrolled in classes funded under sections 3317.0213 and 64779  
3317.20 of the Revised Code. 64780

(E) A county board may purchase all necessary insurance 64781  
policies, may purchase equipment and supplies through the 64782  
department of administrative services or from other sources, and 64783  
may enter into agreements with public agencies or nonprofit 64784  
organizations for cooperative purchasing arrangements. 64785

(F) A county board may receive by gift, grant, devise, or 64786  
bequest any moneys, lands, or property for the benefit of the 64787  
purposes for which the board is established and hold, apply, and 64788  
dispose of the moneys, lands, and property according to the 64789  
terms of the gift, grant, devise, or bequest. All money received 64790  
by gift, grant, bequest, or disposition of lands or property 64791  
received by gift, grant, devise, or bequest shall be deposited 64792  
in the county treasury to the credit of such board and shall be 64793  
available for use by the board for purposes determined or stated 64794  
by the donor or grantor, but may not be used for personal 64795  
expenses of the board members. Any interest or earnings accruing 64796  
from such gift, grant, devise, or bequest shall be treated in 64797  
the same manner and subject to the same provisions as such gift, 64798  
grant, devise, or bequest. 64799

(G) The board of county commissioners shall levy taxes and 64800  
make appropriations sufficient to enable the county board of 64801  
developmental disabilities to perform its functions and duties, 64802  
and may utilize any available local, state, and federal funds 64803  
for such purpose. 64804

**Sec. 5126.24.** (A) As used in this section: 64805

(1) "License" means an educator license issued by the state board of education under section 3319.22 of the Revised Code or a certificate issued by the department of developmental disabilities.

(2) "Teacher" means a person employed by a county board of developmental disabilities in a position that requires a license.

(3) "Nonteaching employee" means a person employed by a county board of developmental disabilities in a position that does not require a license.

(4) "Years of service" includes all service described in division (A) of section 3317.13 of the Revised Code.

(B) Subject to rules established by the director of developmental disabilities pursuant to Chapter 119. of the Revised Code, each county board of developmental disabilities shall annually adopt separate salary schedules for teachers and nonteaching employees.

(C) The teachers' salary schedule shall provide for increments based on training and years of service. The board may establish its own service requirements provided no teacher receives less than the salary the teacher would be paid under section 3317.13 of the Revised Code if the teacher were employed by a school district board of education and provided full credit for a minimum of five years of actual teaching and military experience as defined in division (A) of such section is given to each teacher.

Each teacher who has completed training that would qualify the teacher for a higher salary bracket pursuant to this section shall file by the fifteenth day of September with the fiscal

officer of the board, satisfactory evidence of the completion of 64835  
such additional training. The fiscal officer shall then 64836  
immediately place the teacher, pursuant to this section, in the 64837  
proper salary bracket in accordance with training and years of 64838  
service. No teacher shall be paid less than the salary to which 64839  
the teacher would be entitled under section 3317.13 of the 64840  
Revised Code if the teacher were employed by a school district 64841  
board of education. 64842

The superintendent of each county board, on or before the 64843  
fifteenth day of October of each year, shall certify to the 64844  
~~state board of education~~ department of learning and achievement 64845  
the name of each teacher employed, on an annual salary, in each 64846  
special education program operated pursuant to section 3323.09 64847  
of the Revised Code during the first full school week of 64848  
October. The superintendent further shall certify, for each 64849  
teacher, the number of years of training completed at a 64850  
recognized college, the degrees earned from a college recognized 64851  
by the state board, the type of license held, the number of 64852  
months employed by the board, the annual salary, and other 64853  
information that the state board may request. 64854

(D) The nonteaching employees' salary schedule established 64855  
by the board shall be based on training, experience, and 64856  
qualifications with initial salaries no less than salaries in 64857  
effect on July 1, 1985. Each board shall prepare and may amend 64858  
from time to time, specifications descriptive of duties, 64859  
responsibilities, requirements, and desirable qualifications of 64860  
the classifications of employees required to perform the duties 64861  
specified in the salary schedule. All nonteaching employees 64862  
shall be notified of the position classification to which they 64863  
are assigned and the salary for the classification. The 64864  
compensation of all nonteaching employees working for a 64865

particular board shall be uniform for like positions except as 64866  
compensation would be affected by salary increments based upon 64867  
length of service. 64868

On the fifteenth day of October of each year the 64869  
nonteaching employees' salary schedule and list of job 64870  
classifications and salaries in effect on that date shall be 64871  
filed by each board with the ~~superintendent of public~~ 64872  
~~instruction department~~. If such salary schedule and 64873  
classification plan is not filed, the ~~superintendent of public~~ 64874  
~~instruction department~~ shall order the board to file such 64875  
schedule and list forthwith. If this condition is not corrected 64876  
within ten days after receipt of the order from the 64877  
~~superintendent department~~, no money shall be distributed to the 64878  
board under Chapter 3317. of the Revised Code until the 64879  
~~superintendent department~~ has satisfactory evidence of the 64880  
board's full compliance with such order. 64881

**Sec. 5139.34.** (A) Funds may be appropriated to the 64882  
department of youth services for the purpose of granting state 64883  
subsidies to counties. A county or the juvenile court that 64884  
serves a county shall use state subsidies granted to the county 64885  
pursuant to this section only in accordance with divisions (B) 64886  
(2) (a) and (3) (a) of section 5139.43 of the Revised Code and the 64887  
rules pertaining to the state subsidy funds that the department 64888  
adopts pursuant to division (D) of section 5139.04 of the 64889  
Revised Code. The department shall not grant financial 64890  
assistance pursuant to this section for the provision of care 64891  
and services for children in a placement facility unless the 64892  
facility has been certified, licensed, or approved by a state or 64893  
national agency with certification, licensure, or approval 64894  
authority, including, but not limited to, the department of job 64895  
and family services, department of ~~education~~ learning and 64896

achievement, department of mental health and addiction services, 64897  
department of developmental disabilities, or American 64898  
correctional association. For the purposes of this section, 64899  
placement facilities do not include a state institution or a 64900  
county or district children's home. 64901

The department also shall not grant financial assistance 64902  
pursuant to this section for the provision of care and services 64903  
for children, including, but not limited to, care and services 64904  
in a detention facility, in another facility, or in out-of-home 64905  
placement, unless the minimum standards applicable to the care 64906  
and services that the department prescribes in rules adopted 64907  
pursuant to division (D) of section 5139.04 of the Revised Code 64908  
have been satisfied. 64909

(B) The department of youth services shall apply the 64910  
following formula to determine the amount of the annual grant 64911  
that each county is to receive pursuant to division (A) of this 64912  
section, subject to the appropriation for this purpose to the 64913  
department made by the general assembly: 64914

(1) Each county shall receive a basic annual grant of 64915  
fifty thousand dollars. 64916

(2) The sum of the basic annual grants provided under 64917  
division (B)(1) of this section shall be subtracted from the 64918  
total amount of funds appropriated to the department of youth 64919  
services for the purpose of making grants pursuant to division 64920  
(A) of this section to determine the remaining portion of the 64921  
funds appropriated. The remaining portion of the funds 64922  
appropriated shall be distributed on a per capita basis to each 64923  
county that has a population of more than twenty-five thousand 64924  
for that portion of the population of the county that exceeds 64925  
twenty-five thousand. 64926

(C) (1) Prior to a county's receipt of an annual grant 64927  
pursuant to this section, the juvenile court that serves the 64928  
county shall prepare, submit, and file in accordance with 64929  
division (B) (3) (a) of section 5139.43 of the Revised Code an 64930  
annual grant agreement and application for funding that is for 64931  
the combined purposes of, and that satisfies the requirements 64932  
of, this section and section 5139.43 of the Revised Code. In 64933  
addition to the subject matters described in division (B) (3) (a) 64934  
of section 5139.43 of the Revised Code or in the rules that the 64935  
department adopts to implement that division, the annual grant 64936  
agreement and application for funding shall address fiscal 64937  
accountability and performance matters pertaining to the 64938  
programs, care, and services that are specified in the agreement 64939  
and application and for which state subsidy funds granted 64940  
pursuant to this section will be used. 64941

(2) The county treasurer of each county that receives an 64942  
annual grant pursuant to this section shall deposit the state 64943  
subsidy funds so received into the county's felony delinquent 64944  
care and custody fund created pursuant to division (B) (1) of 64945  
section 5139.43 of the Revised Code. Subject to exceptions 64946  
prescribed in section 5139.43 of the Revised Code that may apply 64947  
to the disbursement, the department shall disburse the state 64948  
subsidy funds to which a county is entitled in a lump sum 64949  
payment that shall be made in July of each calendar year. 64950

(3) Upon an order of the juvenile court that serves a 64951  
county and subject to appropriation by the board of county 64952  
commissioners of that county, a county treasurer shall disburse 64953  
from the county's felony delinquent care and custody fund the 64954  
state subsidy funds granted to the county pursuant to this 64955  
section for use only in accordance with this section, the 64956  
applicable provisions of section 5139.43 of the Revised Code, 64957

and the county's approved annual grant agreement and application 64958  
for funding. 64959

(4) The moneys in a county's felony delinquent care and 64960  
custody fund that represent state subsidy funds granted pursuant 64961  
to this section are subject to appropriation by the board of 64962  
county commissioners of the county; shall be disbursed by the 64963  
county treasurer as required by division (C)(3) of this section; 64964  
shall be used in the manners referred to in division (C)(3) of 64965  
this section; shall not revert to the county general fund at the 64966  
end of any fiscal year; shall carry over in the felony 64967  
delinquent care and custody fund from the end of any fiscal year 64968  
to the next fiscal year; shall be in addition to, and shall not 64969  
be used to reduce, any usual annual increase in county funding 64970  
that the juvenile court is eligible to receive or the current 64971  
level of county funding of the juvenile court and of any 64972  
programs, care, or services for alleged or adjudicated 64973  
delinquent children, unruly children, or juvenile traffic 64974  
offenders or for children who are at risk of becoming delinquent 64975  
children, unruly children, or juvenile traffic offenders; and 64976  
shall not be used to pay for the care and custody of felony 64977  
delinquents who are in the care and custody of an institution 64978  
pursuant to a commitment, recommitment, or revocation of a 64979  
release on parole by the juvenile court of that county or who 64980  
are in the care and custody of a community corrections facility 64981  
pursuant to a placement by the department as described in 64982  
division (E) of section 5139.36 of the Revised Code. 64983

(5) As a condition of the continued receipt of state 64984  
subsidy funds pursuant to this section, each county and the 64985  
juvenile court that serves each county that receives an annual 64986  
grant pursuant to this section shall comply with divisions (B) 64987  
(3) (b), (c), and (d) of section 5139.43 of the Revised Code. 64988

**Sec. 5145.06.** (A) The department of rehabilitation and 64989  
correction shall establish and operate a school system that is 64990  
approved and chartered by the department of ~~education~~learning 64991  
and achievement and designated as the Ohio central school system 64992  
to serve all of the correctional institutions under its control. 64993  
The Ohio central school system shall provide educational 64994  
programs for prisoners to allow them to complete adult basic 64995  
education courses, earn Ohio certificates of high school 64996  
equivalence, or pursue vocational training. To that end, the 64997  
department may employ appropriately certified teachers, 64998  
administrators, and support staff. The department shall provide 64999  
classrooms, shops, and other appropriate facilities and 65000  
necessary furniture, books, stationery, supplies, and equipment. 65001

(B) (1) The department of rehabilitation and correction 65002  
shall require each prisoner who has not obtained a high school 65003  
diploma to take courses leading toward an Ohio certificate of 65004  
high school equivalence, an Ohio high school diploma pursuant to 65005  
section 3313.61 of the Revised Code, or courses that provide 65006  
vocational training. If a prisoner has obtained a high school 65007  
diploma, the department shall encourage the prisoner to 65008  
participate in a program of advanced studies or training for a 65009  
skilled trade. 65010

(2) The department of rehabilitation and correction shall 65011  
adopt rules that prescribe disciplinary actions that the 65012  
department may take if a prisoner refuses to participate in an 65013  
educational program required under division (B) (1) of this 65014  
section. 65015

(3) The failure of the department of rehabilitation and 65016  
correction to provide, pursuant to division (B) (1) of this 65017  
section, an opportunity for any prisoner to participate in 65018

courses that lead toward an Ohio certificate of high school 65019  
equivalence or an Ohio high school diploma, or that provide 65020  
vocational training, does not give rise to a claim for damages 65021  
against the department. 65022

(C) The department of rehabilitation and correction, for a 65023  
clearly established medical, mental health, or security reason, 65024  
may exclude certain prisoners from the requirement to take 65025  
courses pursuant to division (B) (1) of this section. Any 65026  
exclusion under this division shall be only for a clearly 65027  
established medical, mental health, or security reason. Within 65028  
six months after ~~the effective date of this amendment~~ March 31, 65029  
2003, the department shall adopt rules pursuant to Chapter 119. 65030  
of the Revised Code to establish the criteria and procedures for 65031  
an exclusion under this division. 65032

**Sec. 5153.176.** As used in this section, "license" has the 65033  
same meaning as in section 3319.31 of the Revised Code. 65034

(A) Notwithstanding division (I) (1) of section 2151.421, 65035  
section 5153.17, or any other section of the Revised Code 65036  
pertaining to confidentiality, the director of a public children 65037  
services agency shall promptly provide to the superintendent of 65038  
public instruction information regarding the agency's 65039  
investigation of a report of child abuse or neglect made 65040  
pursuant to section 2151.421 of the Revised Code involving a 65041  
person who holds a license issued by the state board of 65042  
education where the agency has determined that child abuse or 65043  
neglect occurred and that abuse or neglect is related to the 65044  
person's duties and responsibilities under the license. The 65045  
information provided by the director shall include the 65046  
following: 65047

(1) A summary of the nature of the allegations contained 65048

in the report of which the person is the subject and the final disposition of the investigation conducted in response to that report or, if the investigation is not complete, the status of the investigation;

(2) Upon written request of the superintendent of public instruction, the additional information described in division (C) of this section regarding the agency's investigation of the report, unless the prosecuting attorney of the county served by the agency determines that such information may not be released pursuant to division (B) of this section.

(B) Upon receipt of a written request from the state superintendent ~~of public instruction~~ for the additional information described in division (C) of this section, the director shall determine if the prosecuting attorney of the county served by the public children services agency intends to prosecute the subject of the report based on the allegations contained in the report. If the prosecuting attorney intends to prosecute the subject of the report, the prosecuting attorney shall determine the information described in division (C) of this section that may be released, if any, and shall provide the director with written authorization to release the information so determined. The director shall provide the state superintendent ~~of public instruction~~ with any information described in division (C) of this section that the prosecuting attorney determines may be released, but in no case shall the director provide any information that the prosecuting attorney determines shall not be released. If the prosecuting attorney does not intend to prosecute the subject of the report, the prosecuting attorney shall notify the director of that fact and the director shall provide all of the information described in division (C) of this section to the state superintendent ~~of~~

~~public instruction.~~ 65080

(C) In accordance with division (B) of this section, the 65081  
director shall provide information to the state superintendent 65082  
~~of public instruction~~ regarding the public children services 65083  
agency's investigation of the report described in division (A) 65084  
of this section, including, but not limited to, the following: 65085

(1) The following information about the alleged child 65086  
victim of the abuse or neglect: 65087

(a) Full name; 65088

(b) Date of birth; 65089

(c) Address and telephone number; 65090

(d) Grade level; 65091

(e) Name and contact information of the child's parent, 65092  
guardian, or legal custodian; 65093

(f) Name and contact information of any medical facility 65094  
that provided treatment to the child, if the child was injured 65095  
in connection with the abuse or neglect and if that information 65096  
is available; 65097

(g) A summary of interviews with the child or, if an 65098  
entity other than the agency conducted the interviews, the 65099  
contact information for that entity. The summary shall include 65100  
an accounting of the facts and circumstances of the alleged 65101  
abuse or neglect, including, but not limited to, the time and 65102  
place that the abuse or neglect occurred. 65103

(h) Copies of any written correspondence between the child 65104  
and the alleged perpetrator of the abuse or neglect that was 65105  
used by the agency to determine that abuse or neglect occurred, 65106

the release of which is not otherwise prohibited by law. 65107

(2) The following information about the alleged 65108  
perpetrator of the abuse or neglect: 65109

(a) Full name; 65110

(b) Date of birth; 65111

(c) Address and telephone number; 65112

(d) Name of school district and school building that 65113  
employed the alleged perpetrator at the time the report was 65114  
made; 65115

(e) Name and contact information of any medical facility 65116  
that provided treatment to the alleged perpetrator, if the 65117  
alleged perpetrator was injured in connection with the abuse or 65118  
neglect and if that information is available; 65119

(f) A summary of interviews with the alleged perpetrator 65120  
or, if an entity other than the agency conducted the interviews, 65121  
the contact information for that entity. The summary shall 65122  
include an accounting of the facts and circumstances of the 65123  
alleged abuse or neglect, including, but not limited to, the 65124  
time and place that the abuse or neglect occurred. 65125

(g) Copies of any written correspondence between the 65126  
alleged child victim and the alleged perpetrator that was used 65127  
by the agency to determine that abuse or neglect occurred, the 65128  
release of which is not otherwise prohibited by law; 65129

(h) If the alleged perpetrator has been the subject of any 65130  
previous reports made pursuant to section 2151.421 of the 65131  
Revised Code where the agency determined that physical or sexual 65132  
child abuse occurred, a summary of the chronology of those 65133  
reports; the final disposition of the investigations conducted 65134

in response to those reports, or if an investigation is not 65135  
complete, the status of that investigation; and any underlying 65136  
documentation concerning those reports. 65137

(3) The following information about each person, other 65138  
than the alleged child victim and the alleged perpetrator, whom 65139  
the agency has determined to be important to the investigation, 65140  
except that the information shall not be provided about the 65141  
person who made the report unless that person grants written 65142  
permission for the director to release the information: 65143

(a) Full name; 65144

(b) Address and telephone number; 65145

(c) If the person has been interviewed regarding the 65146  
alleged abuse or neglect, a summary of those interviews or, if 65147  
an entity other than the agency conducted the interviews, the 65148  
contact information for such entity. 65149

(D) Upon provision of any information to the state 65150  
superintendent ~~of public instruction~~ under this section, the 65151  
director shall notify the state superintendent of both of the 65152  
following: 65153

(1) That the information is confidential; 65154

(2) That unauthorized dissemination of the information is 65155  
a violation of division (I) (2) of section 2151.421 and section 65156  
3319.311 of the Revised Code and any person who permits or 65157  
encourages unauthorized dissemination of the information is 65158  
guilty of a misdemeanor of the fourth degree pursuant to section 65159  
2151.99 of the Revised Code. 65160

If the director determines that the state superintendent 65161  
~~of public instruction~~ or any person involved in the conduct of 65162

an investigation under section 3319.311 of the Revised Code 65163  
committed, caused, permitted, or encouraged the unauthorized 65164  
dissemination of any information provided under this section, 65165  
the director shall provide written notification of the 65166  
unauthorized dissemination to the prosecuting attorney of the 65167  
county or the village solicitor, city director of law, or 65168  
similar chief legal officer of the municipal corporation in 65169  
which the unauthorized dissemination occurred. A copy of the 65170  
notification shall be retained in the investigative record 65171  
maintained by the public children services agency. 65172

(E) The director shall include documentation of the 65173  
information provided to the state superintendent of public  
~~instruction~~ under this section in the investigative record 65174  
maintained by the public children services agency. The 65175  
documentation shall include the following: 65176  
65177

(1) A list of the information provided; 65178

(2) The date the information was provided; 65179

(3) If the state superintendent of public instruction  
designates a person to receive the information on the 65180  
superintendent's behalf, the name of that person; 65181  
65182

(4) The reason for providing the information; 65183

(5) If written authorization to provide the information is 65184  
required from the prosecuting attorney under division (B) of 65185  
this section, a copy of that authorization. 65186

(F) No director of a public children services agency shall 65187  
knowingly fail to comply with division (A) or (C) of this 65188  
section. 65189

(G) A director of a public children services agency who 65190

provides information to the state superintendent of ~~public~~ 65191  
~~instruction~~ in accordance with this section in good faith shall 65192  
be immune from any civil or criminal liability that otherwise 65193  
might be incurred or imposed for injury, death, or loss to 65194  
person or property as a result of the provision of that 65195  
information. 65196

(H) Notwithstanding any provision to the contrary in 65197  
Chapter 4117. of the Revised Code, the provisions of this 65198  
section prevail over any conflicting provisions of a collective 65199  
bargaining agreement or contract for employment entered into 65200  
after March 30, 2007. 65201

**Sec. 5162.363.** The department of medicaid shall enter into 65202  
an interagency agreement with the department of ~~education~~ 65203  
learning and achievement under section 5162.35 of the Revised 65204  
Code that provides for the department of ~~education~~ learning and 65205  
achievement to administer the medicaid school component of the 65206  
medicaid program other than the aspects of the component that 65207  
sections 5162.36 to 5162.366 of the Revised Code require the 65208  
department of medicaid to administer. The interagency agreement 65209  
may include a provision that provides for the department of 65210  
~~education~~ learning and achievement to pay to the department of 65211  
medicaid the nonfederal share of a portion of the administrative 65212  
expenses the department of medicaid incurs in administering the 65213  
aspects of the component that the department of medicaid 65214  
administers. 65215

To the extent authorized by rules authorized by section 65216  
5162.021 of the Revised Code, the department of ~~education~~ 65217  
learning and achievement shall adopt rules establishing a 65218  
process by which qualified medicaid school providers 65219  
participating in the medicaid school component pay to the 65220

department of ~~education~~ learning and achievement the nonfederal 65221  
share of the department's expenses incurred in administering the 65222  
component. The rules shall be adopted in accordance with Chapter 65223  
119. of the Revised Code. 65224

**Sec. 5162.365.** (A) A qualified medicaid school provider is 65225  
solely responsible for timely repaying any overpayment that the 65226  
provider receives under the medicaid school component of the 65227  
medicaid program and that is discovered by a federal or state 65228  
audit. This is the case regardless of whether the audit's 65229  
finding identifies the provider, department of medicaid, or 65230  
department of ~~education~~ learning and achievement as being 65231  
responsible for the overpayment. 65232

(B) The department of medicaid shall not do any of the 65233  
following regarding an overpayment for which a qualified 65234  
medicaid school provider is responsible for repaying: 65235

(1) Make a payment to the federal government to meet or 65236  
delay the provider's repayment obligation; 65237

(2) Assume the provider's repayment obligation; 65238

(3) Forgive the provider's repayment obligation. 65239

(C) Each qualified medicaid school provider shall 65240  
indemnify and hold harmless the department of medicaid for any 65241  
cost or penalty resulting from a federal or state audit finding 65242  
that a claim submitted by the provider under section 5162.361 of 65243  
the Revised Code did not comply with a federal or state 65244  
requirement applicable to the claim, including a requirement of 65245  
a medicaid waiver component. 65246

**Sec. 5162.64.** (A) There is hereby created in the state 65247  
treasury the medicaid school program administrative fund. 65248

(B) Both of the following shall be deposited into the  
medicaid school program administrative fund:

(1) The federal funds the department of ~~education~~learning  
and achievement receives for the expenses the department incurs  
in administering the medicaid school component of the medicaid  
program created under section 5162.36 of the Revised Code;

(2) The money the department collects from qualified  
medicaid school providers in the process established in rules  
authorized by section 5162.363 of the Revised Code.

(C) The department of ~~education~~learning and achievement  
shall use money in the medicaid school program administrative  
fund for both of the following purposes:

(1) Paying for the expenses the department incurs in  
administering the medicaid school component of the medicaid  
program;

(2) Paying a qualified medicaid school provider a refund  
for any overpayment the provider makes to the department under  
the process established in rules authorized by section 5162.363  
of the Revised Code if the process results in an overpayment.

**Sec. ~~3313.536~~5502.262.** (A) As used in this section:

(1) "Administrator" means the superintendent, principal,  
chief administrative officer, or other person having supervisory  
authority of any of the following:

(a) A city, exempted village, local, or joint vocational  
school district;

(b) A community school established under Chapter 3314. of  
the Revised Code, as required through reference in division (A)

(11)(d) of section 3314.03 of the Revised Code;

(c) A STEM school established under Chapter 3326. of the Revised Code, as required through reference in section 3326.11 of the Revised Code;	65277 65278 65279
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	65280 65281
(e) A district or school operating a career-technical education program approved by the department of <del>education</del> <u>learning and achievement</u> under section 3317.161 of the Revised Code;	65282 65283 65284 65285
(f) A chartered nonpublic school;	65286
(g) An educational service center;	65287
(h) A preschool program or school-age child care program licensed by the department of <del>education</del> <u>learning and achievement</u> ;	65288 65289 65290
(i) Any other facility that primarily provides educational services to children subject to regulation by the department of <del>education</del> <u>learning and achievement</u> .	65291 65292 65293
(2) "Emergency management test" means a regularly scheduled drill, exercise, or activity designed to assess and evaluate an emergency management plan under this section.	65294 65295 65296
(3) "Building" means any school, school building, facility, program, or center.	65297 65298
(B)(1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted by the <del>state board of education</del> <u>department of public safety</u> pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of	65299 65300 65301 65302 65303 65304

each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the administrator shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. The administrator shall incorporate remediation strategies into the plan for any building where documented safety problems have occurred.

(2) Each administrator shall also incorporate into the emergency management plan adopted under division (B)(1) of this section all of the following:

(a) A protocol for addressing serious threats to the safety of property, students, employees, or administrators;

(b) A protocol for responding to any emergency events that occur and compromise the safety of property, students, employees, or administrators. This protocol shall include, but not be limited to, all of the following:

(i) A floor plan that is unique to each floor of the building;

(ii) A site plan that includes all building property and surrounding property;

(iii) An emergency contact information sheet.

(3) Each protocol described in divisions (B)(2)(a) and (b) of this section shall include procedures determined to be appropriate by the administrator for responding to threats and emergency events, respectively, including such things as notification of appropriate law enforcement personnel, calling

upon specified emergency response personnel for assistance, and 65334  
informing parents of affected students. 65335

Prior to the opening day of each school year, the 65336  
administrator shall inform each student or child enrolled in the 65337  
school and the student's or child's parent of the parental 65338  
notification procedures included in the protocol. 65339

(4) Each administrator shall keep a copy of the emergency 65340  
management plan adopted pursuant to this section in a secure 65341  
place. 65342

(C) (1) The administrator shall submit to the department of 65343  
~~education~~ learning and achievement, in accordance with rules 65344  
adopted by the ~~state board of education~~ department of public 65345  
safety pursuant to division (F) of this section, an electronic 65346  
copy of the emergency management plan prescribed by division (B) 65347  
of this section not less than once every three years, whenever a 65348  
major modification to the building requires changes in the 65349  
procedures outlined in the plan, and whenever information on the 65350  
emergency contact information sheet changes. 65351

(2) The administrator also shall file a copy of the plan 65352  
with each law enforcement agency that has jurisdiction over the 65353  
school building and, upon request, to any of the following: 65354

(a) The fire department that serves the political 65355  
subdivision in which the building is located; 65356

(b) The emergency medical service organization that serves 65357  
the political subdivision in which the building is located; 65358

(c) The county emergency management agency for the county 65359  
in which the building is located. 65360

(3) Upon receipt of an emergency management plan, the 65361

department of ~~education~~ learning and achievement shall submit 65362  
the information, in accordance with rules adopted by the ~~state~~ 65363  
~~board of education~~ department of public safety pursuant to 65364  
division (F) of this section, to both of the following: 65365

(a) The attorney general, who shall post that information 65366  
on the Ohio law enforcement gateway or its successor; 65367

(b) The director of public safety, who shall post the 65368  
information on the contact and information management system. 65369

(4) Any department or entity to which copies of an 65370  
emergency management plan are filed under this section shall 65371  
keep the copies in a secure place. 65372

(D) (1) Not later than the first day of July of each year, 65373  
each administrator shall review the emergency management plan 65374  
and certify to the department of ~~education~~ learning and 65375  
achievement that the plan is current and accurate. 65376

(2) Anytime that an administrator updates the emergency 65377  
management plan pursuant to division (C) (1) of this section, the 65378  
administrator shall file copies, not later than the tenth day 65379  
after the revision is adopted and in accordance with rules 65380  
adopted by the ~~state board~~ department of public safety pursuant 65381  
to division (F) of this section, to the department of ~~education~~ 65382  
learning and achievement and to any entity with which the 65383  
administrator filed a copy under division (C) (2) of this 65384  
section. 65385

(E) Each administrator shall do both of the following: 65386

(1) Prepare and conduct at least one annual emergency 65387  
management test, as defined in division (A) (2) of this section, 65388  
in accordance with rules adopted by the ~~state board~~ department 65389  
of public safety pursuant to division (F) of this section; 65390

(2) Grant access to each building under the control of the administrator to law enforcement personnel and to entities described in division (C) (2) of this section, to enable the personnel and entities to hold training sessions for responding to threats and emergency events affecting the building, provided that the access occurs outside of student instructional hours and the administrator, or the administrator's designee, is present in the building during the training sessions.

(F) ~~The state board of education~~ department of public safety, in accordance with Chapter 119. of the Revised Code, shall adopt rules regarding emergency management plans under this section, including the content of the plans and procedures for filing the plans. The rules shall specify that plans and information required under division (B) of this section be submitted on standardized forms developed by the department of ~~education~~ public safety for such purpose. The rules shall also specify the requirements and procedures for emergency management tests conducted pursuant to division (E) (1) of this section. Failure to comply with the rules may result in discipline pursuant to section 3319.31 of the Revised Code or any other action against the administrator as prescribed by rule.

(G) Division (B) of section 3319.31 of the Revised Code applies to any administrator who is subject to the requirements of this section and is not exempt under division (H) of this section and who is an applicant for a license or holds a license from the state board pursuant to section 3319.22 of the Revised Code.

(H) The ~~superintendent of public instruction~~ department of learning and achievement may exempt any administrator from the requirements of this section, if the ~~superintendent~~ department

of learning and achievement determines that the requirements do 65421  
not otherwise apply to a building or buildings under the control 65422  
of that administrator. 65423

(I) Copies of the emergency management plan and 65424  
information required under division (B) of this section are 65425  
security records and are not public records pursuant to section 65426  
149.433 of the Revised Code. ~~In addition, the information posted~~ 65427  
~~to the contact and information management system, pursuant to~~ 65428  
~~division (C) (3) (b) of this section, is exempt from public~~ 65429  
~~disclosure or release in accordance with sections 149.43,~~ 65430  
~~149.433, and 5502.03 of the Revised Code.~~ 65431

Notwithstanding section 149.433 of the Revised Code, a 65432  
floor plan filed with the attorney general pursuant to this 65433  
section is not a public record to the extent it is a record kept 65434  
by the attorney general. 65435

**Sec. 5513.04.** (A) Notwithstanding sections 125.12, 125.13, 65436  
and 125.14 of the Revised Code, the director of transportation 65437  
may sell, transfer, or otherwise dispose of any item of personal 65438  
property that is not needed by the department of transportation. 65439  
The director may exchange any such item, in the manner provided 65440  
for in this chapter, and pay the balance of the cost of such new 65441  
item from funds appropriated to the department. The director 65442  
also may accept a credit voucher or cash in an amount mutually 65443  
agreed upon between a vendor and the department. The director 65444  
shall apply the amount of any credit voucher to future purchases 65445  
from that vendor and shall deposit any cash into the state 65446  
treasury to the credit of the highway operating fund created in 65447  
section 5735.051 of the Revised Code. 65448

(B) (1) The director may sell or transfer any structure, 65449  
machinery, tools, equipment, parts, material, office furniture, 65450

or supplies unfit for use or not needed by the department of 65451  
transportation to any agency of the state or a political 65452  
subdivision of the state without notice of the proposed disposal 65453  
and upon any mutually agreed upon terms. 65454

(2) Before selling any passenger vehicle, van, truck, 65455  
trailer, or other heavy equipment, the director shall notify 65456  
each county, municipal corporation, township, and school 65457  
district of the sale. The director shall similarly notify the 65458  
board of trustees of any regional water and sewer district 65459  
established under Chapter 6119. of the Revised Code, when the 65460  
board has forwarded to the director the district's name and 65461  
current business address. For the purposes of this division, the 65462  
name and current business address of a regional water and sewer 65463  
district shall be forwarded to the director once each year 65464  
during any year in which the board wishes the notification to be 65465  
given. The notice required by this division may be given by the 65466  
most economical means considered to be effective. If after seven 65467  
days following mailing or other issuance of the director's 65468  
notice, no county, municipal corporation, township, regional 65469  
water and sewer district, educational service center, or school 65470  
district has notified the director that it wishes to purchase 65471  
any such vehicle or other heavy equipment, the director may 65472  
proceed with the sale under division (C) of this section. 65473

In the discretion of the director, the director may 65474  
transfer any vehicle or other heavy equipment that is unfit for 65475  
use or not needed by the department to any agency of the state 65476  
or political subdivision of the state without advertising for 65477  
bids and upon mutually agreed upon terms. 65478

(3) The director may sell or otherwise dispose of any 65479  
structure or structural materials salvaged on the state highway 65480

system that in the director's judgment are no longer needed by 65481  
the department, or that, through wear or obsolescence, have 65482  
become unfit for use. The director may transfer the structure or 65483  
materials to counties, municipal corporations, school districts, 65484  
or other political subdivisions without advertising for bids and 65485  
upon mutually agreed upon terms. The director may transfer the 65486  
structure or structural materials to a nonprofit corporation 65487  
upon being furnished a copy of a contract between the nonprofit 65488  
corporation and a county, municipal corporation, or other 65489  
political subdivision to which the structure is to be moved 65490  
pursuant to which the nonprofit corporation must make the 65491  
structure or structural materials available for rent or sale 65492  
within a period of three months after becoming available for 65493  
occupancy to an individual or family which has been displaced by 65494  
governmental action or which occupies substandard housing as 65495  
certified by such political subdivision, without advertising for 65496  
bids. Any such transfers shall be for such consideration as 65497  
shall be determined by the director to be fair and reasonable, 65498  
and shall be upon such terms and specifications with respect to 65499  
performance and indemnity as shall be determined necessary by 65500  
the director. 65501

When, in carrying out an improvement that replaces any 65502  
structure or structural materials, it is advantageous to dispose 65503  
of the structure or structural materials by providing in the 65504  
contract for the improvement that the structure or structural 65505  
materials, or any part thereof, shall become the property of the 65506  
contractor, the director may so proceed. 65507

(C) (1) Any item that has not been sold or transferred as 65508  
provided in division (B) of this section may be sold at a public 65509  
sale, as determined by the director. The director may authorize 65510  
such sale by the deputy directors of transportation, and the 65511

proceedings of such sale shall be conducted in the same manner 65512  
as provided for sales by the director. The director may 65513  
establish a minimum price for any item to be sold and may 65514  
establish any other terms, conditions, and manner for the sale 65515  
of a particular item, which may be on any basis the director 65516  
determines to be most advantageous to the department. The 65517  
director may reject any offer or bid for an item. The director 65518  
may remove any item from a sale if it develops that a public 65519  
authority has a use for the item. In any notice of a sale, the 65520  
director shall include a brief description of the item to be 65521  
sold, the terms and conditions of the sale, and a statement of 65522  
the time, place, and manner of the sale. 65523

(2) (a) If, in the opinion of the director, any item to be 65524  
sold has an estimated fair market value in excess of one 65525  
thousand dollars, the director shall post a notice of the sale, 65526  
for not less than ten days, on the official web site of the 65527  
department. If the district where the property is located 65528  
maintains a web site, notice of the sale also shall be posted on 65529  
that web site. At least ten days before the sale, the director 65530  
also shall publish one notice of the sale in a periodical or 65531  
newspaper of general circulation in the region in which the 65532  
items are located. A sale under division (C) (2) (a) of this 65533  
section shall be made to the highest responsible bidder. 65534

(b) If, in the opinion of the director, any item to be 65535  
sold has an estimated fair market value of one thousand dollars 65536  
or less, the director is not required to advertise the proposed 65537  
sale except by notice posted on the official web site of the 65538  
department. The notice shall be posted for at least five working 65539  
days. A sale under division (C) (2) (b) of this section shall be 65540  
made to the highest responsible bidder. 65541

(D) Proceeds of any sale described in this section shall 65542  
be paid into the state treasury to the credit of the highway 65543  
operating fund or any other fund of the department as determined 65544  
by the director. 65545

(E) Once each year, the ~~state board of education~~ 65546  
department of learning and achievement shall provide the 65547  
director with a current list of the addresses of all school 65548  
districts and educational service centers in the state. 65549

(F) As used in this section: 65550

(1) "Personal property" means any structure or structural 65551  
material, machinery, tools, equipment, parts, material, office 65552  
furniture, supplies, passenger vehicle, van, truck, trailer, or 65553  
other heavy equipment of the department; 65554

(2) "School district" means any city school district, 65555  
local school district, exempted village school district, 65556  
cooperative education school district, and joint vocational 65557  
school district, as defined in Chapter 3311. of the Revised 65558  
Code. 65559

(3) "Sale" means fixed price sale, live or internet 65560  
auction, or any other type of sale determined by the director. 65561

**Sec. 5705.21.** (A) At any time, the board of education of 65562  
any city, local, exempted village, cooperative education, or 65563  
joint vocational school district, by a vote of two-thirds of all 65564  
its members, may declare by resolution that the amount of taxes 65565  
that may be raised within the ten-mill limitation by levies on 65566  
the current tax duplicate will be insufficient to provide an 65567  
adequate amount for the necessary requirements of the school 65568  
district, that it is necessary to levy a tax in excess of such 65569  
limitation for one of the purposes specified in division (A), 65570

(D), (F), (H), or (DD) of section 5705.19 of the Revised Code, 65571  
for general permanent improvements, for the purpose of operating 65572  
a cultural center, for the purpose of providing for school 65573  
safety and security, or for the purpose of providing education 65574  
technology, and that the question of such additional tax levy 65575  
shall be submitted to the electors of the school district at a 65576  
special election on a day to be specified in the resolution. In 65577  
the case of a qualifying library levy for the support of a 65578  
library association or private corporation, the question shall 65579  
be submitted to the electors of the association library 65580  
district. If the resolution states that the levy is for the 65581  
purpose of operating a cultural center, the ballot shall state 65582  
that the levy is "for the purpose of operating the..... 65583  
(name of cultural center)."

As used in this division, "cultural center" means a 65585  
freestanding building, separate from a public school building, 65586  
that is open to the public for educational, musical, artistic, 65587  
and cultural purposes; "education technology" means, but is not 65588  
limited to, computer hardware, equipment, materials, and 65589  
accessories, equipment used for two-way audio or video, and 65590  
software; and "general permanent improvements" means permanent 65591  
improvements without regard to the limitation of division (F) of 65592  
section 5705.19 of the Revised Code that the improvements be a 65593  
specific improvement or a class of improvements that may be 65594  
included in a single bond issue. 65595

A resolution adopted under this division shall be confined 65596  
to a single purpose and shall specify the amount of the increase 65597  
in rate that it is necessary to levy, the purpose of the levy, 65598  
and the number of years during which the increase in rate shall 65599  
be in effect. The number of years may be any number not 65600  
exceeding five or, if the levy is for current expenses of the 65601

district or for general permanent improvements, for a continuing 65602  
period of time. 65603

(B) (1) The board of education of a qualifying school 65604  
district, by resolution, may declare that it is necessary to 65605  
levy a tax in excess of the ten-mill limitation for the purpose 65606  
of paying the current expenses of partnering community schools 65607  
and, if any of the levy proceeds are so allocated, of the 65608  
district. A qualifying school district that is not a municipal 65609  
school district may allocate all of the levy proceeds to 65610  
partnering community schools. A municipal school district shall 65611  
allocate a portion of the levy proceeds to the current expenses 65612  
of the district. The resolution shall declare that the question 65613  
of the additional tax levy shall be submitted to the electors of 65614  
the school district at a special election on a day to be 65615  
specified in the resolution. The resolution shall state the 65616  
purpose of the levy, the rate of the tax expressed in mills per 65617  
dollar of taxable value, the number of such mills to be levied 65618  
for the current expenses of the partnering community schools and 65619  
the number of such mills, if any, to be levied for the current 65620  
expenses of the school district, the number of years the tax 65621  
will be levied, and the first year the tax will be levied. The 65622  
number of years the tax may be levied may be any number not 65623  
exceeding ten years, or for a continuing period of time. 65624

The levy of a tax for the current expenses of a partnering 65625  
community school under this section and the distribution of 65626  
proceeds from the tax by a qualifying school district to 65627  
partnering community schools is hereby determined to be a proper 65628  
public purpose. 65629

(2) (a) If any portion of the levy proceeds are to be 65630  
allocated to the current expenses of the qualifying school 65631

district, the form of the ballot at an election held pursuant to 65632  
division (B) of this section shall be as follows: 65633

"Shall a levy be imposed by the..... (insert the name 65634  
of the qualifying school district) for the purpose of current 65635  
expenses of the school district and of partnering community 65636  
schools at a rate not exceeding..... (insert the number of 65637  
mills) mills for each one dollar of valuation, of which..... 65638  
(insert the number of mills to be allocated to partnering 65639  
community schools) mills is to be allocated to partnering 65640  
community schools), which amounts to..... (insert the rate 65641  
expressed in dollars and cents) for each one hundred dollars of 65642  
valuation, for..... (insert the number of years the levy is to 65643  
be imposed, or that it will be levied for a continuing period of 65644  
time), beginning..... (insert first year the tax is to be 65645  
levied), which will first be payable in calendar year..... 65646  
(insert the first calendar year in which the tax would be 65647  
payable)? 65648

FOR THE TAX LEVY
AGAINST THE TAX LEVY

" 65652

(b) If all of the levy proceeds are to be allocated to the 65653  
current expenses of partnering community schools, the form of 65654  
the ballot shall be as follows: 65655

"Shall a levy be imposed by the..... (insert the name 65656  
of the qualifying school district) for the purpose of current 65657  
expenses of partnering community schools at a rate not 65658  
exceeding..... (insert the number of mills) mills for each one 65659  
dollar of valuation which amounts to..... (insert the rate 65660

expressed in dollars and cents) for each one hundred dollars of 65661  
valuation, for..... (insert the number of years the levy is to 65662  
be imposed, or that it will be levied for a continuing period of 65663  
time), beginning..... (insert first year the tax is to be 65664  
levied), which will first be payable in calendar year..... 65665  
(insert the first calendar year in which the tax would be 65666  
payable)? 65667

FOR THE TAX LEVY
AGAINST THE TAX LEVY

65668  
65669  
65670

"

65671

(3) Upon each receipt of a tax distribution by the 65672  
qualifying school district, the board of education shall credit 65673  
the portion allocated to partnering community schools to the 65674  
partnering community schools fund. All income from the 65675  
investment of money in the partnering community schools fund 65676  
shall be credited to that fund. 65677

(a) If the qualifying school district is a municipal 65678  
school district, the board of education shall distribute the 65679  
partnering community schools amount among the then qualifying 65680  
community schools not more than forty-five days after the school 65681  
district receives and deposits each tax distribution. From each 65682  
tax distribution, each such partnering community school shall 65683  
receive a portion of the partnering community schools amount in 65684  
the proportion that the number of its resident students bears to 65685  
the aggregate number of resident students of all such partnering 65686  
community schools as of the date of receipt and deposit of the 65687  
tax distribution. 65688

(b) If the qualifying school district is not a municipal 65689

school district, the board of education may distribute all or a 65690  
portion of the amount in the partnering community schools fund 65691  
during a fiscal year to partnering community schools on or 65692  
before the first day of June of the preceding fiscal year. Each 65693  
such partnering community school shall receive a portion of the 65694  
amount distributed by the board from the partnering community 65695  
schools fund during the fiscal year in the proportion that the 65696  
number of its resident students bears to the aggregate number of 65697  
resident students of all such partnering community schools as of 65698  
the date the school district received and deposited the most 65699  
recent tax distribution. On or before the fifteenth day of June 65700  
of each fiscal year, the board of education shall announce an 65701  
estimated allocation to partnering community schools for the 65702  
ensuing fiscal year. The board is not required to allocate to 65703  
partnering community schools the entire partnering community 65704  
schools amount in the fiscal year in which a tax distribution is 65705  
received and deposited in the partnering community schools fund. 65706  
The estimated allocation shall be published on the web site of 65707  
the school district and expressed as a dollar amount per 65708  
resident student. The actual allocation to community schools in 65709  
a fiscal year need not conform to the estimate published by the 65710  
school district so long if the estimate was made in good faith. 65711

Distributions by a school district under division (B) (3) 65712  
(b) of this section shall be made in accordance with 65713  
distribution agreements entered into by the board of education 65714  
and each partnering community school eligible for distributions 65715  
under this division. The distribution agreements shall be 65716  
certified to the department of ~~education~~ learning and 65717  
achievement each fiscal year before the thirtieth day of July. 65718  
Each agreement shall provide for at least three distributions by 65719  
the school district to the partnering community school during 65720

the fiscal year and shall require the initial distribution be 65721  
made on or before the thirtieth day of July. 65722

(c) For the purposes of division (B) of this section, the 65723  
number of resident students shall be the number of such students 65724  
reported under section 3317.03 of the Revised Code and 65725  
established by the department ~~of education~~ as of the date of 65726  
receipt and deposit of the tax distribution. 65727

(4) To the extent an agreement whereby the qualifying 65728  
school district and a community school endorse each other's 65729  
programs is necessary for the community school to qualify as a 65730  
partnering community school under division (B)(6)(b) of this 65731  
section, the board of education of the school district shall 65732  
certify to the department ~~of education~~ the agreement along with 65733  
the determination that such agreement satisfies the requirements 65734  
of that division. The board's determination is conclusive. 65735

(5) For the purposes of Chapter 3317. of the Revised Code 65736  
or other laws referring to the "taxes charged and payable" for a 65737  
school district, the taxes charged and payable for a qualifying 65738  
school district that levies a tax under division (B) of this 65739  
section includes only the taxes charged and payable under that 65740  
levy for the current expenses of the school district, and does 65741  
not include the taxes charged and payable for the current 65742  
expenses of partnering community schools. The taxes charged and 65743  
payable for the current expenses of partnering community schools 65744  
shall not affect the calculation of "state education aid" as 65745  
defined in section 5751.20 of the Revised Code. 65746

(6) As used in division (B) of this section: 65747

(a) "Qualifying school district" means a municipal school 65748  
district, as defined in section 3311.71 of the Revised Code or a 65749

school district that contains within its territory a partnering  
community school. 65750  
65751

(b) "Partnering community school" means a community school 65752  
established under Chapter 3314. of the Revised Code that is 65753  
located within the territory of the qualifying school district 65754  
and meets one of the following criteria: 65755

(i) If the qualifying school district is a municipal 65756  
school district, the community school is sponsored by the 65757  
district or is a party to an agreement with the district whereby 65758  
the district and the community school endorse each other's 65759  
programs; 65760

(ii) If the qualifying school district is not a municipal 65761  
school district, the community school is sponsored by a sponsor 65762  
that was rated as "exemplary" in the ratings most recently 65763  
published under section 3314.016 of the Revised Code before the 65764  
resolution proposing the levy is certified to the board of 65765  
elections. 65766

(c) "Partnering community schools amount" means the 65767  
product obtained, as of the receipt and deposit of the tax 65768  
distribution, by multiplying the amount of a tax distribution by 65769  
a fraction, the numerator of which is the number of mills per 65770  
dollar of taxable value of the property tax to be allocated to 65771  
partnering community schools, and the denominator of which is 65772  
the total number of mills per dollar of taxable value authorized 65773  
by the electors in the election held under division (B) of this 65774  
section, each as set forth in the resolution levying the tax. If 65775  
the resolution allocates all of the levy proceeds to partnering 65776  
community schools, the "partnering schools amount" equals the 65777  
amount of the tax distribution. 65778

(d) "Partnering community schools fund" means a separate fund established by the board of education of a qualifying school district for the deposit of partnering community school amounts under this section.

(e) "Resident student" means a student enrolled in a partnering community school who is entitled to attend school in the qualifying school district under section 3313.64 or 3313.65 of the Revised Code.

(f) "Tax distribution" means a distribution of proceeds of the tax authorized by division (B) of this section under section 321.24 of the Revised Code and distributions that are attributable to that tax under sections 323.156 and 4503.068 of the Revised Code or other applicable law.

(C) A resolution adopted under this section shall specify the date of holding the election, which shall not be earlier than ninety days after the adoption and certification of the resolution and which shall be consistent with the requirements of section 3501.01 of the Revised Code.

A resolution adopted under this section may propose to renew one or more existing levies imposed under division (A) or (B) of this section or to increase or decrease a single levy imposed under either such division.

If the board of education imposes one or more existing levies for the purpose specified in division (F) of section 5705.19 of the Revised Code, the resolution may propose to renew one or more of those existing levies, or to increase or decrease a single such existing levy, for the purpose of general permanent improvements.

If the resolution proposes to renew two or more existing

levies, the levies shall be levied for the same purpose. The 65808  
resolution shall identify those levies and the rates at which 65809  
they are levied. The resolution also shall specify that the 65810  
existing levies shall not be extended on the tax lists after the 65811  
year preceding the year in which the renewal levy is first 65812  
imposed, regardless of the years for which those levies 65813  
originally were authorized to be levied. 65814

If the resolution proposes to renew an existing levy 65815  
imposed under division (B) of this section, the rates allocated 65816  
to the qualifying school district and to partnering community 65817  
schools each may be increased or decreased or remain the same, 65818  
and the total rate may be increased, decreased, or remain the 65819  
same. The resolution and notice of election shall specify the 65820  
number of the mills to be levied for the current expenses of the 65821  
partnering community schools and the number of the mills, if 65822  
any, to be levied for the current expenses of the qualifying 65823  
school district. 65824

A resolution adopted under this section shall go into 65825  
immediate effect upon its passage, and no publication of the 65826  
resolution shall be necessary other than that provided for in 65827  
the notice of election. A copy of the resolution shall 65828  
immediately after its passing be certified to the board of 65829  
elections of the proper county in the manner provided by section 65830  
5705.25 of the Revised Code. That section shall govern the 65831  
arrangements for the submission of such question and other 65832  
matters concerning the election to which that section refers, 65833  
including publication of notice of the election, except that the 65834  
election shall be held on the date specified in the resolution. 65835  
In the case of a resolution adopted under division (B) of this 65836  
section, the publication of notice of that election shall state 65837  
the number of the mills, if any, to be levied for the current 65838

expenses of partnering community schools and the number of the mills to be levied for the current expenses of the qualifying school district. If a majority of the electors voting on the question so submitted in an election vote in favor of the levy, the board of education may make the necessary levy within the school district or, in the case of a qualifying library levy for the support of a library association or private corporation, within the association library district, at the additional rate, or at any lesser rate in excess of the ten-mill limitation on the tax list, for the purpose stated in the resolution. A levy for a continuing period of time may be reduced pursuant to section 5705.261 of the Revised Code. The tax levy shall be included in the next tax budget that is certified to the county budget commission.

(D) (1) After the approval of a levy on the current tax list and duplicate for current expenses, for recreational purposes, for community centers provided for in section 755.16 of the Revised Code, or for a public library of the district under division (A) of this section, and prior to the time when the first tax collection from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy to be collected during the first year of the levy.

(2) After the approval of a levy for general permanent improvements for a specified number of years or for permanent improvements having the purpose specified in division (F) of section 5705.19 of the Revised Code, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy remaining to be

collected in each year over a period of five years after the 65870  
issuance of the notes. 65871

The notes shall be issued as provided in section 133.24 of 65872  
the Revised Code, shall have principal payments during each year 65873  
after the year of their issuance over a period not to exceed 65874  
five years, and may have a principal payment in the year of 65875  
their issuance. 65876

(3) After approval of a levy for general permanent 65877  
improvements for a continuing period of time, the board of 65878  
education may anticipate a fraction of the proceeds of the levy 65879  
and issue anticipation notes in a principal amount not exceeding 65880  
fifty per cent of the total estimated proceeds of the levy to be 65881  
collected in each year over a specified period of years, not 65882  
exceeding ten, after the issuance of the notes. 65883

The notes shall be issued as provided in section 133.24 of 65884  
the Revised Code, shall have principal payments during each year 65885  
after the year of their issuance over a period not to exceed ten 65886  
years, and may have a principal payment in the year of their 65887  
issuance. 65888

(4) After the approval of a levy on the current tax list 65889  
and duplicate under division (B) of this section, and prior to 65890  
the time when the first tax collection from the levy can be 65891  
made, the board of education may anticipate a fraction of the 65892  
proceeds of the levy for the current expenses of the school 65893  
district and issue anticipation notes in a principal amount not 65894  
exceeding fifty per cent of the estimated proceeds of the levy 65895  
to be collected during the first year of the levy and allocated 65896  
to the school district. The portion of the levy proceeds to be 65897  
allocated to partnering community schools under that division 65898  
shall not be included in the estimated proceeds anticipated 65899

under this division and shall not be used to pay debt charges on 65900  
any anticipation notes. 65901

The notes shall be issued as provided in section 133.24 of 65902  
the Revised Code, shall have principal payments during each year 65903  
after the year of their issuance over a period not to exceed 65904  
five years, and may have a principal payment in the year of 65905  
their issuance. 65906

(E) The submission of questions to the electors under this 65907  
section is subject to the limitation on the number of election 65908  
dates established by section 5705.214 of the Revised Code. 65909

(F) The board of education of any school district that 65910  
levies a tax under this section for the purpose of providing for 65911  
school safety and security may report to the department ~~of~~ 65912  
~~education~~ how the district is using revenue from that tax. 65913

**Sec. 5705.211.** (A) As used in this section: 65914

(1) "Adjusted charge-off increase" for a tax year means 65915  
two and two-tenths per cent of the cumulative carryover property 65916  
value increase. 65917

(2) "Cumulative carryover property value increase" means 65918  
the sum of the increases in carryover value certified under 65919  
division (B) (2) of section 3317.015 of the Revised Code and 65920  
included in a school district's total taxable value in the 65921  
computation of recognized valuation under division (B) of that 65922  
section for all fiscal years from the fiscal year that ends in 65923  
the first tax year a levy under this section is extended on the 65924  
tax list of real and public utility property until and including 65925  
the fiscal year that ends in the current tax year. 65926

(3) "Taxes charged and payable" means the taxes charged 65927  
and payable from a tax levy extended on the real and public 65928

utility property tax list and the general list of personal 65929  
property before any reduction under section 319.302, 323.152, or 65930  
323.158 of the Revised Code. 65931

(B) The board of education of a city, local, or exempted 65932  
village school district may adopt a resolution proposing the 65933  
levy of a tax in excess of the ten-mill limitation for the 65934  
purpose of paying the current operating expenses of the 65935  
district. If the resolution is approved as provided in division 65936  
(D) of this section, the tax may be levied at such a rate each 65937  
tax year that the total taxes charged and payable from the levy 65938  
equals the adjusted charge-off increase for the tax year or 65939  
equals a lesser amount as prescribed under division (C) of this 65940  
section. The tax may be levied for a continuing period of time 65941  
or for a specific number of years, but not fewer than five 65942  
years, as provided in the resolution. The tax may not be placed 65943  
on the tax list for a tax year beginning before the first day of 65944  
January following adoption of the resolution. A board of 65945  
education may not adopt a resolution under this section 65946  
proposing to levy a tax under this section concurrently with any 65947  
other tax levied by the board under this section. 65948

(C) After the first year a tax is levied under this 65949  
section, the rate of the tax in any year shall not exceed the 65950  
rate, estimated by the county auditor, that would cause the sums 65951  
levied from the tax against carryover property to exceed one 65952  
hundred four per cent of the sums levied from the tax against 65953  
carryover property in the preceding year. A board of education 65954  
imposing a tax under this section may specify in the resolution 65955  
imposing the tax that the percentage shall be less than one 65956  
hundred four per cent, but the percentage shall not be less than 65957  
one hundred per cent. At any time after a resolution adopted 65958  
under this section is approved by a majority of electors as 65959

provided in division (D) of this section, the board of 65960  
education, by resolution, may decrease the percentage specified 65961  
in the resolution levying the tax. 65962

(D) A resolution adopted under this section shall state 65963  
that the purpose of the tax is to pay current operating expenses 65964  
of the district, and shall specify the first year in which the 65965  
tax is to be levied, the number of years the tax will be levied 65966  
or that it will be levied for a continuing period of time, and 65967  
the election at which the question of the tax is to appear on 65968  
the ballot, which shall be a general or special election 65969  
consistent with the requirements of section 3501.01 of the 65970  
Revised Code. If the board of education specifies a percentage 65971  
less than one hundred four per cent pursuant to division (C) of 65972  
this section, the percentage shall be specified in the 65973  
resolution. 65974

Upon adoption of the resolution, the board of education 65975  
may certify a copy of the resolution to the proper county board 65976  
of elections. The copy of the resolution shall be certified to 65977  
the board of elections not later than ninety days before the day 65978  
of the election at which the question of the tax is to appear on 65979  
the ballot. Upon receiving a timely certified copy of such a 65980  
resolution, the board of elections shall make the necessary 65981  
arrangements for the submission of the question to the electors 65982  
of the school district, and the election shall be conducted, 65983  
canvassed, and certified in the same manner as regular elections 65984  
in the school district for the election of members of the board 65985  
of education. Notice of the election shall be published in a 65986  
newspaper of general circulation in the school district once per 65987  
week for four consecutive weeks or as provided in section 7.16 65988  
of the Revised Code. The notice shall state that the purpose of 65989  
the tax is for the current operating expenses of the school 65990

district, the first year the tax is to be levied, the number of 65991  
years the tax is to be levied or that it is to be levied for a 65992  
continuing period of time, that the tax is to be levied each 65993  
year in an amount estimated to offset decreases in state base 65994  
cost funding caused by appreciation in real estate values, and 65995  
that the estimated additional tax in any year shall not exceed 65996  
the previous year's by more than four per cent, or a lesser 65997  
percentage specified in the resolution levying the tax, except 65998  
for increases caused by the addition of new taxable property. 65999

The question shall be submitted as a separate proposition 66000  
but may be printed on the same ballot with any other proposition 66001  
submitted at the same election other than the election of 66002  
officers. 66003

The form of the ballot shall be substantially as follows: 66004

"An additional tax for the benefit of (name of school 66005  
district) for the purpose of paying the current operating 66006  
expenses of the district, for ..... (number of years or for 66007  
continuing period of time), at a rate sufficient to offset any 66008  
reduction in basic state funding caused by appreciation in real 66009  
estate values? This levy will permit variable annual growth in 66010  
revenue up to ..... (amount specified by school district) 66011  
per cent for the duration of the levy. 66012

For the tax levy
Against the tax levy

If a majority of the electors of the school district 66013  
voting on the question vote in favor of the question, the board 66014  
of elections shall certify the results of the election to the 66015  
board of education and to the tax commissioner immediately after 66016  
66017  
66018  
66019

the canvass. 66020

(E) When preparing any estimate of the contemplated 66021  
receipts from a tax levied pursuant to this section for the 66022  
purposes of sections 5705.28 to 5705.40 of the Revised Code, and 66023  
in preparing to certify the tax under section 5705.34 of the 66024  
Revised Code, a board of education authorized to levy such a tax 66025  
shall use information supplied by the department of ~~education~~ 66026  
learning and achievement to determine the adjusted charge-off 66027  
increase for the tax year for which that certification is made. 66028  
If the board levied a tax under this section in the preceding 66029  
tax year, the sum to be certified for collection from the tax 66030  
shall not exceed the sum that would exceed the limitation 66031  
imposed under division (C) of this section. At the request of 66032  
the board of education or the treasurer of the school district, 66033  
the county auditor shall assist the board of education in 66034  
determining the rate or sum that may be levied under this 66035  
section. 66036

The board of education shall certify the sum authorized to 66037  
be levied to the county auditor, and, for the purpose of the 66038  
county auditor determining the rate at which the tax is to be 66039  
levied in the tax year, the sum so certified shall be the sum to 66040  
be raised by the tax unless the sum exceeds the limitation 66041  
imposed by division (C) of this section. A tax levied pursuant 66042  
to this section shall not be levied at a rate in excess of the 66043  
rate estimated by the county auditor to produce the sum 66044  
certified by the board of education before the reductions under 66045  
sections 319.302, 323.152, and 323.158 of the Revised Code. 66046  
Notwithstanding section 5705.34 of the Revised Code, a board of 66047  
education authorized to levy a tax under this section shall 66048  
certify the tax to the county auditor before the first day of 66049  
October of the tax year in which the tax is to be levied, or at 66050

a later date as approved by the tax commissioner. 66051

**Sec. 5705.216.** A board of education that has issued notes 66052  
in anticipation of the proceeds of a permanent improvements levy 66053  
in the maximum amount permitted under division (D)(2) or (3) of 66054  
section 5705.21 of the Revised Code or a taxing authority of a 66055  
county school financing district that has issued notes in 66056  
anticipation of the proceeds of a levy in the maximum amount 66057  
permitted under section 5705.215 of the Revised Code may, if the 66058  
proceeds from the issuance of such notes have been spent, 66059  
contracted, or encumbered, apply to the ~~superintendent of public~~ 66060  
~~instruction~~ department of learning and achievement for 66061  
authorization to anticipate a fraction of the remaining 66062  
estimated proceeds of the levy and issue anticipation notes for 66063  
that purpose. The application shall be in such form and contain 66064  
such information as the ~~superintendent~~ department considers 66065  
necessary and shall specify the amount of notes to be issued. 66066  
The amount shall not exceed the following: 66067

(A) In the case of a school district: 66068

(1) For levies described under division (D)(2) of section 66069  
5705.21 of the Revised Code, the amount by which the total 66070  
estimated proceeds of the levy remaining to be collected 66071  
throughout its life exceeds the amount from such proceeds 66072  
required to pay the principal and interest on notes issued under 66073  
section 5705.21 of the Revised Code and the interest on any 66074  
notes issued under this section; 66075

(2) For levies described under division (D)(3) of section 66076  
5705.21 of the Revised Code, the amount by which the total 66077  
estimated proceeds of the levy remaining to be collected over 66078  
the specified number of years authorized for the issuance of the 66079  
notes exceeds the amount from such proceeds required to pay the 66080

principal and interest on notes issued under section 5705.21 of 66081  
the Revised Code and the interest on any notes issued under this 66082  
section. 66083

(B) In the case of a county school financing district, the 66084  
amount by which the total estimated proceeds of the levy 66085  
remaining to be collected for the first five years of its life 66086  
exceed the amount from such proceeds required to pay the 66087  
principal and interest on notes issued under section 5705.215 of 66088  
the Revised Code and the interest on any notes issued under this 66089  
section. 66090

The ~~superintendent~~ department shall examine the 66091  
application and any other relevant information submitted and 66092  
shall determine and certify the maximum amount of notes the 66093  
district may issue under this section, which may be an amount 66094  
less than the amount requested by the district. 66095

If the ~~superintendent~~ department determines that the 66096  
anticipated proceeds from the levy may be significantly less 66097  
than expected and that additional notes should not be issued, 66098  
the ~~superintendent~~ department may deny the application and give 66099  
written notice of the denial to the president of the district's 66100  
board of education or the taxing authority. 66101

Such notes shall be sold in the same manner as notes 66102  
issued under section 5705.21 or 5705.215 of the Revised Code. 66103

**Sec. 5705.2110.** (A) For purposes of this section: 66104

(1) "Carryover property" has the same meaning as in 66105  
section 319.301 of the Revised Code. 66106

(2) "Residential/agricultural real property" has the same 66107  
meaning as in section 5705.219 of the Revised Code. 66108

(B) For each city, local, or exempted village school district in which the tax authorized by section 5705.219 of the Revised Code has been approved by electors in the preceding year, the tax commissioner, not later than the twenty-eighth day of February, shall certify to the department of ~~education~~ learning and achievement the amount determined in division (B) (4) of section 5705.219 of the Revised Code. Not later than the twenty-eighth day of February of each year thereafter for twelve years, the commissioner shall certify an amount equal to the difference between the amount certified in the preceding year under this division and the product of ten mills per dollar multiplied by the excess, if any, of the value of carryover property for residential/agricultural real property for the preceding tax year over the value of carryover property for residential/agricultural real property in the second preceding tax year. If the amount to be certified in any year is zero, in the commissioner's certification the commissioner shall state that no further certifications shall be forthcoming.

(C) Not later than the last day of April and of October beginning in the first year in which a certification under division (B) of this section is received, the department of education shall pay to the school district for which the certification is made one-half of the amount most recently certified by the tax commissioner.

**Sec. 5705.391.** (A) No later than July 1, 1998, the department of ~~education~~ learning and achievement and the auditor of state shall jointly adopt rules requiring boards of education to submit five-year projections of operational revenues and expenditures. The rules shall provide for the auditor of state or the department to examine the five-year projections and to determine whether any further fiscal analysis is needed to

ascertain whether a district has the potential to incur a 66140  
deficit during the first three years of the five-year period. 66141

The auditor of state or the department may conduct any 66142  
further audits or analyses necessary to assess any district's 66143  
fiscal condition. If further audits or analyses are conducted by 66144  
the auditor of state, the auditor of state shall notify the 66145  
department of the district's fiscal condition, and the 66146  
department shall immediately notify the district of any 66147  
potential to incur a deficit in the current fiscal year or of 66148  
any strong indications that a deficit will be incurred in either 66149  
of the ensuing two years. If such audits or analyses are 66150  
conducted by the department, the department shall immediately 66151  
notify the district and the auditor of state of such potential 66152  
deficit or strong indications thereof. 66153

A district notified under this section shall take 66154  
immediate steps to eliminate any deficit in the current fiscal 66155  
year and shall begin to plan to avoid the projected future 66156  
deficits. 66157

(B) The state board of education, in accordance with 66158  
sections 3319.31 and 3319.311 of the Revised Code, may limit, 66159  
suspend, or revoke a license as defined under section 3319.31 of 66160  
the Revised Code that has been issued to any school employee 66161  
found to have willfully contributed erroneous, inaccurate, or 66162  
incomplete data required for the submission of the five-year 66163  
projection required by this section. 66164

**Sec. 5705.412.** (A) As used in this section, "qualifying 66165  
contract" means any agreement for the expenditure of money under 66166  
which aggregate payments from the funds included in the school 66167  
district's five-year forecast under section 5705.391 of the 66168  
Revised Code will exceed the lesser of the following amounts: 66169

- (1) Five hundred thousand dollars; 66170
- (2) One per cent of the total revenue to be credited in 66171  
the current fiscal year to the district's general fund, as 66172  
specified in the district's most recent certificate of estimated 66173  
resources certified under section 5705.36 of the Revised Code. 66174
- (B) (1) Notwithstanding section 5705.41 of the Revised 66175  
Code, no school district shall adopt any appropriation measure, 66176  
make any qualifying contract, or increase during any school year 66177  
any wage or salary schedule unless there is attached thereto a 66178  
certificate, signed as required by this section, that the school 66179  
district has in effect the authorization to levy taxes including 66180  
the renewal or replacement of existing levies which, when 66181  
combined with the estimated revenue from all other sources 66182  
available to the district at the time of certification, are 66183  
sufficient to provide the operating revenues necessary to enable 66184  
the district to maintain all personnel and programs for all the 66185  
days set forth in its adopted school calendars for the current 66186  
fiscal year and for a number of days in succeeding fiscal years 66187  
equal to the number of days instruction was held or is scheduled 66188  
for the current fiscal year, as follows: 66189
- (a) A certificate attached to an appropriation measure 66190  
under this section shall cover only the fiscal year in which the 66191  
appropriation measure is effective and shall not consider the 66192  
renewal or replacement of an existing levy as the authority to 66193  
levy taxes that are subject to appropriation in the current 66194  
fiscal year unless the renewal or replacement levy has been 66195  
approved by the electors and is subject to appropriation in the 66196  
current fiscal year. 66197
- (b) A certificate attached, in accordance with this 66198  
section, to any qualifying contract shall cover the term of the 66199

contract. 66200

(c) A certificate attached under this section to a wage or 66201  
salary schedule shall cover the term of the schedule. 66202

If the board of education has not adopted a school 66203  
calendar for the school year beginning on the first day of the 66204  
fiscal year in which a certificate is required, the certificate 66205  
attached to an appropriation measure shall include the number of 66206  
days on which instruction was held in the preceding fiscal year 66207  
and other certificates required under this section shall include 66208  
that number of days for the fiscal year in which the certificate 66209  
is required and any succeeding fiscal years that the certificate 66210  
must cover. 66211

The certificate shall be signed by the treasurer and 66212  
president of the board of education and the superintendent of 66213  
the school district, unless the district is in a state of fiscal 66214  
emergency declared under Chapter 3316. of the Revised Code. In 66215  
that case, the certificate shall be signed by a member of the 66216  
district's financial planning and supervision commission who is 66217  
designated by the commission for this purpose. 66218

(2) In lieu of the certificate required under division (B) 66219  
of this section, an alternative certificate stating the 66220  
following may be attached: 66221

(a) The contract is a multi-year contract for materials, 66222  
equipment, or nonpayroll services essential to the education 66223  
program of the district; 66224

(b) The multi-year contract demonstrates savings over the 66225  
duration of the contract as compared to costs that otherwise 66226  
would have been demonstrated in a single year contract, and the 66227  
terms will allow the district to reduce the deficit it is 66228

currently facing in future years as demonstrated in its five- 66229  
year forecast adopted in accordance with section 5705.391 of the 66230  
Revised Code. 66231

The certificate shall be signed by the treasurer and 66232  
president of the board of education and the superintendent of 66233  
the school district, unless the district is in a state of fiscal 66234  
emergency declared under Chapter 3316. of the Revised Code. In 66235  
that case, the certificate shall be signed by a member of the 66236  
district's financial planning and supervision commission who is 66237  
designated by the commission for this purpose. 66238

(C) Every qualifying contract made or wage or salary 66239  
schedule adopted or put into effect without such a certificate 66240  
shall be void, and no payment of any amount due thereon shall be 66241  
made. 66242

(D) The department of ~~education~~ learning and achievement 66243  
and the auditor of state jointly shall adopt rules governing the 66244  
methods by which treasurers, presidents of boards of education, 66245  
superintendents, and members of financial planning and 66246  
supervision commissions shall estimate revenue and determine 66247  
whether such revenue is sufficient to provide necessary 66248  
operating revenue for the purpose of making certifications 66249  
required by this section. 66250

(E) The auditor of state shall be responsible for 66251  
determining whether school districts are in compliance with this 66252  
section. At the time a school district is audited pursuant to 66253  
section 117.11 of the Revised Code, the auditor of state shall 66254  
review each certificate issued under this section since the 66255  
district's last audit, and the appropriation measure, contract, 66256  
or wage and salary schedule to which such certificate was 66257  
attached. If the auditor of state determines that a school 66258

district has not complied with this section with respect to any 66259  
qualifying contract or wage or salary schedule, the auditor of 66260  
state shall notify the prosecuting attorney for the county, the 66261  
city director of law, or other chief law officer of the school 66262  
district. That officer may file a civil action in any court of 66263  
appropriate jurisdiction to seek a declaration that the contract 66264  
or wage or salary schedule is void, to recover for the school 66265  
district from the payee the amount of payments already made 66266  
under it, or both, except that the officer shall not seek to 66267  
recover payments made under any collective bargaining agreement 66268  
entered into under Chapter 4117. of the Revised Code. If the 66269  
officer does not file such an action within one hundred twenty 66270  
days after receiving notice of noncompliance from the auditor of 66271  
state, any taxpayer may institute the action in the taxpayer's 66272  
own name on behalf of the school district. 66273

(F) This section does not apply to any contract or 66274  
increase in any wage or salary schedule that is necessary in 66275  
order to enable a board of education to comply with division (B) 66276  
of section 3317.13 of the Revised Code, provided the contract or 66277  
increase does not exceed the amount required to be paid to be in 66278  
compliance with such division. 66279

(G) Any officer, employee, or other person who expends or 66280  
authorizes the expenditure of any public funds or authorizes or 66281  
executes any contract or schedule contrary to this section, 66282  
expends or authorizes the expenditure of any public funds on the 66283  
void contract or schedule, or issues a certificate under this 66284  
section which contains any false statements is liable to the 66285  
school district for the full amount paid from the district's 66286  
funds on the contract or schedule. The officer, employee, or 66287  
other person is jointly and severally liable in person and upon 66288  
any official bond that the officer, employee, or other person 66289

has given to the school district to the extent of any payments 66290  
on the void claim, not to exceed ten thousand dollars. However, 66291  
no officer, employee, or other person shall be liable for a 66292  
mistaken estimate of available resources made in good faith and 66293  
based upon reasonable grounds. If an officer, employee, or other 66294  
person is found to have complied with rules jointly adopted by 66295  
the department of ~~education~~learning and achievement and the 66296  
auditor of state under this section governing methods by which 66297  
revenue shall be estimated and determined sufficient to provide 66298  
necessary operating revenue for the purpose of making 66299  
certifications required by this section, the officer, employee, 66300  
or other person shall not be liable under this section if the 66301  
estimates and determinations made according to those rules do 66302  
not, in fact, conform with actual revenue. The prosecuting 66303  
attorney of the county, the city director of law, or other chief 66304  
law officer of the district shall enforce this liability by 66305  
civil action brought in any court of appropriate jurisdiction in 66306  
the name of and on behalf of the school district. If the 66307  
prosecuting attorney, city director of law, or other chief law 66308  
officer of the district fails, upon the written request of any 66309  
taxpayer, to institute action for the enforcement of the 66310  
liability, the attorney general, or the taxpayer in the 66311  
taxpayer's own name, may institute the action on behalf of the 66312  
subdivision. 66313

(H) This section does not require the attachment of an 66314  
additional certificate beyond that required by section 5705.41 66315  
of the Revised Code for current payrolls of, or contracts of 66316  
employment with, any employees or officers of the school 66317  
district. 66318

This section does not require the attachment of a 66319  
certificate to a temporary appropriation measure if all of the 66320

following apply: 66321

(1) The amount appropriated does not exceed twenty-five 66322  
per cent of the total amount from all sources available for 66323  
expenditure from any fund during the preceding fiscal year; 66324

(2) The measure will not be in effect on or after the 66325  
thirtieth day following the earliest date on which the district 66326  
may pass an annual appropriation measure; 66327

(3) An amended official certificate of estimated resources 66328  
for the current year, if required, has not been certified to the 66329  
board of education under division (B) of section 5705.36 of the 66330  
Revised Code. 66331

**Sec. 5709.07.** (A) The following property shall be exempt 66332  
from taxation: 66333

(1) Real property used by a school for primary or 66334  
secondary educational purposes, including only so much of the 66335  
land as is necessary for the proper occupancy, use, and 66336  
enjoyment of such real property by the school for primary or 66337  
secondary educational purposes. The exemption under division (A) 66338  
(1) of this section does not apply to any portion of the real 66339  
property not used for primary or secondary educational purposes. 66340

For purposes of division (A) (1) of this section: 66341

(a) "School" means a public or nonpublic school. "School" 66342  
excludes home instruction as authorized under section 3321.04 of 66343  
the Revised Code. 66344

(b) "Public school" includes schools of a school district, 66345  
STEM schools established under Chapter 3326. of the Revised 66346  
Code, community schools established under Chapter 3314. of the 66347  
Revised Code, and educational service centers established under 66348

section 3311.05 of the Revised Code. 66349

(c) "Nonpublic school" means a nonpublic school for which 66350  
the ~~state board of education department of learning and~~ 66351  
~~achievement~~ has issued a charter pursuant to section 3301.16 of 66352  
the Revised Code and prescribes minimum standards under division 66353  
(D) (2) of section 3301.07 of the Revised Code. 66354

(2) Houses used exclusively for public worship, the books 66355  
and furniture in them, and the ground attached to them that is 66356  
not leased or otherwise used with a view to profit and that is 66357  
necessary for their proper occupancy, use, and enjoyment; 66358

(3) Real property owned and operated by a church that is 66359  
used primarily for church retreats or church camping, and that 66360  
is not used as a permanent residence. Real property exempted 66361  
under division (A) (3) of this section may be made available by 66362  
the church on a limited basis to charitable and educational 66363  
institutions if the property is not leased or otherwise made 66364  
available with a view to profit. 66365

(4) Public colleges and academies and all buildings 66366  
connected with them, and all lands connected with public 66367  
institutions of learning, not used with a view to profit, 66368  
including those buildings and lands that satisfy all of the 66369  
following: 66370

(a) The buildings are used for housing for full-time 66371  
students or housing-related facilities for students, faculty, or 66372  
employees of a state university, or for other purposes related 66373  
to the state university's educational purpose, and the lands are 66374  
underneath the buildings or are used for common space, walkways, 66375  
and green spaces for the state university's students, faculty, 66376  
or employees. As used in this division, "housing-related 66377

facilities" includes both parking facilities related to the 66378  
buildings and common buildings made available to students, 66379  
faculty, or employees of a state university. The leasing of 66380  
space in housing-related facilities shall not be considered an 66381  
activity with a view to profit for purposes of division (A) (4) 66382  
of this section. 66383

(b) The buildings and lands are supervised or otherwise 66384  
under the control, directly or indirectly, of an organization 66385  
that is exempt from federal income taxation under section 501(c) 66386  
(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 66387  
U.S.C. 1, as amended, and the state university has entered into 66388  
a qualifying joint use agreement with the organization that 66389  
entitles the students, faculty, or employees of the state 66390  
university to use the lands or buildings; 66391

(c) The state university has agreed, under the terms of 66392  
the qualifying joint use agreement with the organization 66393  
described in division (A) (4) (b) of this section, that the state 66394  
university, to the extent applicable under the agreement, will 66395  
make payments to the organization in amounts sufficient to 66396  
maintain agreed-upon debt service coverage ratios on bonds 66397  
related to the lands or buildings. 66398

(B) This section shall not extend to leasehold estates or 66399  
real property held under the authority of a college or 66400  
university of learning in this state; but leaseholds, or other 66401  
estates or property, real or personal, the rents, issues, 66402  
profits, and income of which is given to a municipal 66403  
corporation, school district, or subdistrict in this state 66404  
exclusively for the use, endowment, or support of schools for 66405  
the free education of youth without charge shall be exempt from 66406  
taxation as long as such property, or the rents, issues, 66407

profits, or income of the property is used and exclusively 66408  
applied for the support of free education by such municipal 66409  
corporation, district, or subdistrict. Division (B) of this 66410  
section shall not apply with respect to buildings and lands that 66411  
satisfy all of the requirements specified in divisions (A) (4) (a) 66412  
to (c) of this section. 66413

(C) For purposes of this section, if the requirements 66414  
specified in divisions (A) (4) (a) to (c) of this section are 66415  
satisfied, the buildings and lands with respect to which 66416  
exemption is claimed under division (A) (4) of this section shall 66417  
be deemed to be used with reasonable certainty in furthering or 66418  
carrying out the necessary objects and purposes of a state 66419  
university. 66420

(D) As used in this section: 66421

(1) "Church" means a fellowship of believers, 66422  
congregation, society, corporation, convention, or association 66423  
that is formed primarily or exclusively for religious purposes 66424  
and that is not formed for the private profit of any person. 66425

(2) "State university" has the same meaning as in section 66426  
3345.011 of the Revised Code. 66427

(3) "Qualifying joint use agreement" means an agreement 66428  
that satisfies all of the following: 66429

(a) The agreement was entered into before June 30, 2004; 66430

(b) The agreement is between a state university and an 66431  
organization that is exempt from federal income taxation under 66432  
section 501(c) (3) of the Internal Revenue Code of 1986, 100 66433  
Stat. 2085, 26 U.S.C. 1, as amended; and 66434

(c) The state university that is a party to the agreement 66435

reported to the ~~Ohio board of regents~~ department of learning and 66436  
achievement that the university maintained a headcount of at 66437  
least twenty-five thousand students on its main campus during 66438  
the academic school year that began in calendar year 2003 and 66439  
ended in calendar year 2004. 66440

**Sec. 5709.92.** (A) As used in this section: 66441

(1) "School district" means a city, local, or exempted 66442  
village school district. 66443

(2) "Joint vocational school district" means a joint 66444  
vocational school district created under section 3311.16 of the 66445  
Revised Code, and includes a cooperative education school 66446  
district created under section 3311.52 or 3311.521 of the 66447  
Revised Code and a county school financing district created 66448  
under section 3311.50 of the Revised Code. 66449

(3) "Total resources" means the sum of the amounts 66450  
described in divisions (A) (3) (a) to (g) of this section less any 66451  
reduction required under division (C) (3) (a) of this section. 66452

(a) The state education aid for fiscal year 2015; 66453

(b) The sum of the payments received in fiscal year 2015 66454  
for current expense levy losses under division (C) (3) of section 66455  
5727.85 and division (C) (12) of section 5751.21 of the Revised 66456  
Code, as they existed at that time, excluding the portion of 66457  
such payments attributable to levies for joint vocational school 66458  
district purposes; 66459

(c) The sum of fixed-sum levy loss payments received by 66460  
the school district in fiscal year 2015 under division (F) (1) of 66461  
section 5727.85 and division (E) (1) of section 5751.21 of the 66462  
Revised Code, as they existed at that time, for fixed-sum levies 66463  
charged and payable for a purpose other than paying debt 66464

charges; 66465

(d) The district's taxes charged and payable against all 66466  
property on the tax list of real and public utility property for 66467  
current expense purposes for tax year 2014, including taxes 66468  
charged and payable from emergency levies charged and payable 66469  
under sections 5705.194 to 5705.197 of the Revised Code, 66470  
excluding taxes levied for joint vocational school district 66471  
purposes or levied under section 5705.23 of the Revised Code; 66472

(e) The amount certified for fiscal year 2015 under 66473  
division (A) (2) of section 3317.08 of the Revised Code; 66474

(f) Distributions received during calendar year 2014 from 66475  
taxes levied under section 718.09 of the Revised Code; 66476

(g) Distributions received during fiscal year 2015 from 66477  
the gross casino revenue county student fund. 66478

(4) (a) "State education aid" for a school district means 66479  
the sum of state amounts computed for the district under 66480  
sections 3317.022 and 3317.0212 of the Revised Code after any 66481  
amounts are added or subtracted under Section 263.240 of Am. 66482  
Sub. H.B. 59 of the 130th general assembly, entitled 66483  
"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 66484  
DISTRICTS." 66485

(b) "State education aid" for a joint vocational district 66486  
means the amount computed for the district under section 3317.16 66487  
of the Revised Code after any amounts are added or subtracted 66488  
under Section 263.250 of Am. Sub. H.B. 59 of the 130th general 66489  
assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 66490  
DISTRICTS." 66491

(5) "Taxes charged and payable" means taxes charged and 66492  
payable after the reduction required by section 319.301 of the 66493

Revised Code but before the reductions required by sections 66494  
319.302 and 323.152 of the Revised Code. 66495

(6) "Capacity quintile" means the capacity measure 66496  
quintiles determined under division (B) of this section. 66497

(7) "Threshold per cent" means the following: 66498

(a) For a school district in the lowest capacity quintile, 66499  
one per cent for fiscal year 2016 and two per cent for fiscal 66500  
year 2017. 66501

(b) For a school district in the second lowest capacity 66502  
quintile, one and one-fourth per cent for fiscal year 2016 and 66503  
two and one-half per cent for fiscal year 2017. 66504

(c) For a school district in the third lowest capacity 66505  
quintile, one and one-half per cent for fiscal year 2016 and 66506  
three per cent for fiscal year 2017. 66507

(d) For a school district in the second highest capacity 66508  
quintile, one and three-fourths per cent for fiscal year 2016 66509  
and three and one-half per cent for fiscal year 2017. 66510

(e) For a school district in the highest capacity 66511  
quintile, two per cent for fiscal year 2016 and four per cent 66512  
for fiscal year 2017. 66513

(f) For a joint vocational school district, two per cent 66514  
for fiscal year 2016 and four per cent for fiscal year 2017. 66515

(8) "Current expense allocation" means the sum of the 66516  
payments received by a school district or joint vocational 66517  
school district in fiscal year 2015 for current expense levy 66518  
losses under division (C) (3) of section 5727.85 and division (C) 66519  
(12) of section 5751.21 of the Revised Code as they existed at 66520  
that time, less any reduction required under division (C) (3) (b) 66521

of this section. 66522

(9) "Non-current expense allocation" means the sum of the 66523  
payments received by a school district or joint vocational 66524  
school district in fiscal year 2015 for levy losses under 66525  
division (C)(3)(c) of section 5727.85 and division (C)(12)(c) of 66526  
section 5751.21 of the Revised Code, as they existed at that 66527  
time, and levy losses in fiscal year 2015 under division (H) of 66528  
section 5727.84 of the Revised Code as that section existed at 66529  
that time attributable to levies for and payments received for 66530  
losses on levies intended to generate money for maintenance of 66531  
classroom facilities. 66532

(10) "Operating TPP fixed-sum levy losses" means the sum 66533  
of payments received by a school district in fiscal year 2015 66534  
for levy losses under division (E) of section 5751.21 of the 66535  
Revised Code, excluding levy losses for debt purposes. 66536

(11) "Operating S.B. 3 fixed-sum levy losses" means the 66537  
sum of payments received by the school district in fiscal year 66538  
2015 for levy losses under division (H) of section 5727.84 of 66539  
the Revised Code, excluding levy losses for debt purposes. 66540

(12) "TPP fixed-sum debt levy losses" means the sum of 66541  
payments received by a school district in fiscal year 2015 for 66542  
levy losses under division (E) of section 5751.21 of the Revised 66543  
Code for debt purposes. 66544

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of 66545  
payments received by the school district in fiscal year 2015 for 66546  
levy losses under division (H) of section 5727.84 of the Revised 66547  
Code for debt purposes. 66548

(14) "Qualifying levies" means qualifying levies described 66549  
in section 5751.20 of the Revised Code as that section was in 66550

effect before July 1, 2015. 66551

(15) "Total taxable value" has the same meaning as in 66552  
section 3317.02 of the Revised Code. 66553

(B) The department of ~~education~~learning and achievement 66554  
shall rank all school districts in the order of districts' 66555  
capacity measures determined under former section 3317.018 of 66556  
the Revised Code from lowest to highest, and divide such ranking 66557  
into quintiles, with the first quintile containing the twenty 66558  
per cent of school districts having the lowest capacity measure 66559  
and the fifth quintile containing the twenty per cent of school 66560  
districts having the highest capacity measure. This calculation 66561  
and ranking shall be performed once, in fiscal year 2016. 66562

(C) (1) In fiscal year 2016, payments shall be made to 66563  
school districts and joint vocational school districts equal to 66564  
the sum of the amounts described in divisions (C) (1) (a) or (b) 66565  
and (C) (1) (c) of this section. In fiscal year 2017, payments 66566  
shall be made to school districts and joint vocational school 66567  
districts equal to the amount described in division (C) (1) (a) or 66568  
(b) of this section. 66569

(a) If the ratio of the current expense allocation to 66570  
total resources is equal to or less than the district's 66571  
threshold per cent, zero; 66572

(b) If the ratio of the current expense allocation to 66573  
total resources is greater than the district's threshold per 66574  
cent, the difference between the current expense allocation and 66575  
the product of the threshold percentage and total resources; 66576

(c) For fiscal year 2016, the product of the non-current 66577  
expense allocation multiplied by fifty per cent. 66578

(2) In fiscal year 2018 and subsequent fiscal years, 66579

payments shall be made to school districts and joint vocational  
school districts equal to the difference obtained by subtracting  
the amount described in division (C) (2) (b) of this section from  
the amount described in division (C) (2) (a) of this section,  
provided that such amount is greater than zero.

(a) The sum of the payments received by the district under  
division (C) (1) (b) or (C) (2) of this section for the immediately  
preceding fiscal year;

(b) One-sixteenth of one per cent of the average of the  
total taxable value of the district for tax years 2014, 2015,  
and 2016.

(3) (a) "Total resources" used to compute payments under  
division (C) (1) of this section shall be reduced to the extent  
that payments distributed in fiscal year 2015 were attributable  
to levies no longer charged and payable for tax year 2014.

(b) "Current expense allocation" used to compute payments  
under division (C) (1) of this section shall be reduced to the  
extent that the payments distributed in fiscal year 2015 were  
attributable to levies no longer charged and payable for tax  
year 2014.

(4) The department ~~of education~~ shall report to each  
school district and joint vocational school district the  
apportionment of the payments under division (C) (1) of this  
section among the district's funds based on qualifying levies.

(D) (1) Payments in the following amounts shall be made to  
school districts and joint vocational school districts in tax  
years 2016 through 2021:

(a) In tax year 2016, the sum of the district's operating  
TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy

losses. 66609

(b) In tax year 2017, the sum of the district's operating 66610  
TPP fixed-sum levy losses and eighty per cent of operating S.B. 66611  
3 fixed-sum levy losses. 66612

(c) In tax year 2018, the sum of eighty per cent of the 66613  
district's operating TPP fixed-sum levy losses and sixty per 66614  
cent of its operating S.B. 3 fixed-sum levy losses. 66615

(d) In tax year 2019, the sum of sixty per cent of the 66616  
district's operating TPP fixed-sum levy losses and forty per 66617  
cent of its operating S.B. 3 fixed-sum levy losses. 66618

(e) In tax year 2020, the sum of forty per cent of the 66619  
district's operating TPP fixed-sum levy losses and twenty per 66620  
cent of its operating S.B. 3 fixed-sum levy losses. 66621

(f) In tax year 2021, twenty per cent of the district's 66622  
operating TPP fixed-sum levy losses. 66623

No payment shall be made under division (D) (1) of this 66624  
section after tax year 2021. 66625

(2) Amounts are payable under division (D) of this section 66626  
for fixed-sum levy losses only to the extent of such losses for 66627  
qualifying levies that remain in effect for the current tax 66628  
year. For this purpose, a qualifying levy levied under section 66629  
5705.194 or 5705.213 of the Revised Code remains in effect for 66630  
the current tax year only if a tax levied under either of those 66631  
sections is charged and payable for the current tax year for an 66632  
annual sum at least equal to the annual sum levied by the board 66633  
of education for tax year 2004 under those sections less the 66634  
amount of the payment under this division. 66635

(E) (1) For fixed-sum levies for debt purposes, payments 66636

shall be made to school districts and joint vocational school 66637  
districts equal to one hundred per cent of the district's fixed- 66638  
sum levy loss determined under division (E) of section 5751.20 66639  
and division (H) of section 5727.84 of the Revised Code as in 66640  
effect before July 1, 2015, and paid in tax year 2014. No 66641  
payment shall be made for qualifying levies that are no longer 66642  
charged and payable. 66643

(2) Beginning in 2016, by the thirty-first day of January 66644  
of each year, the tax commissioner shall review the calculation 66645  
of fixed-sum levy loss for debt purposes determined under 66646  
division (E) of section 5751.20 and division (H) of section 66647  
5727.84 of the Revised Code as in effect before July 1, 2015. If 66648  
the commissioner determines that a fixed-sum levy that had been 66649  
scheduled to be reimbursed in the current year is no longer 66650  
charged and payable, a revised calculation for that year and all 66651  
subsequent years shall be made. 66652

(F)(1) For taxes levied within the ten-mill limitation for 66653  
debt purposes in tax year 1998 in the case of electric company 66654  
tax value losses, and in tax year 1999 in the case of natural 66655  
gas company tax value losses, payments shall be made to school 66656  
districts and joint vocational school districts equal to one 66657  
hundred per cent of the loss computed under division (D) of 66658  
section 5727.85 of the Revised Code as in effect before July 1, 66659  
2015, as if the tax were a fixed-rate levy, but those payments 66660  
shall extend through fiscal year 2016. 66661

(2) For taxes levied within the ten-mill limitation for 66662  
debt purposes in tax year 2005, payments shall be made to school 66663  
districts and joint vocational school districts equal to one 66664  
hundred per cent of the loss computed under division (D) of 66665  
section 5751.21 of the Revised Code as in effect before July 1, 66666

2015, as if the tax were a fixed-rate levy, but those payments shall extend through fiscal year 2018. 66667  
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(G) If all the territory of a school district or joint vocational school district is merged with another district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or newly created district, the department of ~~education~~ learning and achievement, in consultation with the tax commissioner, shall adjust the payments made under this section as follows: 66669  
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(1) For a merger of two or more districts, fixed-sum levy losses, total resources, current expense allocation, and non-current expense allocation of the successor district shall be the sum of such items for each of the districts involved in the merger. 66676  
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(2) If property is transferred from one district to a previously existing district, the amount of the total resources, current expense allocation, and non-current expense allocation that shall be transferred to the recipient district shall be an amount equal to the total resources, current expense allocation, and non-current expense allocation of the transferor district times a fraction, the numerator of which is the number of pupils being transferred to the recipient district, measured, in the case of a school district, by formula ADM as defined in section 3317.02 of the Revised Code or, in the case of a joint vocational school district, by formula ADM as defined for a joint vocational school district in that section, and the denominator of which is the formula ADM of the transferor district. 66681  
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(3) After December 31, 2010, if property is transferred from one or more districts to a district that is newly created 66695  
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out of the transferred property, the newly created district 66697  
shall be deemed not to have any total resources, current expense 66698  
allocation, total allocation, or non-current expense allocation. 66699

(4) If the recipient district under division (G) (2) of 66700  
this section or the newly created district under division (G) (3) 66701  
of this section is assuming debt from one or more of the 66702  
districts from which the property was transferred and any of the 66703  
districts losing the property had fixed-sum levy losses, the 66704  
department of education, in consultation with the tax 66705  
commissioner, shall make an equitable division of the 66706  
reimbursements for those losses. 66707

(H) The payments required by divisions (C), (D), (E), and 66708  
(F) of this section shall be distributed periodically to each 66709  
school and joint vocational school district by the department of 66710  
education unless otherwise provided for. Except as provided in 66711  
division (D) of this section, if a levy that is a qualifying 66712  
levy is not charged and payable in any year after 2014, payments 66713  
to the school district or joint vocational school district shall 66714  
be reduced to the extent that the payments distributed in fiscal 66715  
year 2015 were attributable to the levy loss of that levy. 66716

**Sec. 5709.93.** (A) As used in this section: 66717

(1) "Taxes charged and payable" means taxes charged and 66718  
payable after the reduction required by section 319.301 of the 66719  
Revised Code but before the reductions required by sections 66720  
319.302 and 323.152 of the Revised Code. 66721

(2) "Threshold per cent" means two per cent for fiscal 66722  
year 2016; and, for fiscal year 2017 and thereafter, the sum of 66723  
the prior year's threshold per cent plus two percentage points. 66724

(3) "Public library" means a county, municipal, school 66725

district, or township public library that receives the proceeds 66726  
of a tax levied under section 5705.23 of the Revised Code. 66727

(4) "Local taxing unit" means a subdivision or taxing 66728  
unit, as defined in section 5705.01 of the Revised Code, a park 66729  
district created under Chapter 1545. of the Revised Code, or a 66730  
township park district established under section 511.23 of the 66731  
Revised Code, but excludes school districts and joint vocational 66732  
school districts. 66733

(5) "Municipal current expense allocation" means the sum 66734  
of the payments received by a municipal corporation in calendar 66735  
year 2014 for current expense levy losses under division (A) (1) 66736  
(e) (ii) of section 5727.86 and division (A) (1) (c) (ii) of section 66737  
5751.22 of the Revised Code as they existed at that time. 66738

(6) "Current expense allocation" means the sum of the 66739  
payments received by a local taxing unit or public library in 66740  
calendar year 2014 for current expense levy losses under 66741  
division (A) (1) of section 5727.86 and divisions (A) (1) and (2) 66742  
of section 5751.22 of the Revised Code as they existed at that 66743  
time, less any reduction required under division (B) (2) of this 66744  
section. 66745

(7) "TPP inside millage debt levy loss" means payments 66746  
made to local taxing units in calendar year 2014 under division 66747  
(A) (3) of section 5751.22 of the Revised Code as that section 66748  
existed at that time. 66749

(8) "S.B. 3 inside millage debt levy loss" means payments 66750  
made to local taxing units in calendar year 2014 under section 66751  
(A) (4) of section 5727.86 of the Revised Code as that section 66752  
existed at that time. 66753

(9) "Qualifying levy" means a levy for which payment was 66754

made in calendar year 2014 under division (A) (1) of section 66755  
5727.86 and divisions (A) (1) and (2) of section 5751.22 of the 66756  
Revised Code as they existed at that time. 66757

(10) "Total resources," in the case of county mental 66758  
health and disability related functions, means the sum of the 66759  
amounts in divisions (A) (10) (a) and (b) of this section less any 66760  
reduction required under division (B) (1) of this section. 66761

(a) The sum of the payments received by the county for 66762  
mental health and developmental disability related functions in 66763  
calendar year 2014 under division (A) (1) of section 5727.86 and 66764  
division (A) (1) of section 5751.22 of the Revised Code as they 66765  
existed at that time; 66766

(b) With respect to taxes levied by the county for mental 66767  
health and developmental disability related purposes, the taxes 66768  
charged and payable for such purposes against all property on 66769  
the tax list of real and public utility property for tax year 66770  
2014. 66771

(11) "Total resources," in the case of county senior 66772  
services related functions, means the sum of the amounts in 66773  
divisions (A) (11) (a) and (b) of this section less any reduction 66774  
required under division (B) (1) of this section. 66775

(a) The sum of the payments received by the county for 66776  
senior services related functions in calendar year 2014 under 66777  
division (A) (1) of section 5727.86 and division (A) (1) of 66778  
section 5751.22 of the Revised Code as they existed at that 66779  
time; 66780

(b) With respect to taxes levied by the county for senior 66781  
services related purposes, the taxes charged and payable for 66782  
such purposes against all property on the tax list of real and 66783

public utility property for tax year 2014. 66784

(12) "Total resources," in the case of county children's 66785  
services related functions, means the sum of the amounts in 66786  
divisions (A) (12) (a) and (b) of this section less any reduction 66787  
required under division (B) (1) of this section. 66788

(a) The sum of the payments received by the county for 66789  
children's services related functions in calendar year 2014 66790  
under division (A) (1) of section 5727.86 and division (A) (1) of 66791  
section 5751.22 of the Revised Code as they existed at that 66792  
time; 66793

(b) With respect to taxes levied by the county for 66794  
children's services related purposes, the taxes charged and 66795  
payable for such purposes against all property on the tax list 66796  
of real and public utility property for tax year 2014. 66797

(13) "Total resources," in the case of county public 66798  
health related functions, means the sum of the amounts in 66799  
divisions (A) (13) (a) and (b) of this section less any reduction 66800  
required under division (B) (1) of this section. 66801

(a) The sum of the payments received by the county for 66802  
public health related functions in calendar year 2014 under 66803  
division (A) (1) of section 5727.86 and division (A) (1) of 66804  
section 5751.22 of the Revised Code as they existed at that 66805  
time; 66806

(b) With respect to taxes levied by the county for public 66807  
health related purposes, the taxes charged and payable for such 66808  
purposes against all property on the tax list of real and public 66809  
utility property for tax year 2014. 66810

(14) "Total resources," in the case of all county 66811  
functions not included in divisions (A) (10) to (13) of this 66812

section, means the sum of the amounts in divisions (A) (14) (a) to 66813  
(e) of this section less any reduction required under division 66814  
(B) (1) or (2) of this section. 66815

(a) The sum of the payments received by the county for all 66816  
other purposes in calendar year 2014 under division (A) (1) of 66817  
section 5727.86 and division (A) (1) of section 5751.22 of the 66818  
Revised Code as they existed at that time; 66819

(b) The county's percentage share of county undivided 66820  
local government fund allocations as certified to the tax 66821  
commissioner for calendar year 2015 by the county auditor under 66822  
division (J) of section 5747.51 of the Revised Code or division 66823  
(F) of section 5747.53 of the Revised Code multiplied by the 66824  
total amount actually distributed in calendar year 2014 from the 66825  
county undivided local government fund; 66826

(c) With respect to taxes levied by the county for all 66827  
other purposes, the taxes charged and payable for such purposes 66828  
against all property on the tax list of real and public utility 66829  
property for tax year 2014, excluding taxes charged and payable 66830  
for the purpose of paying debt charges; 66831

(d) The sum of the amounts distributed to the county in 66832  
calendar year 2014 for the taxes levied pursuant to sections 66833  
5739.021 and 5741.021 of the Revised Code; 66834

(e) The sum of amounts distributed to the county from the 66835  
gross casino revenue county fund from July 2014 through April 66836  
2015. 66837

(15) "Total resources," in the case of a municipal 66838  
corporation, means the sum of the amounts in divisions (A) (15) 66839  
(a) to (h) of this section less any reduction required under 66840  
division (B) (1) or (2) of this section. 66841

- (a) The sum of the payments received by the municipal corporation in calendar year 2014 for current expense levy losses under division (A) (1) of section 5727.86 and division (A) (1) of section 5751.22 of the Revised Code as they existed at that time; 66842  
66843  
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66846
- (b) The municipal corporation's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 66847  
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66853
- (c) The sum of the amounts distributed to the municipal corporation in calendar year 2014 pursuant to section 5747.50 of the Revised Code; 66854  
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66856
- (d) With respect to taxes levied by the municipal corporation, the taxes charged and payable against all property on the tax list of real and public utility property for municipal current expenses for tax year 2014; 66857  
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66860
- (e) The amount of admissions tax collected by the municipal corporation in calendar year 2013, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2013 for which the municipal corporation has reported data to the commissioner; 66861  
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- (f) The amount of income taxes collected by the municipal corporation in calendar year 2013 as certified to the tax commissioner under section 5747.50 of the Revised Code in 2013, or if such information has not yet been reported to the commissioner, in the most recent year before 2014 for which the 66866  
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municipal corporation has reported such data to the commissioner;

(g) The sum of the amounts distributed to the municipal corporation from the gross casino revenue host city fund from July 2014 through April 2015;

(h) The sum of the amounts distributed to the municipal corporation from the gross casino revenue county fund from July 2014 through April 2015.

(16) "Total resources," in the case of a township, means the sum of the amounts in divisions (A) (16) (a) to (c) of this section less any reduction required under division (B) (1) or (2) of this section.

(a) The sum of the payments received by the township in calendar year 2014 pursuant to division (A) (1) of section 5727.86 of the Revised Code and division (A) (1) of section 5751.22 of the Revised Code as they existed at that time, excluding payments received for debt purposes;

(b) The township's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) With respect to taxes levied by the township, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding taxes charged and payable for the purpose of paying debt charges or from levies imposed under section 5705.23 of the Revised

Code. 66900

(17) "Total resources," in the case of a local taxing unit 66901  
that is not a county, municipal corporation, township, or public 66902  
library means the sum of the amounts in divisions (A) (17) (a) to 66903  
(e) of this section less any reduction required under division 66904  
(B) (1) of this section. 66905

(a) The sum of the payments received by the local taxing 66906  
unit in calendar year 2014 pursuant to division (A) (1) of 66907  
section 5727.86 of the Revised Code and division (A) (1) of 66908  
section 5751.22 of the Revised Code as they existed at that 66909  
time; 66910

(b) The local taxing unit's percentage share of county 66911  
undivided local government fund allocations as certified to the 66912  
tax commissioner for calendar year 2015 by the county auditor 66913  
under division (J) of section 5747.51 of the Revised Code or 66914  
division (F) of section 5747.53 of the Revised Code multiplied 66915  
by the total amount actually distributed in calendar year 2014 66916  
from the county undivided local government fund; 66917

(c) With respect to taxes levied by the local taxing unit, 66918  
the taxes charged and payable against all property on the tax 66919  
list of real and public utility property for tax year 2014 66920  
excluding taxes charged and payable for the purpose of paying 66921  
debt charges or from a levy imposed under section 5705.23 of the 66922  
Revised Code; 66923

(d) The amount received from the tax commissioner during 66924  
calendar year 2014 for sales or use taxes authorized under 66925  
sections 5739.023 and 5741.022 of the Revised Code; 66926

(e) For institutions of higher education receiving tax 66927  
revenue from a local levy, as identified in section 3358.02 of 66928

the Revised Code, the final state share of instruction 66929  
allocation for fiscal year 2014 as calculated by the ~~chancellor-~~ 66930  
~~of higher education department of learning and achievement~~ and 66931  
reported to the state controlling board. 66932

(18) "Total resources," in the case of a county, municipal 66933  
corporation, school district, or township public library that 66934  
receives the proceeds of a tax levied under section 5705.23 of 66935  
the Revised Code, means the sum of the amounts in divisions (A) 66936  
(18) (a) to (d) of this section less any reduction required under 66937  
division (B) (1) of this section. 66938

(a) The sum of the payments received by the county, 66939  
municipal corporation, school district, or township public 66940  
library in calendar year 2014 pursuant to sections 5727.86 and 66941  
5751.22 of the Revised Code, as they existed at that time, for 66942  
fixed-rate levy losses attributable to a tax levied under 66943  
section 5705.23 of the Revised Code for the benefit of the 66944  
public library; 66945

(b) The public library's percentage share of county 66946  
undivided local government fund allocations as certified to the 66947  
tax commissioner for calendar year 2015 by the county auditor 66948  
under division (J) of section 5747.51 of the Revised Code or 66949  
division (F) of section 5747.53 of the Revised Code multiplied 66950  
by the total amount actually distributed in calendar year 2014 66951  
from the county undivided local government fund; 66952

(c) With respect to a tax levied pursuant to section 66953  
5705.23 of the Revised Code for the benefit of the public 66954  
library, the amount of such tax that is charged and payable 66955  
against all property on the tax list of real and public utility 66956  
property for tax year 2014 excluding any tax that is charged and 66957  
payable for the purpose of paying debt charges; 66958

(d) The sum of the amounts distributed to the library 66959  
district from the county public library fund in calendar year 66960  
2014, as reported to the tax commissioner by the county auditor. 66961

(19) "Municipal current expense property tax levies" means 66962  
all property tax levies of a municipality, except those with the 66963  
following levy names: library; airport resurfacing; bond or any 66964  
levy name including the word "bond"; capital improvement or any 66965  
levy name including the word "capital"; debt or any levy name 66966  
including the word "debt"; equipment or any levy name including 66967  
the word "equipment," unless the levy is for combined operating 66968  
and equipment; employee termination fund; fire pension or any 66969  
levy containing the word "pension," including police pensions; 66970  
fireman's fund or any practically similar name; sinking fund; 66971  
road improvements or any levy containing the word "road"; fire 66972  
truck or apparatus; flood or any levy containing the word 66973  
"flood"; conservancy district; county health; note retirement; 66974  
sewage, or any levy containing the words "sewage" or "sewer"; 66975  
park improvement; parkland acquisition; storm drain; street or 66976  
any levy name containing the word "street"; lighting, or any 66977  
levy name containing the word "lighting"; and water. 66978

(20) "Operating fixed-rate levy loss" means, in the case 66979  
of local taxing units other than municipal corporations, fixed- 66980  
rate levy losses of levies imposed for purposes other than 66981  
paying debt charges or, in the case of municipal corporations, 66982  
fixed-rate levy losses of municipal current expense property tax 66983  
levies. 66984

~~(22)~~(21)(a) "Qualifying municipal corporation" means a 66985  
municipal corporation in the territory of which a qualifying end 66986  
user is located. 66987

(b) "Qualifying end user" means an end user of at least 66988

seven million qualifying kilowatt hours of electricity annually. 66989

(c) "Qualifying kilowatt hours" means kilowatt hours of 66990  
electricity generated by a renewable energy resource, as defined 66991  
in section 5727.01 of the Revised Code, using wind energy and 66992  
the distribution of which is subject to the tax levied under 66993  
section 5727.81 of the Revised Code for any measurement period 66994  
beginning after June 30, 2015. 66995

~~(23)~~ (22) Any term used in this section has the same 66996  
meaning as in section 5727.84 or 5751.20 of the Revised Code 66997  
unless otherwise defined by this section. 66998

(B) (1) "Total resources" used to compute payments to be 66999  
made under division (C) of this section shall be reduced to the 67000  
extent that payments distributed in calendar year 2014 were 67001  
attributable to levies no longer charged and payable. 67002

(2) "Current expense allocation" used to compute payments 67003  
to be made under division (C) of this section shall be reduced 67004  
to the extent that payments distributed in calendar year 2014 67005  
were attributable to levies no longer charged and payable. 67006

(C) (1) Except as provided in ~~divisions~~ division (D) of 67007  
this section, the tax commissioner shall compute payments for 67008  
operating fixed-rate levy losses of local taxing units and 67009  
public libraries for fiscal year 2016 and each year thereafter 67010  
as prescribed in divisions (C) (1) (a) and (b) ~~and~~ of this 67011  
section: 67012

(a) For public libraries and local taxing units other than 67013  
municipal corporations: 67014

(i) If the ratio of current expense allocation to total 67015  
resources is equal to or less than the threshold per cent, zero; 67016

(ii) If the ratio of current expense allocation to total resources is greater than the threshold per cent, the current expense allocation minus the product of total resources multiplied by the threshold per cent. 67017  
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(b) For municipal corporations: 67021

(i) If the ratio of the municipal current expense allocation to total resources is equal to or less than the threshold per cent, zero; 67022  
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67024

(ii) If the ratio of the municipal current expense allocation to total resources is greater than the threshold per cent, the municipal current expense allocation minus the product of total resources multiplied by the threshold per cent. 67025  
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~~(3)~~(2) For any local taxing unit or public library with operating fixed-rate levy losses greater than zero, the operating fixed-rate levy loss shall be allocated among all qualifying operating fixed-rate levies in proportion to each such levy's share of the payments received in tax year 2014. In fiscal year 2016 and thereafter, if a levy to which operating fixed-rate levy loss is allocated is no longer charged and payable, the payment to the local taxing unit or public library shall be reduced by the amount allocated to the levy that is no longer charged and payable. 67029  
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(D) (1) Except as provided in division (D) (2) of this section, the tax commissioner shall make payments to local taxing units equal to the sum of TPP inside millage debt levy loss and S.B. 3 inside millage debt levy loss. No payment shall be made if the levy for which the levy loss is computed is not charged and payable for debt purposes in fiscal year 2016 or any year thereafter. 67039  
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(2) No payment shall be made for TPP inside millage debt 67046  
levy loss in calendar year 2018 or thereafter. No payment shall 67047  
be made for S.B.3 inside millage debt levy loss in calendar year 67048  
2017 or thereafter. 67049

(E) For a qualifying municipal corporation, the tax 67050  
commissioner shall compute payments for fiscal year 2016 and 67051  
each ensuing fiscal year in an amount equal to the amount of tax 67052  
imposed under section 5727.81 of the Revised Code and paid on 67053  
the basis of qualifying kilowatt hours of electricity 67054  
distributed through the meter of a qualifying end user located 67055  
in the municipal corporation for measurement periods ending in 67056  
the preceding calendar year. The payment shall be computed 67057  
regardless of whether the qualifying municipal corporation 67058  
qualifies for a payment under any other division of this section 67059  
for the fiscal year in which the payment is computed under this 67060  
division. For the purposes of this division, the commissioner 67061  
may require an electric distribution company distributing 67062  
qualifying kilowatt hours or, if the end user is a self- 67063  
assessing purchaser, the end user, to report to the commissioner 67064  
the number of qualifying kilowatt hours distributed through the 67065  
meter of the qualifying end user. 67066

(F) (1) The payments required to be made under divisions 67067  
(C) and (D) of this section shall be paid from the local 67068  
government tangible property tax replacement fund to the county 67069  
undivided income tax fund in the proper county treasury. 67070  
Beginning in August 2015, one-half of the amount determined 67071  
under each of those divisions shall be paid on or before the 67072  
last day of August each year, and one-half shall be paid on or 67073  
before the last day of February each year. Within thirty days 67074  
after receipt of such payments, the county treasurer shall 67075  
distribute amounts determined under this section to the proper 67076

local taxing unit or public library as if they had been levied 67077  
and collected as taxes, and the local taxing unit or public 67078  
library shall allocate the amounts so received among its funds 67079  
in the same proportions as if those amounts had been levied and 67080  
collected as taxes. 67081

(2) On or before the last day of August and of February of 67082  
each fiscal year that follows a calendar year in which taxes are 67083  
paid on the basis of qualifying kilowatt hours of electricity 67084  
distributed through the meter of a qualifying end user located 67085  
in a qualifying municipal corporation, one-half of the payment 67086  
computed under division (E) of this section shall be paid from 67087  
the local government tangible personal property tax replacement 67088  
fund directly to the qualifying municipal corporation. The 67089  
municipal corporation shall credit the payments to a special 67090  
fund created for the purpose of providing grants or other 67091  
financial assistance to the qualifying end user or to compensate 67092  
the municipal corporation for municipal income tax or other tax 67093  
credits or reductions as the legislative authority may grant to 67094  
the qualifying end user. Such grants or other financial 67095  
assistance may be provided for by ordinance or resolution of the 67096  
legislative authority of the qualifying municipal corporation 67097  
and may continue for as long as is provided by the ordinance or 67098  
resolution. 67099

(G) If all or a part of the territories of two or more 67100  
local taxing units are merged, or unincorporated territory of a 67101  
township is annexed by a municipal corporation, the tax 67102  
commissioner shall adjust the payments made under this section 67103  
to each of the local taxing units in proportion to the square 67104  
mileage of the merged or annexed territory as a percentage of 67105  
the total square mileage of the jurisdiction from which the 67106  
territory originated, or as otherwise provided by a written 67107

agreement between the legislative authorities of the local 67108  
taxing units certified to the commissioner not later than the 67109  
first day of June of the calendar year in which the payment is 67110  
to be made. 67111

**Sec. 5715.26.** (A) (1) Upon receiving the statement required 67112  
by section 5715.25 of the Revised Code, the county auditor shall 67113  
forthwith add to or deduct from each tract, lot, or parcel of 67114  
real property or class of real property the required percentage 67115  
or amount of the valuation thereof, adding or deducting any sum 67116  
less than five dollars so that the value of any separate tract, 67117  
lot, or parcel of real property shall be ten dollars or some 67118  
multiple thereof. 67119

(2) After making the additions or deductions required by 67120  
this section, the auditor shall transmit to the tax commissioner 67121  
the appropriate adjusted abstract of the real property of each 67122  
taxing district in the auditor's county in which an adjustment 67123  
was required. 67124

(3) If the commissioner increases or decreases the 67125  
aggregate value of the real property or any class thereof in any 67126  
county or taxing district thereof and does not receive within 67127  
ninety days thereafter an adjusted abstract conforming to its 67128  
statement for such county or taxing district therein, the 67129  
commissioner shall withhold from such county or taxing district 67130  
therein fifty per cent of its share in the distribution of state 67131  
revenues to local governments pursuant to sections 5747.50 to 67132  
5747.55 of the Revised Code and shall direct the department of 67133  
~~education~~ learning and achievement to withhold therefrom fifty 67134  
per cent of state revenues to school districts pursuant to 67135  
Chapter 3317. of the Revised Code. The commissioner shall 67136  
withhold the distribution of such funds until such county 67137

auditor has complied with this division, and the department 67138  
shall withhold the distribution of such funds until the 67139  
commissioner has notified the department that such county 67140  
auditor has complied with this division. 67141

(B) (1) If the commissioner's determination is appealed 67142  
under section 5715.251 of the Revised Code, the county auditor, 67143  
treasurer, and all other officers shall forthwith proceed with 67144  
the levy and collection of the current year's taxes in the 67145  
manner prescribed by law. The taxes shall be determined and 67146  
collected as if the commissioner had determined under section 67147  
5715.24 of the Revised Code that the real property and the 67148  
various classes thereof in the county as shown in the auditor's 67149  
abstract were assessed for taxation and the true and 67150  
agricultural use values were recorded on the agricultural land 67151  
tax list as required by law. 67152

(2) If as a result of the appeal to the board it is 67153  
finally determined either that all real property and the various 67154  
classes thereof have not been assessed as required by law or 67155  
that the values set forth in the agricultural land tax list do 67156  
not correctly reflect the true and agricultural use values of 67157  
the lands contained therein, the county auditor shall forthwith 67158  
add to or deduct from each tract, lot, or parcel of real 67159  
property or class of real property the required percentage or 67160  
amount of the valuation in accordance with the order of the 67161  
board or judgment of the court to which the board's order was 67162  
appealed, and the taxes on each tract, lot, or parcel and the 67163  
percentages required by section 319.301 of the Revised Code 67164  
shall be recomputed using the valuation as finally determined. 67165  
The order or judgment making the final determination shall 67166  
prescribe the time and manner for collecting, crediting, or 67167  
refunding the resultant increases or decreases in taxes. 67168

**Sec. 5715.34.** (A) When a reassessment of all real 67169  
property, or any class of property, situated in the county, 67170  
township, municipal corporation, or other taxing district is 67171  
ordered by the tax commissioner, the county auditor, within 67172  
sixty days of the receipt of such order, shall commence the 67173  
reassessment in the manner provided by law and by rules 67174  
prescribed and issued by the commissioner. 67175

(B) If a county auditor determines to reassess all real 67176  
property situated in the county prior to the time ~~he~~ the auditor 67177  
is ordered to do so in compliance with section 5713.01 of the 67178  
Revised Code and division (A) of this section, certifies to the 67179  
tax commissioner that ~~he~~ the auditor has sufficient moneys 67180  
available to do so, and requests the commissioner to order the 67181  
reassessment at a date earlier than would otherwise be required, 67182  
the commissioner shall issue an order to the auditor to do so. 67183  
The auditor shall commence the reassessment in the manner 67184  
provided by law and by rules adopted by the commissioner, within 67185  
sixty days after receiving the order. 67186

(C) If the county auditor refuses, neglects, or fails to 67187  
commence a reassessment within sixty days after receiving such 67188  
order, or refuses, neglects, or fails to complete the 67189  
reassessment within the time limit prescribed and set forth in 67190  
such order, the tax commissioner shall withhold from such county 67191  
its share in the distribution of state revenue to local 67192  
government pursuant to section 5747.50 of the Revised Code and 67193  
shall direct the department of ~~education~~ learning and 67194  
achievement to withhold therefrom its share in the distribution 67195  
of state revenue to school districts pursuant to Title XXXIII of 67196  
the Revised Code. The commissioner shall withhold the 67197  
distribution of such funds until such county auditor has 67198  
complied with all the provisions of this section, and the 67199

department shall withhold the distribution of such funds until 67200  
the commissioner has notified the department that such auditor 67201  
has complied with all of the provisions of this section. 67202

**Sec. 5727.84.** No determinations, computations, 67203  
certifications, or payments shall be made under this section 67204  
after June 30, 2015. 67205

(A) As used in this section and sections 5727.85, 5727.86, 67206  
and 5727.87 of the Revised Code: 67207

(1) "School district" means a city, local, or exempted 67208  
village school district. 67209

(2) "Joint vocational school district" means a joint 67210  
vocational school district created under section 3311.16 of the 67211  
Revised Code, and includes a cooperative education school 67212  
district created under section 3311.52 or 3311.521 of the 67213  
Revised Code and a county school financing district created 67214  
under section 3311.50 of the Revised Code. 67215

(3) "Local taxing unit" means a subdivision or taxing 67216  
unit, as defined in section 5705.01 of the Revised Code, a park 67217  
district created under Chapter 1545. of the Revised Code, or a 67218  
township park district established under section 511.23 of the 67219  
Revised Code, but excludes school districts and joint vocational 67220  
school districts. 67221

(4) "State education aid," for a school district, means 67222  
the following: 67223

(a) For fiscal years prior to fiscal year 2010, the sum of 67224  
state aid amounts computed for the district under former 67225  
sections 3317.029, 3317.052, and 3317.053 of the Revised Code 67226  
and the following provisions, as they existed for the applicable 67227  
fiscal year: divisions (A), (C) (1), (C) (4), (D), (E), and (F) of 67228

section 3317.022; divisions (B), (C), and (D) of section 67229  
3317.023; divisions (G), (L), and (N) of section 3317.024; and 67230  
sections 3317.0216, 3317.0217, 3317.04, and 3317.05 of the 67231  
Revised Code; and the adjustments required by: division (C) of 67232  
section 3310.08; division (C)(2) of section 3310.41; division 67233  
(C) of section 3314.08; division (D)(2) of section 3314.091; 67234  
division (D) of former section 3314.13; divisions (E), (K), (L), 67235  
(M), and (N) of section 3317.023; division (C) of section 67236  
3317.20; and sections 3313.979 and 3313.981 of the Revised Code. 67237  
However, when calculating state education aid for a school 67238  
district for fiscal years 2008 and 2009, include the amount 67239  
computed for the district under Section 269.20.80 of H.B. 119 of 67240  
the 127th general assembly, as subsequently amended, instead of 67241  
division (D) of section 3317.022 of the Revised Code; and 67242  
include amounts calculated under Section 269.30.80 of H.B. 119 67243  
of the 127th general assembly, as subsequently amended. 67244

(b) For fiscal years 2010 and 2011, the sum of the amounts 67245  
computed for the district under former sections 3306.052, 67246  
3306.12, 3306.13, 3306.19, 3306.191, 3306.192, 3317.052, and 67247  
3317.053 of the Revised Code and the following provisions, as 67248  
they existed for the applicable fiscal year: division (G) of 67249  
section 3317.024; section 3317.05 of the Revised Code; and the 67250  
adjustments required by division (C) of section 3310.08; 67251  
division (C)(2) of section 3310.41; division (C) of section 67252  
3314.08; division (D)(2) of section 3314.091; division (D) of 67253  
former section 3314.13; divisions (E), (K), (L), (M), and (N) of 67254  
section 3317.023; division (C) of section 3317.20; and sections 67255  
3313.979, 3313.981, and 3326.33 of the Revised Code. 67256

(c) For fiscal years 2012 and 2013, the amount paid in 67257  
accordance with the section of H.B. 153 of the 129th general 67258  
assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL 67259

SCHOOL DISTRICTS" and the adjustments required by division (C) 67260  
of section 3310.08; division (C) (2) of section 3310.41; section 67261  
3310.55; division (C) of section 3314.08; division (D) (2) of 67262  
section 3314.091; division (D) of former section 3314.13; 67263  
divisions (B), (H), (I), (J), and (K) of section 3317.023; 67264  
division (C) of section 3317.20; and sections 3313.979 and 67265  
3313.981 of the Revised Code; 67266

(d) For fiscal year 2014 and each fiscal year thereafter, 67267  
the sum of amounts computed for and paid to the district under 67268  
section 3317.022 of the Revised Code; and the adjustments 67269  
required by division (C) of section 3310.08, division (C) (2) of 67270  
section 3310.41, section 3310.55, division (C) of section 67271  
3314.08, division (D) (2) of section 3314.091, divisions (B), 67272  
(H), (J), and (K) of section 3317.023, and sections 3313.978, 67273  
3313.981, 3317.0212, 3317.0213, 3317.0214, and 3326.33 of the 67274  
Revised Code. However, for fiscal years 2014 and 2015, the 67275  
amount computed for the district under the section of this act 67276  
entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE 67277  
SCHOOL DISTRICTS" also shall be included. 67278

(5) "State education aid," for a joint vocational school 67279  
district, means the following: 67280

(a) For fiscal years prior to fiscal year 2010, the sum of 67281  
the state aid amounts computed for the district under division 67282  
(N) of section 3317.024 and section 3317.16 of the Revised Code. 67283  
However, when calculating state education aid for a joint 67284  
vocational school district for fiscal years 2008 and 2009, 67285  
include the amount computed for the district under Section 67286  
269.30.90 of H.B. 119 of the 127th general assembly, as 67287  
subsequently amended. 67288

(b) For fiscal years 2010 and 2011, the amount computed 67289

for the district in accordance with the section of H.B. 1 of the 128th general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 67290  
67291  
67292

(c) For fiscal years 2012 and 2013, the amount paid in accordance with the section of H.B. 153 of the 129th general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 67293  
67294  
67295  
67296

(d) For fiscal year 2014 and each fiscal year thereafter, the amount computed for the district under section 3317.16 of the Revised Code; except that, for fiscal years 2014 and 2015, the amount computed for the district under the section of this act entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" shall be included. 67297  
67298  
67299  
67300  
67301  
67302

(6) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5727.85 of the Revised Code. 67303  
67304  
67305  
67306

(7) "Recognized valuation" means the amount computed for a school district pursuant to section 3317.015 of the Revised Code. 67307  
67308  
67309

(8) "Electric company tax value loss" means the amount determined under division (D) of this section. 67310  
67311

(9) "Natural gas company tax value loss" means the amount determined under division (E) of this section. 67312  
67313

(10) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss. 67314  
67315  
67316

(11) "Fixed-rate levy" means any tax levied on property 67317

other than a fixed-sum levy. 67318

(12) "Fixed-rate levy loss" means the amount determined 67319  
under division (G) of this section. 67320

(13) "Fixed-sum levy" means a tax levied on property at 67321  
whatever rate is required to produce a specified amount of tax 67322  
money or levied in excess of the ten-mill limitation to pay debt 67323  
charges, and includes school district emergency levies charged 67324  
and payable pursuant to section 5705.194 of the Revised Code. 67325

(14) "Fixed-sum levy loss" means the amount determined 67326  
under division (H) of this section. 67327

(15) "Consumer price index" means the consumer price index 67328  
(all items, all urban consumers) prepared by the bureau of labor 67329  
statistics of the United States department of labor. 67330

(16) "Total resources" and "total library resources" have 67331  
the same meanings as in section 5751.20 of the Revised Code. 67332

(17) "2011 current expense S.B. 3 allocation" means the 67333  
sum of payments received by a school district or joint 67334  
vocational school district in fiscal year 2011 for current 67335  
expense levy losses pursuant to division (C)(2) of section 67336  
5727.85 of the Revised Code. If a fixed-rate levy eligible for 67337  
reimbursement is not charged and payable in any year after tax 67338  
year 2010, "2011 current expense S.B. 3 allocation" used to 67339  
compute payments to be made under division (C)(3) of section 67340  
5727.85 of the Revised Code in the tax years following the last 67341  
year the levy is charged and payable shall be reduced to the 67342  
extent that those payments are attributable to the fixed-rate 67343  
levy loss of that levy. 67344

(18) "2010 current expense S.B. 3 allocation" means the 67345  
sum of payments received by a municipal corporation in calendar 67346

year 2010 for current expense levy losses pursuant to division 67347  
(A) (1) of section 5727.86 of the Revised Code, excluding any 67348  
such payments received for current expense levy losses 67349  
attributable to a tax levied under section 5705.23 of the 67350  
Revised Code. If a fixed-rate levy eligible for reimbursement is 67351  
not charged and payable in any year after tax year 2010, "2010 67352  
current expense S.B. 3 allocation" used to compute payments to 67353  
be made under division (A) (1) (d) or (e) of section 5727.86 of 67354  
the Revised Code in the tax years following the last year the 67355  
levy is charged and payable shall be reduced to the extent that 67356  
those payments are attributable to the fixed-rate levy loss of 67357  
that levy. 67358

(19) "2010 S.B. 3 allocation" means the sum of payments 67359  
received by a local taxing unit during calendar year 2010 67360  
pursuant to division (A) (1) of section 5727.86 of the Revised 67361  
Code, excluding any such payments received for fixed-rate levy 67362  
losses attributable to a tax levied under section 5705.23 of the 67363  
Revised Code. If a fixed-rate levy eligible for reimbursement is 67364  
not charged and payable in any year after tax year 2010, "2010 67365  
S.B. 3 allocation" used to compute payments to be made under 67366  
division (A) (1) (d) or (e) of section 5727.86 of the Revised Code 67367  
in the tax years following the last year the levy is charged and 67368  
payable shall be reduced to the extent that those payments are 67369  
attributable to the fixed-rate levy loss of that levy. 67370

(20) "Total S.B. 3 allocation" means, in the case of a 67371  
school district or joint vocational school district, the sum of 67372  
the payments received in fiscal year 2011 pursuant to divisions 67373  
(C) (2) and (D) of section 5727.85 of the Revised Code. In the 67374  
case of a local taxing unit, "total S.B. 3 allocation" means the 67375  
sum of payments received by the unit in calendar year 2010 67376  
pursuant to divisions (A) (1) and (4) of section 5727.86 of the 67377

Revised Code, excluding any such payments received for fixed- 67378  
rate levy losses attributable to a tax levied under section 67379  
5705.23 of the Revised Code. If a fixed-rate levy eligible for 67380  
reimbursement is not charged and payable in any year after tax 67381  
year 2010, "total S.B. 3 allocation" used to compute payments to 67382  
be made under division (C) (3) of section 5727.85 or division (A) 67383  
(1) (d) or (e) of section 5727.86 of the Revised Code in the tax 67384  
years following the last year the levy is charged and payable 67385  
shall be reduced to the extent that those payments are 67386  
attributable to the fixed-rate levy loss of that levy as would 67387  
be computed under division (C) (2) of section 5727.85 or division 67388  
(A) (1) (b) of section 5727.86 of the Revised Code. 67389

(21) "2011 non-current expense S.B. 3 allocation" means 67390  
the difference of a school district's or joint vocational school 67391  
district's total S.B. 3 allocation minus the sum of the school 67392  
district's 2011 current expense S.B. 3 allocation and the 67393  
portion of the school district's total S.B. 3 allocation 67394  
constituting reimbursement for debt levies pursuant to division 67395  
(D) of section 5727.85 of the Revised Code. 67396

(22) "2010 non-current expense S.B. 3 allocation" means 67397  
the difference of a municipal corporation's total S.B. 3 67398  
allocation minus the sum of its 2010 current expense S.B. 3 67399  
allocation and the portion of its total S.B. 3 allocation 67400  
constituting reimbursement for debt levies pursuant to division 67401  
(A) (4) of section 5727.86 of the Revised Code. 67402

(23) "S.B. 3 allocation for library purposes" means, in 67403  
the case of a county, municipal corporation, school district, or 67404  
township public library that receives the proceeds of a tax 67405  
levied under section 5705.23 of the Revised Code, the sum of the 67406  
payments received by the public library in calendar year 2010 67407

pursuant to section 5727.86 of the Revised Code for fixed-rate 67408  
levy losses attributable to a tax levied under section 5705.23 67409  
of the Revised Code. If a fixed-rate levy authorized under 67410  
section 5705.23 of the Revised Code that is eligible for 67411  
reimbursement is not charged and payable in any year after tax 67412  
year 2010, "S.B. 3 allocation for library purposes" used to 67413  
compute payments to be made under division (A)(1)(f) of section 67414  
5727.86 of the Revised Code in the tax years following the last 67415  
year the levy is charged and payable shall be reduced to the 67416  
extent that those payments are attributable to the fixed-rate 67417  
levy loss of that levy as would be computed under division (A) 67418  
(1)(b) of section 5727.86 of the Revised Code. 67419

(24) "Threshold per cent" means, in the case of a school 67420  
district or joint vocational school district, two per cent for 67421  
fiscal year 2012 and four per cent for fiscal years 2013 and 67422  
thereafter. In the case of a local taxing unit or public library 67423  
that receives the proceeds of a tax levied under section 5705.23 67424  
of the Revised Code, "threshold per cent" means two per cent for 67425  
calendar year 2011, four per cent for calendar year 2012, and 67426  
six per cent for calendar years 2013 and thereafter. 67427

(B) The kilowatt-hour tax receipts fund is hereby created 67428  
in the state treasury and shall consist of money arising from 67429  
the tax imposed by section 5727.81 of the Revised Code. All 67430  
money in the kilowatt-hour tax receipts fund shall be credited 67431  
as follows: 67432

Fiscal Year	General Revenue	School District	Local	67433
	Fund	Property Tax	Government	67434
		Replacement	Property Tax	67435
		Fund	Replacement	67436

			Fund	
2001-2011	63.0%	25.4%	11.6%	67438
2012-2015	88.0%	9.0%	3.0%	67439

(C) The natural gas tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed by section 5727.811 of the Revised Code. All money in the fund shall be credited as follows for fiscal years before fiscal year 2012:

(1) Sixty-eight and seven-tenths per cent shall be credited to the school district property tax replacement fund for the purpose of making the payments described in section 5727.85 of the Revised Code.

(2) Thirty-one and three-tenths per cent shall be credited to the local government property tax replacement fund for the purpose of making the payments described in section 5727.86 of the Revised Code.

(D) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its electric company tax value loss, which is the sum of the applicable amounts described in divisions (D) (1) to (4) of this section:

(1) The difference obtained by subtracting the amount described in division (D) (1) (b) from the amount described in division (D) (1) (a) of this section.

(a) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 1999, and as apportioned to the taxing district for tax year

1998; 67465

(b) The value of electric company and rural electric 67466  
company tangible personal property as assessed by the tax 67467  
commissioner for tax year 1998 had the property been apportioned 67468  
to the taxing district for tax year 2001, and assessed at the 67469  
rates in effect for tax year 2001. 67470

(2) The difference obtained by subtracting the amount 67471  
described in division (D) (2) (b) from the amount described in 67472  
division (D) (2) (a) of this section. 67473

(a) The three-year average for tax years 1996, 1997, and 67474  
1998 of the assessed value from nuclear fuel materials and 67475  
assemblies assessed against a person under Chapter 5711. of the 67476  
Revised Code from the leasing of them to an electric company for 67477  
those respective tax years, as reflected in the preliminary 67478  
assessments; 67479

(b) The three-year average assessed value from nuclear 67480  
fuel materials and assemblies assessed under division (D) (2) (a) 67481  
of this section for tax years 1996, 1997, and 1998, as reflected 67482  
in the preliminary assessments, using an assessment rate of 67483  
twenty-five per cent. 67484

(3) In the case of a taxing district having a nuclear 67485  
power plant within its territory, any amount, resulting in an 67486  
electric company tax value loss, obtained by subtracting the 67487  
amount described in division (D) (1) of this section from the 67488  
difference obtained by subtracting the amount described in 67489  
division (D) (3) (b) of this section from the amount described in 67490  
division (D) (3) (a) of this section. 67491

(a) The value of electric company tangible personal 67492  
property as assessed by the tax commissioner for tax year 2000 67493

on a preliminary assessment, or an amended preliminary 67494  
assessment if issued prior to March 1, 2001, and as apportioned 67495  
to the taxing district for tax year 2000; 67496

(b) The value of electric company tangible personal 67497  
property as assessed by the tax commissioner for tax year 2001 67498  
on a preliminary assessment, or an amended preliminary 67499  
assessment if issued prior to March 1, 2002, and as apportioned 67500  
to the taxing district for tax year 2001. 67501

(4) In the case of a taxing district having a nuclear 67502  
power plant within its territory, the difference obtained by 67503  
subtracting the amount described in division (D) (4) (b) of this 67504  
section from the amount described in division (D) (4) (a) of this 67505  
section, provided that such difference is greater than ten per 67506  
cent of the amount described in division (D) (4) (a) of this 67507  
section. 67508

(a) The value of electric company tangible personal 67509  
property as assessed by the tax commissioner for tax year 2005 67510  
on a preliminary assessment, or an amended preliminary 67511  
assessment if issued prior to March 1, 2006, and as apportioned 67512  
to the taxing district for tax year 2005; 67513

(b) The value of electric company tangible personal 67514  
property as assessed by the tax commissioner for tax year 2006 67515  
on a preliminary assessment, or an amended preliminary 67516  
assessment if issued prior to March 1, 2007, and as apportioned 67517  
to the taxing district for tax year 2006. 67518

(E) Not later than January 1, 2002, the tax commissioner 67519  
shall determine for each taxing district its natural gas company 67520  
tax value loss, which is the sum of the amounts described in 67521  
divisions (E) (1) and (2) of this section: 67522

(1) The difference obtained by subtracting the amount 67523  
described in division (E) (1) (b) from the amount described in 67524  
division (E) (1) (a) of this section. 67525

(a) The value of all natural gas company tangible personal 67526  
property, other than property described in division (E) (2) of 67527  
this section, as assessed by the tax commissioner for tax year 67528  
1999 on a preliminary assessment, or an amended preliminary 67529  
assessment if issued prior to March 1, 2000, and apportioned to 67530  
the taxing district for tax year 1999; 67531

(b) The value of all natural gas company tangible personal 67532  
property, other than property described in division (E) (2) of 67533  
this section, as assessed by the tax commissioner for tax year 67534  
1999 had the property been apportioned to the taxing district 67535  
for tax year 2001, and assessed at the rates in effect for tax 67536  
year 2001. 67537

(2) The difference in the value of current gas obtained by 67538  
subtracting the amount described in division (E) (2) (b) from the 67539  
amount described in division (E) (2) (a) of this section. 67540

(a) The three-year average assessed value of current gas 67541  
as assessed by the tax commissioner for tax years 1997, 1998, 67542  
and 1999 on a preliminary assessment, or an amended preliminary 67543  
assessment if issued prior to March 1, 2001, and as apportioned 67544  
in the taxing district for those respective years; 67545

(b) The three-year average assessed value from current gas 67546  
under division (E) (2) (a) of this section for tax years 1997, 67547  
1998, and 1999, as reflected in the preliminary assessment, 67548  
using an assessment rate of twenty-five per cent. 67549

(F) The tax commissioner may request that natural gas 67550  
companies, electric companies, and rural electric companies file 67551

a report to help determine the tax value loss under divisions 67552  
(D) and (E) of this section. The report shall be filed within 67553  
thirty days of the commissioner's request. A company that fails 67554  
to file the report or does not timely file the report is subject 67555  
to the penalty in section 5727.60 of the Revised Code. 67556

(G) Not later than January 1, 2002, the tax commissioner 67557  
shall determine for each school district, joint vocational 67558  
school district, and local taxing unit its fixed-rate levy loss, 67559  
which is the sum of its electric company tax value loss 67560  
multiplied by the tax rate in effect in tax year 1998 for fixed- 67561  
rate levies and its natural gas company tax value loss 67562  
multiplied by the tax rate in effect in tax year 1999 for fixed- 67563  
rate levies. 67564

(H) Not later than January 1, 2002, the tax commissioner 67565  
shall determine for each school district, joint vocational 67566  
school district, and local taxing unit its fixed-sum levy loss, 67567  
which is the amount obtained by subtracting the amount described 67568  
in division (H) (2) of this section from the amount described in 67569  
division (H) (1) of this section: 67570

(1) The sum of the electric company tax value loss 67571  
multiplied by the tax rate in effect in tax year 1998, and the 67572  
natural gas company tax value loss multiplied by the tax rate in 67573  
effect in tax year 1999, for fixed-sum levies for all taxing 67574  
districts within each school district, joint vocational school 67575  
district, and local taxing unit. For the years 2002 through 67576  
2006, this computation shall include school district emergency 67577  
levies that existed in 1998 in the case of the electric company 67578  
tax value loss, and 1999 in the case of the natural gas company 67579  
tax value loss, and all other fixed-sum levies that existed in 67580  
1998 in the case of the electric company tax value loss and 1999 67581

in the case of the natural gas company tax value loss and 67582  
continue to be charged in the tax year preceding the 67583  
distribution year. For the years 2007 through 2016 in the case 67584  
of school district emergency levies, and for all years after 67585  
2006 in the case of all other fixed-sum levies, this computation 67586  
shall exclude all fixed-sum levies that existed in 1998 in the 67587  
case of the electric company tax value loss and 1999 in the case 67588  
of the natural gas company tax value loss, but are no longer in 67589  
effect in the tax year preceding the distribution year. For the 67590  
purposes of this section, an emergency levy that existed in 1998 67591  
in the case of the electric company tax value loss, and 1999 in 67592  
the case of the natural gas company tax value loss, continues to 67593  
exist in a year beginning on or after January 1, 2007, but 67594  
before January 1, 2017, if, in that year, the board of education 67595  
levies a school district emergency levy for an annual sum at 67596  
least equal to the annual sum levied by the board in tax year 67597  
1998 or 1999, respectively, less the amount of the payment 67598  
certified under this division for 2002. 67599

(2) The total taxable value in tax year 1999 less the tax 67600  
value loss in each school district, joint vocational school 67601  
district, and local taxing unit multiplied by one-fourth of one 67602  
mill. 67603

If the amount computed under division (H) of this section 67604  
for any school district, joint vocational school district, or 67605  
local taxing unit is greater than zero, that amount shall equal 67606  
the fixed-sum levy loss reimbursed pursuant to division (F) of 67607  
section 5727.85 of the Revised Code or division (A) (2) of 67608  
section 5727.86 of the Revised Code, and the one-fourth of one 67609  
mill that is subtracted under division (H) (2) of this section 67610  
shall be apportioned among all contributing fixed-sum levies in 67611  
the proportion of each levy to the sum of all fixed-sum levies 67612

within each school district, joint vocational school district, 67613  
or local taxing unit. 67614

(I) Notwithstanding divisions (D), (E), (G), and (H) of 67615  
this section, in computing the tax value loss, fixed-rate levy 67616  
loss, and fixed-sum levy loss, the tax commissioner shall use 67617  
the greater of the 1998 tax rate or the 1999 tax rate in the 67618  
case of levy losses associated with the electric company tax 67619  
value loss, but the 1999 tax rate shall not include for this 67620  
purpose any tax levy approved by the voters after June 30, 1999, 67621  
and the tax commissioner shall use the greater of the 1999 or 67622  
the 2000 tax rate in the case of levy losses associated with the 67623  
natural gas company tax value loss. 67624

(J) Not later than January 1, 2002, the tax commissioner 67625  
shall certify to the department of ~~education-learning and~~ 67626  
achievement the tax value loss determined under divisions (D) 67627  
and (E) of this section for each taxing district, the fixed-rate 67628  
levy loss calculated under division (G) of this section, and the 67629  
fixed-sum levy loss calculated under division (H) of this 67630  
section. The calculations under divisions (G) and (H) of this 67631  
section shall separately display the levy loss for each levy 67632  
eligible for reimbursement. 67633

(K) Not later than September 1, 2001, the tax commissioner 67634  
shall certify the amount of the fixed-sum levy loss to the 67635  
county auditor of each county in which a school district with a 67636  
fixed-sum levy loss has territory. 67637

**Sec. 5727.85.** No determinations, computations, 67638  
certifications, or payments shall be made under this section 67639  
after June 30, 2015. 67640

(A) By the thirty-first day of July of each year, 67641

beginning in 2002 and ending in 2010, the department of 67642  
~~education-learning and achievement~~ shall determine the following 67643  
for each school district and each joint vocational school 67644  
district: 67645

(1) The state education aid offset, which, except as 67646  
provided in division (A) (1) (c) of this section, is the 67647  
difference obtained by subtracting the amount described in 67648  
division (A) (1) (b) of this section from the amount described in 67649  
division (A) (1) (a) of this section: 67650

(a) The state education aid computed for the school 67651  
district or joint vocational school district for the current 67652  
fiscal year as of the thirty-first day of July; 67653

(b) The state education aid that would be computed for the 67654  
school district or joint vocational school district for the 67655  
current fiscal year as of the thirty-first day of July if the 67656  
recognized valuation included the tax value loss for the school 67657  
district or joint vocational school district; 67658

(c) The state education aid offset for fiscal year 2010 67659  
and fiscal year 2011 equals the greater of the state education 67660  
aid offset calculated for that fiscal year under divisions (A) 67661  
(1) (a) and (b) of this section or the state education aid offset 67662  
calculated for fiscal year 2009. 67663

(2) For fiscal years 2008 through 2011, the greater of 67664  
zero or the difference obtained by subtracting the state 67665  
education aid offset determined under division (A) (1) of this 67666  
section from the fixed-rate levy loss certified under division 67667  
(J) of section 5727.84 of the Revised Code for all taxing 67668  
districts in each school district and joint vocational school 67669  
district. 67670

By the fifth day of August of each such year, the department ~~of education~~ shall certify the amount so determined under division (A) (1) of this section to the director of budget and management.

(B) Not later than the thirty-first day of October of the years 2006 through 2010, the department ~~of education~~ shall determine all of the following for each school district:

(1) The amount obtained by subtracting the district's state education aid computed for fiscal year 2002 from the district's state education aid computed for the current fiscal year as of the fifteenth day of July, by including in the definition of recognized valuation the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses, as defined in section 5751.20 of the Revised Code, for the school district or joint vocational school district for the preceding tax year;

(2) The inflation-adjusted property tax loss. The inflation-adjusted property tax loss equals the fixed-rate levy loss, excluding the tax loss from levies within the ten-mill limitation to pay debt charges, determined under division (D) of section 5727.84 of the Revised Code for all taxing districts in each school district, plus the product obtained by multiplying that loss by the cumulative percentage increase in the consumer price index from January 1, 2002, to the thirtieth day of June of the current year.

(3) The difference obtained by subtracting the amount computed under division (B) (1) from the amount of the inflation-adjusted property tax loss. If this difference is zero or a negative number, no further payments shall be made under division (C) of this section to the school district from the

school district property tax replacement fund. 67701

(C) Beginning in 2002 for school districts and beginning 67702  
in August 2011 for joint vocational school districts, the 67703  
department ~~of education~~ shall pay from the school district 67704  
property tax replacement fund to each school district all of the 67705  
following: 67706

(1) In February 2002, one-half of the fixed-rate levy loss 67707  
certified under division (G) of section 5727.84 of the Revised 67708  
Code between the twenty-first and twenty-eighth days of 67709  
February. 67710

(2) From August 2002 through February 2011, one-half of 67711  
the amount calculated for that fiscal year under division (A) (2) 67712  
of this section between the twenty-first and twenty-eighth days 67713  
of August and of February, provided the difference computed 67714  
under division (B) (3) of this section is not less than or equal 67715  
to zero. 67716

(3) For fiscal years 2012 and thereafter, the sum of the 67717  
amounts in divisions (C) (3) (a) or (b) and (c) of this section 67718  
shall be paid on or before the thirty-first day of August and 67719  
the twenty-eighth day of February: 67720

(a) If the ratio of 2011 current expense S.B. 3 allocation 67721  
to total resources is equal to or less than the threshold per 67722  
cent, zero; 67723

(b) If the ratio of 2011 current expense S.B. 3 allocation 67724  
to total resources is greater than the threshold per cent, fifty 67725  
per cent of the difference of 2011 current expense S.B. 3 67726  
allocation minus the product of total resources multiplied by 67727  
the threshold per cent; 67728

(c) Fifty per cent of the product of 2011 non-current 67729

expense S.B. 3 allocation multiplied by seventy-five per cent 67730  
for fiscal year 2012 and fifty per cent for fiscal years 2013 67731  
and thereafter. 67732

The department ~~of education~~ shall report to each school 67733  
district the apportionment of the payments among the school 67734  
district's funds based on the certifications under division (J) 67735  
of section 5727.84 of the Revised Code. 67736

(D) For taxes levied within the ten-mill limitation for 67737  
debt purposes in tax year 1998 in the case of electric company 67738  
tax value losses, and in tax year 1999 in the case of natural 67739  
gas company tax value losses, payments shall be made equal to 67740  
one hundred per cent of the loss computed as if the tax were a 67741  
fixed-rate levy, but those payments shall extend from fiscal 67742  
year 2006 through fiscal year 2016. 67743

(E) Not later than January 1, 2002, for all taxing 67744  
districts in each joint vocational school district, the tax 67745  
commissioner shall certify to the department of ~~education~~ 67746  
learning and achievement the fixed-rate levy loss determined 67747  
under division (G) of section 5727.84 of the Revised Code. From 67748  
February 2002 through February 2011, the department shall pay 67749  
from the school district property tax replacement fund to the 67750  
joint vocational school district one-half of the amount 67751  
calculated for that fiscal year under division (A)(2) of this 67752  
section between the twenty-first and twenty-eighth days of 67753  
August and of February. 67754

(F) (1) Not later than January 1, 2002, for each fixed-sum 67755  
levy levied by each school district or joint vocational school 67756  
district and for each year for which a determination is made 67757  
under division (H) of section 5727.84 of the Revised Code that a 67758  
fixed-sum levy loss is to be reimbursed, the tax commissioner 67759

shall certify to the department of ~~education-learning and~~ 67760  
achievement the fixed-sum levy loss determined under that 67761  
division. The certification shall cover a time period sufficient 67762  
to include all fixed-sum levies for which the tax commissioner 67763  
made such a determination. The department shall pay from the 67764  
school district property tax replacement fund to the school 67765  
district or joint vocational school district one-half of the 67766  
fixed-sum levy loss so certified for each year between the 67767  
twenty-first and twenty-eighth days of August and of February. 67768

(2) Beginning in 2003, by the thirty-first day of January 67769  
of each year, the tax commissioner shall review the 67770  
certification originally made under division (F) (1) of this 67771  
section. If the commissioner determines that a debt levy that 67772  
had been scheduled to be reimbursed in the current year has 67773  
expired, a revised certification for that and all subsequent 67774  
years shall be made to the department ~~of education~~. 67775

(G) If the balance of the half-mill equalization fund 67776  
created under section 3318.18 of the Revised Code is 67777  
insufficient to make the full amount of payments required under 67778  
division (D) of that section, the department ~~of education-~~ 67779  
learning and achievement, at the end of the third quarter of the 67780  
fiscal year, shall certify to the director of budget and 67781  
management the amount of the deficiency, and the director shall 67782  
transfer an amount equal to the deficiency from the school 67783  
district property tax replacement fund to the half-mill 67784  
equalization fund. 67785

(H) Beginning in August 2002, and ending in May 2011, the 67786  
director of budget and management shall transfer from the school 67787  
district property tax replacement fund to the general revenue 67788  
fund each of the following: 67789

(1) Between the twenty-eighth day of August and the fifth day of September, the lesser of one-half of the amount certified for that fiscal year under division (A) (2) of this section or the balance in the school district property tax replacement fund;

(2) Between the first and fifth days of May, the lesser of one-half of the amount certified for that fiscal year under division (A) (2) of this section or the balance in the school district property tax replacement fund.

(I) On the first day of June each year, the director of budget and management shall transfer any balance remaining in the school district property tax replacement fund after the payments have been made under divisions (C), (D), (E), (F), (G), and (H) of this section to the half-mill equalization fund created under section 3318.18 of the Revised Code to the extent required to make any payments in the current fiscal year under that section, and shall transfer the remaining balance to the general revenue fund.

(J) After fiscal year 2002, if the total amount in the school district property tax replacement fund is insufficient to make all payments under divisions (C), (D), (E), (F), and (G) of this section at the time the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district property tax replacement fund the difference between the total amount to be paid and the total amount in the school district property tax replacement fund, except that no transfer shall be made by reason of a deficiency to the extent that it results from the amendment of section 5727.84 of the Revised Code by Amended Substitute House Bill No. 95 of the 125th general assembly.

(K) If all of the territory of a school district or joint vocational school district is merged with an existing district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or new district, the department of ~~education~~ learning and achievement, in consultation with the tax commissioner, shall adjust the payments made under this section as follows:

(1) For the merger of all of the territory of two or more districts, the total resources, 2011 current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, 2011 non-current expense S.B. 3 allocation, and fixed-sum levy loss of the successor district shall be equal to the sum of the total resources, 2011 current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, 2011 non-current expense S.B. 3 allocation, and fixed-sum levy loss for each of the districts involved in the merger.

(2) For the transfer of a part of one district's territory to an existing district, the amount of the total resources, 2011 current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, and 2011 non-current expense S.B. 3 allocation that is transferred to the recipient district shall be an amount equal to the transferring district's total resources, 2011 current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, and 2011 non-current expense S.B. 3 allocation times a fraction, the numerator of which is the number of pupils being transferred to the recipient district, measured, in the case of a school district, by formula ADM as that term is defined in section 3317.02 of the Revised Code or, in the case of a joint vocational school district, by formula ADM as defined for a joint vocational school district in that section, and the denominator of which is the average daily membership or formula

ADM of the transferor district. Fixed-sum levy losses for both 67851  
districts shall be determined under division (K) (4) of this 67852  
section. 67853

(3) For the transfer of a part of the territory of one or 67854  
more districts to create a new district: 67855

(a) If the new district is created on or after January 1, 67856  
2000, but before January 1, 2005, the new district shall be paid 67857  
its current fixed-rate levy loss through August 2009. In 67858  
February 2010, August 2010, and February 2011, the new district 67859  
shall be paid fifty per cent of the lesser of: (i) the amount 67860  
calculated under division (C) (2) of this section or (ii) an 67861  
amount equal to seventy per cent of the new district's fixed- 67862  
rate levy loss. 67863

Beginning in fiscal year 2012, the new district shall be 67864  
paid as provided in division (C) of this section. 67865

Fixed-sum levy losses for the districts shall be 67866  
determined under division (K) (4) of this section. 67867

(b) If the new district is created on or after January 1, 67868  
2005, the new district shall be deemed not to have any fixed- 67869  
rate levy loss or, except as provided in division (K) (4) of this 67870  
section, fixed-sum levy loss. The district or districts from 67871  
which the territory was transferred shall have no reduction in 67872  
their fixed-rate levy loss, or, except as provided in division 67873  
(K) (4) of this section, their fixed-sum levy loss. 67874

(4) If a recipient district under division (K) (2) of this 67875  
section or a new district under division (K) (3) (a) or (b) of 67876  
this section takes on debt from one or more of the districts 67877  
from which territory was transferred, and any of the districts 67878  
transferring the territory had fixed-sum levy losses, the 67879

department of education, in consultation with the tax 67880  
commissioner, shall make an equitable division of the fixed-sum 67881  
levy losses. 67882

**Sec. 5747.01.** Except as otherwise expressly provided or 67883  
clearly appearing from the context, any term used in this 67884  
chapter that is not otherwise defined in this section has the 67885  
same meaning as when used in a comparable context in the laws of 67886  
the United States relating to federal income taxes or if not 67887  
used in a comparable context in those laws, has the same meaning 67888  
as in section 5733.40 of the Revised Code. Any reference in this 67889  
chapter to the Internal Revenue Code includes other laws of the 67890  
United States relating to federal income taxes. 67891

As used in this chapter: 67892

(A) "Adjusted gross income" or "Ohio adjusted gross 67893  
income" means federal adjusted gross income, as defined and used 67894  
in the Internal Revenue Code, adjusted as provided in this 67895  
section: 67896

(1) Add interest or dividends on obligations or securities 67897  
of any state or of any political subdivision or authority of any 67898  
state, other than this state and its subdivisions and 67899  
authorities. 67900

(2) Add interest or dividends on obligations of any 67901  
authority, commission, instrumentality, territory, or possession 67902  
of the United States to the extent that the interest or 67903  
dividends are exempt from federal income taxes but not from 67904  
state income taxes. 67905

(3) Deduct interest or dividends on obligations of the 67906  
United States and its territories and possessions or of any 67907  
authority, commission, or instrumentality of the United States 67908

to the extent that the interest or dividends are included in 67909  
federal adjusted gross income but exempt from state income taxes 67910  
under the laws of the United States. 67911

(4) Deduct disability and survivor's benefits to the 67912  
extent included in federal adjusted gross income. 67913

(5) Deduct benefits under Title II of the Social Security 67914  
Act and tier 1 railroad retirement benefits to the extent 67915  
included in federal adjusted gross income under section 86 of 67916  
the Internal Revenue Code. 67917

(6) In the case of a taxpayer who is a beneficiary of a 67918  
trust that makes an accumulation distribution as defined in 67919  
section 665 of the Internal Revenue Code, add, for the 67920  
beneficiary's taxable years beginning before 2002, the portion, 67921  
if any, of such distribution that does not exceed the 67922  
undistributed net income of the trust for the three taxable 67923  
years preceding the taxable year in which the distribution is 67924  
made to the extent that the portion was not included in the 67925  
trust's taxable income for any of the trust's taxable years 67926  
beginning in 2002 or thereafter. "Undistributed net income of a 67927  
trust" means the taxable income of the trust increased by (a) (i) 67928  
the additions to adjusted gross income required under division 67929  
(A) of this section and (ii) the personal exemptions allowed to 67930  
the trust pursuant to section 642(b) of the Internal Revenue 67931  
Code, and decreased by (b) (i) the deductions to adjusted gross 67932  
income required under division (A) of this section, (ii) the 67933  
amount of federal income taxes attributable to such income, and 67934  
(iii) the amount of taxable income that has been included in the 67935  
adjusted gross income of a beneficiary by reason of a prior 67936  
accumulation distribution. Any undistributed net income included 67937  
in the adjusted gross income of a beneficiary shall reduce the 67938

undistributed net income of the trust commencing with the 67939  
earliest years of the accumulation period. 67940

(7) Deduct the amount of wages and salaries, if any, not 67941  
otherwise allowable as a deduction but that would have been 67942  
allowable as a deduction in computing federal adjusted gross 67943  
income for the taxable year, had the targeted jobs credit 67944  
allowed and determined under sections 38, 51, and 52 of the 67945  
Internal Revenue Code not been in effect. 67946

(8) Deduct any interest or interest equivalent on public 67947  
obligations and purchase obligations to the extent that the 67948  
interest or interest equivalent is included in federal adjusted 67949  
gross income. 67950

(9) Add any loss or deduct any gain resulting from the 67951  
sale, exchange, or other disposition of public obligations to 67952  
the extent that the loss has been deducted or the gain has been 67953  
included in computing federal adjusted gross income. 67954

(10) Deduct or add amounts, as provided under section 67955  
5747.70 of the Revised Code, related to contributions to 67956  
variable college savings program accounts made or tuition units 67957  
purchased pursuant to Chapter 3334. of the Revised Code. 67958

(11) (a) Deduct, to the extent not otherwise allowable as a 67959  
deduction or exclusion in computing federal or Ohio adjusted 67960  
gross income for the taxable year, the amount the taxpayer paid 67961  
during the taxable year for medical care insurance and qualified 67962  
long-term care insurance for the taxpayer, the taxpayer's 67963  
spouse, and dependents. No deduction for medical care insurance 67964  
under division (A) (11) of this section shall be allowed either 67965  
to any taxpayer who is eligible to participate in any subsidized 67966  
health plan maintained by any employer of the taxpayer or of the 67967

taxpayer's spouse, or to any taxpayer who is entitled to, or on 67968  
application would be entitled to, benefits under part A of Title 67969  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 67970  
U.S.C. 301, as amended. For the purposes of division (A) (11) (a) 67971  
of this section, "subsidized health plan" means a health plan 67972  
for which the employer pays any portion of the plan's cost. The 67973  
deduction allowed under division (A) (11) (a) of this section 67974  
shall be the net of any related premium refunds, related premium 67975  
reimbursements, or related insurance premium dividends received 67976  
during the taxable year. 67977

(b) Deduct, to the extent not otherwise deducted or 67978  
excluded in computing federal or Ohio adjusted gross income 67979  
during the taxable year, the amount the taxpayer paid during the 67980  
taxable year, not compensated for by any insurance or otherwise, 67981  
for medical care of the taxpayer, the taxpayer's spouse, and 67982  
dependents, to the extent the expenses exceed seven and one-half 67983  
per cent of the taxpayer's federal adjusted gross income. 67984

(c) Deduct, to the extent not otherwise deducted or 67985  
excluded in computing federal or Ohio adjusted gross income, any 67986  
amount included in federal adjusted gross income under section 67987  
105 or not excluded under section 106 of the Internal Revenue 67988  
Code solely because it relates to an accident and health plan 67989  
for a person who otherwise would be a "qualifying relative" and 67990  
thus a "dependent" under section 152 of the Internal Revenue 67991  
Code but for the fact that the person fails to meet the income 67992  
and support limitations under section 152(d) (1) (B) and (C) of 67993  
the Internal Revenue Code. 67994

(d) For purposes of division (A) (11) of this section, 67995  
"medical care" has the meaning given in section 213 of the 67996  
Internal Revenue Code, subject to the special rules, 67997

limitations, and exclusions set forth therein, and "qualified 67998  
long-term care" has the same meaning given in section 7702B(c) 67999  
of the Internal Revenue Code. Solely for purposes of divisions 68000  
(A) (11) (a) and (c) of this section, "dependent" includes a 68001  
person who otherwise would be a "qualifying relative" and thus a 68002  
"dependent" under section 152 of the Internal Revenue Code but 68003  
for the fact that the person fails to meet the income and 68004  
support limitations under section 152(d) (1) (B) and (C) of the 68005  
Internal Revenue Code. 68006

(12) (a) Deduct any amount included in federal adjusted 68007  
gross income solely because the amount represents a 68008  
reimbursement or refund of expenses that in any year the 68009  
taxpayer had deducted as an itemized deduction pursuant to 68010  
section 63 of the Internal Revenue Code and applicable United 68011  
States department of the treasury regulations. The deduction 68012  
otherwise allowed under division (A) (12) (a) of this section 68013  
shall be reduced to the extent the reimbursement is attributable 68014  
to an amount the taxpayer deducted under this section in any 68015  
taxable year. 68016

(b) Add any amount not otherwise included in Ohio adjusted 68017  
gross income for any taxable year to the extent that the amount 68018  
is attributable to the recovery during the taxable year of any 68019  
amount deducted or excluded in computing federal or Ohio 68020  
adjusted gross income in any taxable year. 68021

(13) Deduct any portion of the deduction described in 68022  
section 1341(a) (2) of the Internal Revenue Code, for repaying 68023  
previously reported income received under a claim of right, that 68024  
meets both of the following requirements: 68025

(a) It is allowable for repayment of an item that was 68026  
included in the taxpayer's adjusted gross income for a prior 68027

taxable year and did not qualify for a credit under division (A) 68028  
or (B) of section 5747.05 of the Revised Code for that year; 68029

(b) It does not otherwise reduce the taxpayer's adjusted 68030  
gross income for the current or any other taxable year. 68031

(14) Deduct an amount equal to the deposits made to, and 68032  
net investment earnings of, a medical savings account during the 68033  
taxable year, in accordance with section 3924.66 of the Revised 68034  
Code. The deduction allowed by division (A)(14) of this section 68035  
does not apply to medical savings account deposits and earnings 68036  
otherwise deducted or excluded for the current or any other 68037  
taxable year from the taxpayer's federal adjusted gross income. 68038

(15) (a) Add an amount equal to the funds withdrawn from a 68039  
medical savings account during the taxable year, and the net 68040  
investment earnings on those funds, when the funds withdrawn 68041  
were used for any purpose other than to reimburse an account 68042  
holder for, or to pay, eligible medical expenses, in accordance 68043  
with section 3924.66 of the Revised Code; 68044

(b) Add the amounts distributed from a medical savings 68045  
account under division (A)(2) of section 3924.68 of the Revised 68046  
Code during the taxable year. 68047

(16) Add any amount claimed as a credit under section 68048  
5747.059 or 5747.65 of the Revised Code to the extent that such 68049  
amount satisfies either of the following: 68050

(a) The amount was deducted or excluded from the 68051  
computation of the taxpayer's federal adjusted gross income as 68052  
required to be reported for the taxpayer's taxable year under 68053  
the Internal Revenue Code; 68054

(b) The amount resulted in a reduction of the taxpayer's 68055  
federal adjusted gross income as required to be reported for any 68056

of the taxpayer's taxable years under the Internal Revenue Code. 68057

(17) Deduct the amount contributed by the taxpayer to an 68058  
individual development account program established by a county 68059  
department of job and family services pursuant to sections 68060  
329.11 to 329.14 of the Revised Code for the purpose of matching 68061  
funds deposited by program participants. On request of the tax 68062  
commissioner, the taxpayer shall provide any information that, 68063  
in the tax commissioner's opinion, is necessary to establish the 68064  
amount deducted under division (A) (17) of this section. 68065

(18) Beginning in taxable year 2001 but not for any 68066  
taxable year beginning after December 31, 2005, if the taxpayer 68067  
is married and files a joint return and the combined federal 68068  
adjusted gross income of the taxpayer and the taxpayer's spouse 68069  
for the taxable year does not exceed one hundred thousand 68070  
dollars, or if the taxpayer is single and has a federal adjusted 68071  
gross income for the taxable year not exceeding fifty thousand 68072  
dollars, deduct amounts paid during the taxable year for 68073  
qualified tuition and fees paid to an eligible institution for 68074  
the taxpayer, the taxpayer's spouse, or any dependent of the 68075  
taxpayer, who is a resident of this state and is enrolled in or 68076  
attending a program that culminates in a degree or diploma at an 68077  
eligible institution. The deduction may be claimed only to the 68078  
extent that qualified tuition and fees are not otherwise 68079  
deducted or excluded for any taxable year from federal or Ohio 68080  
adjusted gross income. The deduction may not be claimed for 68081  
educational expenses for which the taxpayer claims a credit 68082  
under section 5747.27 of the Revised Code. 68083

(19) Add any reimbursement received during the taxable 68084  
year of any amount the taxpayer deducted under division (A) (18) 68085  
of this section in any previous taxable year to the extent the 68086

amount is not otherwise included in Ohio adjusted gross income. 68087

(20) (a) (i) Subject to divisions (A) (20) (a) (iii), (iv), and 68088  
(v) of this section, add five-sixths of the amount of 68089  
depreciation expense allowed by subsection (k) of section 168 of 68090  
the Internal Revenue Code, including the taxpayer's 68091  
proportionate or distributive share of the amount of 68092  
depreciation expense allowed by that subsection to a pass- 68093  
through entity in which the taxpayer has a direct or indirect 68094  
ownership interest. 68095

(ii) Subject to divisions (A) (20) (a) (iii), (iv), and (v) 68096  
of this section, add five-sixths of the amount of qualifying 68097  
section 179 depreciation expense, including the taxpayer's 68098  
proportionate or distributive share of the amount of qualifying 68099  
section 179 depreciation expense allowed to any pass-through 68100  
entity in which the taxpayer has a direct or indirect ownership 68101  
interest. 68102

(iii) Subject to division (A) (20) (a) (v) of this section, 68103  
for taxable years beginning in 2012 or thereafter, if the 68104  
increase in income taxes withheld by the taxpayer is equal to or 68105  
greater than ten per cent of income taxes withheld by the 68106  
taxpayer during the taxpayer's immediately preceding taxable 68107  
year, "two-thirds" shall be substituted for "five-sixths" for 68108  
the purpose of divisions (A) (20) (a) (i) and (ii) of this section. 68109

(iv) Subject to division (A) (20) (a) (v) of this section, 68110  
for taxable years beginning in 2012 or thereafter, a taxpayer is 68111  
not required to add an amount under division (A) (20) of this 68112  
section if the increase in income taxes withheld by the taxpayer 68113  
and by any pass-through entity in which the taxpayer has a 68114  
direct or indirect ownership interest is equal to or greater 68115  
than the sum of (I) the amount of qualifying section 179 68116

depreciation expense and (II) the amount of depreciation expense 68117  
allowed to the taxpayer by subsection (k) of section 168 of the 68118  
Internal Revenue Code, and including the taxpayer's 68119  
proportionate or distributive shares of such amounts allowed to 68120  
any such pass-through entities. 68121

(v) If a taxpayer directly or indirectly incurs a net 68122  
operating loss for the taxable year for federal income tax 68123  
purposes, to the extent such loss resulted from depreciation 68124  
expense allowed by subsection (k) of section 168 of the Internal 68125  
Revenue Code and by qualifying section 179 depreciation expense, 68126  
"the entire" shall be substituted for "five-sixths of the" for 68127  
the purpose of divisions (A) (20) (a) (i) and (ii) of this section. 68128

The tax commissioner, under procedures established by the 68129  
commissioner, may waive the add-backs related to a pass-through 68130  
entity if the taxpayer owns, directly or indirectly, less than 68131  
five per cent of the pass-through entity. 68132

(b) Nothing in division (A) (20) of this section shall be 68133  
construed to adjust or modify the adjusted basis of any asset. 68134

(c) To the extent the add-back required under division (A) 68135  
(20) (a) of this section is attributable to property generating 68136  
nonbusiness income or loss allocated under section 5747.20 of 68137  
the Revised Code, the add-back shall be situated to the same 68138  
location as the nonbusiness income or loss generated by the 68139  
property for the purpose of determining the credit under 68140  
division (A) of section 5747.05 of the Revised Code. Otherwise, 68141  
the add-back shall be apportioned, subject to one or more of the 68142  
four alternative methods of apportionment enumerated in section 68143  
5747.21 of the Revised Code. 68144

(d) For the purposes of division (A) (20) (a) (v) of this 68145

section, net operating loss carryback and carryforward shall not 68146  
include the allowance of any net operating loss deduction 68147  
carryback or carryforward to the taxable year to the extent such 68148  
loss resulted from depreciation allowed by section 168(k) of the 68149  
Internal Revenue Code and by the qualifying section 179 68150  
depreciation expense amount. 68151

(e) For the purposes of divisions (A) (20) and (21) of this 68152  
section: 68153

(i) "Income taxes withheld" means the total amount 68154  
withheld and remitted under sections 5747.06 and 5747.07 of the 68155  
Revised Code by an employer during the employer's taxable year. 68156

(ii) "Increase in income taxes withheld" means the amount 68157  
by which the amount of income taxes withheld by an employer 68158  
during the employer's current taxable year exceeds the amount of 68159  
income taxes withheld by that employer during the employer's 68160  
immediately preceding taxable year. 68161

(iii) "Qualifying section 179 depreciation expense" means 68162  
the difference between (I) the amount of depreciation expense 68163  
directly or indirectly allowed to a taxpayer under section 179 68164  
of the Internal Revised Code, and (II) the amount of 68165  
depreciation expense directly or indirectly allowed to the 68166  
taxpayer under section 179 of the Internal Revenue Code as that 68167  
section existed on December 31, 2002. 68168

(21) (a) If the taxpayer was required to add an amount 68169  
under division (A) (20) (a) of this section for a taxable year, 68170  
deduct one of the following: 68171

(i) One-fifth of the amount so added for each of the five 68172  
succeeding taxable years if the amount so added was five-sixths 68173  
of qualifying section 179 depreciation expense or depreciation 68174

expense allowed by subsection (k) of section 168 of the Internal Revenue Code; 68175  
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(ii) One-half of the amount so added for each of the two succeeding taxable years if the amount so added was two-thirds of such depreciation expense; 68177  
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(iii) One-sixth of the amount so added for each of the six succeeding taxable years if the entire amount of such depreciation expense was so added. 68180  
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(b) If the amount deducted under division (A) (21) (a) of this section is attributable to an add-back allocated under division (A) (20) (c) of this section, the amount deducted shall be situated to the same location. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code. 68183  
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(c) No deduction is available under division (A) (21) (a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such depreciation results in or increases a federal net operating loss carryback or carryforward. If no such deduction is available for a taxable year, the taxpayer may carry forward the amount not deducted in such taxable year to the next taxable year and add that amount to any deduction otherwise available under division (A) (21) (a) of this section for that next taxable year. The carryforward of amounts not so deducted shall continue until the entire addition required by division (A) (20) (a) of this section has been deducted. 68191  
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(d) No refund shall be allowed as a result of adjustments 68204  
made by division (A) (21) of this section. 68205

(22) Deduct, to the extent not otherwise deducted or 68206  
excluded in computing federal or Ohio adjusted gross income for 68207  
the taxable year, the amount the taxpayer received during the 68208  
taxable year as reimbursement for life insurance premiums under 68209  
section 5919.31 of the Revised Code. 68210

(23) Deduct, to the extent not otherwise deducted or 68211  
excluded in computing federal or Ohio adjusted gross income for 68212  
the taxable year, the amount the taxpayer received during the 68213  
taxable year as a death benefit paid by the adjutant general 68214  
under section 5919.33 of the Revised Code. 68215

(24) Deduct, to the extent included in federal adjusted 68216  
gross income and not otherwise allowable as a deduction or 68217  
exclusion in computing federal or Ohio adjusted gross income for 68218  
the taxable year, military pay and allowances received by the 68219  
taxpayer during the taxable year for active duty service in the 68220  
United States army, air force, navy, marine corps, or coast 68221  
guard or reserve components thereof or the national guard. The 68222  
deduction may not be claimed for military pay and allowances 68223  
received by the taxpayer while the taxpayer is stationed in this 68224  
state. 68225

(25) Deduct, to the extent not otherwise allowable as a 68226  
deduction or exclusion in computing federal or Ohio adjusted 68227  
gross income for the taxable year and not otherwise compensated 68228  
for by any other source, the amount of qualified organ donation 68229  
expenses incurred by the taxpayer during the taxable year, not 68230  
to exceed ten thousand dollars. A taxpayer may deduct qualified 68231  
organ donation expenses only once for all taxable years 68232  
beginning with taxable years beginning in 2007. 68233

For the purposes of division (A) (25) of this section: 68234

(a) "Human organ" means all or any portion of a human 68235  
liver, pancreas, kidney, intestine, or lung, and any portion of 68236  
human bone marrow. 68237

(b) "Qualified organ donation expenses" means travel 68238  
expenses, lodging expenses, and wages and salary forgone by a 68239  
taxpayer in connection with the taxpayer's donation, while 68240  
living, of one or more of the taxpayer's human organs to another 68241  
human being. 68242

(26) Deduct, to the extent not otherwise deducted or 68243  
excluded in computing federal or Ohio adjusted gross income for 68244  
the taxable year, amounts received by the taxpayer as retired 68245  
personnel pay for service in the uniformed services or reserve 68246  
components thereof, or the national guard, or received by the 68247  
surviving spouse or former spouse of such a taxpayer under the 68248  
survivor benefit plan on account of such a taxpayer's death. If 68249  
the taxpayer receives income on account of retirement paid under 68250  
the federal civil service retirement system or federal employees 68251  
retirement system, or under any successor retirement program 68252  
enacted by the congress of the United States that is established 68253  
and maintained for retired employees of the United States 68254  
government, and such retirement income is based, in whole or in 68255  
part, on credit for the taxpayer's uniformed service, the 68256  
deduction allowed under this division shall include only that 68257  
portion of such retirement income that is attributable to the 68258  
taxpayer's uniformed service, to the extent that portion of such 68259  
retirement income is otherwise included in federal adjusted 68260  
gross income and is not otherwise deducted under this section. 68261  
Any amount deducted under division (A) (26) of this section is 68262  
not included in a taxpayer's adjusted gross income for the 68263

purposes of section 5747.055 of the Revised Code. No amount may  
be deducted under division (A) (26) of this section on the basis  
of which a credit was claimed under section 5747.055 of the  
Revised Code.

(27) Deduct, to the extent not otherwise deducted or  
excluded in computing federal or Ohio adjusted gross income for  
the taxable year, the amount the taxpayer received during the  
taxable year from the military injury relief fund created in  
section 5902.05 of the Revised Code.

(28) Deduct, to the extent not otherwise deducted or  
excluded in computing federal or Ohio adjusted gross income for  
the taxable year, the amount the taxpayer received as a veterans  
bonus during the taxable year from the Ohio department of  
veterans services as authorized by Section 2r of Article VIII,  
Ohio Constitution.

(29) Deduct, to the extent not otherwise deducted or  
excluded in computing federal or Ohio adjusted gross income for  
the taxable year, any income derived from a transfer agreement  
or from the enterprise transferred under that agreement under  
section 4313.02 of the Revised Code.

(30) Deduct, to the extent not otherwise deducted or  
excluded in computing federal or Ohio adjusted gross income for  
the taxable year, Ohio college opportunity or federal Pell grant  
amounts received by the taxpayer or the taxpayer's spouse or  
dependent pursuant to section 3333.122 of the Revised Code or 20  
U.S.C. 1070a, et seq., and used to pay room or board furnished  
by the educational institution for which the grant was awarded  
at the institution's facilities, including meal plans  
administered by the institution. For the purposes of this  
division, receipt of a grant includes the distribution of a

grant directly to an educational institution and the crediting 68294  
of the grant to the enrollee's account with the institution. 68295

(31) (a) For taxable years beginning in 2015, deduct from 68296  
the portion of an individual's adjusted gross income that is 68297  
business income, to the extent not otherwise deducted or 68298  
excluded in computing federal or Ohio adjusted gross income for 68299  
the taxable year, the lesser of the following amounts: 68300

(i) Seventy-five per cent of the individual's business 68301  
income; 68302

(ii) Ninety-three thousand seven hundred fifty dollars for 68303  
each spouse if spouses file separate returns under section 68304  
5747.08 of the Revised Code or one hundred eighty-seven thousand 68305  
five hundred dollars for all other individuals. 68306

(b) For taxable years beginning in 2016 or thereafter, 68307  
deduct from the portion of an individual's adjusted gross income 68308  
that is business income, to the extent not otherwise deducted or 68309  
excluded in computing federal adjusted gross income for the 68310  
taxable year, one hundred twenty-five thousand dollars for each 68311  
spouse if spouses file separate returns under section 5747.08 of 68312  
the Revised Code or two hundred fifty thousand dollars for all 68313  
other individuals. 68314

(32) Deduct, as provided under section 5747.78 of the 68315  
Revised Code, contributions to ABLE savings accounts made in 68316  
accordance with sections 113.50 to 113.56 of the Revised Code. 68317

(B) "Business income" means income, including gain or 68318  
loss, arising from transactions, activities, and sources in the 68319  
regular course of a trade or business and includes income, gain, 68320  
or loss from real property, tangible property, and intangible 68321  
property if the acquisition, rental, management, and disposition 68322

of the property constitute integral parts of the regular course 68323  
of a trade or business operation. "Business income" includes 68324  
income, including gain or loss, from a partial or complete 68325  
liquidation of a business, including, but not limited to, gain 68326  
or loss from the sale or other disposition of goodwill. 68327

(C) "Nonbusiness income" means all income other than 68328  
business income and may include, but is not limited to, 68329  
compensation, rents and royalties from real or tangible personal 68330  
property, capital gains, interest, dividends and distributions, 68331  
patent or copyright royalties, or lottery winnings, prizes, and 68332  
awards. 68333

(D) "Compensation" means any form of remuneration paid to 68334  
an employee for personal services. 68335

(E) "Fiduciary" means a guardian, trustee, executor, 68336  
administrator, receiver, conservator, or any other person acting 68337  
in any fiduciary capacity for any individual, trust, or estate. 68338

(F) "Fiscal year" means an accounting period of twelve 68339  
months ending on the last day of any month other than December. 68340

(G) "Individual" means any natural person. 68341

(H) "Internal Revenue Code" means the "Internal Revenue 68342  
Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 68343

(I) "Resident" means any of the following, provided that 68344  
division (I)(3) of this section applies only to taxable years of 68345  
a trust beginning in 2002 or thereafter: 68346

(1) An individual who is domiciled in this state, subject 68347  
to section 5747.24 of the Revised Code; 68348

(2) The estate of a decedent who at the time of death was 68349  
domiciled in this state. The domicile tests of section 5747.24 68350

of the Revised Code are not controlling for purposes of division 68351  
(I) (2) of this section. 68352

(3) A trust that, in whole or part, resides in this state. 68353  
If only part of a trust resides in this state, the trust is a 68354  
resident only with respect to that part. 68355

For the purposes of division (I) (3) of this section: 68356

(a) A trust resides in this state for the trust's current 68357  
taxable year to the extent, as described in division (I) (3) (d) 68358  
of this section, that the trust consists directly or indirectly, 68359  
in whole or in part, of assets, net of any related liabilities, 68360  
that were transferred, or caused to be transferred, directly or 68361  
indirectly, to the trust by any of the following: 68362

(i) A person, a court, or a governmental entity or 68363  
instrumentality on account of the death of a decedent, but only 68364  
if the trust is described in division (I) (3) (e) (i) or (ii) of 68365  
this section; 68366

(ii) A person who was domiciled in this state for the 68367  
purposes of this chapter when the person directly or indirectly 68368  
transferred assets to an irrevocable trust, but only if at least 68369  
one of the trust's qualifying beneficiaries is domiciled in this 68370  
state for the purposes of this chapter during all or some 68371  
portion of the trust's current taxable year; 68372

(iii) A person who was domiciled in this state for the 68373  
purposes of this chapter when the trust document or instrument 68374  
or part of the trust document or instrument became irrevocable, 68375  
but only if at least one of the trust's qualifying beneficiaries 68376  
is a resident domiciled in this state for the purposes of this 68377  
chapter during all or some portion of the trust's current 68378  
taxable year. If a trust document or instrument became 68379

irrevocable upon the death of a person who at the time of death 68380  
was domiciled in this state for purposes of this chapter, that 68381  
person is a person described in division (I) (3) (a) (iii) of this 68382  
section. 68383

(b) A trust is irrevocable to the extent that the 68384  
transferor is not considered to be the owner of the net assets 68385  
of the trust under sections 671 to 678 of the Internal Revenue 68386  
Code. 68387

(c) With respect to a trust other than a charitable lead 68388  
trust, "qualifying beneficiary" has the same meaning as 68389  
"potential current beneficiary" as defined in section 1361(e) (2) 68390  
of the Internal Revenue Code, and with respect to a charitable 68391  
lead trust "qualifying beneficiary" is any current, future, or 68392  
contingent beneficiary, but with respect to any trust 68393  
"qualifying beneficiary" excludes a person or a governmental 68394  
entity or instrumentality to any of which a contribution would 68395  
qualify for the charitable deduction under section 170 of the 68396  
Internal Revenue Code. 68397

(d) For the purposes of division (I) (3) (a) of this 68398  
section, the extent to which a trust consists directly or 68399  
indirectly, in whole or in part, of assets, net of any related 68400  
liabilities, that were transferred directly or indirectly, in 68401  
whole or part, to the trust by any of the sources enumerated in 68402  
that division shall be ascertained by multiplying the fair 68403  
market value of the trust's assets, net of related liabilities, 68404  
by the qualifying ratio, which shall be computed as follows: 68405

(i) The first time the trust receives assets, the 68406  
numerator of the qualifying ratio is the fair market value of 68407  
those assets at that time, net of any related liabilities, from 68408  
sources enumerated in division (I) (3) (a) of this section. The 68409

denominator of the qualifying ratio is the fair market value of 68410  
all the trust's assets at that time, net of any related 68411  
liabilities. 68412

(ii) Each subsequent time the trust receives assets, a 68413  
revised qualifying ratio shall be computed. The numerator of the 68414  
revised qualifying ratio is the sum of (1) the fair market value 68415  
of the trust's assets immediately prior to the subsequent 68416  
transfer, net of any related liabilities, multiplied by the 68417  
qualifying ratio last computed without regard to the subsequent 68418  
transfer, and (2) the fair market value of the subsequently 68419  
transferred assets at the time transferred, net of any related 68420  
liabilities, from sources enumerated in division (I) (3) (a) of 68421  
this section. The denominator of the revised qualifying ratio is 68422  
the fair market value of all the trust's assets immediately 68423  
after the subsequent transfer, net of any related liabilities. 68424

(iii) Whether a transfer to the trust is by or from any of 68425  
the sources enumerated in division (I) (3) (a) of this section 68426  
shall be ascertained without regard to the domicile of the 68427  
trust's beneficiaries. 68428

(e) For the purposes of division (I) (3) (a) (i) of this 68429  
section: 68430

(i) A trust is described in division (I) (3) (e) (i) of this 68431  
section if the trust is a testamentary trust and the testator of 68432  
that testamentary trust was domiciled in this state at the time 68433  
of the testator's death for purposes of the taxes levied under 68434  
Chapter 5731. of the Revised Code. 68435

(ii) A trust is described in division (I) (3) (e) (ii) of 68436  
this section if the transfer is a qualifying transfer described 68437  
in any of divisions (I) (3) (f) (i) to (vi) of this section, the 68438

trust is an irrevocable inter vivos trust, and at least one of 68439  
the trust's qualifying beneficiaries is domiciled in this state 68440  
for purposes of this chapter during all or some portion of the 68441  
trust's current taxable year. 68442

(f) For the purposes of division (I) (3) (e) (ii) of this 68443  
section, a "qualifying transfer" is a transfer of assets, net of 68444  
any related liabilities, directly or indirectly to a trust, if 68445  
the transfer is described in any of the following: 68446

(i) The transfer is made to a trust, created by the 68447  
decedent before the decedent's death and while the decedent was 68448  
domiciled in this state for the purposes of this chapter, and, 68449  
prior to the death of the decedent, the trust became irrevocable 68450  
while the decedent was domiciled in this state for the purposes 68451  
of this chapter. 68452

(ii) The transfer is made to a trust to which the 68453  
decedent, prior to the decedent's death, had directly or 68454  
indirectly transferred assets, net of any related liabilities, 68455  
while the decedent was domiciled in this state for the purposes 68456  
of this chapter, and prior to the death of the decedent the 68457  
trust became irrevocable while the decedent was domiciled in 68458  
this state for the purposes of this chapter. 68459

(iii) The transfer is made on account of a contractual 68460  
relationship existing directly or indirectly between the 68461  
transferor and either the decedent or the estate of the decedent 68462  
at any time prior to the date of the decedent's death, and the 68463  
decedent was domiciled in this state at the time of death for 68464  
purposes of the taxes levied under Chapter 5731. of the Revised 68465  
Code. 68466

(iv) The transfer is made to a trust on account of a 68467

contractual relationship existing directly or indirectly between 68468  
the transferor and another person who at the time of the 68469  
decedent's death was domiciled in this state for purposes of 68470  
this chapter. 68471

(v) The transfer is made to a trust on account of the will 68472  
of a testator who was domiciled in this state at the time of the 68473  
testator's death for purposes of the taxes levied under Chapter 68474  
5731. of the Revised Code. 68475

(vi) The transfer is made to a trust created by or caused 68476  
to be created by a court, and the trust was directly or 68477  
indirectly created in connection with or as a result of the 68478  
death of an individual who, for purposes of the taxes levied 68479  
under Chapter 5731. of the Revised Code, was domiciled in this 68480  
state at the time of the individual's death. 68481

(g) The tax commissioner may adopt rules to ascertain the 68482  
part of a trust residing in this state. 68483

(J) "Nonresident" means an individual or estate that is 68484  
not a resident. An individual who is a resident for only part of 68485  
a taxable year is a nonresident for the remainder of that 68486  
taxable year. 68487

(K) "Pass-through entity" has the same meaning as in 68488  
section 5733.04 of the Revised Code. 68489

(L) "Return" means the notifications and reports required 68490  
to be filed pursuant to this chapter for the purpose of 68491  
reporting the tax due and includes declarations of estimated tax 68492  
when so required. 68493

(M) "Taxable year" means the calendar year or the 68494  
taxpayer's fiscal year ending during the calendar year, or 68495  
fractional part thereof, upon which the adjusted gross income is 68496

calculated pursuant to this chapter. 68497

(N) "Taxpayer" means any person subject to the tax imposed 68498  
by section 5747.02 of the Revised Code or any pass-through 68499  
entity that makes the election under division (D) of section 68500  
5747.08 of the Revised Code. 68501

(O) "Dependents" means dependents as defined in the 68502  
Internal Revenue Code and as claimed in the taxpayer's federal 68503  
income tax return for the taxable year or which the taxpayer 68504  
would have been permitted to claim had the taxpayer filed a 68505  
federal income tax return. 68506

(P) "Principal county of employment" means, in the case of 68507  
a nonresident, the county within the state in which a taxpayer 68508  
performs services for an employer or, if those services are 68509  
performed in more than one county, the county in which the major 68510  
portion of the services are performed. 68511

(Q) As used in sections 5747.50 to 5747.55 of the Revised 68512  
Code: 68513

(1) "Subdivision" means any county, municipal corporation, 68514  
park district, or township. 68515

(2) "Essential local government purposes" includes all 68516  
functions that any subdivision is required by general law to 68517  
exercise, including like functions that are exercised under a 68518  
charter adopted pursuant to the Ohio Constitution. 68519

(R) "Overpayment" means any amount already paid that 68520  
exceeds the figure determined to be the correct amount of the 68521  
tax. 68522

(S) "Taxable income" or "Ohio taxable income" applies only 68523  
to estates and trusts, and means federal taxable income, as 68524

defined and used in the Internal Revenue Code, adjusted as 68525  
follows: 68526

(1) Add interest or dividends, net of ordinary, necessary, 68527  
and reasonable expenses not deducted in computing federal 68528  
taxable income, on obligations or securities of any state or of 68529  
any political subdivision or authority of any state, other than 68530  
this state and its subdivisions and authorities, but only to the 68531  
extent that such net amount is not otherwise includible in Ohio 68532  
taxable income and is described in either division (S) (1) (a) or 68533  
(b) of this section: 68534

(a) The net amount is not attributable to the S portion of 68535  
an electing small business trust and has not been distributed to 68536  
beneficiaries for the taxable year; 68537

(b) The net amount is attributable to the S portion of an 68538  
electing small business trust for the taxable year. 68539

(2) Add interest or dividends, net of ordinary, necessary, 68540  
and reasonable expenses not deducted in computing federal 68541  
taxable income, on obligations of any authority, commission, 68542  
instrumentality, territory, or possession of the United States 68543  
to the extent that the interest or dividends are exempt from 68544  
federal income taxes but not from state income taxes, but only 68545  
to the extent that such net amount is not otherwise includible 68546  
in Ohio taxable income and is described in either division (S) 68547  
(1) (a) or (b) of this section; 68548

(3) Add the amount of personal exemption allowed to the 68549  
estate pursuant to section 642(b) of the Internal Revenue Code; 68550

(4) Deduct interest or dividends, net of related expenses 68551  
deducted in computing federal taxable income, on obligations of 68552  
the United States and its territories and possessions or of any 68553

authority, commission, or instrumentality of the United States 68554  
to the extent that the interest or dividends are exempt from 68555  
state taxes under the laws of the United States, but only to the 68556  
extent that such amount is included in federal taxable income 68557  
and is described in either division (S) (1) (a) or (b) of this 68558  
section; 68559

(5) Deduct the amount of wages and salaries, if any, not 68560  
otherwise allowable as a deduction but that would have been 68561  
allowable as a deduction in computing federal taxable income for 68562  
the taxable year, had the targeted jobs credit allowed under 68563  
sections 38, 51, and 52 of the Internal Revenue Code not been in 68564  
effect, but only to the extent such amount relates either to 68565  
income included in federal taxable income for the taxable year 68566  
or to income of the S portion of an electing small business 68567  
trust for the taxable year; 68568

(6) Deduct any interest or interest equivalent, net of 68569  
related expenses deducted in computing federal taxable income, 68570  
on public obligations and purchase obligations, but only to the 68571  
extent that such net amount relates either to income included in 68572  
federal taxable income for the taxable year or to income of the 68573  
S portion of an electing small business trust for the taxable 68574  
year; 68575

(7) Add any loss or deduct any gain resulting from sale, 68576  
exchange, or other disposition of public obligations to the 68577  
extent that such loss has been deducted or such gain has been 68578  
included in computing either federal taxable income or income of 68579  
the S portion of an electing small business trust for the 68580  
taxable year; 68581

(8) Except in the case of the final return of an estate, 68582  
add any amount deducted by the taxpayer on both its Ohio estate 68583

tax return pursuant to section 5731.14 of the Revised Code, and 68584  
on its federal income tax return in determining federal taxable 68585  
income; 68586

(9) (a) Deduct any amount included in federal taxable 68587  
income solely because the amount represents a reimbursement or 68588  
refund of expenses that in a previous year the decedent had 68589  
deducted as an itemized deduction pursuant to section 63 of the 68590  
Internal Revenue Code and applicable treasury regulations. The 68591  
deduction otherwise allowed under division (S) (9) (a) of this 68592  
section shall be reduced to the extent the reimbursement is 68593  
attributable to an amount the taxpayer or decedent deducted 68594  
under this section in any taxable year. 68595

(b) Add any amount not otherwise included in Ohio taxable 68596  
income for any taxable year to the extent that the amount is 68597  
attributable to the recovery during the taxable year of any 68598  
amount deducted or excluded in computing federal or Ohio taxable 68599  
income in any taxable year, but only to the extent such amount 68600  
has not been distributed to beneficiaries for the taxable year. 68601

(10) Deduct any portion of the deduction described in 68602  
section 1341(a) (2) of the Internal Revenue Code, for repaying 68603  
previously reported income received under a claim of right, that 68604  
meets both of the following requirements: 68605

(a) It is allowable for repayment of an item that was 68606  
included in the taxpayer's taxable income or the decedent's 68607  
adjusted gross income for a prior taxable year and did not 68608  
qualify for a credit under division (A) or (B) of section 68609  
5747.05 of the Revised Code for that year. 68610

(b) It does not otherwise reduce the taxpayer's taxable 68611  
income or the decedent's adjusted gross income for the current 68612

or any other taxable year. 68613

(11) Add any amount claimed as a credit under section 68614  
5747.059 or 5747.65 of the Revised Code to the extent that the 68615  
amount satisfies either of the following: 68616

(a) The amount was deducted or excluded from the 68617  
computation of the taxpayer's federal taxable income as required 68618  
to be reported for the taxpayer's taxable year under the 68619  
Internal Revenue Code; 68620

(b) The amount resulted in a reduction in the taxpayer's 68621  
federal taxable income as required to be reported for any of the 68622  
taxpayer's taxable years under the Internal Revenue Code. 68623

(12) Deduct any amount, net of related expenses deducted 68624  
in computing federal taxable income, that a trust is required to 68625  
report as farm income on its federal income tax return, but only 68626  
if the assets of the trust include at least ten acres of land 68627  
satisfying the definition of "land devoted exclusively to 68628  
agricultural use" under section 5713.30 of the Revised Code, 68629  
regardless of whether the land is valued for tax purposes as 68630  
such land under sections 5713.30 to 5713.38 of the Revised Code. 68631  
If the trust is a pass-through entity investor, section 5747.231 68632  
of the Revised Code applies in ascertaining if the trust is 68633  
eligible to claim the deduction provided by division (S)(12) of 68634  
this section in connection with the pass-through entity's farm 68635  
income. 68636

Except for farm income attributable to the S portion of an 68637  
electing small business trust, the deduction provided by 68638  
division (S)(12) of this section is allowed only to the extent 68639  
that the trust has not distributed such farm income. Division 68640  
(S)(12) of this section applies only to taxable years of a trust 68641

beginning in 2002 or thereafter. 68642

(13) Add the net amount of income described in section 68643  
641(c) of the Internal Revenue Code to the extent that amount is 68644  
not included in federal taxable income. 68645

(14) Add or deduct the amount the taxpayer would be 68646  
required to add or deduct under division (A) (20) or (21) of this 68647  
section if the taxpayer's Ohio taxable income were computed in 68648  
the same manner as an individual's Ohio adjusted gross income is 68649  
computed under this section. In the case of a trust, division 68650  
(S) (14) of this section applies only to any of the trust's 68651  
taxable years beginning in 2002 or thereafter. 68652

(T) "School district income" and "school district income 68653  
tax" have the same meanings as in section 5748.01 of the Revised 68654  
Code. 68655

(U) As used in divisions (A) (8), (A) (9), (S) (6), and (S) 68656  
(7) of this section, "public obligations," "purchase 68657  
obligations," and "interest or interest equivalent" have the 68658  
same meanings as in section 5709.76 of the Revised Code. 68659

(V) "Limited liability company" means any limited 68660  
liability company formed under Chapter 1705. of the Revised Code 68661  
or under the laws of any other state. 68662

(W) "Pass-through entity investor" means any person who, 68663  
during any portion of a taxable year of a pass-through entity, 68664  
is a partner, member, shareholder, or equity investor in that 68665  
pass-through entity. 68666

(X) "Banking day" has the same meaning as in section 68667  
1304.01 of the Revised Code. 68668

(Y) "Month" means a calendar month. 68669

(Z) "Quarter" means the first three months, the second 68670  
three months, the third three months, or the last three months 68671  
of the taxpayer's taxable year. 68672

(AA) (1) "Eligible institution" means a state university or 68673  
state institution of higher education as defined in section 68674  
3345.011 of the Revised Code, or a private, nonprofit college, 68675  
university, or other post-secondary institution located in this 68676  
state that possesses a certificate of authorization issued by 68677  
the ~~chancellor of higher education~~ department of learning and 68678  
achievement pursuant to Chapter 1713. of the Revised Code or a 68679  
certificate of registration issued by the state board of career 68680  
colleges and schools under Chapter 3332. of the Revised Code. 68681

(2) "Qualified tuition and fees" means tuition and fees 68682  
imposed by an eligible institution as a condition of enrollment 68683  
or attendance, not exceeding two thousand five hundred dollars 68684  
in each of the individual's first two years of post-secondary 68685  
education. If the individual is a part-time student, "qualified 68686  
tuition and fees" includes tuition and fees paid for the 68687  
academic equivalent of the first two years of post-secondary 68688  
education during a maximum of five taxable years, not exceeding 68689  
a total of five thousand dollars. "Qualified tuition and fees" 68690  
does not include: 68691

(a) Expenses for any course or activity involving sports, 68692  
games, or hobbies unless the course or activity is part of the 68693  
individual's degree or diploma program; 68694

(b) The cost of books, room and board, student activity 68695  
fees, athletic fees, insurance expenses, or other expenses 68696  
unrelated to the individual's academic course of instruction; 68697

(c) Tuition, fees, or other expenses paid or reimbursed 68698

through an employer, scholarship, grant in aid, or other 68699  
educational benefit program. 68700

(BB) (1) "Modified business income" means the business 68701  
income included in a trust's Ohio taxable income after such 68702  
taxable income is first reduced by the qualifying trust amount, 68703  
if any. 68704

(2) "Qualifying trust amount" of a trust means capital 68705  
gains and losses from the sale, exchange, or other disposition 68706  
of equity or ownership interests in, or debt obligations of, a 68707  
qualifying investee to the extent included in the trust's Ohio 68708  
taxable income, but only if the following requirements are 68709  
satisfied: 68710

(a) The book value of the qualifying investee's physical 68711  
assets in this state and everywhere, as of the last day of the 68712  
qualifying investee's fiscal or calendar year ending immediately 68713  
prior to the date on which the trust recognizes the gain or 68714  
loss, is available to the trust. 68715

(b) The requirements of section 5747.011 of the Revised 68716  
Code are satisfied for the trust's taxable year in which the 68717  
trust recognizes the gain or loss. 68718

Any gain or loss that is not a qualifying trust amount is 68719  
modified business income, qualifying investment income, or 68720  
modified nonbusiness income, as the case may be. 68721

(3) "Modified nonbusiness income" means a trust's Ohio 68722  
taxable income other than modified business income, other than 68723  
the qualifying trust amount, and other than qualifying 68724  
investment income, as defined in section 5747.012 of the Revised 68725  
Code, to the extent such qualifying investment income is not 68726  
otherwise part of modified business income. 68727

(4) "Modified Ohio taxable income" applies only to trusts, 68728  
and means the sum of the amounts described in divisions (BB) (4) 68729  
(a) to (c) of this section: 68730

(a) The fraction, calculated under section 5747.013, and 68731  
applying section 5747.231 of the Revised Code, multiplied by the 68732  
sum of the following amounts: 68733

(i) The trust's modified business income; 68734

(ii) The trust's qualifying investment income, as defined 68735  
in section 5747.012 of the Revised Code, but only to the extent 68736  
the qualifying investment income does not otherwise constitute 68737  
modified business income and does not otherwise constitute a 68738  
qualifying trust amount. 68739

(b) The qualifying trust amount multiplied by a fraction, 68740  
the numerator of which is the sum of the book value of the 68741  
qualifying investee's physical assets in this state on the last 68742  
day of the qualifying investee's fiscal or calendar year ending 68743  
immediately prior to the day on which the trust recognizes the 68744  
qualifying trust amount, and the denominator of which is the sum 68745  
of the book value of the qualifying investee's total physical 68746  
assets everywhere on the last day of the qualifying investee's 68747  
fiscal or calendar year ending immediately prior to the day on 68748  
which the trust recognizes the qualifying trust amount. If, for 68749  
a taxable year, the trust recognizes a qualifying trust amount 68750  
with respect to more than one qualifying investee, the amount 68751  
described in division (BB) (4) (b) of this section shall equal the 68752  
sum of the products so computed for each such qualifying 68753  
investee. 68754

(c) (i) With respect to a trust or portion of a trust that 68755  
is a resident as ascertained in accordance with division (I) (3) 68756

(d) of this section, its modified nonbusiness income. 68757

(ii) With respect to a trust or portion of a trust that is 68758  
not a resident as ascertained in accordance with division (I) (3) 68759  
(d) of this section, the amount of its modified nonbusiness 68760  
income satisfying the descriptions in divisions (B) (2) to (5) of 68761  
section 5747.20 of the Revised Code, except as otherwise 68762  
provided in division (BB) (4) (c) (ii) of this section. With 68763  
respect to a trust or portion of a trust that is not a resident 68764  
as ascertained in accordance with division (I) (3) (d) of this 68765  
section, the trust's portion of modified nonbusiness income 68766  
recognized from the sale, exchange, or other disposition of a 68767  
debt interest in or equity interest in a section 5747.212 68768  
entity, as defined in section 5747.212 of the Revised Code, 68769  
without regard to division (A) of that section, shall not be 68770  
allocated to this state in accordance with section 5747.20 of 68771  
the Revised Code but shall be apportioned to this state in 68772  
accordance with division (B) of section 5747.212 of the Revised 68773  
Code without regard to division (A) of that section. 68774

If the allocation and apportionment of a trust's income 68775  
under divisions (BB) (4) (a) and (c) of this section do not fairly 68776  
represent the modified Ohio taxable income of the trust in this 68777  
state, the alternative methods described in division (C) of 68778  
section 5747.21 of the Revised Code may be applied in the manner 68779  
and to the same extent provided in that section. 68780

(5) (a) Except as set forth in division (BB) (5) (b) of this 68781  
section, "qualifying investee" means a person in which a trust 68782  
has an equity or ownership interest, or a person or unit of 68783  
government the debt obligations of either of which are owned by 68784  
a trust. For the purposes of division (BB) (2) (a) of this section 68785  
and for the purpose of computing the fraction described in 68786

division (BB) (4) (b) of this section, all of the following apply: 68787

(i) If the qualifying investee is a member of a qualifying 68788  
controlled group on the last day of the qualifying investee's 68789  
fiscal or calendar year ending immediately prior to the date on 68790  
which the trust recognizes the gain or loss, then "qualifying 68791  
investee" includes all persons in the qualifying controlled 68792  
group on such last day. 68793

(ii) If the qualifying investee, or if the qualifying 68794  
investee and any members of the qualifying controlled group of 68795  
which the qualifying investee is a member on the last day of the 68796  
qualifying investee's fiscal or calendar year ending immediately 68797  
prior to the date on which the trust recognizes the gain or 68798  
loss, separately or cumulatively own, directly or indirectly, on 68799  
the last day of the qualifying investee's fiscal or calendar 68800  
year ending immediately prior to the date on which the trust 68801  
recognizes the qualifying trust amount, more than fifty per cent 68802  
of the equity of a pass-through entity, then the qualifying 68803  
investee and the other members are deemed to own the 68804  
proportionate share of the pass-through entity's physical assets 68805  
which the pass-through entity directly or indirectly owns on the 68806  
last day of the pass-through entity's calendar or fiscal year 68807  
ending within or with the last day of the qualifying investee's 68808  
fiscal or calendar year ending immediately prior to the date on 68809  
which the trust recognizes the qualifying trust amount. 68810

(iii) For the purposes of division (BB) (5) (a) (iii) of this 68811  
section, "upper level pass-through entity" means a pass-through 68812  
entity directly or indirectly owning any equity of another pass- 68813  
through entity, and "lower level pass-through entity" means that 68814  
other pass-through entity. 68815

An upper level pass-through entity, whether or not it is 68816

also a qualifying investee, is deemed to own, on the last day of 68817  
the upper level pass-through entity's calendar or fiscal year, 68818  
the proportionate share of the lower level pass-through entity's 68819  
physical assets that the lower level pass-through entity 68820  
directly or indirectly owns on the last day of the lower level 68821  
pass-through entity's calendar or fiscal year ending within or 68822  
with the last day of the upper level pass-through entity's 68823  
fiscal or calendar year. If the upper level pass-through entity 68824  
directly and indirectly owns less than fifty per cent of the 68825  
equity of the lower level pass-through entity on each day of the 68826  
upper level pass-through entity's calendar or fiscal year in 68827  
which or with which ends the calendar or fiscal year of the 68828  
lower level pass-through entity and if, based upon clear and 68829  
convincing evidence, complete information about the location and 68830  
cost of the physical assets of the lower pass-through entity is 68831  
not available to the upper level pass-through entity, then 68832  
solely for purposes of ascertaining if a gain or loss 68833  
constitutes a qualifying trust amount, the upper level pass- 68834  
through entity shall be deemed as owning no equity of the lower 68835  
level pass-through entity for each day during the upper level 68836  
pass-through entity's calendar or fiscal year in which or with 68837  
which ends the lower level pass-through entity's calendar or 68838  
fiscal year. Nothing in division (BB) (5) (a) (iii) of this section 68839  
shall be construed to provide for any deduction or exclusion in 68840  
computing any trust's Ohio taxable income. 68841

(b) With respect to a trust that is not a resident for the 68842  
taxable year and with respect to a part of a trust that is not a 68843  
resident for the taxable year, "qualifying investee" for that 68844  
taxable year does not include a C corporation if both of the 68845  
following apply: 68846

(i) During the taxable year the trust or part of the trust 68847

recognizes a gain or loss from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, the C corporation. 68848  
68849  
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(ii) Such gain or loss constitutes nonbusiness income. 68851

(6) "Available" means information is such that a person is able to learn of the information by the due date plus extensions, if any, for filing the return for the taxable year in which the trust recognizes the gain or loss. 68852  
68853  
68854  
68855

(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code. 68856  
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(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code. 68858  
68859

(EE) (1) For the purposes of division (EE) of this section: 68860

(a) "Qualifying person" means any person other than a qualifying corporation. 68861  
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(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following: 68863  
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68865

(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year; 68866  
68867  
68868  
68869

(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year. 68870  
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68872  
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(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.

(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section.

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.

(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements:

(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972;

(b) The trust became irrevocable upon the creation of the trust; and

(c) The grantor was domiciled in this state at the time

the trust was created. 68903

(GG) "Uniformed services" has the same meaning as in 10 68904  
U.S.C. 101. 68905

(HH) "Taxable business income" means the amount by which 68906  
an individual's business income that is included in federal 68907  
adjusted gross income exceeds the amount of business income the 68908  
individual is authorized to deduct under division (A) (31) of 68909  
this section for the taxable year. 68910

**Sec. 5747.03.** (A) All money collected under this chapter 68911  
arising from the taxes imposed by section 5747.02 or 5747.41 of 68912  
the Revised Code shall be credited to the general revenue fund, 68913  
except that the treasurer of state shall, at the beginning of 68914  
each calendar quarter, credit to the Ohio political party fund, 68915  
pursuant to section 3517.16 of the Revised Code, an amount equal 68916  
to the total dollar value realized from the taxpayer exercise of 68917  
the income tax checkoff option on tax forms processed during the 68918  
preceding calendar quarter. 68919

(B) (1) Following the crediting of moneys pursuant to 68920  
division (A) of this section, the remainder deposited in the 68921  
general revenue fund shall be distributed pursuant to division 68922  
(F) of section 321.24 and section 323.156 of the Revised Code; 68923  
to make subsidy payments to institutions of higher education 68924  
from appropriations to the ~~Ohio board of regents~~ department of 68925  
learning and achievement; to support expenditures for programs 68926  
and services for the mentally ill, persons with developmental 68927  
disabilities, and the elderly; for primary and secondary 68928  
education; for medical assistance; and for any other purposes 68929  
authorized by law, subject to the limitation that at least fifty 68930  
per cent of the income tax collected by the state from the tax 68931  
imposed by section 5747.02 of the Revised Code shall be returned 68932

pursuant to Section 9 of Article XII, Ohio Constitution. 68933

(2) To ensure that such constitutional requirement is 68934  
satisfied the tax commissioner shall, on or before the thirtieth 68935  
day of June of each year, from the best information available to 68936  
the tax commissioner, determine and certify for each county to 68937  
the director of budget and management the amount of taxes 68938  
collected under this chapter from the tax imposed under section 68939  
5747.02 of the Revised Code during the preceding calendar year 68940  
that are required to be returned to the county by Section 9 of 68941  
Article XII, Ohio Constitution. The director shall provide for 68942  
payment from the general revenue fund to the county in the 68943  
amount, if any, that the sum of the amount so certified for that 68944  
county exceeds the sum of the following: 68945

(a) The sum of the payments from the general revenue fund 68946  
for the preceding calendar year credited to the county's 68947  
undivided income tax fund pursuant to division (F) of section 68948  
321.24 and section 323.156 of the Revised Code or made directly 68949  
from the general revenue fund to political subdivisions located 68950  
in the county; 68951

(b) The sum of the amounts from the general revenue fund 68952  
distributed in the county during the preceding calendar year for 68953  
subsidy payments to institutions of higher education from 68954  
appropriations to the ~~Ohio board of regents~~ department of 68955  
learning and achievement; for programs and services for mentally 68956  
ill persons, persons with developmental disabilities, and 68957  
elderly persons; for primary and secondary education; and for 68958  
medical assistance. 68959

(c) In the case of payments made by the director under 68960  
this division in 2007, the total amount distributed to the 68961  
county during the preceding calendar year from the local 68962

government fund and the local government revenue assistance 68963  
fund, and, in the case of payments made by the director under 68964  
this division in subsequent calendar years, the amount 68965  
distributed to the county from the local government fund; 68966

(d) In the case of payments made by the director under 68967  
this division, the total amount distributed to the county during 68968  
the preceding calendar year from the public library fund. 68969

Payments under this division shall be credited to the 68970  
county's undivided income tax fund, except that, notwithstanding 68971  
section 5705.14 of the Revised Code, such payments may be 68972  
transferred by the board of county commissioners to the county 68973  
general fund by resolution adopted with the affirmative vote of 68974  
two-thirds of the members thereof. 68975

(C) All payments received in each month from taxes imposed 68976  
under Chapter 5748. of the Revised Code and any penalties or 68977  
interest thereon shall be paid into the school district income 68978  
tax fund, which is hereby created in the state treasury, except 68979  
that an amount equal to the following portion of such payments 68980  
shall be paid into the general school district income tax 68981  
administrative fund, which is hereby created in the state 68982  
treasury: 68983

(1) One and three-quarters of one per cent of those 68984  
received in fiscal year 1996; 68985

(2) One and one-half per cent of those received in fiscal 68986  
year 1997 and thereafter. 68987

Money in the school district income tax administrative 68988  
fund shall be used by the tax commissioner to defray costs 68989  
incurred in administering the school district's income tax, 68990  
including the cost of providing employers with information 68991

regarding the rate of tax imposed by any school district. Any 68992  
moneys remaining in the fund after such use shall be deposited 68993  
in the school district income tax fund. 68994

All interest earned on moneys in the school district 68995  
income tax fund shall be credited to the fund. 68996

(D) (1) (a) Within thirty days of the end of each calendar 68997  
quarter ending on the last day of March, June, September, and 68998  
December, the director of budget and management shall make a 68999  
payment from the school district income tax fund to each school 69000  
district for which school district income tax revenue was 69001  
received during that quarter. The amount of the payment shall 69002  
equal the balance in the school district's account at the end of 69003  
that quarter. 69004

(b) After a school district ceases to levy an income tax, 69005  
the director of budget and management shall adjust the payments 69006  
under division (D) (1) (a) of this section to retain sufficient 69007  
money in the school district's account to pay refunds. For the 69008  
calendar quarters ending on the last day of March and December 69009  
of the calendar year following the last calendar year the tax is 69010  
levied, the director shall make the payments in the amount 69011  
required under division (D) (1) (a) of this section. For the 69012  
calendar quarter ending on the last day of June of the calendar 69013  
year following the last calendar year the tax is levied, the 69014  
director shall make a payment equal to nine-tenths of the 69015  
balance in the account at the end of that quarter. For the 69016  
calendar quarter ending on the last day of September of the 69017  
calendar year following the last calendar year the tax is 69018  
levied, the director shall make no payment. For the second and 69019  
succeeding calendar years following the last calendar year the 69020  
tax is levied, the director shall make one payment each year, 69021

within thirty days of the last day of June, in an amount equal 69022  
to the balance in the district's account on the last day of 69023  
June. 69024

(2) Moneys paid to a school district under this division 69025  
shall be deposited in its school district income tax fund. All 69026  
interest earned on moneys in the school district income tax fund 69027  
shall be apportioned by the tax commissioner pro rata among the 69028  
school districts in the proportions and at the times the 69029  
districts are entitled to receive payments under this division. 69030

**Sec. 5751.20.** No determinations, computations, 69031  
certifications, or payments shall be made under this section 69032  
after June 30, 2015. 69033

(A) As used in sections 5751.20 to 5751.22 of the Revised 69034  
Code: 69035

(1) "School district," "joint vocational school district," 69036  
"local taxing unit," "recognized valuation," "fixed-rate levy," 69037  
and "fixed-sum levy" have the same meanings as used in section 69038  
5727.84 of the Revised Code. 69039

(2) "State education aid" for a school district means the 69040  
following: 69041

(a) For fiscal years prior to fiscal year 2010, the sum of 69042  
state aid amounts computed for the district under the following 69043  
provisions, as they existed for the applicable fiscal year: 69044  
division (A) of section 3317.022 of the Revised Code, including 69045  
the amounts calculated under former section 3317.029 and section 69046  
3317.0217 of the Revised Code; divisions (C) (1), (C) (4), (D), 69047  
(E), and (F) of section 3317.022; divisions (B), (C), and (D) of 69048  
section 3317.023; divisions (L) and (N) of section 3317.024; 69049  
section 3317.0216; and any unit payments for gifted student 69050

services paid under section 3317.05 and former sections 3317.052 69051  
and 3317.053 of the Revised Code; except that, for fiscal years 69052  
2008 and 2009, the amount computed for the district under 69053  
Section 269.20.80 of H.B. 119 of the 127th general assembly and 69054  
as that section subsequently may be amended shall be substituted 69055  
for the amount computed under division (D) of section 3317.022 69056  
of the Revised Code, and the amount computed under Section 69057  
269.30.80 of H.B. 119 of the 127th general assembly and as that 69058  
section subsequently may be amended shall be included. 69059

(b) For fiscal years 2010 and 2011, the sum of the amounts 69060  
computed under former sections 3306.052, 3306.12, 3306.13, 69061  
3306.19, 3306.191, and 3306.192 of the Revised Code; 69062

(c) For fiscal years 2012 and 2013, the sum of the amounts 69063  
paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B. 69064  
153 of the 129th general assembly; 69065

(d) For fiscal year 2014 and each fiscal year thereafter, 69066  
the sum of state amounts computed for the district under section 69067  
3317.022 of the Revised Code; except that, for fiscal years 2014 69068  
and 2015, the amount computed for the district under the section 69069  
of this act entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND 69070  
EXEMPTED VILLAGE SCHOOL DISTRICTS" shall be included. 69071

(3) "State education aid" for a joint vocational school 69072  
district means the following: 69073

(a) For fiscal years prior to fiscal year 2010, the sum of 69074  
the state aid computed for the district under division (N) of 69075  
section 3317.024 and former section 3317.16 of the Revised Code, 69076  
except that, for fiscal years 2008 and 2009, the amount computed 69077  
under Section 269.30.80 of H.B. 119 of the 127th general 69078  
assembly and as that section subsequently may be amended shall 69079

be included. 69080

(b) For fiscal years 2010 and 2011, the amount paid in 69081  
accordance with Section 265.30.50 of H.B. 1 of the 128th general 69082  
assembly. 69083

(c) For fiscal years 2012 and 2013, the amount paid in 69084  
accordance with Section 267.30.60 of H.B. 153 of the 129th 69085  
general assembly. 69086

(d) For fiscal year 2014 and each fiscal year thereafter, 69087  
the amount computed for the district under section 3317.16 of 69088  
the Revised Code; except that, for fiscal years 2014 and 2015, 69089  
the amount computed for the district under the section of this 69090  
act entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 69091  
DISTRICTS" shall be included. 69092

(4) "State education aid offset" means the amount 69093  
determined for each school district or joint vocational school 69094  
district under division (A) (1) of section 5751.21 of the Revised 69095  
Code. 69096

(5) "Machinery and equipment property tax value loss" 69097  
means the amount determined under division (C) (1) of this 69098  
section. 69099

(6) "Inventory property tax value loss" means the amount 69100  
determined under division (C) (2) of this section. 69101

(7) "Furniture and fixtures property tax value loss" means 69102  
the amount determined under division (C) (3) of this section. 69103

(8) "Machinery and equipment fixed-rate levy loss" means 69104  
the amount determined under division (D) (1) of this section. 69105

(9) "Inventory fixed-rate levy loss" means the amount 69106  
determined under division (D) (2) of this section. 69107

- (10) "Furniture and fixtures fixed-rate levy loss" means 69108  
the amount determined under division (D) (3) of this section. 69109
- (11) "Total fixed-rate levy loss" means the sum of the 69110  
machinery and equipment fixed-rate levy loss, the inventory 69111  
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 69112  
loss, and the telephone company fixed-rate levy loss. 69113
- (12) "Fixed-sum levy loss" means the amount determined 69114  
under division (E) of this section. 69115
- (13) "Machinery and equipment" means personal property 69116  
subject to the assessment rate specified in division (F) of 69117  
section 5711.22 of the Revised Code. 69118
- (14) "Inventory" means personal property subject to the 69119  
assessment rate specified in division (E) of section 5711.22 of 69120  
the Revised Code. 69121
- (15) "Furniture and fixtures" means personal property 69122  
subject to the assessment rate specified in division (G) of 69123  
section 5711.22 of the Revised Code. 69124
- (16) "Qualifying levies" are levies in effect for tax year 69125  
2004 or applicable to tax year 2005 or approved at an election 69126  
conducted before September 1, 2005. For the purpose of 69127  
determining the rate of a qualifying levy authorized by section 69128  
5705.212 or 5705.213 of the Revised Code, the rate shall be the 69129  
rate that would be in effect for tax year 2010. 69130
- (17) "Telephone property" means tangible personal property 69131  
of a telephone, telegraph, or interexchange telecommunications 69132  
company subject to an assessment rate specified in section 69133  
5727.111 of the Revised Code in tax year 2004. 69134
- (18) "Telephone property tax value loss" means the amount 69135

determined under division (C) (4) of this section. 69136

(19) "Telephone property fixed-rate levy loss" means the 69137  
amount determined under division (D) (4) of this section. 69138

(20) "Taxes charged and payable" means taxes charged and 69139  
payable after the reduction required by section 319.301 of the 69140  
Revised Code but before the reductions required by sections 69141  
319.302 and 323.152 of the Revised Code. 69142

(21) "Median estate tax collections" means, in the case of 69143  
a municipal corporation to which revenue from the taxes levied 69144  
in Chapter 5731. of the Revised Code was distributed in each of 69145  
calendar years 2006, 2007, 2008, and 2009, the median of those 69146  
distributions. In the case of a municipal corporation to which 69147  
no distributions were made in one or more of those years, 69148  
"median estate tax collections" means zero. 69149

(22) "Total resources," in the case of a school district, 69150  
means the sum of the amounts in divisions (A) (22) (a) to (h) of 69151  
this section less any reduction required under division (A) (32) 69152  
or (33) of this section. 69153

(a) The state education aid for fiscal year 2010; 69154

(b) The sum of the payments received by the school 69155  
district in fiscal year 2010 for current expense levy losses 69156  
pursuant to division (C) (2) of section 5727.85 and divisions (C) 69157  
(8) and (9) of section 5751.21 of the Revised Code, excluding 69158  
the portion of such payments attributable to levies for joint 69159  
vocational school district purposes; 69160

(c) The sum of fixed-sum levy loss payments received by 69161  
the school district in fiscal year 2010 pursuant to division (E) 69162  
(1) of section 5727.85 and division (E) (1) of section 5751.21 of 69163  
the Revised Code for fixed-sum levies charged and payable for a 69164

purpose other than paying debt charges; 69165

(d) Fifty per cent of the school district's taxes charged 69166  
and payable against all property on the tax list of real and 69167  
public utility property for current expense purposes for tax 69168  
year 2008, including taxes charged and payable from emergency 69169  
levies charged and payable under section 5709.194 of the Revised 69170  
Code and excluding taxes levied for joint vocational school 69171  
district purposes; 69172

(e) Fifty per cent of the school district's taxes charged 69173  
and payable against all property on the tax list of real and 69174  
public utility property for current expenses for tax year 2009, 69175  
including taxes charged and payable from emergency levies and 69176  
excluding taxes levied for joint vocational school district 69177  
purposes; 69178

(f) The school district's taxes charged and payable 69179  
against all property on the general tax list of personal 69180  
property for current expenses for tax year 2009, including taxes 69181  
charged and payable from emergency levies; 69182

(g) The amount certified for fiscal year 2010 under 69183  
division (A) (2) of section 3317.08 of the Revised Code; 69184

(h) Distributions received during calendar year 2009 from 69185  
taxes levied under section 718.09 of the Revised Code. 69186

(23) "Total resources," in the case of a joint vocational 69187  
school district, means the sum of amounts in divisions (A) (23) 69188  
(a) to (g) of this section less any reduction required under 69189  
division (A) (32) of this section. 69190

(a) The state education aid for fiscal year 2010; 69191

(b) The sum of the payments received by the joint 69192

vocational school district in fiscal year 2010 for current 69193  
expense levy losses pursuant to division (C) (2) of section 69194  
5727.85 and divisions (C) (8) and (9) of section 5751.21 of the 69195  
Revised Code; 69196

(c) Fifty per cent of the joint vocational school 69197  
district's taxes charged and payable against all property on the 69198  
tax list of real and public utility property for current expense 69199  
purposes for tax year 2008; 69200

(d) Fifty per cent of the joint vocational school 69201  
district's taxes charged and payable against all property on the 69202  
tax list of real and public utility property for current 69203  
expenses for tax year 2009; 69204

(e) Fifty per cent of a city, local, or exempted village 69205  
school district's taxes charged and payable against all property 69206  
on the tax list of real and public utility property for current 69207  
expenses of the joint vocational school district for tax year 69208  
2008; 69209

(f) Fifty per cent of a city, local, or exempted village 69210  
school district's taxes charged and payable against all property 69211  
on the tax list of real and public utility property for current 69212  
expenses of the joint vocational school district for tax year 69213  
2009; 69214

(g) The joint vocational school district's taxes charged 69215  
and payable against all property on the general tax list of 69216  
personal property for current expenses for tax year 2009. 69217

(24) "Total resources," in the case of county mental 69218  
health and disability related functions, means the sum of the 69219  
amounts in divisions (A) (24) (a) and (b) of this section less any 69220  
reduction required under division (A) (32) of this section. 69221

(a) The sum of the payments received by the county for 69222  
mental health and developmental disability related functions in 69223  
calendar year 2010 under division (A) (1) of section 5727.86 and 69224  
divisions (A) (1) and (2) of section 5751.22 of the Revised Code 69225  
as they existed at that time; 69226

(b) With respect to taxes levied by the county for mental 69227  
health and developmental disability related purposes, the taxes 69228  
charged and payable for such purposes against all property on 69229  
the tax list of real and public utility property for tax year 69230  
2009. 69231

(25) "Total resources," in the case of county senior 69232  
services related functions, means the sum of the amounts in 69233  
divisions (A) (25) (a) and (b) of this section less any reduction 69234  
required under division (A) (32) of this section. 69235

(a) The sum of the payments received by the county for 69236  
senior services related functions in calendar year 2010 under 69237  
division (A) (1) of section 5727.86 and divisions (A) (1) and (2) 69238  
of section 5751.22 of the Revised Code as they existed at that 69239  
time; 69240

(b) With respect to taxes levied by the county for senior 69241  
services related purposes, the taxes charged and payable for 69242  
such purposes against all property on the tax list of real and 69243  
public utility property for tax year 2009. 69244

(26) "Total resources," in the case of county children's 69245  
services related functions, means the sum of the amounts in 69246  
divisions (A) (26) (a) and (b) of this section less any reduction 69247  
required under division (A) (32) of this section. 69248

(a) The sum of the payments received by the county for 69249  
children's services related functions in calendar year 2010 69250

under division (A) (1) of section 5727.86 and divisions (A) (1) 69251  
and (2) of section 5751.22 of the Revised Code as they existed 69252  
at that time; 69253

(b) With respect to taxes levied by the county for 69254  
children's services related purposes, the taxes charged and 69255  
payable for such purposes against all property on the tax list 69256  
of real and public utility property for tax year 2009. 69257

(27) "Total resources," in the case of county public 69258  
health related functions, means the sum of the amounts in 69259  
divisions (A) (27) (a) and (b) of this section less any reduction 69260  
required under division (A) (32) of this section. 69261

(a) The sum of the payments received by the county for 69262  
public health related functions in calendar year 2010 under 69263  
division (A) (1) of section 5727.86 and divisions (A) (1) and (2) 69264  
of section 5751.22 of the Revised Code as they existed at that 69265  
time; 69266

(b) With respect to taxes levied by the county for public 69267  
health related purposes, the taxes charged and payable for such 69268  
purposes against all property on the tax list of real and public 69269  
utility property for tax year 2009. 69270

(28) "Total resources," in the case of all county 69271  
functions not included in divisions (A) (24) to (27) of this 69272  
section, means the sum of the amounts in divisions (A) (28) (a) to 69273  
(d) of this section less any reduction required under division 69274  
(A) (32) or (33) of this section. 69275

(a) The sum of the payments received by the county for all 69276  
other purposes in calendar year 2010 under division (A) (1) of 69277  
section 5727.86 and divisions (A) (1) and (2) of section 5751.22 69278  
of the Revised Code as they existed at that time; 69279

(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009, excluding taxes charged and payable for the purpose of paying debt charges;

(d) The sum of the amounts distributed to the county in calendar year 2010 for the taxes levied pursuant to sections 5739.021 and 5741.021 of the Revised Code.

(29) "Total resources," in the case of a municipal corporation, means the sum of the amounts in divisions (A) (29) (a) to (g) of this section less any reduction required under division (A) (32) or (33) of this section.

(a) The sum of the payments received by the municipal corporation in calendar year 2010 for current expense levy losses under division (A) (1) of section 5727.86 and divisions (A) (1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) The municipal corporation's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied

by the total amount actually distributed in calendar year 2010 69309  
from the county undivided local government fund; 69310

(c) The sum of the amounts distributed to the municipal 69311  
corporation in calendar year 2010 pursuant to section 5747.50 of 69312  
the Revised Code; 69313

(d) With respect to taxes levied by the municipal 69314  
corporation, the taxes charged and payable against all property 69315  
on the tax list of real and public utility property for current 69316  
expenses, defined in division (A) (35) of this section, for tax 69317  
year 2009; 69318

(e) The amount of admissions tax collected by the 69319  
municipal corporation in calendar year 2008, or if such 69320  
information has not yet been reported to the tax commissioner, 69321  
in the most recent year before 2008 for which the municipal 69322  
corporation has reported data to the commissioner; 69323

(f) The amount of income taxes collected by the municipal 69324  
corporation in calendar year 2008, or if such information has 69325  
not yet been reported to the tax commissioner, in the most 69326  
recent year before 2008 for which the municipal corporation has 69327  
reported data to the commissioner; 69328

(g) The municipal corporation's median estate tax 69329  
collections. 69330

(30) "Total resources," in the case of a township, means 69331  
the sum of the amounts in divisions (A) (30) (a) to (c) of this 69332  
section less any reduction required under division (A) (32) or 69333  
(33) of this section. 69334

(a) The sum of the payments received by the township in 69335  
calendar year 2010 pursuant to division (A) (1) of section 69336  
5727.86 of the Revised Code and divisions (A) (1) and (2) of 69337

section 5751.22 of the Revised Code as they existed at that 69338  
time, excluding payments received for debt purposes; 69339

(b) The township's percentage share of county undivided 69340  
local government fund allocations as certified to the tax 69341  
commissioner for calendar year 2010 by the county auditor under 69342  
division (J) of section 5747.51 of the Revised Code or division 69343  
(F) of section 5747.53 of the Revised Code multiplied by the 69344  
total amount actually distributed in calendar year 2010 from the 69345  
county undivided local government fund; 69346

(c) With respect to taxes levied by the township, the 69347  
taxes charged and payable against all property on the tax list 69348  
of real and public utility property for tax year 2009 excluding 69349  
taxes charged and payable for the purpose of paying debt 69350  
charges. 69351

(31) "Total resources," in the case of a local taxing unit 69352  
that is not a county, municipal corporation, or township, means 69353  
the sum of the amounts in divisions (A) (31) (a) to (e) of this 69354  
section less any reduction required under division (A) (32) of 69355  
this section. 69356

(a) The sum of the payments received by the local taxing 69357  
unit in calendar year 2010 pursuant to division (A) (1) of 69358  
section 5727.86 of the Revised Code and divisions (A) (1) and (2) 69359  
of section 5751.22 of the Revised Code as they existed at that 69360  
time; 69361

(b) The local taxing unit's percentage share of county 69362  
undivided local government fund allocations as certified to the 69363  
tax commissioner for calendar year 2010 by the county auditor 69364  
under division (J) of section 5747.51 of the Revised Code or 69365  
division (F) of section 5747.53 of the Revised Code multiplied 69366

by the total amount actually distributed in calendar year 2010 69367  
from the county undivided local government fund; 69368

(c) With respect to taxes levied by the local taxing unit, 69369  
the taxes charged and payable against all property on the tax 69370  
list of real and public utility property for tax year 2009 69371  
excluding taxes charged and payable for the purpose of paying 69372  
debt charges; 69373

(d) The amount received from the tax commissioner during 69374  
calendar year 2010 for sales or use taxes authorized under 69375  
sections 5739.023 and 5741.022 of the Revised Code; 69376

(e) For institutions of higher education receiving tax 69377  
revenue from a local levy, as identified in section 3358.02 of 69378  
the Revised Code, the final state share of instruction 69379  
allocation for fiscal year 2010 as calculated by the ~~chancellor~~ 69380  
~~of higher education~~ department of learning and achievement and 69381  
reported to the state controlling board. 69382

(32) If a fixed-rate levy that is a qualifying levy is not 69383  
charged and payable in any year after tax year 2010, "total 69384  
resources" used to compute payments to be made under division 69385  
(C) (12) of section 5751.21 or division (A) (1) (b) or (c) of 69386  
section 5751.22 of the Revised Code in the tax years following 69387  
the last year the levy is charged and payable shall be reduced 69388  
to the extent that the payments are attributable to the fixed- 69389  
rate levy loss of that levy as would be computed under division 69390  
(C) (2) of section 5727.85, division (A) (1) of section 5727.85, 69391  
divisions (C) (8) and (9) of section 5751.21, or division (A) (1) 69392  
of section 5751.22 of the Revised Code. 69393

(33) In the case of a county, municipal corporation, 69394  
school district, or township with fixed-rate levy losses 69395

attributable to a tax levied under section 5705.23 of the Revised Code, "total resources" used to compute payments to be made under division (C) (3) of section 5727.85, division (A) (1) (d) of section 5727.86, division (C) (12) of section 5751.21, or division (A) (1) (c) of section 5751.22 of the Revised Code shall be reduced by the amounts described in divisions (A) (34) (a) to (c) of this section to the extent that those amounts were included in calculating the "total resources" of the school district or local taxing unit under division (A) (22), (28), (29), or (30) of this section.

(34) "Total library resources," in the case of a county, municipal corporation, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, means the sum of the amounts in divisions (A) (34) (a) to (c) of this section less any reduction required under division (A) (32) of this section.

(a) The sum of the payments received by the county, municipal corporation, school district, or township public library in calendar year 2010 pursuant to sections 5727.86 and 5751.22 of the Revised Code, as they existed at that time, for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code for the benefit of the public library;

(b) The public library's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to a tax levied pursuant to section 5705.23 of the Revised Code for the benefit of the public library, the amount of such tax that is charged and payable against all property on the tax list of real and public utility property for tax year 2009 excluding any tax that is charged and payable for the purpose of paying debt charges.

(35) "Municipal current expense property tax levies" means all property tax levies of a municipality, except those with the following levy names: airport resurfacing; bond or any levy name including the word "bond"; capital improvement or any levy name including the word "capital"; debt or any levy name including the word "debt"; equipment or any levy name including the word "equipment," unless the levy is for combined operating and equipment; employee termination fund; fire pension or any levy containing the word "pension," including police pensions; fireman's fund or any practically similar name; sinking fund; road improvements or any levy containing the word "road"; fire truck or apparatus; flood or any levy containing the word "flood"; conservancy district; county health; note retirement; sewage, or any levy containing the words "sewage" or "sewer"; park improvement; parkland acquisition; storm drain; street or any levy name containing the word "street"; lighting, or any levy name containing the word "lighting"; and water.

(36) "Current expense TPP allocation" means, in the case of a school district or joint vocational school district, the sum of the payments received by the school district in fiscal year 2011 pursuant to divisions (C) (10) and (11) of section 5751.21 of the Revised Code to the extent paid for current expense levies. In the case of a municipal corporation, "current expense TPP allocation" means the sum of the payments received by the municipal corporation in calendar year 2010 pursuant to

divisions (A) (1) and (2) of section 5751.22 of the Revised Code 69457  
to the extent paid for municipal current expense property tax 69458  
levies as defined in division (A) (35) of this section, excluding 69459  
any such payments received for current expense levy losses 69460  
attributable to a tax levied under section 5705.23 of the 69461  
Revised Code. If a fixed-rate levy that is a qualifying levy is 69462  
not charged and payable in any year after tax year 2010, 69463  
"current expense TPP allocation" used to compute payments to be 69464  
made under division (C) (12) of section 5751.21 or division (A) 69465  
(1) (b) or (c) of section 5751.22 of the Revised Code in the tax 69466  
years following the last year the levy is charged and payable 69467  
shall be reduced to the extent that the payments are 69468  
attributable to the fixed-rate levy loss of that levy as would 69469  
be computed under divisions (C) (10) and (11) of section 5751.21 69470  
or division (A) (1) of section 5751.22 of the Revised Code. 69471

(37) "TPP allocation" means the sum of payments received 69472  
by a local taxing unit in calendar year 2010 pursuant to 69473  
divisions (A) (1) and (2) of section 5751.22 of the Revised Code, 69474  
excluding any such payments received for fixed-rate levy losses 69475  
attributable to a tax levied under section 5705.23 of the 69476  
Revised Code. If a fixed-rate levy that is a qualifying levy is 69477  
not charged and payable in any year after tax year 2010, "TPP 69478  
allocation" used to compute payments to be made under division 69479  
(A) (1) (b) or (c) of section 5751.22 of the Revised Code in the 69480  
tax years following the last year the levy is charged and 69481  
payable shall be reduced to the extent that the payments are 69482  
attributable to the fixed-rate levy loss of that levy as would 69483  
be computed under division (A) (1) of that section. 69484

(38) "Total TPP allocation" means, in the case of a school 69485  
district or joint vocational school district, the sum of the 69486  
amounts received in fiscal year 2011 pursuant to divisions (C) 69487

(10) and (11) and (D) of section 5751.21 of the Revised Code. In 69488  
the case of a local taxing unit, "total TPP allocation" means 69489  
the sum of payments received by the unit in calendar year 2010 69490  
pursuant to divisions (A) (1), (2), and (3) of section 5751.22 of 69491  
the Revised Code. If a fixed-rate levy that is a qualifying levy 69492  
is not charged and payable in any year after tax year 2010, 69493  
"total TPP allocation" used to compute payments to be made under 69494  
division (C) (12) of section 5751.21 or division (A) (1) (b) or (c) 69495  
of section 5751.22 of the Revised Code in the tax years 69496  
following the last year the levy is charged and payable shall be 69497  
reduced to the extent that the payments are attributable to the 69498  
fixed-rate levy loss of that levy as would be computed under 69499  
divisions (C) (10) and (11) of section 5751.21 or division (A) (1) 69500  
of section 5751.22 of the Revised Code. 69501

(39) "Non-current expense TPP allocation" means the 69502  
difference of total TPP allocation minus the sum of current 69503  
expense TPP allocation and the portion of total TPP allocation 69504  
constituting reimbursement for debt levies, pursuant to division 69505  
(D) of section 5751.21 of the Revised Code in the case of a 69506  
school district or joint vocational school district and pursuant 69507  
to division (A) (3) of section 5751.22 of the Revised Code in the 69508  
case of a municipal corporation. 69509

(40) "TPP allocation for library purposes" means the sum 69510  
of payments received by a county, municipal corporation, school 69511  
district, or township public library in calendar year 2010 69512  
pursuant to section 5751.22 of the Revised Code for fixed-rate 69513  
levy losses attributable to a tax levied under section 5705.23 69514  
of the Revised Code. If a fixed-rate levy authorized under 69515  
section 5705.23 of the Revised Code that is a qualifying levy is 69516  
not charged and payable in any year after tax year 2010, "TPP 69517  
allocation for library purposes" used to compute payments to be 69518

made under division (A) (1) (d) of section 5751.22 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that the payments are attributable to the fixed-rate levy loss of that levy as would be computed under division (A) (1) of section 5751.22 of the Revised Code.

(41) "Threshold per cent" means, in the case of a school district or joint vocational school district, two per cent for fiscal year 2012 and four per cent for fiscal years 2013 and thereafter. In the case of a local taxing unit or public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, "threshold per cent" means two per cent for tax year 2011, four per cent for tax year 2012, and six per cent for tax years 2013 and thereafter.

(B) (1) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed under this chapter. Eighty-five one-hundredths of one per cent of the money credited to that fund shall be credited to the revenue enhancement fund and shall be used to defray the costs incurred by the department of taxation in administering the tax imposed by this chapter and in implementing tax reform measures. The remainder of the money in the commercial activities tax receipts fund shall first be credited to the commercial activity tax motor fuel receipts fund, pursuant to division (B) (2) of this section, and the remainder shall be credited in the following percentages each fiscal year to the general revenue fund, to the school district tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5751.21 of the Revised Code, and to the local government tangible property tax replacement fund, which

is hereby created in the state treasury for the purpose of 69550  
making the payments described in section 5751.22 of the Revised 69551  
Code, in the following percentages: 69552

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	69559
2007	0%	70.0%	30.0%	69560
2008	0%	70.0%	30.0%	69561
2009	0%	70.0%	30.0%	69562
2010	0%	70.0%	30.0%	69563
2011	0%	70.0%	30.0%	69564
2012	25.0%	52.5%	22.5%	69565
2013 and thereafter	50.0%	35.0%	15.0%	69566 69567

(2) Not later than the twentieth day of February, May, 69568  
August, and November of each year, the commissioner shall 69569  
provide for payment from the commercial activities tax receipts 69570  
fund to the commercial activity tax motor fuel receipts fund an 69571  
amount that bears the same ratio to the balance in the 69572  
commercial activities tax receipts fund that (a) the taxable 69573  
gross receipts attributed to motor fuel used for propelling 69574  
vehicles on public highways as indicated by returns filed by the 69575  
tenth day of that month for a liability that is due and payable 69576  
on or after July 1, 2013, for a tax period ending before July 1, 69577  
2014, bears to (b) all taxable gross receipts as indicated by 69578  
those returns for such liabilities. 69579

(C) Not later than September 15, 2005, the tax 69580

commissioner shall determine for each school district, joint 69581  
vocational school district, and local taxing unit its machinery 69582  
and equipment, inventory property, furniture and fixtures 69583  
property, and telephone property tax value losses, which are the 69584  
applicable amounts described in divisions (C) (1), (2), (3), and 69585  
(4) of this section, except as provided in division (C) (5) of 69586  
this section: 69587

(1) Machinery and equipment property tax value loss is the 69588  
taxable value of machinery and equipment property as reported by 69589  
taxpayers for tax year 2004 multiplied by: 69590

(a) For tax year 2006, thirty-three and eight-tenths per 69591  
cent; 69592

(b) For tax year 2007, sixty-one and three-tenths per 69593  
cent; 69594

(c) For tax year 2008, eighty-three per cent; 69595

(d) For tax year 2009 and thereafter, one hundred per 69596  
cent. 69597

(2) Inventory property tax value loss is the taxable value 69598  
of inventory property as reported by taxpayers for tax year 2004 69599  
multiplied by: 69600

(a) For tax year 2006, a fraction, the numerator of which 69601  
is five and three-fourths and the denominator of which is 69602  
twenty-three; 69603

(b) For tax year 2007, a fraction, the numerator of which 69604  
is nine and one-half and the denominator of which is twenty- 69605  
three; 69606

(c) For tax year 2008, a fraction, the numerator of which 69607  
is thirteen and one-fourth and the denominator of which is 69608

twenty-three; 69609

(d) For tax year 2009 and thereafter a fraction, the 69610  
numerator of which is seventeen and the denominator of which is 69611  
twenty-three. 69612

(3) Furniture and fixtures property tax value loss is the 69613  
taxable value of furniture and fixture property as reported by 69614  
taxpayers for tax year 2004 multiplied by: 69615

(a) For tax year 2006, twenty-five per cent; 69616

(b) For tax year 2007, fifty per cent; 69617

(c) For tax year 2008, seventy-five per cent; 69618

(d) For tax year 2009 and thereafter, one hundred per 69619  
cent. 69620

The taxable value of property reported by taxpayers used 69621  
in divisions (C) (1), (2), and (3) of this section shall be such 69622  
values as determined to be final by the tax commissioner as of 69623  
August 31, 2005. Such determinations shall be final except for 69624  
any correction of a clerical error that was made prior to August 69625  
31, 2005, by the tax commissioner. 69626

(4) Telephone property tax value loss is the taxable value 69627  
of telephone property as taxpayers would have reported that 69628  
property for tax year 2004 if the assessment rate for all 69629  
telephone property for that year were twenty-five per cent, 69630  
multiplied by: 69631

(a) For tax year 2006, zero per cent; 69632

(b) For tax year 2007, zero per cent; 69633

(c) For tax year 2008, zero per cent; 69634

(d) For tax year 2009, sixty per cent; 69635

(e) For tax year 2010, eighty per cent; 69636

(f) For tax year 2011 and thereafter, one hundred per 69637  
cent. 69638

(5) Division (C) (5) of this section applies to any school 69639  
district, joint vocational school district, or local taxing unit 69640  
in a county in which is located a facility currently or formerly 69641  
devoted to the enrichment or commercialization of uranium or 69642  
uranium products, and for which the total taxable value of 69643  
property listed on the general tax list of personal property for 69644  
any tax year from tax year 2001 to tax year 2004 was fifty per 69645  
cent or less of the taxable value of such property listed on the 69646  
general tax list of personal property for the next preceding tax 69647  
year. 69648

In computing the fixed-rate levy losses under divisions 69649  
(D) (1), (2), and (3) of this section for any school district, 69650  
joint vocational school district, or local taxing unit to which 69651  
division (C) (5) of this section applies, the taxable value of 69652  
such property as listed on the general tax list of personal 69653  
property for tax year 2000 shall be substituted for the taxable 69654  
value of such property as reported by taxpayers for tax year 69655  
2004, in the taxing district containing the uranium facility, if 69656  
the taxable value listed for tax year 2000 is greater than the 69657  
taxable value reported by taxpayers for tax year 2004. For the 69658  
purpose of making the computations under divisions (D) (1), (2), 69659  
and (3) of this section, the tax year 2000 valuation is to be 69660  
allocated to machinery and equipment, inventory, and furniture 69661  
and fixtures property in the same proportions as the tax year 69662  
2004 values. For the purpose of the calculations in division (A) 69663  
of section 5751.21 of the Revised Code, the tax year 2004 69664  
taxable values shall be used. 69665

To facilitate the calculations required under division (C) 69666  
of this section, the county auditor, upon request from the tax 69667  
commissioner, shall provide by August 1, 2005, the values of 69668  
machinery and equipment, inventory, and furniture and fixtures 69669  
for all single-county personal property taxpayers for tax year 69670  
2004. 69671

(D) Not later than September 15, 2005, the tax 69672  
commissioner shall determine for each tax year from 2006 through 69673  
2009 for each school district, joint vocational school district, 69674  
and local taxing unit its machinery and equipment, inventory, 69675  
and furniture and fixtures fixed-rate levy losses, and for each 69676  
tax year from 2006 through 2011 its telephone property fixed- 69677  
rate levy loss. Except as provided in division (F) of this 69678  
section, such losses are the applicable amounts described in 69679  
divisions (D) (1), (2), (3), and (4) of this section: 69680

(1) The machinery and equipment fixed-rate levy loss is 69681  
the machinery and equipment property tax value loss multiplied 69682  
by the sum of the tax rates of fixed-rate qualifying levies. 69683

(2) The inventory fixed-rate loss is the inventory 69684  
property tax value loss multiplied by the sum of the tax rates 69685  
of fixed-rate qualifying levies. 69686

(3) The furniture and fixtures fixed-rate levy loss is the 69687  
furniture and fixture property tax value loss multiplied by the 69688  
sum of the tax rates of fixed-rate qualifying levies. 69689

(4) The telephone property fixed-rate levy loss is the 69690  
telephone property tax value loss multiplied by the sum of the 69691  
tax rates of fixed-rate qualifying levies. 69692

(E) Not later than September 15, 2005, the tax 69693  
commissioner shall determine for each school district, joint 69694

vocational school district, and local taxing unit its fixed-sum 69695  
levy loss. The fixed-sum levy loss is the amount obtained by 69696  
subtracting the amount described in division (E)(2) of this 69697  
section from the amount described in division (E)(1) of this 69698  
section: 69699

(1) The sum of the machinery and equipment property tax 69700  
value loss, the inventory property tax value loss, and the 69701  
furniture and fixtures property tax value loss, and, for 2008 69702  
through 2010, the telephone property tax value loss of the 69703  
district or unit multiplied by the sum of the fixed-sum tax 69704  
rates of qualifying levies. For 2006 through 2010, this 69705  
computation shall include all qualifying levies remaining in 69706  
effect for the current tax year and any school district levies 69707  
charged and payable under section 5705.194 or 5705.213 of the 69708  
Revised Code that are qualifying levies not remaining in effect 69709  
for the current year. For 2011 through 2017 in the case of 69710  
school district levies charged and payable under section 69711  
5705.194 or 5705.213 of the Revised Code and for all years after 69712  
2010 in the case of other fixed-sum levies, this computation 69713  
shall include only qualifying levies remaining in effect for the 69714  
current year. For purposes of this computation, a qualifying 69715  
school district levy charged and payable under section 5705.194 69716  
or 5705.213 of the Revised Code remains in effect in a year 69717  
after 2010 only if, for that year, the board of education levies 69718  
a school district levy charged and payable under section 69719  
5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code 69720  
for an annual sum at least equal to the annual sum levied by the 69721  
board in tax year 2004 less the amount of the payment certified 69722  
under this division for 2006. 69723

(2) The total taxable value in tax year 2004 less the sum 69724  
of the machinery and equipment, inventory, furniture and 69725

fixtures, and telephone property tax value losses in each school district, joint vocational school district, and local taxing unit multiplied by one-half of one mill per dollar. 69726  
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(3) For the calculations in divisions (E)(1) and (2) of this section, the tax value losses are those that would be calculated for tax year 2009 under divisions (C)(1), (2), and (3) of this section and for tax year 2011 under division (C)(4) of this section. 69729  
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(4) To facilitate the calculation under divisions (D) and (E) of this section, not later than September 1, 2005, any school district, joint vocational school district, or local taxing unit that has a qualifying levy that was approved at an election conducted during 2005 before September 1, 2005, shall certify to the tax commissioner a copy of the county auditor's certificate of estimated property tax millage for such levy as required under division (B) of section 5705.03 of the Revised Code, which is the rate that shall be used in the calculations under such divisions. 69734  
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If the amount determined under division (E) of this section for any school district, joint vocational school district, or local taxing unit is greater than zero, that amount shall equal the reimbursement to be paid pursuant to division (E) of section 5751.21 or division (A)(3) of section 5751.22 of the Revised Code, and the one-half of one mill that is subtracted under division (E)(2) of this section shall be apportioned among all contributing fixed-sum levies in the proportion that each levy bears to the sum of all fixed-sum levies within each school district, joint vocational school district, or local taxing unit. 69744  
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(F) If a school district levies a tax under section 69755

5705.219 of the Revised Code, the fixed-rate levy loss for 69756  
qualifying levies, to the extent repealed under that section, 69757  
shall equal the sum of the following amounts in lieu of the 69758  
amounts computed for such levies under division (D) of this 69759  
section: 69760

(1) The sum of the rates of qualifying levies to the 69761  
extent so repealed multiplied by the sum of the machinery and 69762  
equipment, inventory, and furniture and fixtures tax value 69763  
losses for 2009 as determined under that division; 69764

(2) The sum of the rates of qualifying levies to the 69765  
extent so repealed multiplied by the telephone property tax 69766  
value loss for 2011 as determined under that division. 69767

The fixed-rate levy losses for qualifying levies to the 69768  
extent not repealed under section 5705.219 of the Revised Code 69769  
shall be as determined under division (D) of this section. The 69770  
revised fixed-rate levy losses determined under this division 69771  
and division (D) of this section first apply in the year 69772  
following the first year the district levies the tax under 69773  
section 5705.219 of the Revised Code. 69774

(G) Not later than October 1, 2005, the tax commissioner 69775  
shall certify to the department of ~~education~~ learning and 69776  
achievement for every school district and joint vocational 69777  
school district the machinery and equipment, inventory, 69778  
furniture and fixtures, and telephone property tax value losses 69779  
determined under division (C) of this section, the machinery and 69780  
equipment, inventory, furniture and fixtures, and telephone 69781  
fixed-rate levy losses determined under division (D) of this 69782  
section, and the fixed-sum levy losses calculated under division 69783  
(E) of this section. The calculations under divisions (D) and 69784  
(E) of this section shall separately display the levy loss for 69785

each levy eligible for reimbursement. 69786

(H) Not later than October 1, 2005, the tax commissioner 69787  
shall certify the amount of the fixed-sum levy losses to the 69788  
county auditor of each county in which a school district, joint 69789  
vocational school district, or local taxing unit with a fixed- 69790  
sum levy loss reimbursement has territory. 69791

(I) Not later than the twenty-eighth day of February each 69792  
year beginning in 2011 and ending in 2014, the tax commissioner 69793  
shall certify to the department of ~~education~~ learning and 69794  
achievement for each school district first levying a tax under 69795  
section 5705.219 of the Revised Code in the preceding year the 69796  
revised fixed-rate levy losses determined under divisions (D) 69797  
and (F) of this section. 69798

(J) (1) There is hereby created in the state treasury the 69799  
commercial activity tax motor fuel receipts fund. 69800

(2) (a) On or before June 15, 2014, the director of the 69801  
Ohio public works commission shall certify to the director of 69802  
budget and management the amount of debt service paid from the 69803  
general revenue fund in fiscal years 2013 and 2014 on bonds 69804  
issued to finance or assist in the financing of the cost of 69805  
local subdivision public infrastructure capital improvement 69806  
projects, as provided for in Sections 2k, 2m, 2p, and 2s of 69807  
Article VIII, Ohio Constitution, that are attributable to costs 69808  
for construction, reconstruction, maintenance, or repair of 69809  
public highways and bridges and other statutory highway 69810  
purposes. That certification shall allocate the total amount of 69811  
debt service paid from the general revenue fund and attributable 69812  
to those costs in each of fiscal years 2013 and 2014 according 69813  
to the applicable section of the Ohio Constitution under which 69814  
the bonds were originally issued. 69815

(b) On or before June 30, 2014, the director of budget and management shall determine an amount up to but not exceeding the amount certified under division (J) (2) (a) of this section and shall reserve that amount from the cash balance in the commercial activity tax motor fuel receipts fund for transfer to the general revenue fund at times and in amounts to be determined by the director. The director shall transfer the cash balance in the commercial activity tax motor fuel receipts fund in excess of the amount so reserved to the highway operating fund on or before June 30, 2014.

(3) (a) On or before the fifteenth day of June of each fiscal year beginning with fiscal year 2015, the director of the Ohio public works commission shall certify to the director of budget and management the amount of debt service paid from the general revenue fund in the current fiscal year on bonds issued to finance or assist in the financing of the cost of local subdivision public infrastructure capital improvement projects, as provided for in Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that are attributable to costs for construction, reconstruction, maintenance, or repair of public highways and bridges and other statutory highway purposes. That certification shall allocate the total amount of debt service paid from the general revenue fund and attributable to those costs in the current fiscal year according to the applicable section of the Ohio Constitution under which the bonds were originally issued.

(b) On or before the thirtieth day of June of each fiscal year beginning with fiscal year 2015, the director of budget and management shall determine an amount up to but not exceeding the amount certified under division (J) (3) (a) of this section and shall reserve that amount from the cash balance in the petroleum activity tax public highways fund or the commercial activity tax

motor fuel receipts fund for transfer to the general revenue 69847  
fund at times and in amounts to be determined by the director. 69848  
The director shall transfer the cash balance in the petroleum 69849  
activity tax public highways fund or the commercial activity tax 69850  
motor fuel receipts fund in excess of the amount so reserved to 69851  
the highway operating fund on or before the thirtieth day of 69852  
June of the current fiscal year. 69853

**Sec. 5751.21.** No determinations, computations, 69854  
certifications, or payments shall be made under this section 69855  
after June 30, 2015. 69856

(A) Not later than the thirtieth day of July of 2007 69857  
through 2010, the department of ~~education-learning and~~ 69858  
achievement shall consult with the director of budget and 69859  
management and determine the following for each school district 69860  
and each joint vocational school district eligible for payment 69861  
under division (B) of this section: 69862

(1) The state education aid offset, which, except as 69863  
provided in division (A) (1) (c) of this section, is the 69864  
difference obtained by subtracting the amount described in 69865  
division (A) (1) (b) of this section from the amount described in 69866  
division (A) (1) (a) of this section: 69867

(a) The state education aid computed for the school 69868  
district or joint vocational school district for the current 69869  
fiscal year as of the thirtieth day of July; 69870

(b) The state education aid that would be computed for the 69871  
school district or joint vocational school district for the 69872  
current fiscal year as of the thirtieth day of July if the 69873  
valuation used in the calculation in division (B) (1) of section 69874  
3306.13 of the Revised Code as that division existed for fiscal 69875

years 2010 and 2011 included the machinery and equipment, 69876  
inventory, furniture and fixtures, and telephone property tax 69877  
value losses for the school district or joint vocational school 69878  
district for the second preceding tax year, and if taxes charged 69879  
and payable associated with the tax value losses are accounted 69880  
for in any state education aid computation dependent on taxes 69881  
charged and payable. 69882

(c) The state education aid offset for fiscal year 2010 69883  
and fiscal year 2011 equals the greater of the state education 69884  
aid offset calculated for that fiscal year under divisions (A) 69885  
(1) (a) and (b) of this section and the state education aid 69886  
offset calculated for fiscal year 2009. For fiscal years 2012 69887  
and 2013, the state education aid offset equals the state 69888  
education aid offset for fiscal year 2011. 69889

(2) For fiscal years 2008 through 2011, the greater of 69890  
zero or the difference obtained by subtracting the state 69891  
education aid offset determined under division (A) (1) of this 69892  
section from the sum of the machinery and equipment fixed-rate 69893  
levy loss, the inventory fixed-rate levy loss, furniture and 69894  
fixtures fixed-rate levy loss, and telephone property fixed-rate 69895  
levy loss certified under divisions (G) and (I) of section 69896  
5751.20 of the Revised Code for all taxing districts in each 69897  
school district and joint vocational school district for the 69898  
second preceding tax year. 69899

By the thirtieth day of July of each such year, the 69900  
department ~~of education~~ and the director of budget and 69901  
management shall agree upon the amount to be determined under 69902  
division (A) (1) of this section. 69903

(B) On or before the thirty-first day of August of 2008, 69904  
2009, and 2010, the department of ~~education~~ learning and 69905

achievement shall recalculate the offset described under 69906  
division (A) of this section for the previous fiscal year and 69907  
recalculate the payments made under division (C) of this section 69908  
in the preceding fiscal year using the offset calculated under 69909  
this division. If the payments calculated under this division 69910  
differ from the payments made under division (C) of this section 69911  
in the preceding fiscal year, the difference shall either be 69912  
paid to a school district or recaptured from a school district 69913  
through an adjustment at the same times during the current 69914  
fiscal year that the payments under division (C) of this section 69915  
are made. In August and October of the current fiscal year, the 69916  
amount of each adjustment shall be three-sevenths of the amount 69917  
calculated under this division. In May of the current fiscal 69918  
year, the adjustment shall be one-seventh of the amount 69919  
calculated under this division. 69920

(C) The department ~~of education~~ shall pay from the school 69921  
district tangible property tax replacement fund to each school 69922  
district and joint vocational school district all of the 69923  
following for fixed-rate levy losses certified under divisions 69924  
(G) and (I) of section 5751.20 of the Revised Code: 69925

(1) On or before May 31, 2006, one-seventh of the total 69926  
fixed-rate levy loss for tax year 2006; 69927

(2) On or before August 31, 2006, and October 31, 2006, 69928  
one-half of six-sevenths of the total fixed-rate levy loss for 69929  
tax year 2006; 69930

(3) On or before May 31, 2007, one-seventh of the total 69931  
fixed-rate levy loss for tax year 2007; 69932

(4) On or before August 31, 2007, and October 31, 2007, 69933  
forty-three per cent of the amount determined under division (A) 69934

(2) of this section for fiscal year 2008, but not less than 69935  
zero, plus one-half of six-sevenths of the difference between 69936  
the total fixed-rate levy loss for tax year 2007 and the total 69937  
fixed-rate levy loss for tax year 2006. 69938

(5) On or before May 31, 2008, fourteen per cent of the 69939  
amount determined under division (A) (2) of this section for 69940  
fiscal year 2008, but not less than zero, plus one-seventh of 69941  
the difference between the total fixed-rate levy loss for tax 69942  
year 2008 and the total fixed-rate levy loss for tax year 2006. 69943

(6) On or before August 31, 2008, and October 31, 2008, 69944  
forty-three per cent of the amount determined under division (A) 69945  
(2) of this section for fiscal year 2009, but not less than 69946  
zero, plus one-half of six-sevenths of the difference between 69947  
the total fixed-rate levy loss in tax year 2008 and the total 69948  
fixed-rate levy loss in tax year 2007. 69949

(7) On or before May 31, 2009, fourteen per cent of the 69950  
amount determined under division (A) (2) of this section for 69951  
fiscal year 2009, but not less than zero, plus one-seventh of 69952  
the difference between the total fixed-rate levy loss for tax 69953  
year 2009 and the total fixed-rate levy loss for tax year 2007. 69954

(8) On or before August 31, 2009, and October 31, 2009, 69955  
forty-three per cent of the amount determined under division (A) 69956  
(2) of this section for fiscal year 2010, but not less than 69957  
zero, plus one-half of six-sevenths of the difference between 69958  
the total fixed-rate levy loss in tax year 2009 and the total 69959  
fixed-rate levy loss in tax year 2008. 69960

(9) On or before May 31, 2010, fourteen per cent of the 69961  
amount determined under division (A) (2) of this section for 69962  
fiscal year 2010, but not less than zero, plus one-seventh of 69963

the difference between the total fixed-rate levy loss in tax year 2010 and the total fixed-rate levy loss in tax year 2008. 69964  
69965

(10) On or before August 31, 2010, and October 31, 2010, 69966  
forty-three per cent of the amount determined under division (A) 69967  
(2) of this section for fiscal year 2011, but not less than 69968  
zero, plus one-half of six-sevenths of the difference between 69969  
the telephone property fixed-rate levy loss for tax year 2010 69970  
and the telephone property fixed-rate levy loss for tax year 69971  
2009. 69972

(11) On or before May 31, 2011, fourteen per cent of the 69973  
amount determined under division (A) (2) of this section for 69974  
fiscal year 2011, but not less than zero, plus one-seventh of 69975  
the difference between the telephone property fixed-rate levy 69976  
loss for tax year 2011 and the telephone property fixed-rate 69977  
levy loss for tax year 2009. 69978

(12) For fiscal years 2012 and thereafter, the sum of the 69979  
amounts in divisions (C) (12) (a) or (b) and (c) of this section 69980  
shall be paid on or before the last day of November and the last 69981  
day of May: 69982

(a) If the ratio of current expense TPP allocation to 69983  
total resources is equal to or less than the threshold per cent, 69984  
zero; 69985

(b) If the ratio of current expense TPP allocation to 69986  
total resources is greater than the threshold per cent, fifty 69987  
per cent of the difference of current expense TPP allocation 69988  
minus the product of total resources multiplied by the threshold 69989  
per cent; 69990

(c) Fifty per cent of the product of non-current expense 69991  
TPP allocation multiplied by seventy-five per cent for fiscal 69992

year 2012 and fifty per cent for fiscal years 2013 and 69993  
thereafter. 69994

The department ~~of education~~ shall report to each school 69995  
district and joint vocational school district the apportionment 69996  
of the payments among the school district's or joint vocational 69997  
school district's funds based on the certifications under 69998  
divisions (G) and (I) of section 5751.20 of the Revised Code. 69999

(D) For taxes levied within the ten-mill limitation for 70000  
debt purposes in tax year 2005, payments shall be made equal to 70001  
one hundred per cent of the loss computed as if the tax were a 70002  
fixed-rate levy, but those payments shall extend from fiscal 70003  
year 2006 through fiscal year 2018, as long as the qualifying 70004  
levy continues to be used for debt purposes. If the purpose of 70005  
such a qualifying levy is changed, that levy becomes subject to 70006  
the payments determined in division (C) of this section. 70007

(E) (1) Not later than January 1, 2006, for each fixed-sum 70008  
levy of each school district or joint vocational school district 70009  
and for each year for which a determination is made under 70010  
division (E) of section 5751.20 of the Revised Code that a 70011  
fixed-sum levy loss is to be reimbursed, the tax commissioner 70012  
shall certify to the department of ~~education~~ learning and 70013  
achievement the fixed-sum levy loss determined under that 70014  
division. The certification shall cover a time period sufficient 70015  
to include all fixed-sum levies for which the commissioner made 70016  
such a determination. On or before the last day of May of the 70017  
current year, the department shall pay from the school district 70018  
property tax replacement fund to the school district or joint 70019  
vocational school district one-third of the fixed-sum levy loss 70020  
so certified, plus one-third of the amount certified under 70021  
division (I) of section 5751.20 of the Revised Code, and on or 70022

before the last day of November, two-thirds of the fixed-sum 70023  
levy loss so certified, plus two-thirds of the amount certified 70024  
under division (I) of section 5751.20 of the Revised Code. 70025  
Payments under this division of the amounts certified under 70026  
division (I) of section 5751.20 of the Revised Code shall 70027  
continue until the levy adopted under section 5705.219 of the 70028  
Revised Code expires. 70029

(2) Beginning in 2006, by the first day of January of each 70030  
year, the tax commissioner shall review the certification 70031  
originally made under division (E) (1) of this section. If the 70032  
commissioner determines that a debt levy that had been scheduled 70033  
to be reimbursed in the current year has expired, a revised 70034  
certification for that and all subsequent years shall be made to 70035  
the department ~~of education~~. 70036

(F) Beginning in September 2007 and through June 2013, the 70037  
director of budget and management shall transfer from the school 70038  
district tangible property tax replacement fund to the general 70039  
revenue fund each of the following: 70040

(1) On the first day of September, one-fourth of the 70041  
amount determined for that fiscal year under division (A) (1) of 70042  
this section; 70043

(2) On the first day of December, one-fourth of the amount 70044  
determined for that fiscal year under division (A) (1) of this 70045  
section; 70046

(3) On the first day of March, one-fourth of the amount 70047  
determined for that fiscal year under division (A) (1) of this 70048  
section; 70049

(4) On the first day of June, one-fourth of the amount 70050  
determined for that fiscal year under division (A) (1) of this 70051

section. 70052

If, when a transfer is required under division (F) (1), 70053  
(2), (3), or (4) of this section, there is not sufficient money 70054  
in the school district tangible property tax replacement fund to 70055  
make the transfer in the required amount, the director shall 70056  
transfer the balance in the fund to the general revenue fund and 70057  
may make additional transfers on later dates as determined by 70058  
the director in a total amount that does not exceed one-fourth 70059  
of the amount determined for the fiscal year. 70060

(G) If the total amount in the school district tangible 70061  
property tax replacement fund is insufficient to make all 70062  
payments under divisions (C), (D), and (E) of this section at 70063  
the times the payments are to be made, the director of budget 70064  
and management shall transfer from the general revenue fund to 70065  
the school district tangible property tax replacement fund the 70066  
difference between the total amount to be paid and the amount in 70067  
the school district tangible property tax replacement fund. 70068

(H) On the fifteenth day of June of each year, the 70069  
director of budget and management may transfer any balance in 70070  
the school district tangible property tax replacement fund to 70071  
the general revenue fund. 70072

(I) If all of the territory of a school district or joint 70073  
vocational school district is merged with another district, or 70074  
if a part of the territory of a school district or joint 70075  
vocational school district is transferred to an existing or 70076  
newly created district, the department of ~~education~~ learning and 70077  
achievement, in consultation with the tax commissioner, shall 70078  
adjust the payments made under this section as follows: 70079

(1) For a merger of two or more districts, the fixed-sum 70080

levy losses, total resources, current expense TPP allocation, 70081  
total TPP allocation, and non-current expense TPP allocation of 70082  
the successor district shall be the sum of such items for each 70083  
of the districts involved in the merger. 70084

(2) If property is transferred from one district to a 70085  
previously existing district, the amount of total resources, 70086  
current expense TPP allocation, total TPP allocation, and non- 70087  
current expense TPP allocation that shall be transferred to the 70088  
recipient district shall be an amount equal to total resources, 70089  
current expense TPP allocation, total TPP allocation, and non- 70090  
current expense TPP allocation of the transferor district times 70091  
a fraction, the numerator of which is the number of pupils being 70092  
transferred to the recipient district, measured, in the case of 70093  
a school district, by formula ADM as that term is defined in 70094  
section 3317.02 of the Revised Code or, in the case of a joint 70095  
vocational school district, by formula ADM as defined for a 70096  
joint vocational school district in that section, and the 70097  
denominator of which is the formula ADM of the transferor 70098  
district. 70099

(3) After December 31, 2010, if property is transferred 70100  
from one or more districts to a district that is newly created 70101  
out of the transferred property, the newly created district 70102  
shall be deemed not to have any total resources, current expense 70103  
TPP allocation, total TPP allocation, or non-current expense TPP 70104  
allocation. 70105

(4) If the recipient district under division (I) (2) of 70106  
this section or the newly created district under division (I) (3) 70107  
of this section is assuming debt from one or more of the 70108  
districts from which the property was transferred and any of the 70109  
districts losing the property had fixed-sum levy losses, the 70110

department ~~of education~~, in consultation with the tax 70111  
commissioner, shall make an equitable division of the fixed-sum 70112  
levy loss reimbursements. 70113

**Sec. 5753.11.** (A) As used in this section: 70114

(1) "Public school district" means any city, local, 70115  
exempted village, or joint vocational school district, community 70116  
school established under Chapter 3314. of the Revised Code, STEM 70117  
school established under Chapter 3326. of the Revised Code, or 70118  
college-preparatory boarding school established under Chapter 70119  
3328. of the Revised Code. "Public school district" does not 70120  
include any STEM school operated under section 3326.51 of the 70121  
Revised Code. 70122

(2) "Student population" means the number of students 70123  
residing in a county who are enrolled in a public school 70124  
district in grades kindergarten through twelve and the total 70125  
number of preschool children with disabilities on the following 70126  
dates: 70127

(a) For the January distribution, the Friday of the first 70128  
full school week in October; 70129

(b) For the August distribution, the Friday of the first 70130  
full school week in May. 70131

(B) For the purpose of calculating student population, 70132  
each public school district shall, twice annually, report to the 70133  
department of ~~education~~ learning and achievement the students 70134  
enrolled in the district on the days specified in division (A) 70135  
(2) of this section. A student shall be considered to be 70136  
enrolled in a public school district if the student is 70137  
participating in education programs of the public school 70138  
district and the public school district has not: 70139

(1) Received documentation from a parent terminating enrollment of the student; 70140  
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(2) Been provided documentation of a student's enrollment in another public or private school; or 70142  
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(3) Ceased to offer education to the student. 70144

If more than one public school district reports a student as enrolled, the department shall use procedures adopted by the department for the reconciliation of enrollment to determine the district of enrollment for purposes of this section. In the case of the dual enrollment of a student in a joint vocational school district and another public school district, the student shall be included in the enrollments for both schools. If the valid school district or enrollment cannot be determined in time for the certification, the count of these students shall be divided equally between the reporting districts. 70145  
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(C) The department ~~of education~~ shall certify to the department of taxation the student population for each county and the student population for each public school district located in whole or in part in the county on or before the thirtieth day of December, for the January distribution and on or before the thirtieth day of July, for the August distribution. A student shall be included in the school district enrollment for a county only if a student resides in that county. The location of each community school shall be the enrollment area required to be defined by the community school and its sponsor in accordance with division (A) (19) of section 3314.03 of the Revised Code, the location of each ~~STEM schools~~ school shall be any county in which its enrolled students reside, and the location of the college-preparatory boarding schools shall be the territory of the school district in which 70155  
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the college-preparatory school is located or the territory of 70170  
any city, exempted village, or local school district that has 70171  
agreed to be a participating district under section 3328.04 of 70172  
the Revised Code. 70173

The student population count certified by the department 70174  
~~of education~~ to the department of taxation is final and shall 70175  
not be adjusted by future updates to the counts. 70176

(D) Not later than the thirty-first day of January and the 70177  
thirty-first day of August of each year, the tax commissioner 70178  
shall distribute funds in the gross casino revenue county 70179  
student fund to public school districts. The commissioner shall 70180  
calculate the amount of funds to distribute to each public 70181  
school district as follows: 70182

(1) The commissioner shall calculate the proportional 70183  
share of the funds attributable to each county by dividing the 70184  
total student population certified for each county by the sum of 70185  
the total student population certified in all counties 70186  
statewide. 70187

(2) The commissioner shall multiply the amount in division 70188  
(D)(1) of this section by the total amount of funds in the gross 70189  
casino revenue county student fund to obtain the share of funds 70190  
for each county. 70191

(3) The commissioner shall multiply the amount in division 70192  
(D)(2) of this section by the quotient of the student population 70193  
certified for each individual district located in the county 70194  
divided by the sum of the student population certified for all 70195  
public school districts located in the county. 70196

The commissioner shall distribute to each public school 70197  
district the amount so calculated for each district. 70198

**Sec. 5910.02.** There is hereby created an Ohio war orphans scholarship board as part of the department of veterans services. The board consists of eight members as follows: the ~~chancellor director of the Ohio board of regents learning and achievement~~ or the ~~chancellor's director's~~ designee; the director of veterans services or the director's designee; one member of the house of representatives, appointed by the speaker; one member of the senate, appointed by the president of the senate; and four members appointed by the governor, one of whom shall be a representative of the American Legion, one of whom shall be a representative of the Veterans of Foreign Wars, one of whom shall be a representative of the Disabled American Veterans, and one of whom shall be a representative of the AMVETS. At least ninety days prior to the expiration of the term of office of the representative of a veterans organization appointed by the governor, the governor shall notify the state headquarters of the affected organization of the need for an appointment and request the organization to make at least three nominations. Within sixty days after making the request for nominations, the governor may make the appointment from the nominations received, or may reject all the nominations and request at least three new nominations, from which the governor shall make an appointment within thirty days after making the request for the new nominations. If the governor receives no nominations during this thirty-day period, the governor may appoint any veteran.

Terms of office for the four members appointed by the governor shall be for four years, commencing on the first day of January and ending on the thirty-first day of December, except that the term of the AMVETS representative shall expire December 31, 1998, and the new term that succeeds it shall commence on

January 1, 1999, and end on December 31, 2002. Each member shall 70230  
hold office from the date of the member's appointment until the 70231  
end of the term for which the member was appointed. The other 70232  
members shall serve during their terms of office. Any vacancy 70233  
shall be filled by appointment in the same manner as by original 70234  
appointment. Any member appointed to fill a vacancy occurring 70235  
prior to the expiration of the term for which the member's 70236  
predecessor was appointed shall hold office for the remainder of 70237  
such term. Any appointed member shall continue in office 70238  
subsequent to the expiration date of the member's term until the 70239  
member's successor takes office, or until a period of sixty days 70240  
has elapsed, whichever occurs first. The members of the board 70241  
shall serve without pay but shall be reimbursed for travel 70242  
expenses and for other actual and necessary expenses incurred in 70243  
the performance of their duties, not to exceed ten dollars per 70244  
day for ten days in any one year to be appropriated out of any 70245  
moneys in the state treasury to the credit of the general 70246  
revenue fund. 70247

The ~~chancellor~~ director of the ~~board of regents~~ learning 70248  
and achievement shall act as secretary to the board and shall 70249  
furnish such clerical and other assistance as may be necessary 70250  
to the performance of the duties of the board. 70251

The board shall determine the number of scholarships to be 70252  
made available, receive applications for scholarships, pass upon 70253  
the eligibility of applicants, decide which applicants are to 70254  
receive scholarships, and do all other things necessary for the 70255  
proper administration of this chapter. 70256

The board may apply for, and may receive and accept, 70257  
grants, and may receive and accept gifts, bequests, and 70258  
contributions, from public and private sources, including 70259

agencies and instrumentalities of the United States and this 70260  
state, and shall deposit the grants, gifts, bequests, or 70261  
contributions into the Ohio war orphans scholarship donation 70262  
fund. 70263

**Sec. 5910.04.** Scholarships granted under sections 5910.01 70264  
to 5910.06 of the Revised Code shall consist of either of the 70265  
following: 70266

(A) An exemption from the payment of one hundred per cent 70267  
of the general and instructional fees at colleges and 70268  
universities which receive support from the state of Ohio and 70269  
are approved by the ~~chancellor department of the board of~~ 70270  
~~regents learning and achievement~~, except that the percentage may 70271  
be reduced by the war orphans scholarship board in any year that 70272  
insufficient funds are appropriated to fully fund scholarships 70273  
for all eligible students; 70274

(B) A grant to an eligible child who is enrolled in an 70275  
institution that has received a certificate of authorization 70276  
from the ~~board of regents department~~ under Chapter 1713. of the 70277  
Revised Code, or a private institution exempt from regulation 70278  
under Chapter 3332. of the Revised Code as prescribed in section 70279  
3333.046 of the Revised Code, or an institution that has 70280  
received a certificate of registration from the state board of 70281  
~~proprietary school registration career colleges and schools~~. 70282  
Students who attend an institution that holds a certificate of 70283  
registration shall be enrolled in either a program leading to an 70284  
associate degree or a program leading to a bachelor's degree for 70285  
which associate or bachelor's degree program the institution has 70286  
received program authorization issued under section 3332.05 of 70287  
the Revised Code to offer such degree program. The grant shall 70288  
be paid to the child through the institution in which the child 70289

is enrolled, and shall equal one hundred per cent of the average 70290  
value of all scholarships granted under division (A) of this 70291  
section during the preceding year, except that the percentage 70292  
may be reduced by the war orphans scholarship board in any year 70293  
that insufficient funds are appropriated to fully fund 70294  
scholarships for all eligible students. In no case shall the 70295  
grant exceed the total general and instructional charges of the 70296  
institution. 70297

The board shall not reduce the percentage to be paid for 70298  
scholarships awarded pursuant to section 5910.032 of the Revised 70299  
Code below one hundred per cent. 70300

**Sec. 5910.08.** There is hereby created in the state 70301  
treasury the war orphans scholarship reserve fund. As soon as 70302  
possible following the end of each fiscal year, the ~~chancellor-~~ 70303  
department of higher education-learning and achievement shall 70304  
certify to the director of budget and management the 70305  
unencumbered balance of the general revenue fund appropriations 70306  
made in the immediately preceding fiscal year for purposes of 70307  
the war orphans scholarship program created in Chapter 5910. of 70308  
the Revised Code. Upon receipt of the certification, the 70309  
director of budget and management may transfer an amount not 70310  
exceeding the certified amount from the general revenue fund to 70311  
the war orphans scholarship reserve fund. Moneys in the war 70312  
orphans scholarship reserve fund shall be used to pay 70313  
scholarship obligations in excess of the general revenue fund 70314  
appropriations made for that purpose. 70315

The director of budget and management may transfer any 70316  
unencumbered balance from the war orphans scholarship reserve 70317  
fund to the general revenue fund. 70318

If it is determined that general revenue fund 70319

appropriations are insufficient to meet the obligations of the 70320  
war orphans scholarship in a fiscal year, the director of budget 70321  
and management may transfer funds from the war orphans 70322  
scholarship reserve fund to the general revenue fund in order to 70323  
meet those obligations. The amount transferred is hereby 70324  
appropriated. If the funds transferred from the war orphans 70325  
scholarship reserve fund are not needed, the director of budget 70326  
and management may transfer the unexpended balance from the 70327  
general revenue fund back to the war orphans scholarship reserve 70328  
fund. 70329

**Sec. 5919.34.** (A) As used in this section: 70330

(1) "Academic term" means any one of the following: 70331

(a) Fall term, which consists of fall semester or fall 70332  
quarter, as appropriate; 70333

(b) Winter term, which consists of winter semester, winter 70334  
quarter, or spring semester, as appropriate; 70335

(c) Spring term, which consists of spring quarter; 70336

(d) Summer term, which consists of summer semester or 70337  
summer quarter, as appropriate. 70338

(2) "Eligible applicant" means any individual to whom all 70339  
of the following apply: 70340

(a) The individual does not possess a baccalaureate 70341  
degree. 70342

(b) The individual has enlisted, re-enlisted, or extended 70343  
current enlistment in the Ohio national guard or is an 70344  
individual to which division (F) of this section applies. 70345

(c) The individual is actively enrolled as a full-time or 70346

part-time student for at least three credit hours of course work 70347  
in a semester or quarter in a two-year or four-year degree- 70348  
granting program at a state institution of higher education or a 70349  
private institution of higher education, or in a diploma- 70350  
granting program at a state or private institution of higher 70351  
education that is a school of nursing. 70352

(d) The individual has not accumulated ninety-six 70353  
eligibility units under division (E) of this section. 70354

(3) "State institution of higher education" means any 70355  
state university or college as defined in division (A)(1) of 70356  
section 3345.12 of the Revised Code, community college 70357  
established under Chapter 3354. of the Revised Code, state 70358  
community college established under Chapter 3358. of the Revised 70359  
Code, university branch established under Chapter 3355. of the 70360  
Revised Code, or technical college established under Chapter 70361  
3357. of the Revised Code. 70362

(4) "Private institution of higher education" means an 70363  
Ohio institution of higher education that is nonprofit and has 70364  
received a certificate of authorization pursuant to Chapter 70365  
1713. of the Revised Code, that is a private institution exempt 70366  
from regulation under Chapter 3332. of the Revised Code as 70367  
prescribed in section 3333.046 of the Revised Code, or that 70368  
holds a certificate of registration and program authorization 70369  
issued by the state board of career colleges and schools 70370  
pursuant to section 3332.05 of the Revised Code. 70371

(5) "Tuition" means the charges imposed to attend an 70372  
institution of higher education and includes general and 70373  
instructional fees. "Tuition" does not include laboratory fees, 70374  
room and board, or other similar fees and charges. 70375

(B) There is hereby created a scholarship program to be 70376  
known as the Ohio national guard scholarship program. 70377

(C) (1) The adjutant general shall approve scholarships for 70378  
all eligible applicants. The adjutant general shall process all 70379  
applications for scholarships for each academic term in the 70380  
order in which they are received. The scholarships shall be made 70381  
without regard to financial need. At no time shall one person be 70382  
placed in priority over another because of sex, race, or 70383  
religion. 70384

(2) The adjutant general shall develop and provide a 70385  
written explanation that informs all eligible scholarship 70386  
recipients that the recipient may become ineligible and liable 70387  
for repayment for an amount of scholarship payments received in 70388  
accordance with division (G) of this section. The written 70389  
explanation shall be reviewed by the scholarship recipient 70390  
before acceptance of the scholarship and before acceptance of an 70391  
enlistment, warrant, commission, or appointment for a term not 70392  
less than the recipient's remaining term in the national guard 70393  
or in the active duty component of the United States armed 70394  
forces. 70395

(D) (1) Except as provided in divisions (I) and (J) of this 70396  
section, for each academic term that an eligible applicant is 70397  
approved for a scholarship under this section and either remains 70398  
a current member in good standing of the Ohio national guard or 70399  
is eligible for a scholarship under division (F) (1) of this 70400  
section, the institution of higher education in which the 70401  
applicant is enrolled shall, if the applicant's enlistment 70402  
obligation extends beyond the end of that academic term or if 70403  
division (F) (1) of this section applies, be paid on the 70404  
applicant's behalf the applicable one of the following amounts: 70405

(a) If the institution is a state institution of higher education, an amount equal to one hundred per cent of the institution's tuition charges;

(b) If the institution is a nonprofit private institution or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, an amount equal to one hundred per cent of the average tuition charges of all state universities;

(c) If the institution is an institution that holds a certificate of registration from the state board of career colleges and schools, the lesser of the following:

(i) An amount equal to one hundred per cent of the institution's tuition;

(ii) An amount equal to one hundred per cent of the average tuition charges of all state universities, as that term is defined in section 3345.011 of the Revised Code.

(2) The adjutant general and the ~~chancellor of higher education~~ director of learning and achievement may jointly adopt rules to require the use of other federal educational financial assistance programs, including such programs offered by the United States department of defense, for which an applicant is eligible based on the applicant's military service. If such rules are adopted, the rules shall require that financial assistance received by a scholarship recipient under those programs be applied to all eligible expenses prior to the use of scholarship funds awarded under this section. Scholarship funds awarded under this section shall then be applied to the recipient's remaining eligible expenses.

(3) An eligible applicant's scholarship shall not be

reduced by the amount of that applicant's benefits under "the  
Montgomery G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat.  
2553 (1984).

(E) A scholarship recipient under this section shall be  
entitled to receive scholarships under this section for the  
number of quarters or semesters it takes the recipient to  
accumulate ninety-six eligibility units as determined under  
divisions (E) (1) to (3) of this section.

(1) To determine the maximum number of semesters or  
quarters for which a recipient is entitled to a scholarship  
under this section, the adjutant general shall convert a  
recipient's credit hours of enrollment for each academic term  
into eligibility units in accordance with the following table:

		The		The following	
Number of		following		number of	
credit hours		number of		eligibility	
of enrollment		eligibility		units if a	
in an academic		units if a		units if a	
term	equals	semester	or	quarter	
12 or more hours		12 units		8 units	
9 but less than 12		9 units		6 units	
6 but less than 9		6 units		4 units	
3 but less than 6		3 units		2 units	

(2) A scholarship recipient under this section may  
continue to apply for scholarships under this section until the  
recipient has accumulated ninety-six eligibility units.

(3) If a scholarship recipient withdraws from courses  
prior to the end of an academic term so that the recipient's

enrollment for that academic term is less than three credit 70464  
hours, no scholarship shall be paid on behalf of that person for 70465  
that academic term. Except as provided in division (F) (3) of 70466  
this section, if a scholarship has already been paid on behalf 70467  
of the person for that academic term, the adjutant general shall 70468  
add to that person's accumulated eligibility units the number of 70469  
eligibility units for which the scholarship was paid. 70470

(F) This division applies to any eligible applicant called 70471  
into active duty on or after September 11, 2001. As used in this 70472  
division, "active duty" means active duty pursuant to an 70473  
executive order of the president of the United States, an act of 70474  
the congress of the United States, or section 5919.29 or 5923.21 70475  
of the Revised Code. 70476

(1) For a period of up to five years from when an 70477  
individual's enlistment obligation in the Ohio national guard 70478  
ends, an individual to whom this division applies is eligible 70479  
for scholarships under this section for those academic terms 70480  
that were missed or could have been missed as a result of the 70481  
individual's call into active duty. Scholarships shall not be 70482  
paid for the academic term in which an eligible applicant's 70483  
enlistment obligation ends unless an applicant is eligible under 70484  
this division for a scholarship for such academic term due to 70485  
previous active duty. 70486

(2) When an individual to whom this division applies 70487  
withdraws or otherwise fails to complete courses, for which 70488  
scholarships have been awarded under this section, because the 70489  
individual was called into active duty, the institution of 70490  
higher education shall grant the individual a leave of absence 70491  
from the individual's education program and shall not impose any 70492  
academic penalty for such withdrawal or failure to complete 70493

courses. Division (F) (2) of this section applies regardless of 70494  
whether or not the scholarship amount was paid to the 70495  
institution of higher education. 70496

(3) If an individual to whom this division applies 70497  
withdraws or otherwise fails to complete courses because the 70498  
individual was called into active duty, and if scholarships for 70499  
those courses have already been paid, either: 70500

(a) The adjutant general shall not add to that person's 70501  
accumulated eligibility units calculated under division (E) of 70502  
this section the number of eligibility units for the academic 70503  
courses or term for which the scholarship was paid and the 70504  
institution of higher education shall repay the scholarship 70505  
amount to the state. 70506

(b) The adjutant general shall add to that individual's 70507  
accumulated eligibility units calculated under division (E) of 70508  
this section the number of eligibility units for the academic 70509  
courses or term for which the scholarship was paid if the 70510  
institution of higher education agrees to permit the individual 70511  
to complete the remainder of the academic courses in which the 70512  
individual was enrolled at the time the individual was called 70513  
into active duty. 70514

(4) No individual who is discharged from the Ohio national 70515  
guard under other than honorable conditions shall be eligible 70516  
for scholarships under this division. 70517

(G) A scholarship recipient under this section who fails 70518  
to complete the term of enlistment, re-enlistment, or extension 70519  
of current enlistment the recipient was serving at the time a 70520  
scholarship was paid on behalf of the recipient under this 70521  
section is liable to the state for repayment of a percentage of 70522

all Ohio national guard scholarships paid on behalf of the 70523  
recipient under this section, plus interest at the rate of ten 70524  
per cent per annum calculated from the dates the scholarships 70525  
were paid. This percentage shall equal the percentage of the 70526  
current term of enlistment, re-enlistment, or extension of 70527  
enlistment a recipient has not completed as of the date the 70528  
recipient is discharged from the Ohio national guard. 70529

The attorney general may commence a civil action on behalf 70530  
of the ~~chancellor~~ department of learning and achievement to 70531  
recover the amount of the scholarships and the interest provided 70532  
for in this division and the expenses incurred in prosecuting 70533  
the action, including court costs and reasonable attorney's 70534  
fees. A scholarship recipient is not liable under this division 70535  
if the recipient's failure to complete the term of enlistment 70536  
being served at the time a scholarship was paid on behalf of the 70537  
recipient under this section is due to the recipient's death or 70538  
discharge from the national guard due to disability or the 70539  
recipient's enlistment, warrant, commission, or appointment for 70540  
a term not less than the recipient's remaining term in the 70541  
national guard or in the active duty component of the United 70542  
States armed forces. 70543

(H) On or before the first day of each academic term, the 70544  
adjutant general shall provide an eligibility roster to the 70545  
~~chancellor~~ department of learning and achievement and to each 70546  
institution of higher education at which one or more scholarship 70547  
recipients have applied for enrollment. The institution shall 70548  
use the roster to certify the actual full-time or part-time 70549  
enrollment of each scholarship recipient listed as enrolled at 70550  
the institution and return the roster to the adjutant general 70551  
and the ~~chancellor~~ department. Except as provided in division 70552  
(J) of this section, the ~~chancellor~~ department shall provide for 70553

payment of the appropriate number and amount of scholarships to 70554  
each institution of higher education pursuant to division (D) of 70555  
this section. If an institution of higher education fails to 70556  
certify the actual enrollment of a scholarship recipient listed 70557  
as enrolled at the institution within thirty days of the end of 70558  
an academic term, the institution shall not be eligible to 70559  
receive payment from the Ohio national guard scholarship program 70560  
or from the individual enrollee. The adjutant general shall 70561  
report on a semiannual basis to the director of budget and 70562  
management, the speaker of the house of representatives, the 70563  
president of the senate, and the ~~chancellor~~department the 70564  
number of Ohio national guard scholarship recipients, the size 70565  
of the scholarship-eligible population, and a projection of the 70566  
cost of the program for the remainder of the biennium. 70567

(I) The ~~chancellor~~department of learning and achievement 70568  
and the adjutant general may adopt rules pursuant to Chapter 70569  
119. of the Revised Code governing the administration and fiscal 70570  
management of the Ohio national guard scholarship program and 70571  
the procedure by which the ~~chancellor~~department of learning and 70572  
achievement and the department of the adjutant general may 70573  
modify the amount of scholarships a member receives based on the 70574  
amount of other state financial aid a member receives. 70575

(J) The adjutant general, the ~~chancellor~~department of 70576  
learning and achievement, and the director, or their designees, 70577  
shall jointly estimate the costs of the Ohio national guard 70578  
scholarship program for each upcoming fiscal biennium, and shall 70579  
report that estimate prior to the beginning of the fiscal 70580  
biennium to the chairpersons of the finance committees in the 70581  
general assembly. During each fiscal year of the biennium, the 70582  
adjutant general, the ~~chancellor~~department, and the director, 70583  
or their designees, shall meet regularly to monitor the actual 70584

costs of the Ohio national guard scholarship program and update 70585  
cost projections for the remainder of the biennium as necessary. 70586  
If the amounts appropriated for the Ohio national guard 70587  
scholarship program and any funds in the Ohio national guard 70588  
scholarship reserve fund and the Ohio national guard scholarship 70589  
donation fund are not adequate to provide scholarships in the 70590  
amounts specified in division (D)(1) of this section for all 70591  
eligible applicants, the ~~chancellor~~department shall do all of 70592  
the following: 70593

(1) Notify each private institution of higher education, 70594  
where a scholarship recipient is enrolled, that, by accepting 70595  
the Ohio national guard scholarship program as payment for all 70596  
or part of the institution's tuition, the institution agrees 70597  
that if the ~~chancellor~~department reduces the amount of each 70598  
scholarship, the institution shall provide each scholarship 70599  
recipient a grant or tuition waiver in an amount equal to the 70600  
amount the recipient's scholarship was reduced by the ~~chancellor~~ 70601  
department. 70602

(2) Reduce the amount of each scholarship under division 70603  
(D)(1)(a) of this section proportionally based on the amount of 70604  
remaining available funds. Each state institution of higher 70605  
education shall provide each scholarship recipient under 70606  
division (D)(1)(a) of this section a grant or tuition waiver in 70607  
an amount equal to the amount the recipient's scholarship was 70608  
reduced by the ~~chancellor~~department. 70609

(K) Notwithstanding division (A) of section 127.14 of the 70610  
Revised Code, the controlling board shall not transfer all or 70611  
part of any appropriation for the Ohio national guard 70612  
scholarship program. 70613

(L) The ~~chancellor~~department and the adjutant general may 70614

apply for, and may receive and accept grants, and may receive 70615  
and accept gifts, bequests, and contributions, from public and 70616  
private sources, including agencies and instrumentalities of the 70617  
United States and this state, and shall deposit the grants, 70618  
gifts, bequests, or contributions into the national guard 70619  
scholarship donation fund. 70620

**Sec. 5919.341.** There is hereby created in the state 70621  
treasury the national guard scholarship reserve fund. As soon as 70622  
possible following the end of each fiscal year, the ~~chancellor-~~ 70623  
~~department of higher education-learning and achievement~~ shall 70624  
certify to the director of budget and management the 70625  
unencumbered balance of the general revenue fund appropriations 70626  
made in the immediately preceding fiscal year for purposes of 70627  
the Ohio national guard scholarship program created under 70628  
division (B) of section 5919.34 of the Revised Code. Upon 70629  
receipt of the certification, the director of budget and 70630  
management may transfer an amount not exceeding the certified 70631  
amount from the general revenue fund to the national guard 70632  
scholarship reserve fund. Moneys in the national guard 70633  
scholarship reserve fund shall be used to pay scholarship 70634  
obligations in excess of the general revenue fund appropriations 70635  
made for that purpose. 70636

The director of budget and management may transfer any 70637  
unencumbered balance from the national guard scholarship reserve 70638  
fund to the general revenue fund. 70639

If it is determined that general revenue fund 70640  
appropriations are insufficient to meet the obligations of the 70641  
national guard scholarship in a fiscal year, the director of 70642  
budget and management may transfer funds from the national guard 70643  
scholarship reserve fund to the general revenue fund in order to 70644

meet those obligations. The amount transferred is hereby 70645  
appropriated. If the funds transferred from the national guard 70646  
scholarship reserve fund are not needed, the director of budget 70647  
and management may transfer the unexpended balance from the 70648  
general revenue fund back to the national guard scholarship 70649  
reserve fund. 70650

**Sec. 6109.21.** (A) Except as provided in divisions (I) and 70651  
(J) of this section, no person shall operate a public water 70652  
system in this state without a license issued by the director of 70653  
environmental protection. 70654

(B) A person who proposes to operate a new public water 70655  
system, in addition to complying with section 6109.07 of the 70656  
Revised Code and rules adopted under it, shall obtain an initial 70657  
license from the director. The person shall submit an 70658  
application for the initial license at least forty-five days 70659  
prior to commencing the operation of the system. 70660

(C) A license shall expire on the thirtieth day of January 70661  
in the year following its issuance. 70662

(D) A license shall be renewed annually. A person 70663  
proposing to continue operating a public water system shall 70664  
apply for a license renewal at least thirty days prior to the 70665  
expiration date of the license. 70666

(E) Each application for a license or license renewal 70667  
shall be accompanied by the appropriate fee established under 70668  
division (M) of section 3745.11 of the Revised Code. However, an 70669  
applicant for an initial license who is proposing to operate a 70670  
new public water system shall submit a fee that equals a 70671  
prorated amount of the appropriate fee established under that 70672  
division for the remainder of the licensing year. 70673

(F) Not later than thirty days after receiving a completed application and the appropriate license fee for a license or license renewal for a public water system, the director shall do one of the following:

(1) Issue the license or license renewal for the public water system;

(2) Issue the license or license renewal subject to terms and conditions that the director determines are necessary to ensure compliance with this chapter and rules adopted under it;

(3) Deny the license or license renewal if the director finds that the public water system cannot be operated in substantial compliance with this chapter and rules adopted under it.

(G) The director may condition, suspend, or revoke a license or license renewal issued under this section at any time if the director finds that the public water system was not or will not be operated in substantial compliance with this chapter and rules adopted under it.

(H) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures and requirements governing both of the following:

(1) Information to be included on applications for licenses and license renewals issued under this section;

(2) The issuance, conditioning, suspension, revocation, and denial of licenses and license renewals under this section.

(I) (1) As used in division (I) of this section, "church" means a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily

or exclusively for religious purposes and that is not formed or 70702  
operated for the private profit of any person. 70703

(2) This section does not apply to a church that operates 70704  
or maintains a public water system solely to provide water for 70705  
that church or for a campground that is owned by the church and 70706  
operated primarily or exclusively for members of the church and 70707  
their families. 70708

(J) This section does not apply to any public or nonpublic 70709  
school that meets minimum standards of the ~~state board~~ 70710  
department of education-learning and achievement that operates 70711  
or maintains a public water system solely to provide water for 70712  
that school. 70713

(K) The environmental protection agency shall collect well 70714  
log filing fees on behalf of the division of water resources in 70715  
the department of natural resources in accordance with section 70716  
1521.05 of the Revised Code and rules adopted under it. The fees 70717  
shall be submitted to the division quarterly as provided in 70718  
those rules. 70719

**Sec. 6301.11.** (A) As used in this section, "public or 70720  
private institution" means any of the following: 70721

(1) A state institution of higher education, as defined in 70722  
section 3345.011 of the Revised Code; 70723

(2) A private, nonprofit institution in this state holding 70724  
a certificate of authorization pursuant to Chapter 1713. of the 70725  
Revised Code; 70726

(3) An Ohio technical center that provides adult technical 70727  
education services as recognized by the ~~chancellor of higher~~ 70728  
education director of learning and achievement. 70729

(B) The ~~state board~~ department of learning and achievement, in connection with the department of job and family services and public or private institutions, shall develop a methodology for identifying jobs that are in demand by employers operating in this state. The methodology for identifying in-demand jobs shall include an analysis of both of the following:

(1) Jobs that are in demand in each region of the state, as determined by the director of job and family services;

(2) Jobs that pay a wage rate that is equal to or greater than one hundred twenty-five per cent of the wage rate established under section 6 of the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 206, as amended, or its successor law.

(C) The department of job and family services and the public or private institutions, in consultation with the ~~state board~~ department of learning and achievement, shall use the methodology to create a list of such in-demand jobs in the state and a list of such in-demand jobs in each region of the state. The department of job and family services shall publish the lists on the web site of the department. The department of job and family services and public or private institutions shall periodically update the lists to reflect evolving workforce demands in this state and its regions.

(D) Local boards and other providers of workforce training shall use the lists of in-demand jobs to cultivate and prioritize workforce development activities that correspond to the employment needs of employers operating in this state and in each of its regions and to assist individuals in maximizing their employment opportunities.

**Sec. 6301.111.** The ~~governor's~~ office of workforce transformation created under section 3301.0732 of the Revised Code, in conjunction with the department of job and family services, shall conduct an electronic survey of employers in this state to identify jobs that are in demand by those employers. The office, in conjunction with the department, shall use the survey results to update the list of in-demand jobs required under section 6301.11 of the Revised Code, notwithstanding the requirement in that section that the department and public or private institutions, as defined in that section, periodically update that list. The office shall complete the initial survey and make the update required under this section not later than December 31, 2018. The office shall complete a subsequent survey and update not later than the last day of December every two years thereafter.

**Sec. 6301.112.** (A) The ~~governor's~~ office of workforce transformation created under section 3301.0732 of the Revised Code, in collaboration with the ~~departments~~ department of higher education and job and family services, shall create and publish on the OhioMeansJobs web site a workforce supply tool that uses real-time demand and supply data. The office shall provide all of the following through the tool:

(1) Businesses with historical information on graduates from high demand fields;

(2) Businesses with projections on future graduates;

(3) The number of skilled workers available for work in occupations included in the list of in-demand jobs created under section 6301.11 of the Revised Code.

(B) Not later than January 1, 2018, the ~~governor's~~ office

of workforce transformation, in collaboration with the 70788  
~~departments department of higher education and~~ job and family 70789  
services, shall include in the workforce supply tool created 70790  
under division (A) of this section all in-demand jobs included 70791  
in the list of in-demand jobs created under section 6301.11 of 70792  
the Revised Code. 70793

(C) Not later than December 31, 2018, the ~~governor's~~ 70794  
office of workforce transformation, ~~in collaboration with the~~ 70795  
~~departments of higher education and education~~ shall establish 70796  
design teams. The design teams shall do both of the following: 70797

(1) Identify emerging skill needs based on predictive 70798  
analytics and analysis of the data from the workforce supply 70799  
tool created under division (A) of this section; 70800

(2) Periodically recommend innovations for responding to 70801  
emerging in-demand jobs and skills. 70802

**Sec. 6301.15.** ~~Not later than September 1, 2014, the~~ The 70803  
director of job and family services, in consultation with the 70804  
~~superintendent department of public instruction learning and~~ 70805  
achievement and the assistant director of the ~~governor's~~ office 70806  
of workforce transformation created under section 3301.0732 of 70807  
the Revised Code, shall develop and maintain an online education 70808  
and career planning tool to assist students in developing 70809  
education and career plans. The director of job and family 70810  
services also shall provide information regarding the online 70811  
planning tool and all appropriate web site links, including a 70812  
link to the OhioMeansJobs web site, to the department of 70813  
~~education learning and achievement~~ not later than that date. The 70814  
director of job and family services shall periodically update 70815  
the online education and career planning tool and other 70816  
information as determined necessary by the director and shall 70817

provide the updates to the department of ~~education~~ learning and achievement. 70818  
70819

The department of ~~education~~ learning and achievement shall 70820  
post the information received from the director of job and 70821  
family services under this section in a prominent location on 70822  
the department's web site. 70823

**Sec. 6301.20.** Not later than September 30, 2017, the 70824  
~~governor's~~ office of workforce transformation created under 70825  
section 3301.0732 of the Revised Code, in consultation with the 70826  
departments of job and family services, ~~higher education~~, and 70827  
aging and the opportunities for Ohioans with disabilities 70828  
agency, shall develop and maintain a uniform electronic 70829  
application for adult training programs funded under the 70830  
"Workforce Innovation and Opportunity Act," 128 Stat. 1425, 29 70831  
U.S.C. 3101 et seq., as amended. The application shall be 70832  
available for use not later than July 1, 2018. 70833

**Sec. 6301.21.** (A) Not later than December 31, 2017, the 70834  
~~governor's~~ office of workforce transformation created under 70835  
section 3301.0732 of the Revised Code, ~~the department of~~ 70836  
~~education, and the chancellor of higher education~~, in 70837  
consultation with business and economic development stakeholder 70838  
groups, shall develop a regional workforce collaboration model. 70839  
The model shall provide guidance on how the JobsOhio regional 70840  
network, local chambers of commerce, economic development 70841  
organizations, business, business associations, secondary and 70842  
post-secondary education organizations, and Ohio college tech 70843  
prep regional centers, that are ~~jointly~~-managed by the 70844  
department of ~~education and the chancellor~~ learning and 70845  
achievement, shall collaborate to form a partnership that 70846  
provides career services to students. 70847

Career services to students may include, but are not limited to, job shadowing, internships, co-ops, apprenticeships, career exploration activities, and problem-based curriculum developed in alignment with in-demand jobs.

(B) The ~~governor's~~ office of workforce transformation shall oversee the creation of regional workforce collaboration partnerships based on the model created under division (A) of this section. The partnerships shall be located in each of the six different regions of the state, as determined by JobsOhio.

(C) As used in this section, "JobsOhio" has the same meaning as in section 187.01 of the Revised Code.

**Section 2.** That existing sections 5.224, 9.231, 9.55, 102.02, 103.48, 107.35, 109.57, 109.572, 109.64, 109.65, 109.71, 109.72, 109.746, 117.464, 121.02, 121.03, 121.35, 121.37, 121.40, 122.33, 122.76, 122.77, 124.11, 124.382, 124.384, 125.05, 125.092, 125.13, 125.901, 126.21, 126.32, 126.45, 133.06, 133.061, 135.142, 141.01, 145.222, 149.331, 149.433, 154.17, 154.21, 175.30, 184.01, 191.01, 191.02, 307.091, 311.01, 319.301, 901.71, 921.06, 955.43, 1713.02, 1713.03, 1713.031, 1713.04, 1713.05, 1713.06, 1713.09, 1713.25, 2151.011, 2151.353, 2151.362, 2305.111, 2741.01, 2901.01, 2903.13, 2907.03, 2917.31, 2917.46, 2923.122, 2923.1212, 2925.01, 2950.11, 3301.07, 3301.071, 3301.072, 3301.073, 3301.074, 3301.075, 3301.076, 3301.077, 3301.079, 3301.0710, 3301.0711, 3301.0712, 3301.0713, 3301.0714, 3301.0715, 3301.0716, 3301.0717, 3301.0718, 3301.0719, 3301.0720, 3301.0721, 3301.0722, 3301.0723, 3301.0724, 3301.0725, 3301.0726, 3301.0728, 3301.08, 3301.10, 3301.11, 3301.121, 3301.122, 3301.13, 3301.131, 3301.133, 3301.134, 3301.14, 3301.15, 3301.16, 3301.162, 3301.163, 3301.18, 3301.19, 3301.21, 3301.22, 3301.25, 3301.27, 3301.30,

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5727.84, 5727.85, 5747.01, 5747.03, 5751.20, 5751.21, 5753.11, 71005

5910.02, 5910.04, 5910.08, 5919.34, 5919.341, 6109.21, 6301.11, 71006  
6301.111, 6301.112, 6301.15, 6301.20, and 6301.21 and sections 71007  
3301.111, 3301.12, 3333.01, 3333.011, 3333.02, 3333.03, 71008  
3333.032, 3333.35, and 3357.19 of the Revised Code are hereby 71009  
repealed. 71010

**Section 3.** The amendment of sections 4723.063 and 4729.42 71011  
of the Revised Code is not intended to supersede the earlier 71012  
repeal, with delayed effective dates, of those sections. 71013

**Section 4.** (A) (1) The Department of Higher Education is 71014  
hereby abolished on the effective date of this section. The 71015  
Department of Learning and Achievement is the successor to, 71016  
assumes the obligations, and authority of, and otherwise 71017  
continues the Department of Higher Education. Any business 71018  
commenced but not completed on the effective date of this 71019  
section by the Department of Higher Education shall be completed 71020  
by the Department of Learning and Achievement in the same 71021  
manner, and with the same effect, as if completed by the 71022  
Department of Higher Education. 71023

(2) On the effective date of this section, all powers and 71024  
duties vested in the State Board of Education, the State 71025  
Superintendent of Public Instruction, and the Department of 71026  
Education shall terminate except as provided in sections 71027  
3301.061, 3301.062, 3301.07, 3301.0731, 3301.08, 3301.11, 71028  
3301.123, and 3301.13 of the Revised Code. Except as otherwise 71029  
provided by in law, any business commenced but not completed on 71030  
the effective date of this section by the State Board of 71031  
Education, the State Superintendent of Public Instruction, or 71032  
the Department of Education shall be completed by the Department 71033  
of Learning and Achievement in the same manner, and with the 71034  
same effect, as if completed by the State Board of Education, 71035

State Superintendent of Public Instruction, or Department of 71036  
Education, pursuant to the provisions of law enacted herein. 71037

(B) (1) On or after the effective date of this section, all 71038  
employees of the Department of Higher Education are hereby 71039  
transferred to the Department of Learning and Achievement. 71040  
Subject to the lay-off provisions of sections 124.321 to 124.328 71041  
of the Revised Code, employees who are transferred retain their 71042  
same positions and all benefits accruing thereto. Once 71043  
transferred to the Department of Learning and Achievement, 71044  
changes to positions or benefits for employees not subject to 71045  
Chapter 4117. of the Revised Code shall be controlled by Chapter 71046  
124. of the Revised Code, or other applicable revised and 71047  
administrative code sections. 71048

(2) On the effective date of this section, the assets 71049  
equipment, records, documents, files, and other materials, 71050  
irrespective of form or medium, of the Department of Higher 71051  
Education are transferred to the Department of Learning and 71052  
Achievement. 71053

(3) Business commenced but not completed on the effective 71054  
date of this section, by the Department of Higher Education or 71055  
the Chancellor of Higher Education shall be completed by the 71056  
Director of Learning and Achievement or the Department of 71057  
Learning and Achievement in the same manner, and with the same 71058  
effect, as if completed by the Department of Higher Education or 71059  
the Chancellor of Higher Education. No validation, cure, right, 71060  
privilege, remedy, obligation, or liability is lost or impaired 71061  
by reason of the transfer required by this section but shall be 71062  
administered by the Director of Learning and Achievement or 71063  
Department of Learning and Achievement. Any action or proceeding 71064  
pending on the effective date of this section may be prosecuted 71065

or defended in the name of the Department of Learning and Achievement. In all such actions or proceedings, the Department of Learning and Achievement shall be substituted as a party upon application to the court or other tribunal.

(4) Whenever the Department of Higher Education or the Chancellor is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Department of Learning and Achievement or the Director of Learning and Achievement, whichever is appropriate in context.

(C) (1) The Director of Learning and Achievement, in consultation with the Superintendent of Public Instruction, shall identify the employees of the former Department of Education assigned to the programs transferred under this act or that perform the necessary functions or duties of the Department necessary to be transferred to the Department of Learning and Achievement pursuant to this act. On or after the effective date of this section, those employees are hereby transferred. Employees not transferred remain employees of the Department of Education. Subject to the lay-off provisions of sections 124.321 to 124.328 of the Revised Code, employees who are transferred to the Department of Learning and Achievement, or who remain employees of the Department of Education, retain their same positions and all benefits accruing thereto. Changes to positions or benefits for employees transferred or retained under this section that are not subject to Chapter 4117. of the Revised Code shall be controlled by Chapter 124. of the Revised Code, or other applicable Revised Code and Administrative Code sections.

Notwithstanding the foregoing, as of the effective date of this section, the Director of Learning and Achievement or the

Superintendent of Public Instruction may establish, change, and 71096  
abolish positions, and assign, reassign, classify, reclassify, 71097  
transfer, reduce, promote, or demote any employee transferred or 71098  
retained in the respective agency in accordance with this 71099  
section who are not subject to Chapter 4117. of the Revised 71100  
Code. 71101

(2) All assets, equipment, records, documents, files, and 71102  
other materials, irrespective of form or medium, of the former 71103  
employees of the Department of Education transferred to the 71104  
Department of Learning and Achievement are transferred to the 71105  
receiving agency. 71106

(3) With respect to the programs transferred to the 71107  
Department of Learning and Achievement, the receiving agency is 71108  
the successor to, assumes the obligations of, and otherwise 71109  
constitutes the continuation of, the Department of Education. 71110  
Business commenced but not completed on the effective date of 71111  
this section, by the Department of Education, the State 71112  
Superintendent of Public Instruction, or the State Board of 71113  
Education relating to those programs transferred to the 71114  
Department of Learning and Achievement as enacted herein shall 71115  
be completed by the Department of Learning and Achievement or 71116  
the Director of Learning and Achievement in the same manner, and 71117  
with the same effect, as if completed by the Department of 71118  
Education, State Superintendent of Public Instruction, or State 71119  
Board of Education. No validation, cure, right, privilege, 71120  
remedy, obligation, or liability is lost or impaired by reason 71121  
of the transfer required by this section but shall be 71122  
administered by the Director of Learning and Achievement or 71123  
Department of Learning and Achievement. Any action or proceeding 71124  
related to the transfer required by this section pending on the 71125  
effective date of this section may be prosecuted or defended in 71126

the name of the Department of Learning and Achievement. In all 71127  
such actions or proceedings, the Department of Learning and 71128  
Achievement shall be substituted as a party upon application to 71129  
the court or other tribunal. 71130

(4) Except as otherwise provided for in law, whenever the 71131  
Department of Education, State Superintendent of Public 71132  
Instruction, or State Board of Education is referred to in any 71133  
law, contract, or other document relating to those programs 71134  
transferred to the Department of Learning and Achievement as 71135  
enacted herein, the reference shall be deemed to refer to the 71136  
Department of Learning and Achievement or Director of Learning 71137  
and Achievement, whichever is appropriate in context. 71138

(D) Notwithstanding sections 4117.08 and 4117.10 of the 71139  
Revised Code, this act's creation of the Department of Learning 71140  
and Achievement and reassignment and reorganization of the 71141  
functions and duties of the Department of Higher Education and 71142  
the Department of Education, including any reassignment or 71143  
transfer of any employees of those agencies in accordance with 71144  
this act are not appropriate subjects for collective bargaining 71145  
under Chapter 4117. of the Revised Code. 71146

(E) (1) All rules, orders, and determinations made or 71147  
undertaken by the Department of Higher Education or the 71148  
Chancellor shall continue in effect as rules, orders, and 71149  
determinations of the Department of Learning and Achievement 71150  
until modified or rescinded by the Department of Learning and 71151  
Achievement. On and after the effective date of this section, if 71152  
necessary to ensure the integrity of the numbering of the 71153  
Administrative Code, the Director of the Legislative Service 71154  
Commission shall renumber the rules of the Department of Higher 71155  
Education to reflect its transfer to the Department of Learning 71156

and Achievement. 71157

(2) All rules, orders, and determinations made or 71158  
undertaken by Department of Education, Superintendent of Public 71159  
Instruction, or the State Board of Education relating to the 71160  
duties, programs, and employees transferred to the Department of 71161  
Learning and Achievement or the Department of Public Safety 71162  
shall continue in effect as rules, orders, and determinations of 71163  
the Department of Learning and Achievement or the Department of 71164  
Public Safety until modified or rescinded by the Department of 71165  
Learning and Achievement or the Department of Public Safety. On 71166  
or after effective date of this section, if necessary to ensure 71167  
the integrity of the numbering of the Administrative Code, and 71168  
to the extent permitted by statute, the Director of the 71169  
Legislative Service Commission shall renumber the rules of the 71170  
Department of Education, Superintendent of Public Instruction, 71171  
or the State Board of Education to reflect its respective 71172  
transfer to the Department of Learning and Achievement or the 71173  
Department of Public Safety pursuant to the provisions of law 71174  
enacted herein. 71175

(F) (1) On or after the effective date of this section, 71176  
pursuant to section 126.15 of the Revised Code, the Director of 71177  
Budget and Management shall transfer the balance of all 71178  
appropriations made to the former Department of Higher Education 71179  
to the Department of Learning and Achievement for the same 71180  
purpose as appropriated to the former Department of Higher 71181  
Education. Notwithstanding any provision of law to the contrary, 71182  
on the effective date of this section, the funds and the cash 71183  
balance of all funds of the former Department of Higher 71184  
Education are hereby transferred to the Department of Learning 71185  
and Achievement. 71186

(2) On or after the effective date of this section, the Director of Budget and Management, in consultation with the Superintendent of Public Instruction and the Director of Learning and Achievement shall determine the proper disposition of the balance of all appropriations, funds, and the cash balance of all funds of the Department of Education as it existed prior to the effective date of this section in order to implement the transfer of duties, employees, programs, assets, and functions of the Department of Education as it existed prior to the effective date of this section to the Department of Learning and Achievement as enacted herein. This determination shall also include the necessary allocation of appropriations, funds, and cash to the Department of Education as it exists on the effective date of this section.

(3) Notwithstanding any provision of law to the contrary, in fiscal year 2018 and 2019, the Director of Budget and Management shall make any accounting or budget adjustments necessary to effectuate the provisions of this act including but not limited to the transfer, establishment, or reestablishment of appropriations, funds, and encumbrances within or between the Department of Education and the former Department of Higher Education to the Department of Learning and Achievement in order to provide for the reorganization of the state education agencies and programs as enacted herein. As necessary, any transferred amounts are hereby appropriated for the same purposes and shall be used in the same manner and with the same effect as if used by the former agency in order to effectuate this reorganization.

**Section 5.** The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of

simultaneous operation, finds that the following sections, 71218  
presented in this act as composites of the sections as amended 71219  
by the acts indicated, are the resulting versions of the 71220  
sections in effect prior to the effective date of the sections 71221  
as presented in this act: 71222

Section 109.57 of the Revised Code as amended by both Sub. 71223  
H.B. 359 and Am. Sub. S.B. 227 of the 131st General Assembly. 71224

Section 133.06 of the Revised Code as amended by both Sub. 71225  
H.B. 340 of the 131st General Assembly and Am. Sub. H.B. 49 of 71226  
the 132nd General Assembly. 71227

Section 3302.036 of the Revised Code as amended by both 71228  
Am. Sub. H.B. 64 and Am. Sub. H.B. 70 of the 131st General 71229  
Assembly. 71230

Section 3313.603 of the Revised Code as amended by both 71231  
Am. Sub. H.B. 49 and Sub. H.B. 170 of the 132nd General 71232  
Assembly. 71233

Section 3317.03 of the Revised Code as amended by both 71234  
Sub. H.B. 113 and Sub. H.B. 158 of the 131st General Assembly. 71235

Section 3319.02 of the Revised Code as amended by both 71236  
Sub. H.B. 525 and Am. Sub. S.B. 316 of the 129th General 71237  
Assembly. 71238

Section 3328.24 of the Revised Code as amended by both Am. 71239  
Sub. H.B. 410 and Sub. S.B. 3 of the 131st General Assembly. 71240

Section 4112.04 of the Revised Code as amended by both Am. 71241  
Sub. H.B. 525 of the 127th General Assembly and Am. Sub. H.B. 1 71242  
of the 128th General Assembly. 71243

Section 4735.09 of the Revised Code as amended by both 71244  
Sub. H.B. 113 and Am. H.B. 532 of the 131st General Assembly. 71245

Section 4757.41 of the Revised Code as amended by both	71246
Sub. H.B. 158 and H.B. 230 of the 131st General Assembly.	71247
Section 5126.05 of the Revised Code as amended by both	71248
Sub. H.B. 158 and Am. Sub. H.B. 483 of the 131st General	71249
Assembly.	71250