

**As Passed by the Senate**

**125th General Assembly**

**Regular Session**

**2003-2004**

**Am. Sub. H. B. No. 106**

**Representatives Williams, Otterman, McGregor, Hartnett, Hagan, Perry, Gilb,  
Koziura, Widowfield, Young, Boccieri, Willamowski, Aslanides, Carano,  
Chandler, Cirelli, Clancy, Collier, DeBose, Domenick, C. Evans, Flowers,  
Gibbs, Grendell, Harwood, Kilbane, Latta, Martin, Niehaus, T. Patton,  
Peterson, Schlichter, Schmidt, Setzer, Sferra, J. Stewart, Taylor  
Senators Coughlin, Padgett, Zurz, Robert Gardner, Harris, Spada**

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**A B I L L**

To amend sections 9.314, 2151.011, 2151.421, 2151.86, 1  
2152.18, 3301.0711, 3302.01, 3302.03, 3313.53, 2  
3313.533, 3313.61, 3313.611, 3313.612, 3313.662, 3  
3313.672, 3313.85, 3317.03, 3319.29, 3319.291, 4  
3319.303, 3319.31, 3319.51, 3381.04, and 5139.05 5  
of the Revised Code; to amend Section 7 of Sub. 6  
H.B. 196 of the 124th General Assembly and to 7  
amend Section 7 of Sub. H.B. 196 of the 124th 8  
General Assembly for the purpose of codifying it 9  
as section 3319.304 of the Revised Code; and to 10  
amend Sections 41.37 and 98.01 of Am. Sub. H.B. 95 11  
of the 125th General Assembly to require that upon 12  
a child's discharge or release from the custody of 13  
the Department of Youth Services certain records 14  
pertaining to that child be released to the 15  
juvenile court and to the superintendent of the 16  
school district in which the child is entitled to 17  
attend school; to specify that a school district's 18  
policy on the assignment of students to an 19

alternative school may provide for the assignment 20  
of any child released from the custody of the 21  
Department of Youth Services to such a school; to 22  
make the Department of Youth Services eligible for 23  
certain grants and services from the Ohio 24  
SchoolNet Commission; to include public and 25  
chartered nonpublic schools as out-of-home care 26  
entities for the purposes of the Juvenile Code; to 27  
exempt limited English proficient students who 28  
have been enrolled in United States schools for 29  
less than one year from certain testing and 30  
accountability requirements; to require the county 31  
probate court, instead of the educational service 32  
center governing board, to perform the duties of 33  
or fill vacancies on the board of education of a 34  
local school district if the board fails to 35  
perform those duties or fill vacancies; to 36  
eliminate the deadline for issuing one-year 37  
conditional teaching permits in the area of 38  
intervention specialist; to clarify the 39  
calculation of transitional aid to school 40  
districts in fiscal year 2005; to establish a per 41  
student rate to be paid by the Department of 42  
Education for a safe school help line; to permit a 43  
reverse auction to satisfy any law requiring a 44  
political subdivision to competitively bid for 45  
services or supplies; and to clarify the minimum 46  
population requirement for counties that create a 47  
regional arts and cultural district under 48  
alternative procedures. 49

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

**Section 1.** That sections 9.314, 109.57, 2151.011, 2151.421, 50  
2151.86, 2152.18, 3301.0711, 3302.01, 3302.03, 3313.53, 3313.533, 51  
3313.61, 3313.611, 3313.612, 3313.662, 3313.672, 3313.85, 3317.03, 52  
3319.29, 3319.291, 3319.303, 3319.31, 3319.51, 3319.55, 3381.04, 53  
and 5139.05 be amended and that Section 7 of Sub. H.B. 196 of the 54  
124th General Assembly be amended and renumbered as section 55  
3319.304 of the Revised Code to read as follows: 56

**Sec. 9.314.** (A) As used in this section: 57

(1) "Contracting authority" has the same meaning as in 58  
section 307.92 of the Revised Code. 59

(2) "Internet" means the international computer network of 60  
both federal and nonfederal interoperable packet switched data 61  
networks, including the graphical subnetwork called the world wide 62  
web. 63

(3) "Political subdivision" means a municipal corporation, 64  
township, county, school district, or other body corporate and 65  
politic responsible for governmental activities only in geographic 66  
areas smaller than that of the state and also includes a 67  
contracting authority. 68

(4) "Reverse auction" means a purchasing process in which 69  
offerors submit proposals in competing to sell services or 70  
supplies in an open environment via the internet. 71

(5) "Services" means the furnishing of labor, time, or effort 72  
by a person, not involving the delivery of a specific end product 73  
other than a report which, if provided, is merely incidental to 74  
the required performance. "Services" does not include services 75  
furnished pursuant to employment agreements or collective 76  
bargaining agreements. 77

(6) "Supplies" means all property, including, but not limited 78

to, equipment, materials, other tangible assets, and insurance, 79  
but excluding real property or interests in real property. 80

(B) Whenever any political subdivision ~~that is required by~~ 81  
~~law to purchase services or supplies by competitive sealed bidding~~ 82  
~~or competitive sealed proposals~~ determines that the use of a 83  
reverse auction is advantageous to the political subdivision, the 84  
political subdivision, in accordance with this section and rules 85  
the political subdivision shall adopt, may purchase services or 86  
supplies by reverse auction. 87

(C) A political subdivision shall solicit proposals through a 88  
request for proposals. The request for proposals shall state the 89  
relative importance of price and other evaluation factors. The 90  
political subdivision shall give notice of the request for 91  
proposals in accordance with the rules it adopts. 92

(D) As provided in the request for proposals and in the rules 93  
a political subdivision adopts, and to ensure full understanding 94  
of and responsiveness to solicitation requirements, the political 95  
subdivision may conduct discussions with responsible offerors who 96  
submit proposals determined to be reasonably susceptible of being 97  
selected for award. The political subdivision shall accord 98  
offerors fair and equal treatment with respect to any opportunity 99  
for discussion regarding any clarification, correction, or 100  
revision of their proposals. 101

(E) A political subdivision may award a contract to the 102  
offeror whose proposal the political subdivision determines to be 103  
the most advantageous to the political subdivision, taking into 104  
consideration factors such as price and the evaluation criteria 105  
set forth in the request for proposals. The contract file shall 106  
contain the basis on which the award is made. 107

(F) The rules that a political subdivision adopts under this 108  
section may require the provision of a performance bond, or 109

another similar form of financial security, in the amount and in 110  
the form specified in the rules. 111

(G) If a political subdivision is required by law to purchase 112  
services or supplies by competitive sealed bidding or competitive 113  
sealed proposals, a purchase made by reverse auction satisfies 114  
that requirement. 115

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 116  
criminal identification and investigation shall procure from 117  
wherever procurable and file for record photographs, pictures, 118  
descriptions, fingerprints, measurements, and other information 119  
that may be pertinent of all persons who have been convicted of 120  
committing within this state a felony, any crime constituting a 121  
misdemeanor on the first offense and a felony on subsequent 122  
offenses, or any misdemeanor described in division (A)(1)(a) of 123  
section 109.572 of the Revised Code, of all children under 124  
eighteen years of age who have been adjudicated delinquent 125  
children for committing within this state an act that would be a 126  
felony or an offense of violence if committed by an adult or who 127  
have been convicted of or pleaded guilty to committing within this 128  
state a felony or an offense of violence, and of all well-known 129  
and habitual criminals. The person in charge of any county, 130  
multicounty, municipal, municipal-county, or multicounty-municipal 131  
jail or workhouse, community-based correctional facility, halfway 132  
house, alternative residential facility, or state correctional 133  
institution and the person in charge of any state institution 134  
having custody of a person suspected of having committed a felony, 135  
any crime constituting a misdemeanor on the first offense and a 136  
felony on subsequent offenses, or any misdemeanor described in 137  
division (A)(1)(a) of section 109.572 of the Revised Code or 138  
having custody of a child under eighteen years of age with respect 139  
to whom there is probable cause to believe that the child may have 140  
committed an act that would be a felony or an offense of violence 141

if committed by an adult shall furnish such material to the 142  
superintendent of the bureau. Fingerprints, photographs, or other 143  
descriptive information of a child who is under eighteen years of 144  
age, has not been arrested or otherwise taken into custody for 145  
committing an act that would be a felony or an offense of violence 146  
if committed by an adult, has not been adjudicated a delinquent 147  
child for committing an act that would be a felony or an offense 148  
of violence if committed by an adult, has not been convicted of or 149  
pleaded guilty to committing a felony or an offense of violence, 150  
and is not a child with respect to whom there is probable cause to 151  
believe that the child may have committed an act that would be a 152  
felony or an offense of violence if committed by an adult shall 153  
not be procured by the superintendent or furnished by any person 154  
in charge of any county, multicounty, municipal, municipal-county, 155  
or multicounty-municipal jail or workhouse, community-based 156  
correctional facility, halfway house, alternative residential 157  
facility, or state correctional institution, except as authorized 158  
in section 2151.313 of the Revised Code. 159

(2) Every clerk of a court of record in this state, other 160  
than the supreme court or a court of appeals, shall send to the 161  
superintendent of the bureau a weekly report containing a summary 162  
of each case involving a felony, involving any crime constituting 163  
a misdemeanor on the first offense and a felony on subsequent 164  
offenses, involving a misdemeanor described in division (A)(1)(a) 165  
of section 109.572 of the Revised Code, or involving an 166  
adjudication in a case in which a child under eighteen years of 167  
age was alleged to be a delinquent child for committing an act 168  
that would be a felony or an offense of violence if committed by 169  
an adult. The clerk of the court of common pleas shall include in 170  
the report and summary the clerk sends under this division all 171  
information described in divisions (A)(2)(a) to (f) of this 172  
section regarding a case before the court of appeals that is 173

served by that clerk. The summary shall be written on the standard 174  
forms furnished by the superintendent pursuant to division (B) of 175  
this section and shall include the following information: 176

(a) The incident tracking number contained on the standard 177  
forms furnished by the superintendent pursuant to division (B) of 178  
this section; 179

(b) The style and number of the case; 180

(c) The date of arrest; 181

(d) The date that the person was convicted of or pleaded 182  
guilty to the offense, adjudicated a delinquent child for 183  
committing the act that would be a felony or an offense of 184  
violence if committed by an adult, found not guilty of the 185  
offense, or found not to be a delinquent child for committing an 186  
act that would be a felony or an offense of violence if committed 187  
by an adult, the date of an entry dismissing the charge, an entry 188  
declaring a mistrial of the offense in which the person is 189  
discharged, an entry finding that the person or child is not 190  
competent to stand trial, or an entry of a nolle prosequi, or the 191  
date of any other determination that constitutes final resolution 192  
of the case; 193

(e) A statement of the original charge with the section of 194  
the Revised Code that was alleged to be violated; 195

(f) If the person or child was convicted, pleaded guilty, or 196  
was adjudicated a delinquent child, the sentence or terms of 197  
probation imposed or any other disposition of the offender or the 198  
delinquent child. 199

If the offense involved the disarming of a law enforcement 200  
officer or an attempt to disarm a law enforcement officer, the 201  
clerk shall clearly state that fact in the summary, and the 202  
superintendent shall ensure that a clear statement of that fact is 203  
placed in the bureau's records. 204

(3) The superintendent shall cooperate with and assist 205  
sheriffs, chiefs of police, and other law enforcement officers in 206  
the establishment of a complete system of criminal identification 207  
and in obtaining fingerprints and other means of identification of 208  
all persons arrested on a charge of a felony, any crime 209  
constituting a misdemeanor on the first offense and a felony on 210  
subsequent offenses, or a misdemeanor described in division 211  
(A)(1)(a) of section 109.572 of the Revised Code and of all 212  
children under eighteen years of age arrested or otherwise taken 213  
into custody for committing an act that would be a felony or an 214  
offense of violence if committed by an adult. The superintendent 215  
also shall file for record the fingerprint impressions of all 216  
persons confined in a county, multicounty, municipal, 217  
municipal-county, or multicounty-municipal jail or workhouse, 218  
community-based correctional facility, halfway house, alternative 219  
residential facility, or state correctional institution for the 220  
violation of state laws and of all children under eighteen years 221  
of age who are confined in a county, multicounty, municipal, 222  
municipal-county, or multicounty-municipal jail or workhouse, 223  
community-based correctional facility, halfway house, alternative 224  
residential facility, or state correctional institution or in any 225  
facility for delinquent children for committing an act that would 226  
be a felony or an offense of violence if committed by an adult, 227  
and any other information that the superintendent may receive from 228  
law enforcement officials of the state and its political 229  
subdivisions. 230

(4) The superintendent shall carry out Chapter 2950. of the 231  
Revised Code with respect to the registration of persons who are 232  
convicted of or plead guilty to either a sexually oriented offense 233  
that is not a registration-exempt sexually oriented offense or a 234  
child-victim oriented offense and with respect to all other duties 235  
imposed on the bureau under that chapter. 236



(5) The bureau shall perform centralized recordkeeping 237  
functions for criminal history records and services in this state 238  
for purposes of the national crime prevention and privacy compact 239  
set forth in section 109.571 of the Revised Code and is the 240  
criminal history record repository as defined in that section for 241  
purposes of that compact. The superintendent or the 242  
superintendent's designee is the compact officer for purposes of 243  
that compact and shall carry out the responsibilities of the 244  
compact officer specified in that compact. 245

(B) The superintendent shall prepare and furnish to every 246  
county, multicounty, municipal, municipal-county, or 247  
multicounty-municipal jail or workhouse, community-based 248  
correctional facility, halfway house, alternative residential 249  
facility, or state correctional institution and to every clerk of 250  
a court in this state specified in division (A)(2) of this section 251  
standard forms for reporting the information required under 252  
division (A) of this section. The standard forms that the 253  
superintendent prepares pursuant to this division may be in a 254  
tangible format, in an electronic format, or in both tangible 255  
formats and electronic formats. 256

(C) The superintendent may operate a center for electronic, 257  
automated, or other data processing for the storage and retrieval 258  
of information, data, and statistics pertaining to criminals and 259  
to children under eighteen years of age who are adjudicated 260  
delinquent children for committing an act that would be a felony 261  
or an offense of violence if committed by an adult, criminal 262  
activity, crime prevention, law enforcement, and criminal justice, 263  
and may establish and operate a statewide communications network 264  
to gather and disseminate information, data, and statistics for 265  
the use of law enforcement agencies. The superintendent may 266  
gather, store, retrieve, and disseminate information, data, and 267  
statistics that pertain to children who are under eighteen years 268

of age and that are gathered pursuant to sections 109.57 to 109.61 269  
of the Revised Code together with information, data, and 270  
statistics that pertain to adults and that are gathered pursuant 271  
to those sections. In addition to any other authorized use of 272  
information, data, and statistics of that nature, the 273  
superintendent or the superintendent's designee may provide and 274  
exchange the information, data, and statistics pursuant to the 275  
national crime prevention and privacy compact as described in 276  
division (A)(5) of this section. 277

(D) The information and materials furnished to the 278  
superintendent pursuant to division (A) of this section and 279  
information and materials furnished to any board or person under 280  
division (F) or (G) of this section are not public records under 281  
section 149.43 of the Revised Code. 282

(E) The attorney general shall adopt rules, in accordance 283  
with Chapter 119. of the Revised Code, setting forth the procedure 284  
by which a person may receive or release information gathered by 285  
the superintendent pursuant to division (A) of this section. A 286  
reasonable fee may be charged for this service. If a temporary 287  
employment service submits a request for a determination of 288  
whether a person the service plans to refer to an employment 289  
position has been convicted of or pleaded guilty to an offense 290  
listed in division (A)(1), (3), (4), (5), or (6) of section 291  
109.572 of the Revised Code, the request shall be treated as a 292  
single request and only one fee shall be charged. 293

(F)(1) As used in division (F)(2) of this section, "head 294  
start agency" means an entity in this state that has been approved 295  
to be an agency for purposes of subchapter II of the "Community 296  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 297  
as amended. 298

(2)(a) In addition to or in conjunction with any request that 299  
is required to be made under section 109.572, 2151.86, 3301.32, 300

3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 301  
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 302  
education of any school district; the director of mental 303  
retardation and developmental disabilities; any county board of 304  
mental retardation and developmental disabilities; any entity 305  
under contract with a county board of mental retardation and 306  
developmental disabilities; the chief administrator of any 307  
chartered nonpublic school; the chief administrator of any home 308  
health agency; the chief administrator of or person operating any 309  
child day-care center, type A family day-care home, or type B 310  
family day-care home licensed or certified under Chapter 5104. of 311  
the Revised Code; the administrator of any type C family day-care 312  
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 313  
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 314  
general assembly; the chief administrator of any head start 315  
agency; or the executive director of a public children services 316  
agency may request that the superintendent of the bureau 317  
investigate and determine, with respect to any individual who has 318  
applied for employment in any position after October 2, 1989, or 319  
any individual wishing to apply for employment with a board of 320  
education may request, with regard to the individual, whether the 321  
bureau has any information gathered under division (A) of this 322  
section that pertains to that individual. On receipt of the 323  
request, the superintendent shall determine whether that 324  
information exists and, upon request of the person, board, or 325  
entity requesting information, also shall request from the federal 326  
bureau of investigation any criminal records it has pertaining to 327  
that individual. The superintendent or the superintendent's 328  
designee also may request criminal history records from other 329  
states or the federal government pursuant to the national crime 330  
prevention and privacy compact set forth in section 109.571 of the 331  
Revised Code. Within thirty days of the date that the 332  
superintendent receives a request, the superintendent shall send 333

to the board, entity, or person a report of any information that 334  
the superintendent determines exists, including information 335  
contained in records that have been sealed under section 2953.32 336  
of the Revised Code, and, within thirty days of its receipt, shall 337  
send the board, entity, or person a report of any information 338  
received from the federal bureau of investigation, other than 339  
information the dissemination of which is prohibited by federal 340  
law. 341

(b) When a board of education is required to receive 342  
information under this section as a prerequisite to employment of 343  
an individual pursuant to section 3319.39 of the Revised Code, it 344  
may accept a certified copy of records that were issued by the 345  
bureau of criminal identification and investigation and that are 346  
presented by an individual applying for employment with the 347  
district in lieu of requesting that information itself. In such a 348  
case, the board shall accept the certified copy issued by the 349  
bureau in order to make a photocopy of it for that individual's 350  
employment application documents and shall return the certified 351  
copy to the individual. In a case of that nature, a district only 352  
shall accept a certified copy of records of that nature within one 353  
year after the date of their issuance by the bureau. 354

(3) The state board of education may request, with respect to 355  
any individual who has applied for employment after October 2, 356  
1989, in any position with the state board or the department of 357  
education, any information that a school district board of 358  
education is authorized to request under division (F)(2) of this 359  
section, and the superintendent of the bureau shall proceed as if 360  
the request has been received from a school district board of 361  
education under division (F)(2) of this section. 362

(4) When the superintendent of the bureau receives a request 363  
for information ~~that is authorized~~ under section 3319.291 of the 364  
Revised Code, the superintendent shall proceed as if the request 365

has been received from a school district board of education under 366  
division (F)(2) of this section. 367

(5) When a recipient of an OhioReads classroom or community 368  
reading grant paid under section 3301.86 or 3301.87 of the Revised 369  
Code or an entity approved by the OhioReads council requests, with 370  
respect to any individual who applies to participate in providing 371  
any program or service through an entity approved by the OhioReads 372  
council or funded in whole or in part by the grant, the 373  
information that a school district board of education is 374  
authorized to request under division (F)(2)(a) of this section, 375  
the superintendent of the bureau shall proceed as if the request 376  
has been received from a school district board of education under 377  
division (F)(2)(a) of this section. 378

(G) In addition to or in conjunction with any request that is 379  
required to be made under section 173.41, 3701.881, 3712.09, 380  
3721.121, or 3722.151 of the Revised Code with respect to an 381  
individual who has applied for employment in a position that 382  
involves providing direct care to an older adult, the chief 383  
administrator of a PASSPORT agency that provides services through 384  
the PASSPORT program created under section 173.40 of the Revised 385  
Code, home health agency, hospice care program, home licensed 386  
under Chapter 3721. of the Revised Code, adult day-care program 387  
operated pursuant to rules adopted under section 3721.04 of the 388  
Revised Code, or adult care facility may request that the 389  
superintendent of the bureau investigate and determine, with 390  
respect to any individual who has applied after January 27, 1997, 391  
for employment in a position that does not involve providing 392  
direct care to an older adult, whether the bureau has any 393  
information gathered under division (A) of this section that 394  
pertains to that individual. On receipt of the request, the 395  
superintendent shall determine whether that information exists 396  
and, on request of the administrator requesting information, shall 397

also request from the federal bureau of investigation any criminal 398  
records it has pertaining to that individual. The superintendent 399  
or the superintendent's designee also may request criminal history 400  
records from other states or the federal government pursuant to 401  
the national crime prevention and privacy compact set forth in 402  
section 109.571 of the Revised Code. Within thirty days of the 403  
date a request is received, the superintendent shall send to the 404  
administrator a report of any information determined to exist, 405  
including information contained in records that have been sealed 406  
under section 2953.32 of the Revised Code, and, within thirty days 407  
of its receipt, shall send the administrator a report of any 408  
information received from the federal bureau of investigation, 409  
other than information the dissemination of which is prohibited by 410  
federal law. 411

(H) Information obtained by a board, administrator, or other 412  
person under this section is confidential and shall not be 413  
released or disseminated. 414

(I) The superintendent may charge a reasonable fee for 415  
providing information or criminal records under division (F)(2) or 416  
(G) of this section. 417

**Sec. 2151.011.** (A) As used in the Revised Code: 418

(1) "Juvenile court" means whichever of the following is 419  
applicable that has jurisdiction under this chapter and Chapter 420  
2152. of the Revised Code: 421

(a) The division of the court of common pleas specified in 422  
section 2101.022 or 2301.03 of the Revised Code as having 423  
jurisdiction under this chapter and Chapter 2152. of the Revised 424  
Code or as being the juvenile division or the juvenile division 425  
combined with one or more other divisions; 426

(b) The juvenile court of Cuyahoga county or Hamilton county 427

that is separately and independently created by section 2151.08 or 428  
Chapter 2153. of the Revised Code and that has jurisdiction under 429  
this chapter and Chapter 2152. of the Revised Code; 430

(c) If division (A)(1)(a) or (b) of this section does not 431  
apply, the probate division of the court of common pleas. 432

(2) "Juvenile judge" means a judge of a court having 433  
jurisdiction under this chapter. 434

(3) "Private child placing agency" means any association, as 435  
defined in section 5103.02 of the Revised Code, that is certified 436  
under section 5103.03 of the Revised Code to accept temporary, 437  
permanent, or legal custody of children and place the children for 438  
either foster care or adoption. 439

(4) "Private noncustodial agency" means any person, 440  
organization, association, or society certified by the department 441  
of job and family services that does not accept temporary or 442  
permanent legal custody of children, that is privately operated in 443  
this state, and that does one or more of the following: 444

(a) Receives and cares for children for two or more 445  
consecutive weeks; 446

(b) Participates in the placement of children in certified 447  
foster homes; 448

(c) Provides adoption services in conjunction with a public 449  
children services agency or private child placing agency. 450

(B) As used in this chapter: 451

(1) "Adequate parental care" means the provision by a child's 452  
parent or parents, guardian, or custodian of adequate food, 453  
clothing, and shelter to ensure the child's health and physical 454  
safety and the provision by a child's parent or parents of 455  
specialized services warranted by the child's physical or mental 456  
needs. 457

(2) "Adult" means an individual who is eighteen years of age 458  
or older. 459

(3) "Agreement for temporary custody" means a voluntary 460  
agreement authorized by section 5103.15 of the Revised Code that 461  
transfers the temporary custody of a child to a public children 462  
services agency or a private child placing agency. 463

(4) "Certified foster home" means a foster home, as defined 464  
in section 5103.02 of the Revised Code, certified under section 465  
5103.03 of the Revised Code. 466

(5) "Child" means a person who is under eighteen years of 467  
age, except that the juvenile court has jurisdiction over any 468  
person who is adjudicated an unruly child prior to attaining 469  
eighteen years of age until the person attains twenty-one years of 470  
age, and, for purposes of that jurisdiction related to that 471  
adjudication, a person who is so adjudicated an unruly child shall 472  
be deemed a "child" until the person attains twenty-one years of 473  
age. 474

(6) "Child day camp," "child day-care," "child day-care 475  
center," "part-time child day-care center," "type A family 476  
day-care home," "certified type B family day-care home," "type B 477  
home," "administrator of a child day-care center," "administrator 478  
of a type A family day-care home," "in-home aide," and "authorized 479  
provider" have the same meanings as in section 5104.01 of the 480  
Revised Code. 481

(7) "Child day-care provider" means an individual who is a 482  
child-care staff member or administrator of a child day-care 483  
center, a type A family day-care home, or a type B family day-care 484  
home, or an in-home aide or an individual who is licensed, is 485  
regulated, is approved, operates under the direction of, or 486  
otherwise is certified by the department of job and family 487  
services, department of mental retardation and developmental 488



disabilities, or the early childhood programs of the department of 489  
education. 490

(8) "Chronic truant" has the same meaning as in section 491  
2152.02 of the Revised Code. 492

(9) "Commit" means to vest custody as ordered by the court. 493

(10) "Counseling" includes both of the following: 494

(a) General counseling services performed by a public 495  
children services agency or shelter for victims of domestic 496  
violence to assist a child, a child's parents, and a child's 497  
siblings in alleviating identified problems that may cause or have 498  
caused the child to be an abused, neglected, or dependent child. 499

(b) Psychiatric or psychological therapeutic counseling 500  
services provided to correct or alleviate any mental or emotional 501  
illness or disorder and performed by a licensed psychiatrist, 502  
licensed psychologist, or a person licensed under Chapter 4757. of 503  
the Revised Code to engage in social work or professional 504  
counseling. 505

(11) "Custodian" means a person who has legal custody of a 506  
child or a public children services agency or private child 507  
placing agency that has permanent, temporary, or legal custody of 508  
a child. 509

(12) "Delinquent child" has the same meaning as in section 510  
2152.02 of the Revised Code. 511

(13) "Detention" means the temporary care of children pending 512  
court adjudication or disposition, or execution of a court order, 513  
in a public or private facility designed to physically restrict 514  
the movement and activities of children. 515

(14) "Developmental disability" has the same meaning as in 516  
section 5123.01 of the Revised Code. 517

(15) "Foster caregiver" has the same meaning as in section 518

5103.02 of the Revised Code. 519

(16) "Guardian" means a person, association, or corporation 520  
that is granted authority by a probate court pursuant to Chapter 521  
2111. of the Revised Code to exercise parental rights over a child 522  
to the extent provided in the court's order and subject to the 523  
residual parental rights of the child's parents. 524

(17) "Habitual truant" means any child of compulsory school 525  
age who is absent without legitimate excuse for absence from the 526  
public school the child is supposed to attend for five or more 527  
consecutive school days, seven or more school days in one school 528  
month, or twelve or more school days in a school year. 529

(18) "Juvenile traffic offender" has the same meaning as in 530  
section 2152.02 of the Revised Code. 531

(19) "Legal custody" means a legal status that vests in the 532  
custodian the right to have physical care and control of the child 533  
and to determine where and with whom the child shall live, and the 534  
right and duty to protect, train, and discipline the child and to 535  
provide the child with food, shelter, education, and medical care, 536  
all subject to any residual parental rights, privileges, and 537  
responsibilities. An individual granted legal custody shall 538  
exercise the rights and responsibilities personally unless 539  
otherwise authorized by any section of the Revised Code or by the 540  
court. 541

(20) A "legitimate excuse for absence from the public school 542  
the child is supposed to attend" includes, but is not limited to, 543  
any of the following: 544

(a) The fact that the child in question has enrolled in and 545  
is attending another public or nonpublic school in this or another 546  
state; 547

(b) The fact that the child in question is excused from 548  
attendance at school for any of the reasons specified in section 549

3321.04 of the Revised Code;	550
(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.	551 552 553
(21) "Mental illness" and "mentally ill person subject to hospitalization by court order" have the same meanings as in section 5122.01 of the Revised Code.	554 555 556
(22) "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.	557 558 559 560 561
(23) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code.	562 563
(24) "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.	564 565 566 567
(25) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.	568 569
(26) "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.	570 571 572 573 574 575
(27) "Out-of-home care" means detention facilities, shelter 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,	576 577 578 579

type A family day-care homes, child day-care provided by type B 580  
family day-care home providers and by in-home aides, group home 581  
providers, group homes, institutions, state institutions, 582  
residential facilities, residential care facilities, residential 583  
camps, day camps, public schools, chartered nonpublic schools, 584  
educational service centers, hospitals, and medical clinics that 585  
are responsible for the care, physical custody, or control of 586  
children. 587

(28) "Out-of-home care child abuse" means any of the 588  
following when committed by a person responsible for the care of a 589  
child in out-of-home care: 590

(a) Engaging in sexual activity with a child in the person's 591  
care; 592

(b) Denial to a child, as a means of punishment, of proper or 593  
necessary subsistence, education, medical care, or other care 594  
necessary for a child's health; 595

(c) Use of restraint procedures on a child that cause injury 596  
or pain; 597

(d) Administration of prescription drugs or psychotropic 598  
medication to the child without the written approval and ongoing 599  
supervision of a licensed physician; 600

(e) Commission of any act, other than by accidental means, 601  
that results in any injury to or death of the child in out-of-home 602  
care or commission of any act by accidental means that results in 603  
an injury to or death of a child in out-of-home care and that is 604  
at variance with the history given of the injury or death. 605

(29) "Out-of-home care child neglect" means any of the 606  
following when committed by a person responsible for the care of a 607  
child in out-of-home care: 608

(a) Failure to provide reasonable supervision according to 609

the standards of care appropriate to the age, mental and physical 610  
condition, or other special needs of the child; 611

(b) Failure to provide reasonable supervision according to 612  
the standards of care appropriate to the age, mental and physical 613  
condition, or other special needs of the child, that results in 614  
sexual or physical abuse of the child by any person; 615

(c) Failure to develop a process for all of the following: 616

(i) Administration of prescription drugs or psychotropic 617  
drugs for the child; 618

(ii) Assuring that the instructions of the licensed physician 619  
who prescribed a drug for the child are followed; 620

(iii) Reporting to the licensed physician who prescribed the 621  
drug all unfavorable or dangerous side effects from the use of the 622  
drug. 623

(d) Failure to provide proper or necessary subsistence, 624  
education, medical care, or other individualized care necessary 625  
for the health or well-being of the child; 626

(e) Confinement of the child to a locked room without 627  
monitoring by staff; 628

(f) Failure to provide ongoing security for all prescription 629  
and nonprescription medication; 630

(g) Isolation of a child for a period of time when there is 631  
substantial risk that the isolation, if continued, will impair or 632  
retard the mental health or physical well-being of the child. 633

(30) "Permanent custody" means a legal status that vests in a 634  
public children services agency or a private child placing agency, 635  
all parental rights, duties, and obligations, including the right 636  
to consent to adoption, and divests the natural parents or 637  
adoptive parents of all parental rights, privileges, and 638  
obligations, including all residual rights and obligations. 639

(31) "Permanent surrender" means the act of the parents or, 640  
if a child has only one parent, of the parent of a child, by a 641  
voluntary agreement authorized by section 5103.15 of the Revised 642  
Code, to transfer the permanent custody of the child to a public 643  
children services agency or a private child placing agency. 644

(32) "Person responsible for a child's care in out-of-home 645  
care" means any of the following: 646

(a) Any foster caregiver, in-home aide, or provider; 647

(b) Any administrator, employee, or agent of any of the 648  
following: a public or private detention facility; shelter 649  
facility; organization; certified organization; child day-care 650  
center; type A family day-care home; certified type B family 651  
day-care home; group home; institution; state institution; 652  
residential facility; residential care facility; residential camp; 653  
day camp; school district; community school; chartered nonpublic 654  
school; educational service center; hospital; or medical clinic; 655

(c) Any person who supervises or coaches children as part of 656  
an extracurricular activity sponsored by a school district, public 657  
school, or chartered nonpublic school; 658

(d) Any other person who performs a similar function with 659  
respect to, or has a similar relationship to, children. 660

(33) "Physically impaired" means having one or more of the 661  
following conditions that substantially limit one or more of an 662  
individual's major life activities, including self-care, receptive 663  
and expressive language, learning, mobility, and self-direction: 664

(a) A substantial impairment of vision, speech, or hearing; 665

(b) A congenital orthopedic impairment; 666

(c) An orthopedic impairment caused by disease, rheumatic 667  
fever or any other similar chronic or acute health problem, or 668  
amputation or another similar cause. 669

(34) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.

(35) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.

(36) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:

(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.

(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.

(37) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.

(38) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code.

(39) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that

the court prescribes, including supervision as directed by the 700  
court for the protection of the child. 701

(40) "Psychiatrist" has the same meaning as in section 702  
5122.01 of the Revised Code. 703

(41) "Psychologist" has the same meaning as in section 704  
4732.01 of the Revised Code. 705

(42) "Residential camp" means a program in which the care, 706  
physical custody, or control of children is accepted overnight for 707  
recreational or recreational and educational purposes. 708

(43) "Residential care facility" means an institution, 709  
residence, or facility that is licensed by the department of 710  
mental health under section 5119.22 of the Revised Code and that 711  
provides care for a child. 712

(44) "Residential facility" means a home or facility that is 713  
licensed by the department of mental retardation and developmental 714  
disabilities under section 5123.19 of the Revised Code and in 715  
which a child with a developmental disability resides. 716

(45) "Residual parental rights, privileges, and 717  
responsibilities" means those rights, privileges, and 718  
responsibilities remaining with the natural parent after the 719  
transfer of legal custody of the child, including, but not 720  
necessarily limited to, the privilege of reasonable visitation, 721  
consent to adoption, the privilege to determine the child's 722  
religious affiliation, and the responsibility for support. 723

(46) "School day" means the school day established by the 724  
state board of education pursuant to section 3313.48 of the 725  
Revised Code. 726

(47) "School month" and "school year" have the same meanings 727  
as in section 3313.62 of the Revised Code. 728

(48) "Secure correctional facility" means a facility under 729



the direction of the department of youth services that is designed 730  
to physically restrict the movement and activities of children and 731  
used for the placement of children after adjudication and 732  
disposition. 733

(49) "Sexual activity" has the same meaning as in section 734  
2907.01 of the Revised Code. 735

(50) "Shelter" means the temporary care of children in 736  
physically unrestricted facilities pending court adjudication or 737  
disposition. 738

(51) "Shelter for victims of domestic violence" has the same 739  
meaning as in section 3113.33 of the Revised Code. 740

(52) "Temporary custody" means legal custody of a child who 741  
is removed from the child's home, which custody may be terminated 742  
at any time at the discretion of the court or, if the legal 743  
custody is granted in an agreement for temporary custody, by the 744  
person who executed the agreement. 745

(C) For the purposes of this chapter, a child shall be 746  
presumed abandoned when the parents of the child have failed to 747  
visit or maintain contact with the child for more than ninety 748  
days, regardless of whether the parents resume contact with the 749  
child after that period of ninety days. 750

**Sec. 2151.421.** (A)(1)(a) No person described in division 751  
(A)(1)(b) of this section who is acting in an official or 752  
professional capacity and knows or suspects that a child under 753  
eighteen years of age or a mentally retarded, developmentally 754  
disabled, or physically impaired child under twenty-one years of 755  
age has suffered or faces a threat of suffering any physical or 756  
mental wound, injury, disability, or condition of a nature that 757  
reasonably indicates abuse or neglect of the child, shall fail to 758  
immediately report that knowledge or suspicion to the entity or 759

persons specified in this division. Except as provided in section 760  
5120.173 of the Revised Code, the person making the report shall 761  
make it to the public children services agency or a municipal or 762  
county peace officer in the county in which the child resides or 763  
in which the abuse or neglect is occurring or has occurred. In the 764  
circumstances described in section 5120.173 of the Revised Code, 765  
the person making the report shall make it to the entity specified 766  
in that section. 767

(b) Division (A)(1)(a) of this section applies to any person 768  
who is an attorney; physician, including a hospital intern or 769  
resident; dentist; podiatrist; practitioner of a limited branch of 770  
medicine as specified in section 4731.15 of the Revised Code; 771  
registered nurse; licensed practical nurse; visiting nurse; other 772  
health care professional; licensed psychologist; licensed school 773  
psychologist; independent marriage and family therapist or 774  
marriage and family therapist; speech pathologist or audiologist; 775  
coroner; administrator or employee of a child day-care center; 776  
administrator or employee of a residential camp or child day camp; 777  
administrator or employee of a certified child care agency or 778  
other public or private children services agency; school teacher; 779  
school employee; school authority; person engaged in social work 780  
or the practice of professional counseling; agent of a county 781  
humane society; person rendering spiritual treatment through 782  
prayer in accordance with the tenets of a well-recognized 783  
religion; superintendent, board member, or employee of a county 784  
board of mental retardation; investigative agent contracted with 785  
by a county board of mental retardation; or employee of the 786  
department of mental retardation and developmental disabilities. 787

(2) An attorney or a physician is not required to make a 788  
report pursuant to division (A)(1) of this section concerning any 789  
communication the attorney or physician receives from a client or 790  
patient in an attorney-client or physician-patient relationship, 791

if, in accordance with division (A) or (B) of section 2317.02 of 792  
the Revised Code, the attorney or physician could not testify with 793  
respect to that communication in a civil or criminal proceeding, 794  
except that the client or patient is deemed to have waived any 795  
testimonial privilege under division (A) or (B) of section 2317.02 796  
of the Revised Code with respect to that communication and the 797  
attorney or physician shall make a report pursuant to division 798  
(A)(1) of this section with respect to that communication, if all 799  
of the following apply: 800

(a) The client or patient, at the time of the communication, 801  
is either a child under eighteen years of age or a mentally 802  
retarded, developmentally disabled, or physically impaired person 803  
under twenty-one years of age. 804

(b) The attorney or physician knows or suspects, as a result 805  
of the communication or any observations made during that 806  
communication, that the client or patient has suffered or faces a 807  
threat of suffering any physical or mental wound, injury, 808  
disability, or condition of a nature that reasonably indicates 809  
abuse or neglect of the client or patient. 810

(c) The attorney-client or physician-patient relationship 811  
does not arise out of the client's or patient's attempt to have an 812  
abortion without the notification of her parents, guardian, or 813  
custodian in accordance with section 2151.85 of the Revised Code. 814

(B) Anyone, who knows or suspects that a child under eighteen 815  
years of age or a mentally retarded, developmentally disabled, or 816  
physically impaired person under twenty-one years of age has 817  
suffered or faces a threat of suffering any physical or mental 818  
wound, injury, disability, or other condition of a nature that 819  
reasonably indicates abuse or neglect of the child may report or 820  
cause reports to be made of that knowledge or suspicion to the 821  
entity or persons specified in this division. Except as provided 822  
in section 5120.173 of the Revised Code, a person making a report 823

or causing a report to be made under this division shall make it 824  
or cause it to be made to the public children services agency or 825  
to a municipal or county peace officer. In the circumstances 826  
described in section 5120.173 of the Revised Code, a person making 827  
a report or causing a report to be made under this division shall 828  
make it or cause it to be made to the entity specified in that 829  
section. 830

(C) Any report made pursuant to division (A) or (B) of this 831  
section shall be made forthwith either by telephone or in person 832  
and shall be followed by a written report, if requested by the 833  
receiving agency or officer. The written report shall contain: 834

(1) The names and addresses of the child and the child's 835  
parents or the person or persons having custody of the child, if 836  
known; 837

(2) The child's age and the nature and extent of the child's 838  
known or suspected injuries, abuse, or neglect or of the known or 839  
suspected threat of injury, abuse, or neglect, including any 840  
evidence of previous injuries, abuse, or neglect; 841

(3) Any other information that might be helpful in 842  
establishing the cause of the known or suspected injury, abuse, or 843  
neglect or of the known or suspected threat of injury, abuse, or 844  
neglect. 845

Any person, who is required by division (A) of this section 846  
to report known or suspected child abuse or child neglect, may 847  
take or cause to be taken color photographs of areas of trauma 848  
visible on a child and, if medically indicated, cause to be 849  
performed radiological examinations of the child. 850

(D)(1) When a municipal or county peace officer receives a 851  
report concerning the possible abuse or neglect of a child or the 852  
possible threat of abuse or neglect of a child, upon receipt of 853  
the report, the municipal or county peace officer who receives the 854

report shall refer the report to the appropriate public children 855  
services agency. 856

(2) When a public children services agency receives a report 857  
pursuant to this division or division (A) or (B) of this section, 858  
upon receipt of the report, the public children services agency 859  
shall comply with section 2151.422 of the Revised Code. 860

(E) No township, municipal, or county peace officer shall 861  
remove a child about whom a report is made pursuant to this 862  
section from the child's parents, stepparents, or guardian or any 863  
other persons having custody of the child without consultation 864  
with the public children services agency, unless, in the judgment 865  
of the officer, and, if the report was made by physician, the 866  
physician, immediate removal is considered essential to protect 867  
the child from further abuse or neglect. The agency that must be 868  
consulted shall be the agency conducting the investigation of the 869  
report as determined pursuant to section 2151.422 of the Revised 870  
Code. 871

(F)(1) Except as provided in section 2151.422 of the Revised 872  
Code, the public children services agency shall investigate, 873  
within twenty-four hours, each report of known or suspected child 874  
abuse or child neglect and of a known or suspected threat of child 875  
abuse or child neglect that is referred to it under this section 876  
to determine the circumstances surrounding the injuries, abuse, or 877  
neglect or the threat of injury, abuse, or neglect, the cause of 878  
the injuries, abuse, neglect, or threat, and the person or persons 879  
responsible. The investigation shall be made in cooperation with 880  
the law enforcement agency and in accordance with the memorandum 881  
of understanding prepared under division (J) of this section. A 882  
failure to make the investigation in accordance with the 883  
memorandum is not grounds for, and shall not result in, the 884  
dismissal of any charges or complaint arising from the report or 885  
the suppression of any evidence obtained as a result of the report 886

and does not give, and shall not be construed as giving, any 887  
rights or any grounds for appeal or post-conviction relief to any 888  
person. The public children services agency shall report each case 889  
to a central registry which the department of job and family 890  
services shall maintain in order to determine whether prior 891  
reports have been made in other counties concerning the child or 892  
other principals in the case. The public children services agency 893  
shall submit a report of its investigation, in writing, to the law 894  
enforcement agency. 895

(2) The public children services agency shall make any 896  
recommendations to the county prosecuting attorney or city 897  
director of law that it considers necessary to protect any 898  
children that are brought to its attention. 899

(G)(1)(a) Except as provided in division (H)(3) of this 900  
section, anyone or any hospital, institution, school, health 901  
department, or agency participating in the making of reports under 902  
division (A) of this section, anyone or any hospital, institution, 903  
school, health department, or agency participating in good faith 904  
in the making of reports under division (B) of this section, and 905  
anyone participating in good faith in a judicial proceeding 906  
resulting from the reports, shall be immune from any civil or 907  
criminal liability for injury, death, or loss to person or 908  
property that otherwise might be incurred or imposed as a result 909  
of the making of the reports or the participation in the judicial 910  
proceeding. 911

(b) Notwithstanding section 4731.22 of the Revised Code, the 912  
physician-patient privilege shall not be a ground for excluding 913  
evidence regarding a child's injuries, abuse, or neglect, or the 914  
cause of the injuries, abuse, or neglect in any judicial 915  
proceeding resulting from a report submitted pursuant to this 916  
section. 917

(2) In any civil or criminal action or proceeding in which it 918

is alleged and proved that participation in the making of a report 919  
under this section was not in good faith or participation in a 920  
judicial proceeding resulting from a report made under this 921  
section was not in good faith, the court shall award the 922  
prevailing party reasonable attorney's fees and costs and, if a 923  
civil action or proceeding is voluntarily dismissed, may award 924  
reasonable attorney's fees and costs to the party against whom the 925  
civil action or proceeding is brought. 926

(H)(1) Except as provided in divisions (H)(4), and (M), ~~and~~ 927  
~~(N)~~ of this section, a report made under this section is 928  
confidential. The information provided in a report made pursuant 929  
to this section and the name of the person who made the report 930  
shall not be released for use, and shall not be used, as evidence 931  
in any civil action or proceeding brought against the person who 932  
made the report. In a criminal proceeding, the report is 933  
admissible in evidence in accordance with the Rules of Evidence 934  
and is subject to discovery in accordance with the Rules of 935  
Criminal Procedure. 936

(2) No person shall permit or encourage the unauthorized 937  
dissemination of the contents of any report made under this 938  
section. 939

(3) A person who knowingly makes or causes another person to 940  
make a false report under division (B) of this section that 941  
alleges that any person has committed an act or omission that 942  
resulted in a child being an abused child or a neglected child is 943  
guilty of a violation of section 2921.14 of the Revised Code. 944

(4) If a report is made pursuant to division (A) or (B) of 945  
this section and the child who is the subject of the report dies 946  
for any reason at any time after the report is made, but before 947  
the child attains eighteen years of age, the public children 948  
services agency or municipal or county peace officer to which the 949  
report was made or referred, on the request of the child fatality 950

review board, shall submit a summary sheet of information 951  
providing a summary of the report to the review board of the 952  
county in which the deceased child resided at the time of death. 953  
On the request of the review board, the agency or peace officer 954  
may, at its discretion, make the report available to the review 955  
board. 956

(5) A public children services agency shall advise a person 957  
alleged to have inflicted abuse or neglect on a child who is the 958  
subject of a report made pursuant to this section in writing of 959  
the disposition of the investigation. The agency shall not provide 960  
to the person any information that identifies the person who made 961  
the report, statements of witnesses, or police or other 962  
investigative reports. 963

(I) Any report that is required by this section, other than a 964  
report that is made to the state highway patrol as described in 965  
section 5120.173 of the Revised Code, shall result in protective 966  
services and emergency supportive services being made available by 967  
the public children services agency on behalf of the children 968  
about whom the report is made, in an effort to prevent further 969  
neglect or abuse, to enhance their welfare, and, whenever 970  
possible, to preserve the family unit intact. The agency required 971  
to provide the services shall be the agency conducting the 972  
investigation of the report pursuant to section 2151.422 of the 973  
Revised Code. 974

(J)(1) Each public children services agency shall prepare a 975  
memorandum of understanding that is signed by all of the 976  
following: 977

(a) If there is only one juvenile judge in the county, the 978  
juvenile judge of the county or the juvenile judge's 979  
representative; 980

(b) If there is more than one juvenile judge in the county, a 981



juvenile judge or the juvenile judges' representative selected by 982  
the juvenile judges or, if they are unable to do so for any 983  
reason, the juvenile judge who is senior in point of service or 984  
the senior juvenile judge's representative; 985

(c) The county peace officer; 986

(d) All chief municipal peace officers within the county; 987

(e) Other law enforcement officers handling child abuse and 988  
neglect cases in the county; 989

(f) The prosecuting attorney of the county; 990

(g) If the public children services agency is not the county 991  
department of job and family services, the county department of 992  
job and family services; 993

(h) The county humane society. 994

(2) A memorandum of understanding shall set forth the normal 995  
operating procedure to be employed by all concerned officials in 996  
the execution of their respective responsibilities under this 997  
section and division (C) of section 2919.21, division (B)(1) of 998  
section 2919.22, division (B) of section 2919.23, and section 999  
2919.24 of the Revised Code and shall have as two of its primary 1000  
goals the elimination of all unnecessary interviews of children 1001  
who are the subject of reports made pursuant to division (A) or 1002  
(B) of this section and, when feasible, providing for only one 1003  
interview of a child who is the subject of any report made 1004  
pursuant to division (A) or (B) of this section. A failure to 1005  
follow the procedure set forth in the memorandum by the concerned 1006  
officials is not grounds for, and shall not result in, the 1007  
dismissal of any charges or complaint arising from any reported 1008  
case of abuse or neglect or the suppression of any evidence 1009  
obtained as a result of any reported child abuse or child neglect 1010  
and does not give, and shall not be construed as giving, any 1011  
rights or any grounds for appeal or post-conviction relief to any 1012

person. 1013

(3) A memorandum of understanding shall include all of the 1014  
following: 1015

(a) The roles and responsibilities for handling emergency and 1016  
nonemergency cases of abuse and neglect; 1017

(b) Standards and procedures to be used in handling and 1018  
coordinating investigations of reported cases of child abuse and 1019  
reported cases of child neglect, methods to be used in 1020  
interviewing the child who is the subject of the report and who 1021  
allegedly was abused or neglected, and standards and procedures 1022  
addressing the categories of persons who may interview the child 1023  
who is the subject of the report and who allegedly was abused or 1024  
neglected. 1025

(K)(1) Except as provided in division (K)(4) of this section, 1026  
a person who is required to make a report pursuant to division (A) 1027  
of this section may make a reasonable number of requests of the 1028  
public children services agency that receives or is referred the 1029  
report to be provided with the following information: 1030

(a) Whether the agency has initiated an investigation of the 1031  
report; 1032

(b) Whether the agency is continuing to investigate the 1033  
report; 1034

(c) Whether the agency is otherwise involved with the child 1035  
who is the subject of the report; 1036

(d) The general status of the health and safety of the child 1037  
who is the subject of the report; 1038

(e) Whether the report has resulted in the filing of a 1039  
complaint in juvenile court or of criminal charges in another 1040  
court. 1041

(2) A person may request the information specified in 1042

division (K)(1) of this section only if, at the time the report is 1043  
made, the person's name, address, and telephone number are 1044  
provided to the person who receives the report. 1045

When a municipal or county peace officer or employee of a 1046  
public children services agency receives a report pursuant to 1047  
division (A) or (B) of this section the recipient of the report 1048  
shall inform the person of the right to request the information 1049  
described in division (K)(1) of this section. The recipient of the 1050  
report shall include in the initial child abuse or child neglect 1051  
report that the person making the report was so informed and, if 1052  
provided at the time of the making of the report, shall include 1053  
the person's name, address, and telephone number in the report. 1054

Each request is subject to verification of the identity of 1055  
the person making the report. If that person's identity is 1056  
verified, the agency shall provide the person with the information 1057  
described in division (K)(1) of this section a reasonable number 1058  
of times, except that the agency shall not disclose any 1059  
confidential information regarding the child who is the subject of 1060  
the report other than the information described in those 1061  
divisions. 1062

(3) A request made pursuant to division (K)(1) of this 1063  
section is not a substitute for any report required to be made 1064  
pursuant to division (A) of this section. 1065

(4) If an agency other than the agency that received or was 1066  
referred the report is conducting the investigation of the report 1067  
pursuant to section 2151.422 of the Revised Code, the agency 1068  
conducting the investigation shall comply with the requirements of 1069  
division (K) of this section. 1070

(L) The director of job and family services shall adopt rules 1071  
in accordance with Chapter 119. of the Revised Code to implement 1072  
this section. The department of job and family services may enter 1073

into a plan of cooperation with any other governmental entity to 1074  
aid in ensuring that children are protected from abuse and 1075  
neglect. The department shall make recommendations to the attorney 1076  
general that the department determines are necessary to protect 1077  
children from child abuse and child neglect. 1078

(M)(1) As used in this division: 1079

(a) "Out-of-home care" includes a nonchartered nonpublic 1080  
school if the alleged child abuse or child neglect, or alleged 1081  
threat of child abuse or child neglect, described in a report 1082  
received by a public children services agency allegedly occurred 1083  
in or involved the nonchartered nonpublic school and the alleged 1084  
perpetrator named in the report holds a certificate, permit, or 1085  
license issued by the state board of education under section 1086  
3301.071 or Chapter 3319. of the Revised Code. 1087

(b) "Administrator, director, or other chief administrative 1088  
officer" means the superintendent of the school district if the 1089  
out-of-home care entity subject to a report made pursuant to this 1090  
section is a school operated by the district. 1091

(2) No later than the end of the day following the day on 1092  
which a public children services agency receives a report of 1093  
alleged child abuse or child neglect, or a report of an alleged 1094  
threat of child abuse or child neglect, that allegedly occurred in 1095  
or involved an out-of-home care entity, the agency shall provide 1096  
written notice of the allegations contained in and the person 1097  
named as the alleged perpetrator in the report to the 1098  
administrator, director, or other chief administrative officer of 1099  
the out-of-home care entity that is the subject of the report 1100  
unless the administrator, director, or other chief administrative 1101  
officer is named as an alleged perpetrator in the report. If the 1102  
administrator, director, or other chief administrative officer of 1103  
an out-of-home care entity is named as an alleged perpetrator in a 1104  
report of alleged child abuse or child neglect, or a report of an 1105

alleged threat of child abuse or child neglect, that allegedly 1106  
occurred in or involved the out-of-home care entity, the agency 1107  
shall provide the written notice to the owner or governing board 1108  
of the out-of-home care entity that is the subject of the report. 1109  
The agency shall not provide witness statements or police or other 1110  
investigative reports. 1111

~~(N)~~(3) No later than three days after the day on which a 1112  
public children services agency that conducted the investigation 1113  
as determined pursuant to section 2151.422 of the Revised Code 1114  
makes a disposition of an investigation involving a report of 1115  
alleged child abuse or child neglect, or a report of an alleged 1116  
threat of child abuse or child neglect, that allegedly occurred in 1117  
or involved an out-of-home care entity, the agency shall send 1118  
written notice of the disposition of the investigation to the 1119  
administrator, director, or other chief administrative officer and 1120  
the owner or governing board of the out-of-home care entity. The 1121  
agency shall not provide witness statements or police or other 1122  
investigative reports. 1123

**Sec. 2151.86.** (A)(1) The appointing or hiring officer of any 1124  
entity that appoints or employs any person responsible for a 1125  
child's care in out-of-home care shall request the superintendent 1126  
of BCII to conduct a criminal records check with respect to any 1127  
person who is under final consideration for appointment or 1128  
employment as a person responsible for a child's care in 1129  
out-of-home care, except that section 3319.39 of the Revised Code 1130  
shall apply instead of this section if the out-of-home care entity 1131  
is a public school, educational service center, or chartered 1132  
nonpublic school. 1133

(2) The administrative director of an agency, or attorney, 1134  
who arranges an adoption for a prospective adoptive parent shall 1135  
request the superintendent of BCII to conduct a criminal records 1136

check with respect to that prospective adoptive parent. 1137

(3) Before a recommending agency submits a recommendation to 1138  
the department of job and family services on whether the 1139  
department should issue a certificate to a foster home under 1140  
section 5103.03 of the Revised Code, the administrative director 1141  
of the agency shall request that the superintendent of BCII 1142  
conduct a criminal records check with respect to the prospective 1143  
foster caregiver and all other persons eighteen years of age or 1144  
older who reside with the foster caregiver. 1145

(B) If a person subject to a criminal records check does not 1146  
present proof that the person has been a resident of this state 1147  
for the five-year period immediately prior to the date upon which 1148  
the criminal records check is requested or does not provide 1149  
evidence that within that five-year period the superintendent of 1150  
BCII has requested information about the person from the federal 1151  
bureau of investigation in a criminal records check, the 1152  
appointing or hiring officer, administrative director, or attorney 1153  
shall request that the superintendent of BCII obtain information 1154  
from the federal bureau of investigation as a part of the criminal 1155  
records check. If the person subject to the criminal records check 1156  
presents proof that the person has been a resident of this state 1157  
for that five-year period, the officer, director, or attorney may 1158  
request that the superintendent of BCII include information from 1159  
the federal bureau of investigation in the criminal records check. 1160

An appointing or hiring officer, administrative director, or 1161  
attorney required by division (A) of this section to request a 1162  
criminal records check shall provide to each person subject to a 1163  
criminal records check a copy of the form prescribed pursuant to 1164  
division (C)(1) of section 109.572 of the Revised Code and a 1165  
standard impression sheet to obtain fingerprint impressions 1166  
prescribed pursuant to division (C)(2) of section 109.572 of the 1167  
Revised Code, obtain the completed form and impression sheet from 1168

the person, and forward the completed form and impression sheet to 1169  
the superintendent of BCII at the time the criminal records check 1170  
is requested. 1171

Any person subject to a criminal records check who receives 1172  
pursuant to this division a copy of the form prescribed pursuant 1173  
to division (C)(1) of section 109.572 of the Revised Code and a 1174  
copy of an impression sheet prescribed pursuant to division (C)(2) 1175  
of that section and who is requested to complete the form and 1176  
provide a set of fingerprint impressions shall complete the form 1177  
or provide all the information necessary to complete the form and 1178  
shall provide the impression sheet with the impressions of the 1179  
person's fingerprints. If a person subject to a criminal records 1180  
check, upon request, fails to provide the information necessary to 1181  
complete the form or fails to provide impressions of the person's 1182  
fingerprints, the appointing or hiring officer shall not appoint 1183  
or employ the person as a person responsible for a child's care in 1184  
out-of-home care, a probate court may not issue a final decree of 1185  
adoption or an interlocutory order of adoption making the person 1186  
an adoptive parent, and the department of job and family services 1187  
shall not issue a certificate authorizing the prospective foster 1188  
caregiver to operate a foster home. 1189

(C)(1) No appointing or hiring officer shall appoint or 1190  
employ a person as a person responsible for a child's care in 1191  
out-of-home care and no probate court shall issue a final decree 1192  
of adoption or an interlocutory order of adoption making a person 1193  
an adoptive parent if the person previously has been convicted of 1194  
or pleaded guilty to any of the following, unless the person meets 1195  
rehabilitation standards established in rules adopted under 1196  
division (F) of this section: 1197

(a) A violation of section 2903.01, 2903.02, 2903.03, 1198  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1199  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1200

2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1201  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1202  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1203  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1204  
2925.06, or 3716.11 of the Revised Code, a violation of section 1205  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1206  
violation of section 2919.23 of the Revised Code that would have 1207  
been a violation of section 2905.04 of the Revised Code as it 1208  
existed prior to July 1, 1996, had the violation been committed 1209  
prior to that date, a violation of section 2925.11 of the Revised 1210  
Code that is not a minor drug possession offense, or felonious 1211  
sexual penetration in violation of former section 2907.12 of the 1212  
Revised Code; 1213

(b) A violation of an existing or former law of this state, 1214  
any other state, or the United States that is substantially 1215  
equivalent to any of the offenses described in division (C)(1)(a) 1216  
of this section. 1217

(2) The department of job and family services shall not issue 1218  
a certificate under section 5103.03 of the Revised Code 1219  
authorizing a prospective foster caregiver to operate a foster 1220  
home if the department has been notified that the foster caregiver 1221  
or any person eighteen years of age or older who resides with the 1222  
foster caregiver has been convicted of or pleaded guilty to a 1223  
violation of one of the following offenses, unless the foster 1224  
caregiver or other person meets rehabilitation standards 1225  
established in rules adopted under division (F) of this section: 1226

(a) Any offense listed in division (C)(1)(a) of this section 1227  
or section 2909.02 or 2909.03 of the Revised Code; 1228

(b) An existing or former law of this state, any other state, 1229  
or the United States that is substantially equivalent to any 1230  
offense listed in division (C)(1)(a) of this section or section 1231  
2909.02 or 2909.03 of the Revised Code. 1232



(3) The appointing or hiring officer may appoint or employ a person as a person responsible for a child's care in out-of-home care conditionally until the criminal records check required by this section is completed and the officer receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (C)(1) of this section, the person subject to the criminal records check does not qualify for appointment or employment, the officer shall release the person from appointment or employment.

(D) The appointing or hiring officer, administrative director, or attorney 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 a request pursuant to division (A) of this section. The officer, director, or attorney may charge the person subject to the criminal records check a fee for the costs the officer, director, or attorney incurs in obtaining the criminal records check. A fee charged under this division shall not exceed the amount of fees the officer, director, or attorney pays for the criminal records check. If a fee is charged under this division, the officer, director, or attorney shall notify the person who is the applicant at the time of the person's initial application for appointment or employment, an adoption to be arranged, or a certificate to operate a foster home of the amount of the fee and that, unless the fee is paid, the person who is the applicant will not be considered for appointment or employment or as an adoptive parent or foster caregiver.

(E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) of this section is not a public record for

the purposes of section 149.43 of the Revised Code and shall not 1265  
be made available to any person other than the person who is the 1266  
subject of the criminal records check or the person's 1267  
representative; the appointing or hiring officer, administrative 1268  
director, or attorney requesting the criminal records check or the 1269  
officer's, director's, or attorney's representative; the 1270  
department of job and family services or a county department of 1271  
job and family services; and any court, hearing officer, or other 1272  
necessary individual involved in a case dealing with the denial of 1273  
employment, a final decree of adoption or interlocutory order of 1274  
adoption, or a foster home certificate. 1275

(F) The director of job and family services shall adopt rules 1276  
in accordance with Chapter 119. of the Revised Code to implement 1277  
this section. The rules shall include rehabilitation standards a 1278  
person who has been convicted of or pleaded guilty to an offense 1279  
listed in division (C)(1) or (2) of this section must meet for an 1280  
appointing or hiring officer to appoint or employ the person as a 1281  
person responsible for a child's care in out-of-home care, a 1282  
probate court to issue a final decree of adoption or interlocutory 1283  
order of adoption making the person an adoptive parent, or the 1284  
department to issue a certificate authorizing the prospective 1285  
foster caregiver to operate a foster home. 1286

(G) An appointing or hiring officer, administrative director, 1287  
or attorney required by division (A) of this section to request a 1288  
criminal records check shall inform each person who is the 1289  
applicant, at the time of the person's initial application for 1290  
appointment or employment, an adoption to be arranged, or a foster 1291  
home certificate, that the person subject to the criminal records 1292  
check is required to provide a set of impressions of the person's 1293  
fingerprints and that a criminal records check is required to be 1294  
conducted and satisfactorily completed in accordance with section 1295  
109.572 of the Revised Code. 1296

(H) As used in this section:	1297
(1) "Children's hospital" means any of the following:	1298
(a) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;	1299 1300 1301 1302 1303
(b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;	1304 1305 1306 1307 1308 1309 1310
(c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division (H)(3)(a) of this section.	1311 1312 1313 1314
(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	1315 1316
(3) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	1317 1318
(4) "Person responsible for a child's care in out-of-home care" has the same meaning as in section 2151.011 of the Revised Code, except that it does not include a prospective employee of the department of youth services or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.	1319 1320 1321 1322 1323 1324
(5) "Person subject to a criminal records check" means the following:	1325 1326

(a) A person who is under final consideration for appointment	1327
or employment as a person responsible for a child's care in	1328
out-of-home care;	1329
(b) A prospective adoptive parent;	1330
(c) A prospective foster caregiver;	1331
(d) A person eighteen years old or older who resides with a	1332
prospective foster caregiver.	1333
(6) "Recommending agency" means a public children services	1334
agency, private child placing agency, or private noncustodial	1335
agency to which the department of job and family services has	1336
delegated a duty to inspect and approve foster homes.	1337
(7) "Superintendent of BCII" means the superintendent of the	1338
bureau of criminal identification and investigation.	1339
<b>Sec. 2152.18.</b> (A) When a juvenile court commits a delinquent	1340
child to the custody of the department of youth services pursuant	1341
to this chapter, the court shall not designate the specific	1342
institution in which the department is to place the child but	1343
instead shall specify that the child is to be institutionalized in	1344
a secure facility.	1345
(B) When a juvenile court commits a delinquent child to the	1346
custody of the department of youth services pursuant to this	1347
chapter, the court shall state in the order of commitment the	1348
total number of days that the child has been held in detention in	1349
connection with the delinquent child complaint upon which the	1350
order of commitment is based. The department shall reduce the	1351
minimum period of institutionalization that was ordered by both	1352
the total number of days that the child has been so held in	1353
detention as stated by the court in the order of commitment and	1354
the total number of any additional days that the child has been	1355
held in detention subsequent to the order of commitment but prior	1356

to the transfer of physical custody of the child to the 1357  
department. 1358

(C)(1) When a juvenile court commits a delinquent child to 1359  
the custody of the department of youth services pursuant to this 1360  
chapter, the court shall provide the department with the child's 1361  
medical records, a copy of the report of any mental examination of 1362  
the child ordered by the court, the Revised Code section or 1363  
sections the child violated and the degree of each violation, the 1364  
warrant to convey the child to the department, a copy of the 1365  
court's journal entry ordering the commitment of the child to the 1366  
legal custody of the department, a copy of the arrest record 1367  
pertaining to the act for which the child was adjudicated a 1368  
delinquent child, a copy of any victim impact statement pertaining 1369  
to the act, and any other information concerning the child that 1370  
the department reasonably requests. The court also shall complete 1371  
the form for the standard predisposition investigation report that 1372  
the department furnishes pursuant to section 5139.04 of the 1373  
Revised Code and provide the department with the completed form. 1374

The department may refuse to accept physical custody of a 1375  
delinquent child who is committed to the legal custody of the 1376  
department until the court provides to the department the 1377  
documents specified in this division. No officer or employee of 1378  
the department who refuses to accept physical custody of a 1379  
delinquent child who is committed to the legal custody of the 1380  
department shall be subject to prosecution or contempt of court 1381  
for the refusal if the court fails to provide the documents 1382  
specified in this division at the time the court transfers the 1383  
physical custody of the child to the department. 1384

(2) Within twenty working days after the department of youth 1385  
services receives physical custody of a delinquent child from a 1386  
juvenile court, the court shall provide the department with a 1387  
certified copy of the child's birth certificate and the child's 1388

social security number or, if the court made all reasonable 1389  
efforts to obtain the information but was unsuccessful, with 1390  
documentation of the efforts it made to obtain the information. 1391

(3) If an officer is preparing pursuant to section 2947.06 or 1392  
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 1393  
investigation report pertaining to a person, the department shall 1394  
make available to the officer, for use in preparing the report, 1395  
any records or reports it possesses regarding that person that it 1396  
received from a juvenile court pursuant to division (C)(1) of this 1397  
section or that pertain to the treatment of that person after the 1398  
person was committed to the custody of the department as a 1399  
delinquent child. 1400

(D)(1) Within ten days after an adjudication that a child is 1401  
a delinquent child, the court shall give written notice of the 1402  
adjudication to the superintendent of a city, local, exempted 1403  
village, or joint vocational school district, and to the principal 1404  
of the school the child attends, if the basis of the adjudication 1405  
was the commission of an act that would be a criminal offense if 1406  
committed by an adult, if the act was committed by the delinquent 1407  
child when the child was fourteen years of age or older, and if 1408  
the act is any of the following: 1409

(a) An act that would be a felony or an offense of violence 1410  
if committed by an adult, an act in the commission of which the 1411  
child used or brandished a firearm, or an act that is a violation 1412  
of section 2907.06, 2907.07, 2907.08, 2907.09, 2907.24, or 1413  
2907.241 of the Revised Code and that would be a misdemeanor if 1414  
committed by an adult; 1415

(b) A violation of section 2923.12 of the Revised Code or of 1416  
a substantially similar municipal ordinance that would be a 1417  
misdemeanor if committed by an adult and that was committed on 1418  
property owned or controlled by, or at an activity held under the 1419  
auspices of, the board of education of that school district; 1420

(c) A violation of division (A) of section 2925.03 or 2925.11 1421  
of the Revised Code that would be a misdemeanor if committed by an 1422  
adult, that was committed on property owned or controlled by, or 1423  
at an activity held under the auspices of, the board of education 1424  
of that school district, and that is not a minor drug possession 1425  
offense; 1426

(d) An act that would be a criminal offense if committed by 1427  
an adult and that results in serious physical harm to persons or 1428  
serious physical harm to property while the child is at school, on 1429  
any other property owned or controlled by the board, or at an 1430  
interscholastic competition, an extracurricular event, or any 1431  
other school program or activity; 1432

(e) Complicity in any violation described in division 1433  
(D)(1)(a), (b), (c), or (d) of this section that was alleged to 1434  
have been committed in the manner described in division (D)(1)(a), 1435  
(b), (c), or (d) of this section, regardless of whether the act of 1436  
complicity was committed on property owned or controlled by, or at 1437  
an activity held under the auspices of, the board of education of 1438  
that school district. 1439

(2) The notice given pursuant to division (D)(1) of this 1440  
section shall include the name of the child who was adjudicated to 1441  
be a delinquent child, the child's age at the time the child 1442  
committed the act that was the basis of the adjudication, and 1443  
identification of the violation of the law or ordinance that was 1444  
the basis of the adjudication. 1445

(3) Within fourteen days after committing a delinquent child 1446  
to the custody of the department of youth services, the court 1447  
shall give notice to the school attended by the child of the 1448  
child's commitment by sending to that school a copy of the court's 1449  
journal entry ordering the commitment. As soon as possible after 1450  
receipt of the notice described in this division, the school shall 1451

provide the department with the child's school transcript. 1452  
However, the department shall not refuse to accept a child 1453  
committed to it, and a child committed to it shall not be held in 1454  
a county or district detention facility, because of a school's 1455  
failure to provide the school transcript that it is required to 1456  
provide under this division. 1457

(4) Within fourteen days after discharging or releasing a 1458  
child from an institution under its control, the department of 1459  
youth services shall provide the court and the superintendent of 1460  
the school district in which the child is entitled to attend 1461  
school under section 3313.64 or 3313.65 of the Revised Code with 1462  
an the following: 1463

(a) An updated copy of the child's school transcript and a; 1464

(b) A report outlining the child's behavior in school while 1465  
in the custody of the department; 1466

(c) The child's current individualized education program, as 1467  
defined in section 3323.01 of the Revised Code, if such a program 1468  
has been developed for the child; 1469

(d) A summary of the institutional record of the child 1470  
child's behavior. The 1471

The department also shall provide the court with a copy of 1472  
any portion of the child's institutional record that the court 1473  
specifically requests, within five working days of the request. 1474

(E) At any hearing at which a child is adjudicated a 1475  
delinquent child or as soon as possible after the hearing, the 1476  
court shall notify all victims of the delinquent act who may be 1477  
entitled to a recovery under any of the following sections of the 1478  
right of the victims to recover, pursuant to section 3109.09 of 1479  
the Revised Code, compensatory damages from the child's parents; 1480  
of the right of the victims to recover, pursuant to section 1481  
3109.10 of the Revised Code, compensatory damages from the child's 1482



parents for willful and malicious assaults committed by the child; 1483  
and of the right of the victims to recover an award of reparations 1484  
pursuant to sections 2743.51 to 2743.72 of the Revised Code. 1485

**Sec. 3301.0711.** (A) The department of education shall: 1486

(1) Annually furnish to, grade, and score all tests required 1487  
by section 3301.0710 of the Revised Code to be administered by 1488  
city, local, exempted village, and joint vocational school 1489  
districts, except that each district shall score any test 1490  
administered pursuant to division (B)(10) of this section. In 1491  
furnishing the practice versions of Ohio graduation tests 1492  
prescribed by division (F) of section 3301.0710 of the Revised 1493  
Code, the department shall make the tests available on its web 1494  
site for reproduction by districts. In awarding contracts for 1495  
grading tests, the department shall give preference to Ohio-based 1496  
entities employing Ohio residents. 1497

(2) Adopt rules for the ethical use of tests and prescribing 1498  
the manner in which the tests prescribed by section 3301.0710 of 1499  
the Revised Code shall be administered to students. 1500

(B) Except as provided in divisions (C) and (J) of this 1501  
section, the board of education of each city, local, and exempted 1502  
village school district shall, in accordance with rules adopted 1503  
under division (A) of this section: 1504

(1) Administer the reading test prescribed under division 1505  
(A)(1)(a) of section 3301.0710 of the Revised Code twice annually 1506  
to all students in the third grade who have not attained the score 1507  
designated for that test under division (A)(2)(c) of section 1508  
3301.0710 of the Revised Code and once each summer to students 1509  
receiving summer remediation services under section 3313.608 of 1510  
the Revised Code. 1511

(2) Administer the mathematics test prescribed under division 1512

(A)(1)(a) of section 3301.0710 of the Revised Code at least once	1513
annually to all students in the third grade.	1514
(3) Administer the tests prescribed under division (A)(1)(b)	1515
of section 3301.0710 of the Revised Code at least once annually to	1516
all students in the fourth grade.	1517
(4) Administer the tests prescribed under division (A)(1)(c)	1518
of section 3301.0710 of the Revised Code at least once annually to	1519
all students in the fifth grade.	1520
(5) Administer the tests prescribed under division (A)(1)(d)	1521
of section 3301.0710 of the Revised Code at least once annually to	1522
all students in the sixth grade.	1523
(6) Administer the tests prescribed under division (A)(1)(e)	1524
of section 3301.0710 of the Revised Code at least once annually to	1525
all students in the seventh grade.	1526
(7) Administer the tests prescribed under division (A)(1)(f)	1527
of section 3301.0710 of the Revised Code at least once annually to	1528
all students in the eighth grade.	1529
(8) Except as provided in division (B)(9) of this section,	1530
administer any test prescribed under division (B) of section	1531
3301.0710 of the Revised Code as follows:	1532
(a) At least once annually to all tenth grade students and at	1533
least twice annually to all students in eleventh or twelfth grade	1534
who have not yet attained the score on that test designated under	1535
that division;	1536
(b) To any person who has successfully completed the	1537
curriculum in any high school or the individualized education	1538
program developed for the person by any high school pursuant to	1539
section 3323.08 of the Revised Code but has not received a high	1540
school diploma and who requests to take such test, at any time	1541
such test is administered in the district.	1542

(9) In lieu of the board of education of any city, local, or 1543  
exempted village school district in which the student is also 1544  
enrolled, the board of a joint vocational school district shall 1545  
administer any test prescribed under division (B) of section 1546  
3301.0710 of the Revised Code at least twice annually to any 1547  
student enrolled in the joint vocational school district who has 1548  
not yet attained the score on that test designated under that 1549  
division. A board of a joint vocational school district may also 1550  
administer such a test to any student described in division 1551  
(B)(8)(b) of this section. 1552

(10) If the district has been declared to be under an 1553  
academic watch or in a state of academic emergency pursuant to 1554  
section 3302.03 of the Revised Code or has a three-year average 1555  
graduation rate of not more than seventy-five per cent, administer 1556  
each test prescribed by division (F) of section 3301.0710 of the 1557  
Revised Code in September to all ninth grade students, beginning 1558  
in the school year that starts July 1, 2005. 1559

(C)(1)(a) Any student receiving special education services 1560  
under Chapter 3323. of the Revised Code may be excused from taking 1561  
any particular test required to be administered under this section 1562  
if the individualized education program developed for the student 1563  
pursuant to section 3323.08 of the Revised Code excuses the 1564  
student from taking that test and instead specifies an alternate 1565  
assessment method approved by the department of education as 1566  
conforming to requirements of federal law for receipt of federal 1567  
funds for disadvantageded pupils. To the extent possible, the 1568  
individualized education program shall not excuse the student from 1569  
taking a test unless no reasonable accommodation can be made to 1570  
enable the student to take the test. 1571

(b) Any alternate assessment approved by the department for a 1572  
student under this division shall produce measurable results 1573  
comparable to those produced by the tests which the alternate 1574

assessments are replacing in order to allow for the student's 1575  
assessment results to be included in the data compiled for a 1576  
school district or building under section 3302.03 of the Revised 1577  
Code. 1578

(c) Any student enrolled in a chartered nonpublic school who 1579  
has been identified, based on an evaluation conducted in 1580  
accordance with section 3323.03 of the Revised Code or section 504 1581  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 1582  
794, as amended, as a child with a disability shall be excused 1583  
from taking any particular test required to be administered under 1584  
this section if a plan developed for the student pursuant to rules 1585  
adopted by the state board excuses the student from taking that 1586  
test. In the case of any student so excused from taking a test, 1587  
the chartered nonpublic school shall not prohibit the student from 1588  
taking the test. 1589

(2) A district board may, for medical reasons or other good 1590  
cause, excuse a student from taking a test administered under this 1591  
section on the date scheduled, but any such test shall be 1592  
administered to such excused student not later than nine days 1593  
following the scheduled date. The board shall annually report the 1594  
number of students who have not taken one or more of the tests 1595  
required by this section to the state board of education not later 1596  
than the thirtieth day of June. 1597

(3) As used in this division, "limited English proficient 1598  
student" has the same meaning as in 20 U.S.C. 7801. 1599

No school district board shall excuse any limited English 1600  
proficient student from taking any particular test required to be 1601  
administered under this section, ~~but a~~ except that any limited 1602  
English proficient student who has been enrolled in United States 1603  
schools for less than one full school year shall not be required 1604  
to take any such reading or writing test. However, no board shall 1605  
prohibit a limited English proficient student who is not required 1606

to take a test under this division from taking the test. A board 1607  
may permit any limited English proficient student to take ~~the~~ any 1608  
test required to be administered under this section with 1609  
appropriate accommodations, as determined by the department. For 1610  
each limited English proficient student, each school district 1611  
shall annually assess that student's progress in learning English, 1612  
in accordance with procedures approved by the department. 1613

The governing authority of a chartered nonpublic school may 1614  
excuse a limited English proficient student from taking any test 1615  
administered under this section. However, no governing authority 1616  
shall prohibit a limited English proficient student from taking 1617  
the test. 1618

(D)(1) In the school year next succeeding the school year in 1619  
which the tests prescribed by division (A)(1) or (B) of section 1620  
3301.0710 of the Revised Code or former division (A)(1), (A)(2), 1621  
or (B) of section 3301.0710 of the Revised Code as it existed 1622  
prior to September 11, 2001, are administered to any student, the 1623  
board of education of any school district in which the student is 1624  
enrolled in that year shall provide to the student intervention 1625  
services commensurate with the student's test performance, 1626  
including any intensive intervention required under section 1627  
3313.608 of the Revised Code, in any skill in which the student 1628  
failed to demonstrate at least a score at the proficient level on 1629  
the test. 1630

(2) Following any administration of the tests prescribed by 1631  
division (F) of section 3301.0710 of the Revised Code to ninth 1632  
grade students, each school district that has a three-year average 1633  
graduation rate of not more than seventy-five per cent shall 1634  
determine for each high school in the district whether the school 1635  
shall be required to provide intervention services to any students 1636  
who took the tests. In determining which high schools shall 1637  
provide intervention services based on the resources available, 1638

the district shall consider each school's graduation rate and  
scores on the practice tests. The district also shall consider the  
scores received by ninth grade students on the reading and  
mathematics tests prescribed under division (A)(1)(f) of section  
3301.0710 of the Revised Code in the eighth grade in determining  
which high schools shall provide intervention services.

Each high school selected to provide intervention services  
under this division shall provide intervention services to any  
student whose test results indicate that the student is failing to  
make satisfactory progress toward being able to attain scores at  
the proficient level on the Ohio graduation tests. Intervention  
services shall be provided in any skill in which a student  
demonstrates unsatisfactory progress and shall be commensurate  
with the student's test performance. Schools shall provide the  
intervention services prior to the end of the school year, during  
the summer following the ninth grade, in the next succeeding  
school year, or at any combination of those times.

(E) Except as provided in section 3313.608 of the Revised  
Code and division (M) of this section, no school district board of  
education shall utilize any student's failure to attain a  
specified score on any test administered under this section as a  
factor in any decision to deny the student promotion to a higher  
grade level. However, a district board may choose not to promote  
to the next grade level any student who does not take any test  
administered under this section or make up such test as provided  
by division (C)(2) of this section and who is not exempt from the  
requirement to take the test under division (C)(3) of this  
section.

(F) No person shall be charged a fee for taking any test  
administered under this section.

(G) Not later than sixty days after any administration of any

test prescribed by division (A)(1) or (B) of section 3301.0710 of 1670  
the Revised Code, the department shall send to each school 1671  
district board a list of the individual test scores of all persons 1672  
taking the test. For any tests administered under this section by 1673  
a joint vocational school district, the department shall also send 1674  
to each city, local, or exempted village school district a list of 1675  
the individual test scores of any students of such city, local, or 1676  
exempted village school district who are attending school in the 1677  
joint vocational school district. 1678

(H) Individual test scores on any tests administered under 1679  
this section shall be released by a district board only in 1680  
accordance with section 3319.321 of the Revised Code and the rules 1681  
adopted under division (A) of this section. No district board or 1682  
its employees shall utilize individual or aggregate test results 1683  
in any manner that conflicts with rules for the ethical use of 1684  
tests adopted pursuant to division (A) of this section. 1685

(I) Except as provided in division (G) of this section, the 1686  
department shall not release any individual test scores on any 1687  
test administered under this section and shall adopt rules to 1688  
ensure the protection of student confidentiality at all times. 1689

(J) Notwithstanding division (D) of section 3311.52 of the 1690  
Revised Code, this section does not apply to the board of 1691  
education of any cooperative education school district except as 1692  
provided under rules adopted pursuant to this division. 1693

(1) In accordance with rules that the state board of 1694  
education shall adopt, the board of education of any city, 1695  
exempted village, or local school district with territory in a 1696  
cooperative education school district established pursuant to 1697  
divisions (A) to (C) of section 3311.52 of the Revised Code may 1698  
enter into an agreement with the board of education of the 1699  
cooperative education school district for administering any test 1700  
prescribed under this section to students of the city, exempted 1701

village, or local school district who are attending school in the 1702  
cooperative education school district. 1703

(2) In accordance with rules that the state board of 1704  
education shall adopt, the board of education of any city, 1705  
exempted village, or local school district with territory in a 1706  
cooperative education school district established pursuant to 1707  
section 3311.521 of the Revised Code shall enter into an agreement 1708  
with the cooperative district that provides for the administration 1709  
of any test prescribed under this section to both of the 1710  
following: 1711

(a) Students who are attending school in the cooperative 1712  
district and who, if the cooperative district were not 1713  
established, would be entitled to attend school in the city, 1714  
local, or exempted village school district pursuant to section 1715  
3313.64 or 3313.65 of the Revised Code; 1716

(b) Persons described in division (B)(8)(b) of this section. 1717

Any testing of students pursuant to such an agreement shall 1718  
be in lieu of any testing of such students or persons pursuant to 1719  
this section. 1720

(K)(1) Any chartered nonpublic school may participate in the 1721  
testing program by administering any of the tests prescribed by 1722  
section 3301.0710 or 3301.0712 of the Revised Code if the chief 1723  
administrator of the school specifies which tests the school 1724  
wishes to administer. Such specification shall be made in writing 1725  
to the superintendent of public instruction prior to the first day 1726  
of August of any school year in which tests are administered and 1727  
shall include a pledge that the nonpublic school will administer 1728  
the specified tests in the same manner as public schools are 1729  
required to do under this section and rules adopted by the 1730  
department. 1731

(2) The department of education shall furnish the tests 1732



prescribed by section 3301.0710 or 3301.0712 of the Revised Code 1733  
to any chartered nonpublic school electing to participate under 1734  
this division. 1735

(L)(1) The superintendent of the state school for the blind 1736  
and the superintendent of the state school for the deaf shall 1737  
administer the tests described by section 3301.0710 of the Revised 1738  
Code. Each superintendent shall administer the tests in the same 1739  
manner as district boards are required to do under this section 1740  
and rules adopted by the department of education and in conformity 1741  
with division (C)(1)(a) of this section. 1742

(2) The department of education shall furnish the tests 1743  
described by section 3301.0710 of the Revised Code to each 1744  
superintendent. 1745

(M) Notwithstanding division (E) of this section, a school 1746  
district may use a student's failure to attain a score in at least 1747  
the basic range on the mathematics test described by division 1748  
(A)(1)(a) of section 3301.0710 of the Revised Code or on any of 1749  
the tests described by division (A)(1)(b), (c), (d), (e), or (f) 1750  
of section 3301.0710 of the Revised Code as a factor in retaining 1751  
that student in the current grade level. 1752

(N)(1) The tests required by section 3301.0710 of the Revised 1753  
Code shall become public records pursuant to section 149.43 of the 1754  
Revised Code on the first day of July following the school year 1755  
that the test was administered, except that the reading test 1756  
prescribed under division (A)(1)(a) of section 3301.0710 of the 1757  
Revised Code shall become a public record on the sixteenth day of 1758  
July following the school year that the test was administered. 1759

(2) The department may field test proposed test questions 1760  
with samples of students to determine the validity, reliability, 1761  
or appropriateness of test questions for possible inclusion in a 1762  
future year's test. The department also may use anchor questions 1763

on tests to ensure that different versions of the same test are of 1764  
comparable difficulty. 1765

Field test questions and anchor questions shall not be 1766  
considered in computing test scores for individual students. Field 1767  
test questions and anchor questions may be included as part of the 1768  
administration of any test required by section 3301.0710 of the 1769  
Revised Code. 1770

(3) Any field test question or anchor question administered 1771  
under division (N)(2) of this section shall not be a public 1772  
record. Such field test questions and anchor questions shall be 1773  
redacted from any tests which are released as a public record 1774  
pursuant to division (N)(1) of this section. 1775

(O) As used in this section, "three-year average" and 1776  
"graduation rate" have the same meanings as in section 3302.01 of 1777  
the Revised Code. 1778

**Sec. 3302.01.** As used in this chapter: 1779

(A) "Dropout" means a student who withdraws from school 1780  
before completing course requirements for graduation and who is 1781  
not enrolled in an education program approved by the state board 1782  
of education or an education program outside the state. "Dropout" 1783  
does not include a student who has departed the country. 1784

(B) "Graduation rate" means the ratio of students receiving a 1785  
diploma to the number of students who entered ninth grade four 1786  
years earlier. Students who transfer into the district are added 1787  
to the calculation. Students who transfer out of the district for 1788  
reasons other than dropout are subtracted from the calculation. If 1789  
a student who was a dropout in any previous year returns to the 1790  
same school district, that student shall be entered into the 1791  
calculation as if the student had entered ninth grade four years 1792  
before the graduation year of the graduating class that the 1793

student joins. 1794

(C) "Attendance rate" means the ratio of the number of 1795  
students actually in attendance over the course of a school year 1796  
to the number of students who were required to be in attendance 1797  
that school year, as calculated pursuant to rules of the 1798  
superintendent of public instruction. 1799

(D) "Three-year average" means the average of the most recent 1800  
consecutive three school years of data. 1801

(E) "Performance index score" means the average of the totals 1802  
derived from calculations for each subject area of reading, 1803  
writing, mathematics, science, and social studies of the weighted 1804  
proportion of untested students and students scoring at each level 1805  
of skill described in division (A)(2) of section 3301.0710 of the 1806  
Revised Code on the tests prescribed by divisions (A) and (B) of 1807  
that section. The department of education shall assign weights 1808  
such that students who do not take a test receive a weight of zero 1809  
and students who take a test receive progressively larger weights 1810  
dependent upon the level of skill attained on the test. The 1811  
department shall also determine the performance index score a 1812  
school district or building needs to achieve for the purpose of 1813  
the performance ratings assigned pursuant to section 3302.03 of 1814  
the Revised Code. 1815

Students shall be included in the "performance index score" 1816  
in accordance with division (D)(2) of section 3302.03 of the 1817  
Revised Code. 1818

(F) "Subgroup" means a subset of the entire student 1819  
population of the state, a school district, or a school building 1820  
and includes each of the following: 1821

(1) Major racial and ethnic groups; 1822

(2) Students with disabilities; 1823

(3) Economically disadvantaged students; 1824

(4) Limited English proficient students. 1825

(G) "Other academic indicators" means measures of student 1826  
academic performance other than scores on tests administered under 1827  
section 3301.0710 of the Revised Code, which shall be the 1828  
attendance rate for elementary and middle schools and the 1829  
graduation rate for high schools. 1830

(H) "Annual measurable objective" means the yearly percentage 1831  
of students, which shall be established by the state board, who 1832  
must score at or above the proficient level on tests established 1833  
under section 3301.0710 of the Revised Code in reading and 1834  
mathematics administered to their grade level for a school 1835  
district or a school building to be deemed to have made sufficient 1836  
progress for that school year toward the goal of having all 1837  
students scoring at or above the proficient level on such tests by 1838  
June 30, 2014. For the school year that begins July 1, 2003, the 1839  
state board shall establish an "annual measurable objective" in 1840  
accordance with the "No Child Left Behind Act of 2001," 115 Stat. 1841  
1425, 20 U.S.C. 6311. In the school year following the first 1842  
administration of each test established under section 3301.0710 of 1843  
the Revised Code, the state board shall use the results from such 1844  
tests to make any necessary adjustments in the applicable annual 1845  
measurable objective. 1846

(I) "Adequate yearly progress," as required by the "No Child 1847  
Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6311, means a 1848  
measure of annual academic performance. "Adequate yearly progress" 1849  
is made by a school district or a school building when, ~~in~~ 1850  
~~accordance with division (D)(2) of section 3302.03 of the Revised~~ 1851  
~~Code,~~ the district or building satisfies either divisions (I)(1) 1852  
and (2) of this section or divisions (I)(1) and (3) of this 1853  
section in the applicable school year: 1854

(1) At least ninety-five per cent of the total student population and of each subgroup enrolled in the district or building at the time of the test administration takes each test in reading and mathematics prescribed by section 3301.0710 of the Revised Code that is administered to their grade level, except that this requirement shall not apply to any subgroup in the district or building that contains less than forty students. Those students taking a test with accommodations or an alternate assessment pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code shall be counted as taking that test for the purposes of this division. Any limited English proficient student who has been enrolled in United States schools for less than one full school year and does not take a reading test administered to the student's grade level shall be counted as taking that test for the purposes of this division if, in the same school year, the student has been assessed to determine the student's progress in learning English in accordance with division (C)(3) of section 3301.0711 of the Revised Code.

(2) The total student population and each subgroup in the district or building, as defined in division (D)(2) of section 3302.03 of the Revised Code, meets or exceeds the annual measurable objective for that school year in reading and mathematics based upon data from the current school year or a three-year average of data and the district or building meets or exceeds the minimum threshold or makes progress on the other academic indicators for that school year. In calculating whether a district or building satisfies this division, the department shall include any subgroup in the district or building that contains thirty or more students, except that the department shall not include the subgroup described in division (F)(2) of this section unless such subgroup contains forty-five or more students. The determination of students in the subgroup described in division

(F)(2) of this section who are not required to score at or above 1887  
the proficient level on tests established under section 3301.0710 1888  
of the Revised Code for the purpose of determining whether a 1889  
district or building satisfies this division shall comply with 1890  
federal statutes, rules, and regulations. 1891

(3) If the performance of the total student population or any 1892  
subgroup in the district or building results in the failure of the 1893  
district or building to satisfy division (I)(2) of this section, 1894  
the district or building shall fulfill both of the following 1895  
requirements with respect to the total student population or any 1896  
pertinent subgroup: 1897

(a) The percentage of students scoring below the proficient 1898  
level on the applicable tests in the total student population or 1899  
subgroup decreases by at least ten per cent from the percentage of 1900  
such students in the total student population or subgroup in the 1901  
preceding school year or from the average percentage of such 1902  
students in the total student population or subgroup in the two 1903  
preceding school years. 1904

(b) The total student population or subgroup meets or exceeds 1905  
the minimum threshold on the other academic indicators for that 1906  
school year or makes progress toward meeting the minimum threshold 1907  
on one of the other academic indicators for that school year. 1908

(J) "Supplemental educational services" means additional 1909  
academic assistance, such as tutoring, remediation, or other 1910  
educational enrichment activities, that is conducted outside of 1911  
the regular school day by a provider approved by the department in 1912  
accordance with the "No Child Left Behind Act of 2001," 115 Stat. 1913  
1425, 20 U.S.C. 6316. 1914

(K) "Value-added progress dimension" means a measure of 1915  
academic gain for a student or group of students over a specific 1916  
period of time that is calculated by applying a statistical 1917

methodology to individual student achievement data derived from 1918  
the achievement tests prescribed by section 3301.0710 of the 1919  
Revised Code. 1920

**Sec. 3302.03.** (A) Annually the department of education shall 1921  
report for each school district and each school building in a 1922  
district all of the following: 1923

(1) The extent to which the school district or building meets 1924  
each of the applicable performance indicators created by the state 1925  
board of education under section 3302.02 of the Revised Code and 1926  
the number of applicable performance indicators that have been 1927  
achieved; 1928

(2) The performance index score of the school district or 1929  
building; 1930

(3) Whether the school district or building has made adequate 1931  
yearly progress; 1932

(4) Whether the school district or building is excellent, 1933  
effective, needs continuous improvement, is under an academic 1934  
watch, or is in a state of academic emergency. 1935

(B)(1) A school district or building shall be declared 1936  
excellent if it fulfills one of the following requirements: 1937

(a) It makes adequate yearly progress and either meets at 1938  
least ninety-four per cent of the applicable state performance 1939  
indicators or has a performance index score established by the 1940  
department. 1941

(b) It has failed to make adequate yearly progress for not 1942  
more than two consecutive years and either meets at least 1943  
ninety-four per cent of the applicable state performance 1944  
indicators or has a performance index score established by the 1945  
department. 1946

(2) A school district or building shall be declared effective 1947  
if it fulfills one of the following requirements: 1948

(a) It makes adequate yearly progress and either meets at 1949  
least seventy-five per cent but less than ninety-four per cent of 1950  
the applicable state performance indicators or has a performance 1951  
index score established by the department. 1952

(b) It does not make adequate yearly progress and either 1953  
meets at least seventy-five per cent of the applicable state 1954  
performance indicators or has a performance index score 1955  
established by the department, except that if it does not make 1956  
adequate yearly progress for three consecutive years, it shall be 1957  
declared in need of continuous improvement. 1958

(3) A school district or building shall be declared to be in 1959  
need of continuous improvement if it fulfills one of the following 1960  
requirements: 1961

(a) It makes adequate yearly progress, meets less than 1962  
seventy-five per cent of the applicable state performance 1963  
indicators, and has a performance index score established by the 1964  
department. 1965

(b) It does not make adequate yearly progress and either 1966  
meets at least fifty per cent but less than seventy-five per cent 1967  
of the applicable state performance indicators or has a 1968  
performance index score established by the department. 1969

(4) A school district or building shall be declared to be 1970  
under an academic watch if it does not make adequate yearly 1971  
progress and either meets at least thirty-one per cent but less 1972  
than fifty per cent of the applicable state performance indicators 1973  
or has a performance index score established by the department. 1974

(5) A school district or building shall be declared to be in 1975  
a state of academic emergency if it does not make adequate yearly 1976



progress, does not meet at least thirty-one per cent of the 1977  
applicable state performance indicators, and has a performance 1978  
index score established by the department. 1979

(C)(1) The department shall issue annual report cards for 1980  
each school district, each building within each district, and for 1981  
the state as a whole reflecting performance on the indicators 1982  
created by the state board under section 3302.02 of the Revised 1983  
Code, the performance index score, and adequate yearly progress. 1984

(2) The department shall include on the report card for each 1985  
district information pertaining to any change from the previous 1986  
year made by the school district or school buildings within the 1987  
district on any performance indicator. 1988

(3) When reporting data on student performance, the 1989  
department shall disaggregate that data according to the following 1990  
categories: 1991

(a) Performance of students by age group; 1992

(b) Performance of students by race and ethnic group; 1993

(c) Performance of students by gender; 1994

(d) Performance of students grouped by those who have been 1995  
enrolled in a district or school for three or more years; 1996

(e) Performance of students grouped by those who have been 1997  
enrolled in a district or school for more than one year and less 1998  
than three years; 1999

(f) Performance of students grouped by those who have been 2000  
enrolled in a district or school for one year or less; 2001

(g) Performance of students grouped by those who are 2002  
economically disadvantaged; 2003

(h) Performance of students grouped by those who are enrolled 2004  
in a conversion community school established under Chapter 3314. 2005  
of the Revised Code; 2006

(i) Performance of students grouped by those who are classified as limited English proficient;	2007 2008
(j) Performance of students grouped by those who have disabilities;	2009 2010
(k) Performance of students grouped by those who are classified as migrants;	2011 2012
(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.	2013 2014 2015
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (C)(3)(a) to (l) of this section that it deems relevant.	2016 2017 2018 2019 2020 2021
In reporting data pursuant to division (C)(3) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (C)(3) of this section that contains less than ten students.	2022 2023 2024 2025 2026 2027 2028
(4) The department may include with the report cards any additional education and fiscal performance data it deems valuable.	2029 2030 2031
(5) The department shall include on each report card a list of additional information collected by the department that is available regarding the district or building for which the report card is issued. When available, such additional information shall include student mobility data disaggregated by race and	2032 2033 2034 2035 2036

socioeconomic status, college enrollment data, and the reports 2037  
prepared under section 3302.031 of the Revised Code. 2038

The department shall maintain a site on the world wide web. 2039  
The report card shall include the address of the site and shall 2040  
specify that such additional information is available to the 2041  
public at that site. The department shall also provide a copy of 2042  
each item on the list to the superintendent of each school 2043  
district. The district superintendent shall provide a copy of any 2044  
item on the list to anyone who requests it. 2045

(6) For any district that sponsors a conversion community 2046  
school under Chapter 3314. of the Revised Code, the department 2047  
shall combine data regarding the academic performance of students 2048  
enrolled in the community school with comparable data from the 2049  
schools of the district for the purpose of calculating the 2050  
performance of the district as a whole on the report card issued 2051  
for the district. 2052

(7) The department shall include on each report card the 2053  
percentage of teachers in the district or building who are highly 2054  
qualified, as defined by the "No Child Left Behind Act of 2001," 2055  
115 Stat. 1425, 20 U.S.C. 7801, and a comparison of that 2056  
percentage with the percentages of such teachers in similar 2057  
districts and buildings. 2058

(8) The department shall include on the report card the 2059  
number of master teachers employed by each district and each 2060  
building once the data is available from the education management 2061  
information system established under section 3301.0714 of the 2062  
Revised Code. 2063

(D)(1) In calculating reading, writing, mathematics, social 2064  
studies, or science proficiency or achievement test passage rates 2065  
used to determine school district or building performance under 2066  
this section, the department shall include all students taking a 2067

test with accommodation or to whom an alternate assessment is 2068  
administered pursuant to division (C)(1) or (3) of section 2069  
3301.0711 of the Revised Code. 2070

(2) In calculating performance index scores, rates of 2071  
achievement on the performance indicators established by the state 2072  
board under section 3302.02 of the Revised Code, and adequate 2073  
yearly progress for school districts and buildings under this 2074  
section, the department shall do ~~both~~ all of the following: 2075

(a) Include for each district or building only those students 2076  
who are included in the ADM certified for the first full school 2077  
week of October and are continuously enrolled in the district or 2078  
building through the time of the spring administration of any test 2079  
prescribed by section 3301.0710 of the Revised Code that is 2080  
administered to the student's grade level; 2081

(b) Include cumulative totals from both the fall and spring 2082  
administrations of the third grade reading achievement test; 2083

(c) Except as required by division (I)(1) of section 3302.01 2084  
of the Revised Code, exclude for each district or building any 2085  
limited English proficient student who has been enrolled in United 2086  
States schools for less than one full school year. 2087

**Sec. 3313.53.** (A) As used in this section: 2088

(1) "Licensed individual" means an individual who holds a 2089  
valid educator license, certificate, or permit issued by the state 2090  
board of education under section 3319.22, 3319.26, 3319.27, ~~or~~ 2091  
3319.302, or 3319.304 of the Revised Code. 2092

(2) "Nonlicensed individual" means an individual who does not 2093  
hold a valid educator license, certificate, or permit issued by 2094  
the state board of education under section 3319.22, 3319.26, 2095  
3319.27, ~~or~~ 3319.302, or 3319.304 of the Revised Code. 2096

(B) The board of education of any city, exempted village, or 2097

local school district may establish and maintain in connection 2098  
with the public school systems: 2099

(1) Manual training, industrial arts, domestic science, and 2100  
commercial departments; 2101

(2) Agricultural, industrial, vocational, and trades schools. 2102

Such board may pay from the public school funds, as other 2103  
school expenses are paid, the expenses of establishing and 2104  
maintaining such departments and schools and of directing, 2105  
supervising, and coaching the pupil-activity programs in music, 2106  
language, arts, speech, government, athletics, and any others 2107  
directly related to the curriculum. 2108

(C) The board of education of any city, exempted village, or 2109  
local school district may employ a nonlicensed individual to 2110  
direct, supervise, or coach a pupil-activity program as long as 2111  
that individual holds a valid pupil-activity program permit issued 2112  
by the state board of education under division (A) of section 2113  
3319.303 of the Revised Code. 2114

(D) A nonlicensed individual who holds a valid pupil-activity 2115  
program permit may be employed under division (C) of this section 2116  
only after the school district's board of education adopts a 2117  
resolution stating that it has offered such position to those 2118  
employees of the district who are licensed individuals and no such 2119  
employee qualified to fill the position has accepted it, and has 2120  
then advertised the position as available to any licensed 2121  
individual who is qualified to fill it and who is not employed by 2122  
the board, and no such person has applied for and accepted the 2123  
position. A nonlicensed individual so employed is a nonteaching 2124  
employee and is not an educational assistant as defined in section 2125  
3319.088 of the Revised Code. As used in this division and 2126  
division (C) of this section, pupil-activity program does not 2127  
include any class or course required or offered for credit toward 2128

a pupil's promotion to the next grade or for graduation, or any 2129  
activity conducted as a part of or required for such a class or 2130  
course. A nonlicensed individual employed under this section may 2131  
perform only the duties of the director, supervisor, or coach of 2132  
the pupil-activity program for which the nonlicensed individual is 2133  
employed. 2134

The board shall fix the compensation of the nonlicensed 2135  
individual so employed, which shall be the same amount as the 2136  
position was offered to the district's licensed employees, and 2137  
execute a written contract with the nonlicensed individual for a 2138  
term not to exceed one year. The contract shall specify the 2139  
compensation, duration, and other terms of employment, and the 2140  
compensation shall not be reduced unless such reduction is a part 2141  
of a uniform plan affecting the entire district. 2142

If the state board suspends, revokes, or limits the 2143  
pupil-activity program permit of a nonlicensed individual, the 2144  
school district board may terminate or suspend the employment 2145  
contract of that individual. Otherwise, no contract issued under 2146  
this section shall be terminated or suspended except pursuant to 2147  
the procedure established by division (C) of section 3319.081 of 2148  
the Revised Code. 2149

**Sec. 3313.533.** (A) The board of education of a city, exempted 2150  
village, or local school district may adopt a resolution to 2151  
establish and maintain an alternative school in accordance with 2152  
this section. The resolution shall specify, but not necessarily be 2153  
limited to, all of the following: 2154

(1) The purpose of the school, which purpose shall be to 2155  
serve students who are on suspension, who are having truancy 2156  
problems, who are experiencing academic failure, who have a 2157  
history of class disruption, ~~or~~ who are exhibiting other academic 2158  
or behavioral problems specified in the resolution, or who have 2159

been discharged or released from the custody of the department of 2160  
youth services under section 5139.51 of the Revised Code; 2161

(2) The grades served by the school, which may include any of 2162  
grades kindergarten through twelve; 2163

(3) A requirement that the school be operated in accordance 2164  
with this section. The board of education adopting the resolution 2165  
under division (A) of this section shall be the governing board of 2166  
the alternative school. The board shall develop and implement a 2167  
plan for the school in accordance with the resolution establishing 2168  
the school and in accordance with this section. Each plan shall 2169  
include, but not necessarily be limited to, all of the following: 2170

(a) Specification of the reasons for which students will be 2171  
accepted for assignment to the school and any criteria for 2172  
admission that are to be used by the board to approve or 2173  
disapprove the assignment of students to the school; 2174

(b) Specification of the criteria and procedures that will be 2175  
used for returning students who have been assigned to the school 2176  
back to the regular education program of the district; 2177

(c) An evaluation plan for assessing the effectiveness of the 2178  
school and its educational program and reporting the results of 2179  
the evaluation to the public. 2180

(B) Notwithstanding any provision of Title XXXVIII of the 2181  
Revised Code to the contrary, the alternative school plan may 2182  
include any of the following: 2183

(1) A requirement that on each school day students must 2184  
attend school or participate in other programs specified in the 2185  
plan or by the chief administrative officer of the school for a 2186  
period equal to the minimum school day set by the state board of 2187  
education under section 3313.48 of the Revised Code plus any 2188  
additional time required in the plan or by the chief 2189  
administrative officer; 2190

(2) Restrictions on student participation in extracurricular or interscholastic activities;	2191 2192
(3) A requirement that students wear uniforms prescribed by the district board of education.	2193 2194
(C) In accordance with the alternative school plan, the district board of education may employ teachers and nonteaching employees necessary to carry out its duties and fulfill its responsibilities or may contract with a nonprofit or for profit entity to operate the alternative school, including the provision of personnel, supplies, equipment, or facilities.	2195 2196 2197 2198 2199 2200
(D) An alternative school may be established in all or part of a school building.	2201 2202
(E) If a district board of education elects under this section, or is required by section 3313.534 of the Revised Code, to establish an alternative school, the district board may join with the board of education of one or more other districts to form a joint alternative school by forming a cooperative education school district under section 3311.52 or 3311.521 of the Revised Code, or a joint educational program under section 3313.842 of the Revised Code. The authority to employ personnel or to contract with a nonprofit or for profit entity under division (C) of this section applies to any alternative school program established under this division.	2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213
(F) Any individual employed as a teacher at an alternative school operated by a nonprofit or for profit entity under this section shall be licensed and shall be subject to background checks, as described in section 3319.39 of the Revised Code, in the same manner as an individual employed by a school district.	2214 2215 2216 2217 2218
(G) Division (G) of this section applies only to any alternative school that is operated by a nonprofit or for profit entity under contract with the school district.	2219 2220 2221



(1) In addition to the specifications authorized under	2222
division (B) of this section, any plan adopted under that division	2223
for an alternative school to which division (G) of this section	2224
also applies shall include the following:	2225
(a) A description of the educational program provided at the	2226
alternative school, which shall include:	2227
(i) Provisions for the school to be configured in clusters or	2228
small learning communities;	2229
(ii) Provisions for the incorporation of education technology	2230
into the curriculum;	2231
(iii) Provisions for accelerated learning programs in reading	2232
and mathematics.	2233
(b) A method to determine the reading and mathematics level	2234
of each student assigned to the alternative school and a method to	2235
continuously monitor each student's progress in those areas. The	2236
methods employed under this division shall be aligned with the	2237
curriculum adopted by the school district board of education under	2238
section 3313.60 of the Revised Code.	2239
(c) A plan for social services to be provided at the	2240
alternative school, such as, but not limited to, counseling	2241
services, psychological support services, and enrichment programs;	2242
(d) A plan for a student's transition from the alternative	2243
school back to a school operated by the school district;	2244
(e) A requirement that the alternative school maintain	2245
financial records in a manner that is compatible with the form	2246
prescribed for school districts by the auditor of state to enable	2247
the district to comply with any rules adopted by the auditor of	2248
state.	2249
(2) Notwithstanding division (A)(2) of this section, any	2250
alternative school to which division (G) of this section applies	2251

shall include only grades six through twelve. 2252

(3) Notwithstanding anything in division (A)(3)(a) of this 2253  
section to the contrary, the characteristics of students who may 2254  
be assigned to an alternative school to which division (G) of this 2255  
section applies shall include only disruptive and low-performing 2256  
students. 2257

(H) When any district board of education determines to 2258  
contract with a nonprofit or for profit entity to operate an 2259  
alternative school under this section, the board shall use the 2260  
procedure set forth in this division. 2261

(1) The board shall publish notice of a request for proposals 2262  
in a newspaper of general circulation in the district once each 2263  
week for a period of at least two consecutive weeks prior to the 2264  
date specified by the board for receiving proposals. Notices of 2265  
requests for proposals shall contain a general description of the 2266  
subject of the proposed contract and the location where the 2267  
request for proposals may be obtained. The request for proposals 2268  
shall include all of the following information: 2269

(a) Instructions and information to respondents concerning 2270  
the submission of proposals, including the name and address of the 2271  
office where proposals are to be submitted; 2272

(b) Instructions regarding communications, including at least 2273  
the names, titles, and telephone numbers of persons to whom 2274  
questions concerning a proposal may be directed; 2275

(c) A description of the performance criteria that will be 2276  
used to evaluate whether a respondent to which a contract is 2277  
awarded is meeting the district's educational standards or the 2278  
method by which such performance criteria will be determined; 2279

(d) Factors and criteria to be considered in evaluating 2280  
proposals, the relative importance of each factor or criterion, 2281  
and a description of the evaluation procedures to be followed; 2282

(e) Any terms or conditions of the proposed contract, 2283  
including any requirement for a bond and the amount of such bond; 2284

(f) Documents that may be incorporated by reference into the 2285  
request for proposals, provided that the request for proposals 2286  
specifies where such documents may be obtained and that such 2287  
documents are readily available to all interested parties. 2288

(2) After the date specified for receiving proposals, the 2289  
board shall evaluate the submitted proposals and may hold 2290  
discussions with any respondent to ensure a complete understanding 2291  
of the proposal and the qualifications of such respondent to 2292  
execute the proposed contract. Such qualifications shall include, 2293  
but are not limited to, all of the following: 2294

(a) Demonstrated competence in performance of the required 2295  
services as indicated by effective implementation of educational 2296  
programs in reading and mathematics and at least three years of 2297  
experience successfully serving a student population similar to 2298  
the student population assigned to the alternative school; 2299

(b) Demonstrated performance in the areas of cost 2300  
containment, the provision of educational services of a high 2301  
quality, and any other areas determined by the board; 2302

(c) Whether the respondent has the resources to undertake the 2303  
operation of the alternative school and to provide qualified 2304  
personnel to staff the school; 2305

(d) Financial responsibility. 2306

(3) The board shall select for further review at least three 2307  
proposals from respondents the board considers qualified to 2308  
operate the alternative school in the best interests of the 2309  
students and the district. If fewer than three proposals are 2310  
submitted, the board shall select each proposal submitted. The 2311  
board may cancel a request for proposals or reject all proposals 2312

at any time prior to the execution of a contract. 2313

The board may hold discussions with any of the three selected 2314  
respondents to clarify or revise the provisions of a proposal or 2315  
the proposed contract to ensure complete understanding between the 2316  
board and the respondent of the terms under which a contract will 2317  
be entered. Respondents shall be accorded fair and equal treatment 2318  
with respect to any opportunity for discussion regarding 2319  
clarifications or revisions. The board may terminate or 2320  
discontinue any further discussion with a respondent upon written 2321  
notice. 2322

(4) Upon further review of the three proposals selected by 2323  
the board, the board shall award a contract to the respondent the 2324  
board considers to have the most merit, taking into consideration 2325  
the scope, complexity, and nature of the services to be performed 2326  
by the respondent under the contract. 2327

(5) Except as provided in division (H)(6) of this section, 2328  
the request for proposals, submitted proposals, and related 2329  
documents shall become public records under section 149.43 of the 2330  
Revised Code after the award of the contract. 2331

(6) Any respondent may request in writing that the board not 2332  
disclose confidential or proprietary information or trade secrets 2333  
contained in the proposal submitted by the respondent to the 2334  
board. Any such request shall be accompanied by an offer of 2335  
indemnification from the respondent to the board. The board shall 2336  
determine whether to agree to the request and shall inform the 2337  
respondent in writing of its decision. If the board agrees to 2338  
nondisclosure of specified information in a proposal, such 2339  
information shall not become a public record under section 149.43 2340  
of the Revised Code. If the respondent withdraws its proposal at 2341  
any time prior to the execution of a contract, the proposal shall 2342  
not be a public record under section 149.43 of the Revised Code. 2343

(I) Upon a recommendation from the department and in 2344  
accordance with section 3301.16 of the Revised Code, the state 2345  
board of education may revoke the charter of any alternative 2346  
school operated by a school district that violates this section. 2347

**Sec. 3313.61.** (A) A diploma shall be granted by the board of 2348  
education of any city, exempted village, or local school district 2349  
that operates a high school to any person to whom all of the 2350  
following apply: 2351

(1) The person has successfully completed the curriculum in 2352  
any high school or the individualized education program developed 2353  
for the person by any high school pursuant to section 3323.08 of 2354  
the Revised Code; 2355

(2) Subject to section 3313.614 of the Revised Code, the 2356  
person either: 2357

(a) Has attained at least the applicable scores designated 2358  
under division (B) of section 3301.0710 of the Revised Code on all 2359  
the tests required by that division unless the person was excused 2360  
from taking any such test pursuant to section 3313.532 of the 2361  
Revised Code or unless division (H) or (L) of this section applies 2362  
to the person; 2363

(b) Has satisfied the alternative conditions prescribed in 2364  
section 3313.615 of the Revised Code. 2365

(3) The person is not eligible to receive an honors diploma 2366  
granted pursuant to division (B) of this section. 2367

Except as provided in divisions (C), (E), (J), and (L) of 2368  
this section, no diploma shall be granted under this division to 2369  
anyone except as provided under this division. 2370

(B) In lieu of a diploma granted under division (A) of this 2371  
section, an honors diploma shall be granted, in accordance with 2372  
rules of the state board of education, by any such district board 2373

to anyone who successfully completes the curriculum in any high 2374  
school or the individualized education program developed for the 2375  
person by any high school pursuant to section 3323.08 of the 2376  
Revised Code, who has attained subject to section 3313.614 of the 2377  
Revised Code at least the applicable scores designated under 2378  
division (B) of section 3301.0710 of the Revised Code on all the 2379  
tests required by that division, or has satisfied the alternative 2380  
conditions prescribed in section 3313.615 of the Revised Code, and 2381  
who has met additional criteria established by the state board for 2382  
the granting of such a diploma. Except as provided in divisions 2383  
(C), (E), and (J) of this section, no honors diploma shall be 2384  
granted to anyone failing to comply with this division and no more 2385  
than one honors diploma shall be granted to any student under this 2386  
division. 2387

The state board shall adopt rules prescribing the granting of 2388  
honors diplomas under this division. These rules may prescribe the 2389  
granting of honors diplomas that recognize a student's achievement 2390  
as a whole or that recognize a student's achievement in one or 2391  
more specific subjects or both. In any case, the rules shall 2392  
designate two or more criteria for the granting of each type of 2393  
honors diploma the board establishes under this division and the 2394  
number of such criteria that must be met for the granting of that 2395  
type of diploma. The number of such criteria for any type of 2396  
honors diploma shall be at least one less than the total number of 2397  
criteria designated for that type and no one or more particular 2398  
criteria shall be required of all persons who are to be granted 2399  
that type of diploma. 2400

(C) Any such district board administering any of the tests 2401  
required by section 3301.0710 or 3301.0712 of the Revised Code to 2402  
any person requesting to take such test pursuant to division 2403  
(B)(8)(b) of section 3301.0711 of the Revised Code shall award a 2404  
diploma to such person if the person attains at least the 2405

applicable scores designated under division (B) of section 2406  
3301.0710 of the Revised Code on all the tests administered and if 2407  
the person has previously attained the applicable scores on all 2408  
the other tests required by division (B) of that section or has 2409  
been exempted or excused from attaining the applicable score on 2410  
any such test pursuant to division (H) or (L) of this section or 2411  
from taking any such test pursuant to section 3313.532 of the 2412  
Revised Code. 2413

(D) Each diploma awarded under this section shall be signed 2414  
by the president and treasurer of the issuing board, the 2415  
superintendent of schools, and the principal of the high school. 2416  
Each diploma shall bear the date of its issue, be in such form as 2417  
the district board prescribes, and be paid for out of the 2418  
district's general fund. 2419

(E) A person who is a resident of Ohio and is eligible under 2420  
state board of education minimum standards to receive a high 2421  
school diploma based in whole or in part on credits earned while 2422  
an inmate of a correctional institution operated by the state or 2423  
any political subdivision thereof, shall be granted such diploma 2424  
by the correctional institution operating the programs in which 2425  
such credits were earned, and by the board of education of the 2426  
school district in which the inmate resided immediately prior to 2427  
the inmate's placement in the institution. The diploma granted by 2428  
the correctional institution shall be signed by the director of 2429  
the institution, and by the person serving as principal of the 2430  
institution's high school and shall bear the date of issue. 2431

(F) Persons who are not residents of Ohio but who are inmates 2432  
of correctional institutions operated by the state or any 2433  
political subdivision thereof, and who are eligible under state 2434  
board of education minimum standards to receive a high school 2435  
diploma based in whole or in part on credits earned while an 2436  
inmate of the correctional institution, shall be granted a diploma 2437

by the correctional institution offering the program in which the 2438  
credits were earned. The diploma granted by the correctional 2439  
institution shall be signed by the director of the institution and 2440  
by the person serving as principal of the institution's high 2441  
school and shall bear the date of issue. 2442

(G) The state board of education shall provide by rule for 2443  
the administration of the tests required by section 3301.0710 of 2444  
the Revised Code to inmates of correctional institutions. 2445

(H) Any person to whom all of the following apply shall be 2446  
exempted from attaining the applicable score on the test in social 2447  
studies designated under division (B) of section 3301.0710 of the 2448  
Revised Code or the test in citizenship designated under former 2449  
division (B) of section 3301.0710 of the Revised Code as it 2450  
existed prior to September 11, 2001: 2451

(1) The person is not a citizen of the United States; 2452

(2) The person is not a permanent resident of the United 2453  
States; 2454

(3) The person indicates no intention to reside in the United 2455  
States after the completion of high school. 2456

(I) Notwithstanding division (D) of section 3311.19 and 2457  
division (D) of section 3311.52 of the Revised Code, this section 2458  
and section 3311.611 of the Revised Code do not apply to the board 2459  
of education of any joint vocational school district or any 2460  
cooperative education school district established pursuant to 2461  
divisions (A) to (C) of section 3311.52 of the Revised Code. 2462

(J) Upon receipt of a notice under division (D) of section 2463  
3325.08 of the Revised Code that a student has received a diploma 2464  
under that section, the board of education receiving the notice 2465  
may grant a high school diploma under this section to the student, 2466  
except that such board shall grant the student a diploma if the 2467  
student meets the graduation requirements that the student would 2468



otherwise have had to meet to receive a diploma from the district. 2469  
The diploma granted under this section shall be of the same type 2470  
the notice indicates the student received under section 3325.08 of 2471  
the Revised Code. 2472

(K) As used in this division, "limited English proficient 2473  
student" has the same meaning as in division (C)(3) of section 2474  
3301.0711 of the Revised Code. 2475

~~No~~ Notwithstanding division (C)(3) of section 3301.0711 of 2476  
the Revised Code, no limited English proficient student who has 2477  
not attained the applicable scores designated under division (B) 2478  
of section 3301.0710 of the Revised Code on all the tests required 2479  
by that division shall be awarded a diploma under this section. 2480

(L) Any student described by division (A)(1) of this section 2481  
may be awarded a diploma without attaining the applicable scores 2482  
designated on the tests prescribed under division (B) of section 2483  
3301.0710 of the Revised Code provided an individualized education 2484  
program specifically exempts the student from attaining such 2485  
scores. This division does not negate the requirement for such a 2486  
student to take all such tests or alternate assessments required 2487  
by division (C)(1) of section 3301.0711 of the Revised Code for 2488  
the purpose of assessing student progress as required by federal 2489  
law. 2490

**Sec. 3313.611.** (A) The state board of education shall adopt, 2491  
by rule, standards for awarding high school credit equivalent to 2492  
credit for completion of high school academic and vocational 2493  
education courses to applicants for diplomas under this section. 2494  
The standards may permit high school credit to be granted to an 2495  
applicant for any of the following: 2496

(1) Work experiences or experiences as a volunteer; 2497

(2) Completion of academic, vocational, or self-improvement 2498

courses offered to persons over the age of twenty-one by a	2499
chartered public or nonpublic school;	2500
(3) Completion of academic, vocational, or self-improvement	2501
courses offered by an organization, individual, or educational	2502
institution other than a chartered public or nonpublic school;	2503
(4) Other life experiences considered by the board to provide	2504
knowledge and learning experiences comparable to that gained in a	2505
classroom setting.	2506
(B) The board of education of any city, exempted village, or	2507
local school district that operates a high school shall grant a	2508
diploma of adult education to any applicant if all of the	2509
following apply:	2510
(1) The applicant is a resident of the district;	2511
(2) The applicant is over the age of twenty-one and has not	2512
been issued a diploma as provided in section 3313.61 of the	2513
Revised Code;	2514
(3) Subject to section 3313.614 of the Revised Code, the	2515
applicant either:	2516
(a) Has attained the applicable scores designated under	2517
division (B) of section 3301.0710 of the Revised Code on all of	2518
the tests required by that division or was excused or exempted	2519
from any such test pursuant to section 3313.532 or was exempted	2520
from attaining the applicable score on any such test pursuant to	2521
division (H) or (L) of section 3313.61 of the Revised Code;	2522
(b) Has satisfied the alternative conditions prescribed in	2523
section 3313.615 of the Revised Code.	2524
(4) The district board determines, in accordance with the	2525
standards adopted under division (A) of this section, that the	2526
applicant has attained sufficient high school credits, including	2527
equivalent credits awarded under such standards, to qualify as	2528

having successfully completed the curriculum required by the 2529  
district for graduation. 2530

(C) If a district board determines that an applicant is not 2531  
eligible for a diploma under division (B) of this section, it 2532  
shall inform the applicant of the reason the applicant is 2533  
ineligible and shall provide a list of any courses required for 2534  
the diploma for which the applicant has not received credit. An 2535  
applicant may reapply for a diploma under this section at any 2536  
time. 2537

(D) If a district board awards an adult education diploma 2538  
under this section, the president and treasurer of the board and 2539  
the superintendent of schools shall sign it. Each diploma shall 2540  
bear the date of its issuance, be in such form as the district 2541  
board prescribes, and be paid for from the district's general 2542  
fund, except that the state board may by rule prescribe standard 2543  
language to be included on each diploma. 2544

(E) As used in this division, "limited English proficient 2545  
student" has the same meaning as in division (C)(3) of section 2546  
3301.0711 of the Revised Code. 2547

~~No~~ Notwithstanding division (C)(3) of section 3301.0711 of 2548  
the Revised Code, no limited English proficient student who has 2549  
not attained the applicable scores designated under division (B) 2550  
of section 3301.0710 of the Revised Code on all the tests required 2551  
by that division shall be awarded a diploma under this section. 2552

**Sec. 3313.612.** (A) No nonpublic school chartered by the state 2553  
board of education shall grant any high school diploma to any 2554  
person unless the person has attained, subject to section 3313.614 2555  
of the Revised Code at least the applicable scores designated 2556  
under division (B) of section 3301.0710 of the Revised Code on all 2557  
the tests required by that division, or has satisfied the 2558  
alternative conditions prescribed in section 3313.615 of the 2559

Revised Code.	2560
(B) This section does not apply to either of the following:	2561
(1) Any person with regard to any test from which the person was excused pursuant to division (C)(1)(c) of section 3301.0711 of the Revised Code;	2562 2563 2564
(2) Any person with regard to the social studies test 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:	2565 2566 2567 2568
(a) The person is not a citizen of the United States;	2569
(b) The person is not a permanent resident of the United States;	2570 2571
(c) The person indicates no intention to reside in the United States after completion of high school.	2572 2573
(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.	2574 2575 2576
<del>No Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no</del> limited English proficient student who has not attained the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all the tests required by that division shall be awarded a diploma under this section.	2577 2578 2579 2580 2581
<b>Sec. 3313.662.</b> (A) The superintendent of public instruction, pursuant to this section and the adjudication procedures of section 3301.121 of the Revised Code, may issue an adjudication order that permanently excludes a pupil from attending any of the public schools of this state if the pupil is convicted of, or adjudicated a delinquent child for, committing, when the pupil was sixteen years of age or older, an act that would be a criminal	2582 2583 2584 2585 2586 2587 2588

offense if committed by an adult and if the act is any of the 2589  
following: 2590

(1) A violation of section 2923.122 of the Revised Code; 2591

(2) A violation of section 2923.12 of the Revised Code, of a 2592  
substantially similar municipal ordinance, or of section 2925.03 2593  
of the Revised Code that was committed on property owned or 2594  
controlled by, or at an activity held under the auspices of, a 2595  
board of education of a city, local, exempted village, or joint 2596  
vocational school district; 2597

(3) A violation of section 2925.11 of the Revised Code, other 2598  
than a violation of that section that would be a minor drug 2599  
possession offense, that was committed on property owned or 2600  
controlled by, or at an activity held under the auspices of, the 2601  
board of education of a city, local, exempted village, or joint 2602  
vocational school district; 2603

(4) A violation of section 2903.01, 2903.02, 2903.03, 2604  
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former 2605  
section 2907.12 of the Revised Code that was committed on property 2606  
owned or controlled by, or at an activity held under the auspices 2607  
of, a board of education of a city, local, exempted village, or 2608  
joint vocational school district, if the victim at the time of the 2609  
commission of the act was an employee of that board of education; 2610

(5) Complicity in any violation described in division (A)(1), 2611  
(2), (3), or (4) of this section that was alleged to have been 2612  
committed in the manner described in division (A)(1), (2), (3), or 2613  
(4) of this section, regardless of whether the act of complicity 2614  
was committed on property owned or controlled by, or at an 2615  
activity held under the auspices of, a board of education of a 2616  
city, local, exempted village, or joint vocational school 2617  
district. 2618

(B) A pupil may be suspended or expelled in accordance with 2619  
section 3313.66 of the Revised Code prior to being permanently 2620  
excluded from public school attendance under this section and 2621  
section 3301.121 of the Revised Code. 2622

(C)(1) If the superintendent of a city, local, exempted 2623  
village, or joint vocational school district in which a pupil 2624  
attends school obtains or receives proof that the pupil has been 2625  
convicted of committing when the pupil was sixteen years of age or 2626  
older a violation listed in division (A) of this section or 2627  
adjudicated a delinquent child for the commission when the pupil 2628  
was sixteen years of age or older of a violation listed in 2629  
division (A) of this section, the superintendent may issue to the 2630  
board of education of the school district a request that the pupil 2631  
be permanently excluded from public school attendance, if both of 2632  
the following apply: 2633

(a) After obtaining or receiving proof of the conviction or 2634  
adjudication, the superintendent or the superintendent's designee 2635  
determines that the pupil's continued attendance in school may 2636  
endanger the health and safety of other pupils or school employees 2637  
and gives the pupil and the pupil's parent, guardian, or custodian 2638  
written notice that the superintendent intends to recommend to the 2639  
board of education that the board adopt a resolution requesting 2640  
the superintendent of public instruction to permanently exclude 2641  
the pupil from public school attendance. 2642

(b) The superintendent or the superintendent's designee 2643  
forwards to the board of education the superintendent's written 2644  
recommendation that includes the determinations the superintendent 2645  
or designee made pursuant to division (C)(1)(a) of this section 2646  
and a copy of the proof the superintendent received showing that 2647  
the pupil has been convicted of or adjudicated a delinquent child 2648  
for a violation listed in division (A) of this section that was 2649  
committed when the pupil was sixteen years of age or older. 2650

(2) Within fourteen days after receipt of a recommendation 2651  
from the superintendent pursuant to division (C)(1)(b) of this 2652  
section that a pupil be permanently excluded from public school 2653  
attendance, the board of education of a city, local, exempted 2654  
village, or joint vocational school district, after review and 2655  
consideration of all of the following available information, may 2656  
adopt a resolution requesting the superintendent of public 2657  
instruction to permanently exclude the pupil who is the subject of 2658  
the recommendation from public school attendance: 2659

(a) The academic record of the pupil and a record of any 2660  
extracurricular activities in which the pupil previously was 2661  
involved; 2662

(b) The disciplinary record of the pupil and any available 2663  
records of the pupil's prior behavioral problems other than the 2664  
behavioral problems contained in the disciplinary record; 2665

(c) The social history of the pupil; 2666

(d) The pupil's response to the imposition of prior 2667  
discipline and sanctions imposed for behavioral problems; 2668

(e) Evidence regarding the seriousness of and any aggravating 2669  
factors related to the offense that is the basis of the resolution 2670  
seeking permanent exclusion; 2671

(f) Any mitigating circumstances surrounding the offense that 2672  
gave rise to the request for permanent exclusion; 2673

(g) Evidence regarding the probable danger posed to the 2674  
health and safety of other pupils or of school employees by the 2675  
continued presence of the pupil in a public school setting; 2676

(h) Evidence regarding the probable disruption of the 2677  
teaching of any school district's graded course of study by the 2678  
continued presence of the pupil in a public school setting; 2679

(i) Evidence regarding the availability of alternative 2680

sanctions of a less serious nature than permanent exclusion that 2681  
would enable the pupil to remain in a public school setting 2682  
without posing a significant danger to the health and safety of 2683  
other pupils or of school employees and without posing a threat of 2684  
the disruption of the teaching of any district's graded course of 2685  
study. 2686

(3) If the board does not adopt a resolution requesting the 2687  
superintendent of public instruction to permanently exclude the 2688  
pupil, it immediately shall send written notice of that fact to 2689  
the superintendent who sought the resolution, to the pupil who was 2690  
the subject of the proposed resolution, and to that pupil's 2691  
parent, guardian, or custodian. 2692

(D)(1) Upon adoption of a resolution under division (C) of 2693  
this section, the board of education immediately shall forward to 2694  
the superintendent of public instruction the written resolution, 2695  
proof of the conviction or adjudication that is the basis of the 2696  
resolution, a copy of the pupil's entire school record, and any 2697  
other relevant information and shall forward a copy of the 2698  
resolution to the pupil who is the subject of the recommendation 2699  
and to that pupil's parent, guardian, or custodian. 2700

(2) The board of education that adopted and forwarded the 2701  
resolution requesting the permanent exclusion of the pupil to the 2702  
superintendent of public instruction promptly shall designate a 2703  
representative of the school district to present the case for 2704  
permanent exclusion to the superintendent or the referee appointed 2705  
by the superintendent. The representative of the school district 2706  
may be an attorney admitted to the practice of law in this state. 2707  
At the adjudication hearing held pursuant to section 3301.121 of 2708  
the Revised Code, the representative of the school district shall 2709  
present evidence in support of the requested permanent exclusion. 2710

(3) Upon receipt of a board of education's resolution 2711  
requesting the permanent exclusion of a pupil from public school 2712



attendance, the superintendent of public instruction, in 2713  
accordance with the adjudication procedures of section 3301.121 of 2714  
the Revised Code, promptly shall issue an adjudication order that 2715  
either permanently excludes the pupil from attending any of the 2716  
public schools of this state or that rejects the resolution of the 2717  
board of education. 2718

(E) Notwithstanding any provision of section 3313.64 of the 2719  
Revised Code or an order of any court of this state that otherwise 2720  
requires the admission of the pupil to a school, no school 2721  
official in a city, local, exempted village, or joint vocational 2722  
school district knowingly shall admit to any school in the school 2723  
district a pupil who has been permanently excluded from public 2724  
school attendance by the superintendent of public instruction. 2725

(F)(1)(a) Upon determining that the school attendance of a 2726  
pupil who has been permanently excluded from public school 2727  
attendance no longer will endanger the health and safety of other 2728  
students or school employees, the superintendent of any city, 2729  
local, exempted village, or joint vocational school district in 2730  
which the pupil desires to attend school may issue to the board of 2731  
education of the school district a recommendation, including the 2732  
reasons for the recommendation, that the permanent exclusion of a 2733  
pupil be revoked and the pupil be allowed to return to the public 2734  
schools of the state. 2735

If any violation which in whole or in part gave rise to the 2736  
permanent exclusion of any pupil involved the pupil's bringing a 2737  
firearm to a school operated by the board of education of a school 2738  
district or ~~on to~~ onto any other property owned or operated by 2739  
such a board, no superintendent shall recommend under this 2740  
division an effective date for the revocation of the pupil's 2741  
permanent exclusion that is less than one year after the date on 2742  
which the last such firearm incident occurred. However, on a 2743  
case-by-case basis, a superintendent may recommend an earlier 2744

effective date for such a revocation for any of the reasons for 2745  
which ~~he~~ the superintendent may reduce the one-year expulsion 2746  
requirement in division (B)(2) of section 3313.66 of the Revised 2747  
Code. 2748

(b) Upon receipt of the recommendation of the superintendent 2749  
that a permanent exclusion of a pupil be revoked, the board of 2750  
education of a city, local, exempted village, or joint vocational 2751  
school district may adopt a resolution by a majority vote of its 2752  
members requesting the superintendent of public instruction to 2753  
revoke the permanent exclusion of the pupil. Upon adoption of the 2754  
resolution, the board of education shall forward a copy of the 2755  
resolution, the reasons for the resolution, and any other relevant 2756  
information to the superintendent of public instruction. 2757

(c) Upon receipt of a resolution of a board of education 2758  
requesting the revocation of a permanent exclusion of a pupil, the 2759  
superintendent of public instruction, in accordance with the 2760  
adjudication procedures of Chapter 119. of the Revised Code, shall 2761  
issue an adjudication order that revokes the permanent exclusion 2762  
of the pupil from public school attendance or that rejects the 2763  
resolution of the board of education. 2764

(2)(a) A pupil who has been permanently excluded pursuant to 2765  
this section and section 3301.121 of the Revised Code may request 2766  
the superintendent of any city, local, exempted village, or joint 2767  
vocational school district in which the pupil desires to attend 2768  
school to admit the pupil on a probationary basis for a period not 2769  
to exceed ninety school days. Upon receiving the request, the 2770  
superintendent may enter into discussions with the pupil and with 2771  
the pupil's parent, guardian, or custodian or a person designated 2772  
by the pupil's parent, guardian, or custodian to develop a 2773  
probationary admission plan designed to assist the pupil's 2774  
probationary admission to the school. The plan may include a 2775  
treatment program, a behavioral modification program, or any other 2776

program reasonably designed to meet the educational needs of the 2777  
child and the disciplinary requirements of the school. 2778

If any violation which in whole or in part gave rise to the 2779  
permanent exclusion of the pupil involved the pupil's bringing a 2780  
firearm to a school operated by the board of education of any 2781  
school district or ~~en-to~~ onto any other property owned or operated 2782  
by such a board, no plan developed under this division for the 2783  
pupil shall include an effective date for the probationary 2784  
admission of the pupil that is less than one year after the date 2785  
on which the last such firearm incident occurred except that on a 2786  
case-by-case basis, a plan may include an earlier effective date 2787  
for such an admission for any of the reasons for which the 2788  
superintendent of the district may reduce the one-year expulsion 2789  
requirement in division (B)(2) of section 3313.66 of the Revised 2790  
Code. 2791

(b) If the superintendent of a school district, a pupil, and 2792  
the pupil's parent, guardian, or custodian or a person designated 2793  
by the pupil's parent, guardian, or custodian agree upon a 2794  
probationary admission plan prepared pursuant to division 2795  
(F)(2)(a) of this section, the superintendent of the school 2796  
district shall issue to the board of education of the school 2797  
district a recommendation that the pupil be allowed to attend 2798  
school within the school district under probationary admission, 2799  
the reasons for the recommendation, and a copy of the agreed upon 2800  
probationary admission plan. Within fourteen days after the board 2801  
of education receives the recommendation, reasons, and plan, the 2802  
board may adopt the recommendation by a majority vote of its 2803  
members. If the board adopts the recommendation, the pupil may 2804  
attend school under probationary admission within that school 2805  
district for a period not to exceed ninety days or any additional 2806  
probationary period permitted under divisions (F)(2)(d) and (e) of 2807  
this section in accordance with the probationary admission plan 2808

prepared pursuant to division (F)(2)(a) of this section. 2809

(c) If a pupil who is permitted to attend school under 2810  
probationary admission pursuant to division (F)(2)(b) of this 2811  
section fails to comply with the probationary admission plan 2812  
prepared pursuant to division (F)(2)(a) of this section, the 2813  
superintendent of the school district immediately may remove the 2814  
pupil from the school and issue to the board of education of the 2815  
school district a recommendation that the probationary admission 2816  
be revoked. Within five days after the board of education receives 2817  
the recommendation, the board may adopt the recommendation to 2818  
revoke the pupil's probationary admission by a majority vote of 2819  
its members. If a majority of the board does not adopt the 2820  
recommendation to revoke the pupil's probationary admission, the 2821  
pupil shall continue to attend school in compliance with the 2822  
pupil's probationary admission plan. 2823

(d) If a pupil who is permitted to attend school under 2824  
probationary admission pursuant to division (F)(2)(b) of this 2825  
section complies with the probationary admission plan prepared 2826  
pursuant to division (F)(2)(a) of this section, the pupil or the 2827  
pupil's parent, guardian, or custodian, at any time before the 2828  
expiration of the ninety-day probationary admission period, may 2829  
request the superintendent of the school district to extend the 2830  
terms and period of the pupil's probationary admission for a 2831  
period not to exceed ninety days or to issue a recommendation 2832  
pursuant to division (F)(1) of this section that the pupil's 2833  
permanent exclusion be revoked and the pupil be allowed to return 2834  
to the public schools of this state. 2835

(e) If a pupil is granted an extension of the pupil's 2836  
probationary admission pursuant to division (F)(2)(d) of this 2837  
section, the pupil or the pupil's parent, guardian, or custodian, 2838  
in the manner described in that division, may request, and the 2839  
superintendent and board, in the manner described in that 2840

division, may recommend and grant, subsequent probationary 2841  
admission periods not to exceed ninety days each. If a pupil who 2842  
is permitted to attend school under an extension of a probationary 2843  
admission plan complies with the probationary admission plan 2844  
prepared pursuant to the extension, the pupil or the pupil's 2845  
parent, guardian, or custodian may request a revocation of the 2846  
pupil's permanent exclusion in the manner described in division 2847  
(F)(2)(d) of this section. 2848

(f) Any extension of a probationary admission requested by a 2849  
pupil or a pupil's parent, guardian, or custodian pursuant to 2850  
divisions (F)(2)(d) or (e) of this section shall be subject to the 2851  
adoption and approval of a probationary admission plan in the 2852  
manner described in divisions (F)(2)(a) and (b) of this section 2853  
and may be terminated as provided in division (F)(2)(c) of this 2854  
section. 2855

(g) If the pupil has complied with any probationary admission 2856  
plan and the superintendent issues a recommendation that seeks 2857  
revocation of the pupil's permanent exclusion pursuant to division 2858  
(F)(1) of this section, the pupil's compliance with any 2859  
probationary admission plan may be considered along with other 2860  
relevant factors in any determination or adjudication conducted 2861  
pursuant to division (F)(1) of this section. 2862

(G)(1) Except as provided in division (G)(2) of this section, 2863  
any information regarding the permanent exclusion of a pupil shall 2864  
be included in the pupil's official records and shall be included 2865  
in any records sent to any school district that requests the 2866  
pupil's records. 2867

(2) When a pupil who has been permanently excluded from 2868  
public school attendance reaches the age of twenty-two or when the 2869  
permanent exclusion of a pupil has been revoked, all school 2870  
districts that maintain records regarding the pupil's permanent 2871  
exclusion shall remove all references to the exclusion from the 2872

pupil's file and shall destroy them. 2873

A pupil who has reached the age of twenty-two or whose 2874  
permanent exclusion has been revoked may send a written notice to 2875  
the superintendent of any school district maintaining records of 2876  
the pupil's permanent exclusion requesting the superintendent to 2877  
ensure that the records are removed from the pupil's file and 2878  
destroyed. Upon receipt of the request and a determination that 2879  
the pupil is twenty-two years of age or older or that the pupil's 2880  
permanent exclusion has been revoked, the superintendent shall 2881  
ensure that the records are removed from the pupil's file and 2882  
destroyed. 2883

(H)(1) This section does not apply to any of the following: 2884

(a) An institution that is a residential facility, that 2885  
receives and cares for children, that is maintained by the 2886  
department of youth services, and that operates a school chartered 2887  
by the state board of education under section 3301.16 of the 2888  
Revised Code; 2889

(b) Any on-premises school operated by an out-of-home care 2890  
entity, other than a school district, that is chartered by the 2891  
state board of education under section 3301.16 of the Revised 2892  
Code; 2893

(c) Any school operated in connection with an out-of-home 2894  
care entity or a nonresidential youth treatment program that 2895  
enters into a contract or agreement with a school district for the 2896  
provision of educational services in a setting other than a 2897  
setting that is a building or structure owned or controlled by the 2898  
board of education of the school district during normal school 2899  
hours. 2900

(2) This section does not prohibit any person who has been 2901  
permanently excluded pursuant to this section and section 3301.121 2902  
of the Revised Code from seeking a certificate of high school 2903

equivalence. A person who has been permanently excluded may be 2904  
permitted to participate in a course of study in preparation for 2905  
the tests of general educational development, except that the 2906  
person shall not participate during normal school hours in that 2907  
course of study in any building or structure owned or controlled 2908  
by the board of education of a school district. 2909

(3) This section does not relieve any school district from 2910  
any requirement under section 2151.357 or 3313.64 of the Revised 2911  
Code to pay for the cost of educating any child who has been 2912  
permanently excluded pursuant to this section and section 3301.121 2913  
of the Revised Code. 2914

(I) As used in this section: 2915

(1) "Permanently exclude" means to forever prohibit an 2916  
individual from attending any public school in this state that is 2917  
operated by a city, local, exempted village, or joint vocational 2918  
school district. 2919

(2) "Permanent exclusion" means the prohibition of a pupil 2920  
forever from attending any public school in this state that is 2921  
operated by a city, local, exempted village, or joint vocational 2922  
school district. 2923

(3) "Out-of-home care" has the same meaning as in section 2924  
2151.011 of the Revised Code. 2925

(4) "Certificate of high school equivalence" has the same 2926  
meaning as in section 4109.06 of the Revised Code. 2927

(5) "Nonresidential youth treatment program" means a program 2928  
designed to provide services to persons under the age of eighteen 2929  
in a setting that does not regularly provide long-term overnight 2930  
care, including settlement houses, diversion and prevention 2931  
programs, run-away centers, and alternative education programs. 2932

(6) "Firearm" has the same meaning as provided pursuant to 2933

the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 2934  
8001(a)(2). 2935

(7) "Minor drug possession offense" has the same meaning as 2936  
in section 2925.01 of the Revised Code. 2937

**Sec. 3313.672.** (A)(1) At the time of initial entry to a 2938  
public or nonpublic school, a pupil shall present to the person in 2939  
charge of admission any records given the pupil by the public or 2940  
nonpublic elementary or secondary school the pupil most recently 2941  
attended; a certified copy of an order or decree, or modification 2942  
of such an order or decree allocating parental rights and 2943  
responsibilities for the care of a child and designating a 2944  
residential parent and legal custodian of the child, as provided 2945  
in division (B) of this section, if that type of order or decree 2946  
has been issued; a copy of a power of attorney or caretaker 2947  
authorization affidavit, if either has been executed with respect 2948  
to the child pursuant to sections 3109.51 to 3109.80 of the 2949  
Revised Code; and a certification of birth issued pursuant to 2950  
Chapter 3705. of the Revised Code, a comparable certificate or 2951  
certification issued pursuant to the statutes of another state, 2952  
territory, possession, or nation, or a document in lieu of a 2953  
certificate or certification as described in divisions (A)(1)(a) 2954  
to (e) of this section. Any of the following shall be accepted in 2955  
lieu of a certificate or certification of birth by the person in 2956  
charge of admission: 2957

(a) A passport or attested transcript of a passport filed 2958  
with a registrar of passports at a point of entry of the United 2959  
States showing the date and place of birth of the child; 2960

(b) An attested transcript of the certificate of birth; 2961

(c) An attested transcript of the certificate of baptism or 2962  
other religious record showing the date and place of birth of the 2963



child; 2964

(d) An attested transcript of a hospital record showing the 2965  
date and place of birth of the child; 2966

(e) A birth affidavit. 2967

(2) Within If a pupil requesting admission to a school of the 2968  
school district in which the pupil is entitled to attend school 2969  
under section 3313.64 or 3313.65 of the Revised Code has been 2970  
discharged or released from the custody of the department of youth 2971  
services under section 5139.51 of the Revised Code just prior to 2972  
requesting admission to the school, no school official shall admit 2973  
that pupil until the records described in divisions (D)(4)(a) to 2974  
(d) of section 2152.18 of the Revised Code have been received by 2975  
the superintendent of the school district. 2976

(3) Except as otherwise provided in division (A)(2) of this 2977  
section, within twenty-four hours of the entry into the school of 2978  
a pupil described in division (A)(1) of this section, a school 2979  
official shall request the pupil's official records from the 2980  
public or nonpublic elementary or secondary school the pupil most 2981  
recently attended. If the public or nonpublic school the pupil 2982  
claims to have most recently attended indicates that it has no 2983  
record of the pupil's attendance or the records are not received 2984  
within fourteen days of the date of request, or if the pupil does 2985  
not present a certification of birth described in division (A)(1) 2986  
of this section, a comparable certificate or certification from 2987  
another state, territory, possession, or nation, or another 2988  
document specified in divisions (A)(1)(a) to (d) of this section, 2989  
the principal or chief administrative officer of the school shall 2990  
notify the law enforcement agency having jurisdiction in the area 2991  
where the pupil resides of this fact and of the possibility that 2992  
the pupil may be a missing child, as defined in section 2901.30 of 2993  
the Revised Code. 2994

(B)(1) Whenever an order or decree allocating parental rights and responsibilities for the care of a child and designating a residential parent and legal custodian of the child, including a temporary order, is issued resulting from an action of divorce, alimony, annulment, or dissolution of marriage, and the order or decree pertains to a child who is a pupil in a public or nonpublic school, the residential parent of the child shall notify the school of those allocations and designations by providing the person in charge of admission at the pupil's school with a certified copy of the order or decree that made the allocation and designation. Whenever there is a modification of any order or decree allocating parental rights and responsibilities for the care of a child and designating a residential parent and legal custodian of the child that has been submitted to a school, the residential parent shall provide the person in charge of admission at the pupil's school with a certified copy of the order or decree that makes the modification.

(2) Whenever a power of attorney is executed under sections 3109.51 to 3109.62 of the Revised Code that pertains to a child who is a pupil in a public or nonpublic school, the attorney in fact shall notify the school of the power of attorney by providing the person in charge of admission with a copy of the power of attorney. Whenever a caretaker authorization affidavit is executed under sections 3109.64 to 3109.73 of the Revised Code that pertains to a child who is in a public or nonpublic school, the grandparent who executed the affidavit shall notify the school of the affidavit by providing the person in charge of admission with a copy of the affidavit.

(C) If, at the time of a pupil's initial entry to a public or nonpublic school, the pupil is under the care of a shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code, the pupil or the pupil's parent shall notify the

school of that fact. Upon being so informed, the school shall 3027  
inform the elementary or secondary school from which it requests 3028  
the pupil's records of that fact. 3029

**Sec. 3313.85.** If the board of education of any city ~~or,~~ 3030  
~~exempted village, or local~~ school district or the governing board 3031  
of any educational service center fails to perform the duties 3032  
imposed upon it or fails to fill a vacancy in such board within a 3033  
period of thirty days after such vacancy occurs, the probate court 3034  
of the county in which such district or service center is located, 3035  
upon being advised and satisfied of such failure, shall act as 3036  
such board and perform all duties imposed upon such board. 3037

~~If the board of any local school district fails to perform 3038  
the duties imposed upon it or fails to fill a vacancy in such 3039  
board within a period of thirty days after such vacancy occurs, 3040  
the board of the educational service center in which such district 3041  
is located, upon being advised and satisfied of such failure, 3042  
shall act as such board and perform all duties imposed upon such 3043  
board. 3044~~

**Sec. 3317.03.** Notwithstanding divisions (A)(1), (B)(1), and 3045  
(C) of this section, any student enrolled in kindergarten more 3046  
than half time shall be reported as one-half student under this 3047  
section. 3048

(A) The superintendent of each city and exempted village 3049  
school district and of each educational service center shall, for 3050  
the schools under the superintendent's supervision, certify to the 3051  
state board of education on or before the fifteenth day of October 3052  
in each year for the first full school week in October the formula 3053  
ADM, which shall consist of the average daily membership during 3054  
such week of the sum of the following: 3055

(1) On an FTE basis, the number of students in grades 3056

kindergarten through twelve receiving any educational services	3057
from the district, except that the following categories of	3058
students shall not be included in the determination:	3059
(a) Students enrolled in adult education classes;	3060
(b) Adjacent or other district students enrolled in the	3061
district under an open enrollment policy pursuant to section	3062
3313.98 of the Revised Code;	3063
(c) Students receiving services in the district pursuant to a	3064
compact, cooperative education agreement, or a contract, but who	3065
are entitled to attend school in another district pursuant to	3066
section 3313.64 or 3313.65 of the Revised Code;	3067
(d) Students for whom tuition is payable pursuant to sections	3068
3317.081 and 3323.141 of the Revised Code.	3069
(2) On an FTE basis, the number of students entitled to	3070
attend school in the district pursuant to section 3313.64 or	3071
3313.65 of the Revised Code, but receiving educational services in	3072
grades kindergarten through twelve from one or more of the	3073
following entities:	3074
(a) A community school pursuant to Chapter 3314. of the	3075
Revised Code, including any participation in a college pursuant to	3076
Chapter 3365. of the Revised Code while enrolled in such community	3077
school;	3078
(b) An alternative school pursuant to sections 3313.974 to	3079
3313.979 of the Revised Code as described in division (I)(2)(a) or	3080
(b) of this section;	3081
(c) A college pursuant to Chapter 3365. of the Revised Code,	3082
except when the student is enrolled in the college while also	3083
enrolled in a community school pursuant to Chapter 3314. of the	3084
Revised Code;	3085
(d) An adjacent or other school district under an open	3086

enrollment policy adopted pursuant to section 3313.98 of the Revised Code; 3087  
3088

(e) An educational service center or cooperative education district; 3089  
3090

(f) Another school district under a cooperative education agreement, compact, or contract. 3091  
3092

(3) Twenty per cent of the number of students enrolled in a joint vocational school district or under a vocational education compact, excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a vocational education compact; 3093  
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(4) The number of handicapped children, other than handicapped preschool children, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed with a county MR/DD board, minus the number of such children placed with a county MR/DD board in fiscal year 1998. If this calculation produces a negative number, the number reported under division (A)(4) of this section shall be zero. 3101  
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(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the formula ADM, each superintendent shall report separately the following student counts: 3108  
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3110  
3111

(1) The total average daily membership in regular day classes included in the report under division (A)(1) or (2) of this section for kindergarten, and each of grades one through twelve in schools under the superintendent's supervision; 3112  
3113  
3114  
3115

(2) The number of all handicapped preschool children enrolled as of the first day of December in classes in the district that 3116  
3117

are eligible for approval under division (B) of section 3317.05 of 3118  
the Revised Code and the number of those classes, which shall be 3119  
reported not later than the fifteenth day of December, in 3120  
accordance with rules adopted under that section; 3121

(3) The number of children entitled to attend school in the 3122  
district pursuant to section 3313.64 or 3313.65 of the Revised 3123  
Code who are participating in a pilot project scholarship program 3124  
established under sections 3313.974 to 3313.979 of the Revised 3125  
Code as described in division (I)(2)(a) or (b) of this section, 3126  
are enrolled in a college under Chapter 3365. of the Revised Code, 3127  
except when the student is enrolled in the college while also 3128  
enrolled in a community school pursuant to Chapter 3314. of the 3129  
Revised Code, are enrolled in an adjacent or other school district 3130  
under section 3313.98 of the Revised Code, are enrolled in a 3131  
community school established under Chapter 3314. of the Revised 3132  
Code, including any participation in a college pursuant to Chapter 3133  
3365. of the Revised Code while enrolled in such community school, 3134  
or are participating in a program operated by a county MR/DD board 3135  
or a state institution; 3136

(4) The number of pupils enrolled in joint vocational 3137  
schools; 3138

(5) The average daily membership of handicapped children 3139  
reported under division (A)(1) or (2) of this section receiving 3140  
special education services for the category one handicap described 3141  
in division (A) of section 3317.013 of the Revised Code; 3142

(6) The average daily membership of handicapped children 3143  
reported under division (A)(1) or (2) of this section receiving 3144  
special education services for category two handicaps described in 3145  
division (B) of section 3317.013 of the Revised Code; 3146

(7) The average daily membership of handicapped children 3147  
reported under division (A)(1) or (2) of this section receiving 3148

special education services for category three handicaps described	3149
in division (C) of section 3317.013 of the Revised Code;	3150
(8) The average daily membership of handicapped children	3151
reported under division (A)(1) or (2) of this section receiving	3152
special education services for category four handicaps described	3153
in division (D) of section 3317.013 of the Revised Code;	3154
(9) The average daily membership of handicapped children	3155
reported under division (A)(1) or (2) of this section receiving	3156
special education services for the category five handicap	3157
described in division (E) of section 3317.013 of the Revised Code;	3158
(10) The average daily membership of handicapped children	3159
reported under division (A)(1) or (2) of this section receiving	3160
special education services for category six handicaps described in	3161
division (F) of section 3317.013 of the Revised Code;	3162
(11) The average daily membership of pupils reported under	3163
division (A)(1) or (2) of this section enrolled in category one	3164
vocational education programs or classes, described in division	3165
(A) of section 3317.014 of the Revised Code, operated by the	3166
school district or by another district, other than a joint	3167
vocational school district, or by an educational service center;	3168
(12) The average daily membership of pupils reported under	3169
division (A)(1) or (2) of this section enrolled in category two	3170
vocational education programs or services, described in division	3171
(B) of section 3317.014 of the Revised Code, operated by the	3172
school district or another school district, other than a joint	3173
vocational school district, or by an educational service center;	3174
(13) The average number of children transported by the school	3175
district on board-owned or contractor-owned and -operated buses,	3176
reported in accordance with rules adopted by the department of	3177
education;	3178
(14)(a) The number of children, other than handicapped	3179

preschool children, the district placed with a county MR/DD board	3180
in fiscal year 1998;	3181
(b) The number of handicapped children, other than	3182
handicapped preschool children, placed with a county MR/DD board	3183
in the current fiscal year to receive special education services	3184
for the category one handicap described in division (A) of section	3185
3317.013 of the Revised Code;	3186
(c) The number of handicapped children, other than	3187
handicapped preschool children, placed with a county MR/DD board	3188
in the current fiscal year to receive special education services	3189
for category two handicaps described in division (B) of section	3190
3317.013 of the Revised Code;	3191
(d) The number of handicapped children, other than	3192
handicapped preschool children, placed with a county MR/DD board	3193
in the current fiscal year to receive special education services	3194
for category three handicaps described in division (C) of section	3195
3317.013 of the Revised Code;	3196
(e) The number of handicapped children, other than	3197
handicapped preschool children, placed with a county MR/DD board	3198
in the current fiscal year to receive special education services	3199
for category four handicaps described in division (D) of section	3200
3317.013 of the Revised Code;	3201
(f) The number of handicapped children, other than	3202
handicapped preschool children, placed with a county MR/DD board	3203
in the current fiscal year to receive special education services	3204
for the category five handicap described in division (E) of	3205
section 3317.013 of the Revised Code;	3206
(g) The number of handicapped children, other than	3207
handicapped preschool children, placed with a county MR/DD board	3208
in the current fiscal year to receive special education services	3209
for category six handicaps described in division (F) of section	3210



3317.013 of the Revised Code. 3211

(C)(1) Except as otherwise provided in this section for 3212  
kindergarten students, the average daily membership in divisions 3213  
(B)(1) to (12) of this section shall be based upon the number of 3214  
full-time equivalent students. The state board of education shall 3215  
adopt rules defining full-time equivalent students and for 3216  
determining the average daily membership therefrom for the 3217  
purposes of divisions (A), (B), and (D) of this section. 3218

(2) A student enrolled in a community school established 3219  
under Chapter 3314. of the Revised Code shall be counted in the 3220  
formula ADM and, if applicable, the category one, two, three, 3221  
four, five, or six special education ADM of the school district in 3222  
which the student is entitled to attend school under section 3223  
3313.64 or 3313.65 of the Revised Code for the same proportion of 3224  
the school year that the student is counted in the enrollment of 3225  
the community school for purposes of section 3314.08 of the 3226  
Revised Code. 3227

(3) No child shall be counted as more than a total of one 3228  
child in the sum of the average daily memberships of a school 3229  
district under division (A), divisions (B)(1) to (12), or division 3230  
(D) of this section, except as follows: 3231

(a) A child with a handicap described in section 3317.013 of 3232  
the Revised Code may be counted both in formula ADM and in 3233  
category one, two, three, four, five, or six special education ADM 3234  
and, if applicable, in category one or two vocational education 3235  
ADM. As provided in division (C) of section 3317.02 of the Revised 3236  
Code, such a child shall be counted in category one, two, three, 3237  
four, five, or six special education ADM in the same proportion 3238  
that the child is counted in formula ADM. 3239

(b) A child enrolled in vocational education programs or 3240  
classes described in section 3317.014 of the Revised Code may be 3241

counted both in formula ADM and category one or two vocational 3242  
education ADM and, if applicable, in category one, two, three, 3243  
four, five, or six special education ADM. Such a child shall be 3244  
counted in category one or two vocational education ADM in the 3245  
same proportion as the percentage of time that the child spends in 3246  
the vocational education programs or classes. 3247

(4) Based on the information reported under this section, the 3248  
department of education shall determine the total student count, 3249  
as defined in section 3301.011 of the Revised Code, for each 3250  
school district. 3251

(D)(1) The superintendent of each joint vocational school 3252  
district shall certify to the superintendent of public instruction 3253  
on or before the fifteenth day of October in each year for the 3254  
first full school week in October the formula ADM, which, except 3255  
as otherwise provided in this division, shall consist of the 3256  
average daily membership during such week, on an FTE basis, of the 3257  
number of students receiving any educational services from the 3258  
district, including students enrolled in a community school 3259  
established under Chapter 3314. of the Revised Code who are 3260  
attending the joint vocational district under an agreement between 3261  
the district board of education and the governing authority of the 3262  
community school and are entitled to attend school in a city, 3263  
local, or exempted village school district whose territory is part 3264  
of the territory of the joint vocational district. 3265

The following categories of students shall not be included in 3266  
the determination made under division (D)(1) of this section: 3267

(a) Students enrolled in adult education classes; 3268

(b) Adjacent or other district joint vocational students 3269  
enrolled in the district under an open enrollment policy pursuant 3270  
to section 3313.98 of the Revised Code; 3271

(c) Students receiving services in the district pursuant to a 3272

compact, cooperative education agreement, or a contract, but who	3273
are entitled to attend school in a city, local, or exempted	3274
village school district whose territory is not part of the	3275
territory of the joint vocational district;	3276
(d) Students for whom tuition is payable pursuant to sections	3277
3317.081 and 3323.141 of the Revised Code.	3278
(2) To enable the department of education to obtain the data	3279
needed to complete the calculation of payments pursuant to this	3280
chapter, in addition to the formula ADM, each superintendent shall	3281
report separately the average daily membership included in the	3282
report under division (D)(1) of this section for each of the	3283
following categories of students:	3284
(a) Students enrolled in each grade included in the joint	3285
vocational district schools;	3286
(b) Handicapped children receiving special education services	3287
for the category one handicap described in division (A) of section	3288
3317.013 of the Revised Code;	3289
(c) Handicapped children receiving special education services	3290
for the category two handicaps described in division (B) of	3291
section 3317.013 of the Revised Code;	3292
(d) Handicapped children receiving special education services	3293
for category three handicaps described in division (C) of section	3294
3317.013 of the Revised Code;	3295
(e) Handicapped children receiving special education services	3296
for category four handicaps described in division (D) of section	3297
3317.013 of the Revised Code;	3298
(f) Handicapped children receiving special education services	3299
for the category five handicap described in division (E) of	3300
section 3317.013 of the Revised Code;	3301
(g) Handicapped children receiving special education services	3302

for category six handicaps described in division (F) of section 3303  
3317.013 of the Revised Code; 3304

(h) Students receiving category one vocational education 3305  
services, described in division (A) of section 3317.014 of the 3306  
Revised Code; 3307

(i) Students receiving category two vocational education 3308  
services, described in division (B) of section 3317.014 of the 3309  
Revised Code. 3310

The superintendent of each joint vocational school district 3311  
shall also indicate the city, local, or exempted village school 3312  
district in which each joint vocational district pupil is entitled 3313  
to attend school pursuant to section 3313.64 or 3313.65 of the 3314  
Revised Code. 3315

(E) In each school of each city, local, exempted village, 3316  
joint vocational, and cooperative education school district there 3317  
shall be maintained a record of school membership, which record 3318  
shall accurately show, for each day the school is in session, the 3319  
actual membership enrolled in regular day classes. For the purpose 3320  
of determining average daily membership, the membership figure of 3321  
any school shall not include any pupils except those pupils 3322  
described by division (A) of this section. The record of 3323  
membership for each school shall be maintained in such manner that 3324  
no pupil shall be counted as in membership prior to the actual 3325  
date of entry in the school and also in such manner that where for 3326  
any cause a pupil permanently withdraws from the school that pupil 3327  
shall not be counted as in membership from and after the date of 3328  
such withdrawal. There shall not be included in the membership of 3329  
any school any of the following: 3330

(1) Any pupil who has graduated from the twelfth grade of a 3331  
public high school; 3332

(2) Any pupil who is not a resident of the state; 3333

(3) Any pupil who was enrolled in the schools of the district 3334  
during the previous school year when tests were administered under 3335  
section 3301.0711 of the Revised Code but did not take one or more 3336  
of the tests required by that section and was not excused pursuant 3337  
to division (C)(1) or (3) of that section; 3338

(4) Any pupil who has attained the age of twenty-two years, 3339  
except for veterans of the armed services whose attendance was 3340  
interrupted before completing the recognized twelve-year course of 3341  
the public schools by reason of induction or enlistment in the 3342  
armed forces and who apply for reenrollment in the public school 3343  
system of their residence not later than four years after 3344  
termination of war or their honorable discharge. 3345

If, however, any veteran described by division (E)(4) of this 3346  
section elects to enroll in special courses organized for veterans 3347  
for whom tuition is paid under the provisions of federal laws, or 3348  
otherwise, that veteran shall not be included in average daily 3349  
membership. 3350

Notwithstanding division (E)(3) of this section, the 3351  
membership of any school may include a pupil who did not take a 3352  
test required by section 3301.0711 of the Revised Code if the 3353  
superintendent of public instruction grants a waiver from the 3354  
requirement to take the test to the specific pupil. The 3355  
superintendent may grant such a waiver only for good cause in 3356  
accordance with rules adopted by the state board of education. 3357

Except as provided in divisions (B)(2) and (F) of this 3358  
section, the average daily membership figure of any local, city, 3359  
exempted village, or joint vocational school district shall be 3360  
determined by dividing the figure representing the sum of the 3361  
number of pupils enrolled during each day the school of attendance 3362  
is actually open for instruction during the first full school week 3363  
in October by the total number of days the school was actually 3364

open for instruction during that week. For purposes of state 3365  
funding, "enrolled" persons are only those pupils who are 3366  
attending school, those who have attended school during the 3367  
current school year and are absent for authorized reasons, and 3368  
those handicapped children currently receiving home instruction. 3369

The average daily membership figure of any cooperative 3370  
education school district shall be determined in accordance with 3371  
rules adopted by the state board of education. 3372

(F)(1) If the formula ADM for the first full school week in 3373  
February is at least three per cent greater than that certified 3374  
for the first full school week in the preceding October, the 3375  
superintendent of schools of any city, exempted village, or joint 3376  
vocational school district or educational service center shall 3377  
certify such increase to the superintendent of public instruction. 3378  
Such certification shall be submitted no later than the fifteenth 3379  
day of February. For the balance of the fiscal year, beginning 3380  
with the February payments, the superintendent of public 3381  
instruction shall use the increased formula ADM in calculating or 3382  
recalculating the amounts to be allocated in accordance with 3383  
section 3317.022 or 3317.16 of the Revised Code. In no event shall 3384  
the superintendent use an increased membership certified to the 3385  
superintendent after the fifteenth day of February. 3386

(2) If on the first school day of April the total number of 3387  
classes or units for handicapped preschool children that are 3388  
eligible for approval under division (B) of section 3317.05 of the 3389  
Revised Code exceeds the number of units that have been approved 3390  
for the year under that division, the superintendent of schools of 3391  
any city, exempted village, or cooperative education school 3392  
district or educational service center shall make the 3393  
certifications required by this section for that day. If the 3394  
department determines additional units can be approved for the 3395  
fiscal year within any limitations set forth in the acts 3396

appropriating moneys for the funding of such units, the department 3397  
shall approve additional units for the fiscal year on the basis of 3398  
such average daily membership. For each unit so approved, the 3399  
department shall pay an amount computed in the manner prescribed 3400  
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 3401  
Code. 3402

(3) If a student attending a community school under Chapter 3403  
3314. of the Revised Code is not included in the formula ADM 3404  
certified for the first full school week of October for the school 3405  
district in which the student is entitled to attend school under 3406  
section 3313.64 or 3313.65 of the Revised Code, the department of 3407  
education shall adjust the formula ADM of that school district to 3408  
include the community school student in accordance with division 3409  
(C)(2) of this section, and shall recalculate the school 3410  
district's payments under this chapter for the entire fiscal year 3411  
on the basis of that adjusted formula ADM. This requirement 3412  
applies regardless of whether the student was enrolled, as defined 3413  
in division (E) of this section, in the community school during 3414  
the first full school week in October. 3415

(G)(1)(a) The superintendent of an institution operating a 3416  
special education program pursuant to section 3323.091 of the 3417  
Revised Code shall, for the programs under such superintendent's 3418  
supervision, certify to the state board of education the average 3419  
daily membership of all handicapped children in classes or 3420  
programs approved annually by the department of education, in the 3421  
manner prescribed by the superintendent of public instruction. 3422

(b) The superintendent of an institution with vocational 3423  
education units approved under division (A) of section 3317.05 of 3424  
the Revised Code shall, for the units under the superintendent's 3425  
supervision, certify to the state board of education the average 3426  
daily membership in those units, in the manner prescribed by the 3427  
superintendent of public instruction. 3428

(2) The superintendent of each county MR/DD board that maintains special education classes under section 3317.20 of the Revised Code or units approved pursuant to section 3317.05 of the Revised Code shall do both of the following:

(a) Certify to the state board, in the manner prescribed by the board, the average daily membership in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes;

(b) Certify to the state board, in the manner prescribed by the board, the number of all handicapped preschool children enrolled as of the first day of December in classes eligible for approval under division (B) of section 3317.05 of the Revised Code, and the number of those classes.

(3)(a) If on the first school day of April the number of classes or units maintained for handicapped preschool children by the county MR/DD board that are eligible for approval under division (B) of section 3317.05 of the Revised Code is greater than the number of units approved for the year under that division, the superintendent shall make the certification required by this section for that day.

(b) If the department determines that additional classes or units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of the classes and units described in division (G)(3)(a) of this section, the department shall approve and fund additional units for the fiscal year on the basis of such average daily membership. For each unit so approved, the department shall pay an amount computed in the manner prescribed in sections 3317.052 and 3317.053 of the Revised Code.

(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides



instruction for a nonresident pupil whose attendance is 3460  
unauthorized attendance as defined in section 3327.06 of the 3461  
Revised Code, that pupil's membership shall not be included in 3462  
that district's membership figure used in the calculation of that 3463  
district's formula ADM or included in the determination of any 3464  
unit approved for the district under section 3317.05 of the 3465  
Revised Code. The reporting official shall report separately the 3466  
average daily membership of all pupils whose attendance in the 3467  
district is unauthorized attendance, and the membership of each 3468  
such pupil shall be credited to the school district in which the 3469  
pupil is entitled to attend school under division (B) of section 3470  
3313.64 or section 3313.65 of the Revised Code as determined by 3471  
the department of education. 3472

(I)(1) A city, local, exempted village, or joint vocational 3473  
school district admitting a scholarship student of a pilot project 3474  
district pursuant to division (C) of section 3313.976 of the 3475  
Revised Code may count such student in its average daily 3476  
membership. 3477

(2) In any year for which funds are appropriated for pilot 3478  
project scholarship programs, a school district implementing a 3479  
state-sponsored pilot project scholarship program that year 3480  
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 3481  
count in average daily membership: 3482

(a) All children residing in the district and utilizing a 3483  
scholarship to attend kindergarten in any alternative school, as 3484  
defined in section 3313.974 of the Revised Code; 3485

(b) All children who were enrolled in the district in the 3486  
preceding year who are utilizing a scholarship to attend any such 3487  
alternative school. 3488

(J) The superintendent of each cooperative education school 3489  
district shall certify to the superintendent of public 3490

instruction, in a manner prescribed by the state board of 3491  
education, the applicable average daily memberships for all 3492  
students in the cooperative education district, also indicating 3493  
the city, local, or exempted village district where each pupil is 3494  
entitled to attend school under section 3313.64 or 3313.65 of the 3495  
Revised Code. 3496

**Sec. 3319.29.** Each application for any license or certificate 3497  
pursuant to sections 3319.22 to 3319.27 of the Revised Code or for 3498  
any permit pursuant to section 3319.301 ~~or~~, 3319.302, 3319.303, or 3499  
3319.304 of the Revised Code, or renewal or duplicate of such a 3500  
license, certificate, or permit, shall be accompanied by the 3501  
payment of a fee in the amount established under division (A) of 3502  
section 3319.51 of the Revised Code. Any fees received under this 3503  
section shall be paid into the state treasury to the credit of the 3504  
state board of education licensure fund established under division 3505  
(B) of section 3319.51 of the Revised Code. 3506

Any person applying for or holding a license, certificate, or 3507  
permit pursuant to this section and sections 3319.22 to 3319.27 or 3508  
section 3319.301 ~~or~~, 3319.302, 3319.303, or 3319.304 of the 3509  
Revised Code is subject to sections 3123.41 to 3123.50 of the 3510  
Revised Code and any applicable rules adopted under section 3511  
3123.63 of the Revised Code and sections 3319.31 and 3319.311 of 3512  
the Revised Code. 3513

**Sec. 3319.291.** (A) When any person initially applies for any 3514  
certificate, license, or permit described in division (B) of 3515  
section 3301.071, in section 3301.074, 3319.088, ~~or~~ 3319.29, 3516  
3319.302, or 3319.304, or in division (A) of section 3319.303 of 3517  
the Revised Code, the state board of education shall require the 3518  
person to submit with the application two complete sets of 3519  
fingerprints and written permission that authorizes the 3520  
superintendent of public instruction to forward the fingerprints 3521

to the bureau of criminal identification and investigation 3522  
pursuant to division (F) of section 109.57 of the Revised Code and 3523  
that authorizes that bureau to forward the fingerprints to the 3524  
federal bureau of investigation for purposes of obtaining any 3525  
criminal records that the federal bureau maintains on the person. 3526

(B) The state board of education or the superintendent of 3527  
public instruction ~~may~~ shall request the superintendent of the 3528  
bureau of criminal identification and investigation to ~~do either~~ 3529  
~~or both of the following:~~ 3530

~~(1) Investigate~~ investigate and determine whether the bureau 3531  
has any information, gathered pursuant to division (A) of section 3532  
109.57 of the Revised Code, pertaining to any person submitting 3533  
fingerprints and written permission under this section: 3534

~~(2) Obtain.~~ If the person does not present proof that the 3535  
person has been a resident of this state for the five-year period 3536  
immediately prior to the date upon which the investigation 3537  
described in this division is requested, or does not provide 3538  
evidence that within that five-year period the superintendent of 3539  
the bureau of criminal identification and investigation has 3540  
requested information about the person from the federal bureau of 3541  
investigation, the state board or the superintendent of public 3542  
instruction shall request the superintendent of the bureau of 3543  
criminal identification and investigation to obtain any criminal 3544  
records that the federal bureau of investigation has on the 3545  
person. If the person presents proof that the person has been a 3546  
resident of this state for that five-year period, the state board 3547  
or the superintendent of public instruction may request the 3548  
superintendent of the bureau of criminal identification and 3549  
investigation to obtain any criminal records that the federal 3550  
bureau of investigation has on the person. 3551

**Sec. 3319.303.** (A) The state board of education shall adopt 3552  
rules establishing standards and requirements for obtaining a 3553  
pupil-activity program permit for any individual who does not hold 3554  
a valid educator license, certificate, or permit issued by the 3555  
state board under section 3319.22, 3319.26, 3319.27, ~~or 3319.302,~~ 3556  
or 3319.304 of the Revised Code. The permit issued under this 3557  
section shall be valid for coaching, supervising, or directing a 3558  
pupil-activity program under section 3313.53 of the Revised Code. 3559  
Subject to the provisions of section 3319.31 of the Revised Code, 3560  
a permit issued under this section shall be valid for three years 3561  
and shall be renewable. 3562

(B) The state board shall adopt rules applicable to 3563  
individuals who hold valid educator licenses, certificates, or 3564  
permits issued by the state board under section 3319.22, 3319.26, 3565  
3319.27, ~~or 3319.302,~~ or 3319.304 of the Revised Code setting 3566  
forth standards to assure any such individual's competence to 3567  
direct, supervise, or coach a pupil-activity program. The rules 3568  
adopted under this division shall not be more stringent than the 3569  
standards set forth in rules applicable to individuals who do not 3570  
hold such licenses, certificates, or permits adopted under 3571  
division (A) of this section. 3572

**Sec. 7 ~~3319.304.~~** ~~No one-year conditional teaching permit in 3573  
the area of intervention specialist shall be issued under this 3574  
section later than three years after the effective date of this 3575  
act. 3576~~

Unless the provisions of division (B) or (C) of section 3577  
3319.31 of the Revised Code apply to an applicant, the ~~State Board~~ 3578  
state board of ~~Education~~ education shall issue a one-year 3579  
conditional teaching permit in the area of intervention 3580  
specialist, as defined by rule of the state board, to any 3581

applicant who meets the following conditions:	3582
(A) Holds a bachelor's degree;	3583
(B) Has successfully completed a basic skills test as prescribed by the <del>State Board</del> <u>state board</u> ;	3584 3585
(C) Has completed either as part of the applicant's degree program or separate from it the equivalent of at least fifteen semester hours of coursework in the principles and practices of teaching exceptional children, including such topics as child and adolescent development, diagnosis and assessment of children with disabilities, curriculum design and instruction, applied behavioral analysis, and how to best teach students from culturally diverse backgrounds with different learning styles;	3586 3587 3588 3589 3590 3591 3592 3593
(D) The applicant has entered into a written agreement with the <del>Department</del> <u>department</u> of <del>Education</del> <u>education</u> and the school district, community school, or nonprofit or for profit entity operating an alternative school under section 3313.533 of the Revised Code that will employ the applicant under which the district, school, or entity will provide for the applicant a structured mentoring program in the teaching of exceptional children that is aligned with the performance expectations prescribed by <del>State Board</del> <u>state board</u> rule for entry-year teachers.	3594 3595 3596 3597 3598 3599 3600 3601 3602 3603
(E) The applicant agrees to complete while employed under the one-year teaching permit the equivalent of an additional three semester hours of coursework in the content and methods of teaching reading. The coursework may be completed through classes offered by regional professional development providers, such as special education regional resource centers, regional professional development centers, educational service centers, local educational agencies, professional organizations, and institutions of higher education, if the coursework is taken for credit in	3604 3605 3606 3607 3608 3609 3610 3611 3612

collaboration with a college or university that has a teacher 3613  
education program approved by the ~~State Board~~ state board. 3614

(F) The applicant agrees to seek at the conclusion of the 3615  
year in which the individual is employed under the one-year 3616  
teaching permit issued under this section an alternative educator 3617  
license issued under section 3319.26 of the Revised Code in the 3618  
area of intervention specialist. The applicant shall not be 3619  
reemployed by the school district, community school, or nonprofit 3620  
or for profit entity operating an alternative school under section 3621  
3313.533 of the Revised Code or be employed by another such 3622  
district, school, or entity unless that alternative educator 3623  
license is issued to the applicant prior to the beginning of the 3624  
next school year. 3625

(G) The applicant pays the fee established under section 3626  
3319.51 of the Revised Code ~~applicable to one year conditional~~ 3627  
~~teaching permits issued under section 3319.302 of the Revised~~ 3628  
~~Code. Such fee shall be deposited in the State Board of Education~~ 3629  
~~Licensure Fund in accordance with division (B) of section 3319.51~~ 3630  
~~of the Revised Code.~~ 3631

**Sec. 3319.31.** (A) As used in this section and sections 3632  
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 3633  
means a certificate, license, or permit described in division (B) 3634  
of section 3301.071, in section 3301.074, 3319.088, 3319.29, ~~or~~ 3635  
3319.302, or 3319.304, or in division (A) of section 3319.303 of 3636  
the Revised Code. 3637

(B) For any of the following reasons, the state board of 3638  
education, in accordance with Chapter 119. and section 3319.311 of 3639  
the Revised Code, may refuse to issue a license to an applicant, 3640  
may limit a license it issues to an applicant, or may suspend, 3641  
revoke, or limit a license that has been issued to any person: 3642

(1) Engaging in an immoral act, incompetence, negligence, or 3643

conduct that is unbecoming to the applicant's or person's 3644  
position; 3645

(2) A plea of guilty to, a finding of guilt by a jury or 3646  
court of, or a conviction of any of the following: 3647

(a) A felony; 3648

(b) A violation of section 2907.04 or 2907.06 or division (A) 3649  
or (B) of section 2907.07 of the Revised Code; 3650

(c) An offense of violence; 3651

(d) A theft offense, as defined in section 2913.01 of the 3652  
Revised Code; 3653

(e) A drug abuse offense, as defined in section 2925.01 of 3654  
the Revised Code, that is not a minor misdemeanor; 3655

(f) A violation of an ordinance of a municipal corporation 3656  
that is substantively comparable to an offense listed in divisions 3657  
(B)(2)(a) to (e) of this section. 3658

(C) The state board may take action under division (B) of 3659  
this section on the basis of substantially comparable conduct 3660  
occurring in a jurisdiction outside this state or occurring before 3661  
a person applies for or receives any license. 3662

(D) The state board may adopt rules in accordance with 3663  
Chapter 119. of the Revised Code to carry out this section and 3664  
section 3319.311 of the Revised Code. 3665

**Sec. 3319.51.** (A) The state board of education shall annually 3666  
establish the amount of the fees required to be paid under 3667  
division (B) of section 3301.071, under sections 3301.074, 3668  
3319.088, 3319.29, ~~and~~ 3319.302, and 3319.304, and under division 3669  
(A) of section 3319.303 of the Revised Code. The amount of these 3670  
fees shall be such that they, along with any appropriation made to 3671  
the fund established under division (B) of this section, will be 3672

sufficient to cover the annual estimated cost of administering the 3673  
sections of law listed under division (B) of this section. 3674

(B) There is hereby established in the state treasury the 3675  
state board of education licensure fund, which shall be used by 3676  
the state board of education solely to pay the cost of 3677  
administering sections 3301.071, 3301.074, 3319.088, 3319.22, 3678  
3319.29, 3319.291, 3319.301, 3319.302, 3319.303, 3319.304, and 3679  
3319.31 of the Revised Code. The fund shall consist of the amounts 3680  
paid into the fund pursuant to division (B) of section 3301.071, 3681  
sections 3301.074, 3319.088, 3319.29, ~~and~~ 3319.302, and 3319.304, 3682  
and division (A) of section 3319.303 of the Revised Code and any 3683  
appropriations to the fund by the general assembly. 3684

**Sec. 3319.55.** (A) A grant program is hereby established to 3685  
recognize and reward public school teachers who hold valid 3686  
teaching certificates or licenses issued by the national board for 3687  
professional teaching standards. The superintendent of public 3688  
instruction shall administer this program in accordance with this 3689  
section and rules which the state board of education shall adopt 3690  
in accordance with Chapter 119. of the Revised Code. 3691

In each fiscal year that the general assembly appropriates 3692  
funds for purposes of this section, the superintendent of public 3693  
instruction shall award a grant to each person who, by the first 3694  
day of ~~August~~ April of that year and in accordance with the rules 3695  
adopted under this section, submits to the superintendent evidence 3696  
indicating all of the following: 3697

(1) The person holds a valid certificate or license issued by 3698  
the national board for professional teaching standards; 3699

(2) The person ~~was~~ has been employed full-time as a teacher 3700  
by the board of education of a school district in this state 3701  
during the current school year ~~that immediately preceded the~~ 3702



~~fiscal year;~~ 3703

(3) The date the person was accepted into the national board certification or licensure program. 3704  
3705

An individual may receive a grant under this section in each fiscal year the person is eligible for a grant and submits evidence of that eligibility in accordance with this section. 3706  
3707  
3708

(B) The amount of the grant awarded to each eligible person under division (A) of this section in any fiscal year shall equal the following: 3709  
3710  
3711

(1) Two thousand five hundred dollars for any teacher accepted as a candidate for certification or licensure by the national board on or before May 31, 2003, and issued a certificate or license by the national board on or before December 31, 2004; 3712  
3713  
3714  
3715

(2) One thousand dollars for any other teacher issued a certificate or license by the national board. 3716  
3717

However, if the funds appropriated for purposes of this section in any fiscal year are not sufficient to award the full grant amount to each person who is eligible in that fiscal year, the superintendent shall prorate the amount of the grant awarded in that fiscal year to each eligible person. 3718  
3719  
3720  
3721  
3722

**Sec. 3381.04.** In lieu of the procedure set forth in section 3381.03 of the Revised Code, any county ~~containing a city~~ with a population of five hundred thousand or more may at any time prior to the creation of a regional arts and cultural district pursuant to section 3381.03 of the Revised Code, create a regional arts and cultural district by adoption of a resolution or ordinance by the board of county commissioners of such county. Such resolution shall state: 3723  
3724  
3725  
3726  
3727  
3728  
3729  
3730

(A) The purposes for the creation of the district; 3731

(B) That the territory of the district shall be coextensive 3732

with the territory of such county; 3733

(C) The official name by which the district shall be known; 3734

(D) The location of the principal office of the district or 3735  
the manner in which the location shall be selected. 3736

The district provided for in such resolution or ordinance 3737  
shall be created upon the adoption of such resolution or ordinance 3738  
by the board of county commissioners of such county. Upon the 3739  
adoption of such resolution or ordinance, such county and the 3740  
municipal corporations and townships contained therein shall not 3741  
thereafter be a part of any other regional arts and cultural 3742  
district. 3743

The board of trustees of any regional arts and cultural 3744  
district formed in accordance with this section shall be comprised 3745  
of the same persons who comprise such county's board of county 3746  
commissioners. 3747

**Sec. 5139.05.** (A) The juvenile court may commit any child to 3748  
the department of youth services as authorized in Chapter 2152. of 3749  
the Revised Code, provided that any child so committed shall be at 3750  
least ten years of age at the time of the child's delinquent act, 3751  
and, if the child is ten or eleven years of age, the delinquent 3752  
act is a violation of section 2909.03 of the Revised Code or would 3753  
be aggravated murder, murder, or a first or second degree felony 3754  
offense of violence if committed by an adult. Any order to commit 3755  
a child to an institution under the control and management of the 3756  
department shall have the effect of ordering that the child be 3757  
committed to the department and assigned to an institution as 3758  
follows: 3759

(1) For an indefinite term consisting of the prescribed 3760  
minimum period specified by the court under division (A)(1) of 3761  
section 2152.16 of the Revised Code and a maximum period not to 3762

exceed the child's attainment of twenty-one years of age, if the 3763  
child was committed pursuant to section 2152.16 of the Revised 3764  
Code; 3765

(2) Until the child's attainment of twenty-one years of age, 3766  
if the child was committed for aggravated murder or murder 3767  
pursuant to section 2152.16 of the Revised Code; 3768

(3) For a period of commitment that shall be in addition to, 3769  
and shall be served consecutively with and prior to, a period of 3770  
commitment described in division (A)(1) or (2) of this section, if 3771  
the child was committed pursuant to section 2152.17 of the Revised 3772  
Code; 3773

(4) If the child is ten or eleven years of age, to an 3774  
institution, a residential care facility, a residential facility, 3775  
or a facility licensed by the department of job and family 3776  
services that the department of youth services considers best 3777  
designated for the training and rehabilitation of the child and 3778  
protection of the public. The child shall be housed separately 3779  
from children who are twelve years of age or older until the child 3780  
is released or discharged or until the child attains twelve years 3781  
of age, whichever occurs first. Upon the child's attainment of 3782  
twelve years of age, if the child has not been released or 3783  
discharged, the department is not required to house the child 3784  
separately. 3785

(B)(1) Except as otherwise provided in section 5139.54 of the 3786  
Revised Code, the release authority of the department of youth 3787  
services, in accordance with section 5139.51 of the Revised Code 3788  
and at any time after the end of the minimum period specified 3789  
under division (A)(1) of section 2152.16 of the Revised Code, may 3790  
grant the release from custody of any child committed to the 3791  
department. 3792

The order committing a child to the department of youth 3793

services shall state that the child has been adjudicated a 3794  
delinquent child and state the minimum period. The jurisdiction of 3795  
the court terminates at the end of the minimum period except as 3796  
follows: 3797

(a) In relation to judicial release procedures, supervision, 3798  
and violations; 3799

(b) With respect to functions of the court related to the 3800  
revocation of supervised release that are specified in sections 3801  
5139.51 and 5139.52 of the Revised Code; 3802

(c) In relation to its duties relating to serious youthful 3803  
offender dispositional sentences under sections 2152.13 and 3804  
2152.14 of the Revised Code. 3805

(2) When a child has been committed to the department under 3806  
section 2152.16 of the Revised Code, the department shall retain 3807  
legal custody of the child until one of the following: 3808

(a) The department discharges the child to the exclusive 3809  
management, control, and custody of the child's parent or the 3810  
guardian of the child's person or, if the child is eighteen years 3811  
of age or older, discharges the child. 3812

(b) The committing court, upon its own motion, upon petition 3813  
of the parent, guardian of the person, or next friend of a child, 3814  
or upon petition of the department, terminates the department's 3815  
legal custody of the child. 3816

(c) The committing court grants the child a judicial release 3817  
to court supervision under section 2152.22 of the Revised Code. 3818

(d) The department's legal custody of the child is terminated 3819  
automatically by the child attaining twenty-one years of age. 3820

(e) If the child is subject to a serious youthful offender 3821  
dispositional sentence, the adult portion of that dispositional 3822  
sentence is imposed under section 2152.14 of the Revised Code. 3823

(C) When a child is committed to the department of youth services, the department may assign the child to a hospital for mental, physical, and other examination, inquiry, or treatment for the period of time that is necessary. The department may remove any child in its custody to a hospital for observation, and a complete report of every observation at the hospital shall be made in writing and shall include a record of observation, treatment, and medical history and a recommendation for future treatment, custody, and maintenance. The department shall thereupon order the placement and treatment that it determines to be most conducive to the purposes of Chapters 2151. and 5139. of the Revised Code. The committing court and all public authorities shall make available to the department all pertinent data in their possession with respect to the case.

(D) Records maintained by the department of youth services pertaining to the children in its custody shall be accessible only to department employees, except by consent of the department ~~or~~, upon the order of the judge of a court of record, or as provided in divisions (D)(1) and (2) of this section. These records shall not be considered "public records," as defined in section 149.43 of the Revised Code.

(1) Except as otherwise provided by a law of this state or the United States, the department of youth services may release records that are maintained by the department of youth services and that pertain to children in its custody to the department of rehabilitation and correction regarding persons who are under the jurisdiction of the department of rehabilitation and correction and who have previously been committed to the department of youth services. The department of rehabilitation and correction may use those records for the limited purpose of carrying out the duties of the department of rehabilitation and correction. Records released by the department of youth services to the department of

rehabilitation and correction shall remain confidential and shall 3856  
not be considered public records as defined in section 149.43 of 3857  
the Revised Code. 3858

(2) The department of youth services shall provide to the 3859  
superintendent of the school district in which a child discharged 3860  
or released from the custody of the department is entitled to 3861  
attend school under section 3313.64 or 3313.65 of the Revised Code 3862  
the records described in divisions (D)(4)(a) to (d) of section 3863  
2152.18 of the Revised Code. Subject to the provisions of section 3864  
3319.321 of the Revised Code and the Family Educational Rights and 3865  
Privacy Act, 20 U.S.C. 1232g, as amended, the records released to 3866  
the superintendent shall remain confidential and shall not be 3867  
considered public records as defined in section 149.43 of the 3868  
Revised Code. 3869

(E)(1) When a child is committed to the department of youth 3870  
services, the department, orally or in writing, shall notify the 3871  
parent, guardian, or custodian of a child that the parent, 3872  
guardian, or custodian may request at any time from the 3873  
superintendent of the institution in which the child is located 3874  
any of the information described in divisions (E)(1)(a), (b), (c), 3875  
and (d) of this section. The parent, guardian, or custodian may 3876  
provide the department with the name, address, and telephone 3877  
number of the parent, guardian, or custodian, and, until the 3878  
department is notified of a change of name, address, or telephone 3879  
number, the department shall use the name, address, and telephone 3880  
number provided by the parent, guardian, or custodian to provide 3881  
notices or answer inquiries concerning the following information: 3882

(a) When the department of youth services makes a permanent 3883  
assignment of the child to a facility, the department, orally or 3884  
in writing and on or before the third business day after the day 3885  
the permanent assignment is made, shall notify the parent, 3886  
guardian, or custodian of the child of the name of the facility to 3887

which the child has been permanently assigned. 3888

If a parent, guardian, or custodian of a child who is 3889  
committed to the department of youth services requests, orally or 3890  
in writing, the department to provide the parent, guardian, or 3891  
custodian with the name of the facility in which the child is 3892  
currently located, the department, orally or in writing and on or 3893  
before the next business day after the day on which the request is 3894  
made, shall provide the name of that facility to the parent, 3895  
guardian, or custodian. 3896

(b) If a parent, guardian, or custodian of a child who is 3897  
committed to the department of youth services, orally or in 3898  
writing, asks the superintendent of the institution in which the 3899  
child is located whether the child is being disciplined by the 3900  
personnel of the institution, what disciplinary measure the 3901  
personnel of the institution are using for the child, or why the 3902  
child is being disciplined, the superintendent or the 3903  
superintendent's designee, on or before the next business day 3904  
after the day on which the request is made, shall provide the 3905  
parent, guardian, or custodian with written or oral responses to 3906  
the questions. 3907

(c) If a parent, guardian, or custodian of a child who is 3908  
committed to the department of youth services, orally or in 3909  
writing, asks the superintendent of the institution in which the 3910  
child is held whether the child is receiving any medication from 3911  
personnel of the institution, what type of medication the child is 3912  
receiving, or what condition of the child the medication is 3913  
intended to treat, the superintendent or the superintendent's 3914  
designee, on or before the next business day after the day on 3915  
which the request is made, shall provide the parent, guardian, or 3916  
custodian with oral or written responses to the questions. 3917

(d) When a major incident occurs with respect to a child who 3918  
is committed to the department of youth services, the department, 3919

as soon as reasonably possible after the major incident occurs, 3920  
shall notify the parent, guardian, or custodian of the child that 3921  
a major incident has occurred with respect to the child and of all 3922  
the details of that incident that the department has ascertained. 3923

(2) The failure of the department of youth services to 3924  
provide any notification required by or answer any requests made 3925  
pursuant to division (E) of this section does not create a cause 3926  
of action against the state. 3927

(F) The department of youth services, as a means of 3928  
punishment while the child is in its custody, shall not prohibit a 3929  
child who is committed to the department from seeing that child's 3930  
parent, guardian, or custodian during standard visitation periods 3931  
allowed by the department of youth services unless the 3932  
superintendent of the institution in which the child is held 3933  
determines that permitting that child to visit with the child's 3934  
parent, guardian, or custodian would create a safety risk to that 3935  
child, that child's parents, guardian, or custodian, the personnel 3936  
of the institution, or other children held in that institution. 3937

(G) As used in this section: 3938

(1) "Permanent assignment" means the assignment or transfer 3939  
for an extended period of time of a child who is committed to the 3940  
department of youth services to a facility in which the child will 3941  
receive training or participate in activities that are directed 3942  
toward the child's successful rehabilitation. "Permanent 3943  
assignment" does not include the transfer of a child to a facility 3944  
for judicial release hearings pursuant to section 2152.22 of the 3945  
Revised Code or for any other temporary assignment or transfer to 3946  
a facility. 3947

(2) "Major incident" means the escape or attempted escape of 3948  
a child who has been committed to the department of youth services 3949  
from the facility to which the child is assigned; the return to 3950



the custody of the department of a child who has escaped or 3951  
otherwise fled the custody and control of the department without 3952  
authorization; the allegation of any sexual activity with a child 3953  
committed to the department; physical injury to a child committed 3954  
to the department as a result of alleged abuse by department 3955  
staff; an accident resulting in injury to a child committed to the 3956  
department that requires medical care or treatment outside the 3957  
institution in which the child is located; the discovery of a 3958  
controlled substance upon the person or in the property of a child 3959  
committed to the department; a suicide attempt by a child 3960  
committed to the department; a suicide attempt by a child 3961  
committed to the department that results in injury to the child 3962  
requiring emergency medical services outside the institution in 3963  
which the child is located; the death of a child committed to the 3964  
department; an injury to a visitor at an institution under the 3965  
control of the department that is caused by a child committed to 3966  
the department; and the commission or suspected commission of an 3967  
act by a child committed to the department that would be an 3968  
offense if committed by an adult. 3969

(3) "Sexual activity" has the same meaning as in section 3970  
2907.01 of the Revised Code. 3971

(4) "Controlled substance" has the same meaning as in section 3972  
3719.01 of the Revised Code. 3973

(5) "Residential care facility" and "residential facility" 3974  
have the same meanings as in section 2151.011 of the Revised Code. 3975

**Section 2.** That existing sections 9.314, 109.57, 2151.011, 3976  
2151.421, 2151.86, 2152.18, 3301.0711, 3302.01, 3302.03, 3313.53, 3977  
3313.533, 3313.61, 3313.611, 3313.612, 3313.662, 3313.672, 3978  
3313.85, 3317.03, 3319.29, 3319.291, 3319.303, 3319.31, 3319.51, 3979  
3319.55, 3381.04, and 5139.05 of the Revised Code and existing 3980  
Section 7 of Sub. H.B. 196 of the 124th General Assembly are 3981

hereby repealed. 3982

**Section 3.** That Sections 41.37 and 98.01 of Am. Sub. H.B. 95 3983  
of the 125th General Assembly be amended to read as follows: 3984

**Sec. 41.37. TRANSITIONAL AID** 3985

The Department of Education shall distribute earmarked funds 3986  
within appropriation item 200-501, Base Cost Funding, for 3987  
transitional aid in each fiscal year to each city, local, and 3988  
exempted village school district that experiences a decrease in 3989  
its SF-3 funding plus charge-off supplement for the current fiscal 3990  
year in excess of five per cent of its SF-3 funding plus 3991  
charge-off supplement for the previous fiscal year. The Department 3992  
shall distribute to each such district an amount to reduce the 3993  
decrease to five per cent of the district's SF-3 funding plus 3994  
charge-off supplement for the previous fiscal year. For this 3995  
purpose, "SF-3 funding plus charge-off supplement" equals the sum 3996  
of the following: 3997

(A) Base cost funding under division (A) of section 3317.022 3998  
of the Revised Code; 3999

(B) Special education and related services additional 4000  
weighted funding under division (C)(1) of section 3317.022 of the 4001  
Revised Code; 4002

(C) Speech services funding under division (C)(4) of section 4003  
3317.022 of the Revised Code; 4004

(D) Vocational education additional weighted funding under 4005  
division (E) of section 3317.022 of the Revised Code; 4006

(E) GRADS funding under division (R) of section 3317.024 of 4007  
the Revised Code; 4008

(F) Adjustments for classroom teachers and educational 4009

service personnel under divisions (B), (C), and (D) of section	4010
3317.023 of the Revised Code;	4011
(G) Disadvantaged Pupil Impact Aid under section 3317.029 of	4012
the Revised Code;	4013
(H) Gifted education units under division (F) of section	4014
3317.05 of the Revised Code;	4015
(I) Equity aid under section 3317.0213 of the Revised Code;	4016
(J) Transportation under division (D) of section 3317.022 of	4017
the Revised Code;	4018
(K) The state aid guarantee under section 3317.0212 of the	4019
Revised Code;	4020
(L) The excess cost supplement under division (F) of section	4021
3317.022 of the Revised Code;	4022
(M) Parity aid under section 3317.0217 of the Revised Code;	4023
(N) The reappraisal guarantee under division (C) of section	4024
3317.04 of the Revised Code;	4025
(O) The charge-off supplement under section 3317.0216 of the	4026
Revised Code.	4027
The SF-3 funding plus charge-off supplement for fiscal year	4028
2003 for each district is the sum of those amounts less the	4029
general revenue fund spending reductions ordered by the Governor	4030
under Executive Order 2003-03T, March 5, 2003.	4031
<u>The SF-3 funding plus charge-off supplement for fiscal year</u>	4032
<u>2004 for each district is the sum of the amounts specified in</u>	4033
<u>divisions (A) to (O) of this section plus any transitional aid</u>	4034
<u>payment under this section in fiscal year 2004.</u>	4035
<b>Sec. 98.01. TECHNICAL AND INSTRUCTIONAL PROFESSIONAL</b>	4036
DEVELOPMENT	4037

The foregoing appropriation item 228-406, Technical and 4038  
Instructional Professional Development, shall be used by the Ohio 4039  
SchoolNet Commission to make grants or provide services to 4040  
qualifying schools, including the State School for the Blind and 4041  
the Ohio School for the Deaf, and the Ohio Department of Youth 4042  
Services for the provision of hardware, software, 4043  
telecommunications services, and staff development to support 4044  
educational uses of technology in the classroom. 4045

The Ohio SchoolNet Commission shall consider the professional 4046  
development needs associated with the OhioReads Program when 4047  
making funding allocations and program decisions. 4048

Of the foregoing appropriation item 228-406, Technical and 4049  
Instructional Professional Development, \$1,260,000 in each fiscal 4050  
year shall be allocated equally among the 12 Ohio Educational 4051  
Television Stations and, used with the advice of the Ohio 4052  
SchoolNet Commission, for the production of interactive 4053  
instructional programming series and teleconferences to support 4054  
the SchoolNet Commission. The programming shall be targeted to the 4055  
needs of the poorest two hundred school districts as determined by 4056  
the district's adjusted valuation per pupil as defined in section 4057  
3317.0213 of the Revised Code. 4058

Of the foregoing appropriation item 228-406, Technical and 4059  
Instructional Professional Development, \$818,322 in each fiscal 4060  
year shall be used by the INFOhio Network, with the advice of the 4061  
Ohio SchoolNet Commission, to support the provision of electronic 4062  
resources to all public schools with preference given to 4063  
elementary schools. Consideration shall be given by the Commission 4064  
to coordinating the allocation of these moneys with the efforts of 4065  
OhioLINK and the Ohio Public Information Network. 4066

Of the foregoing appropriation item 228-406, Technical and 4067  
Instructional Professional Development, \$300,000 in each fiscal 4068

year shall be used by the JASON project, with the advice of the  
Ohio SchoolNet Commission, to provide statewide access and a 75  
per cent subsidy for statewide licensing of JASON content for  
90,000 middle school students statewide, and professional  
development for teachers participating in the program.

The remaining appropriation allocated in appropriation item  
228-406, Technical and Instructional Professional Development,  
shall be used by the Ohio SchoolNet Commission for professional  
development for teachers and administrators for the use of  
educational technology. The commission may make grants to provide  
technical assistance and professional development on the use of  
educational technology to school districts.

Eligible recipients of grants include regional training  
centers, county offices of education, data collection sites,  
instructional technology centers, institutions of higher  
education, public television stations, special education resource  
centers, area media centers, or other nonprofit educational  
organizations. Services provided through these grants may include  
use of private entities subcontracting through the grant  
recipient.

Grants shall be made to entities on a contractual basis with  
the Ohio SchoolNet Commission. Contracts shall include provisions  
that demonstrate how services will benefit technology use in the  
schools, and in particular will support Ohio SchoolNet efforts to  
support technology in the schools. Contracts shall specify the  
scope of assistance being offered and the potential number of  
professionals who will be served. Contracting entities may be  
awarded more than one grant at a time.

Grants shall be awarded in a manner consistent with the goals  
of Ohio SchoolNet. Special emphasis in the award of grants shall  
be placed on collaborative efforts among service providers.

Application for grants from this appropriation in 4100  
appropriation item 228-406, Technical and Instructional 4101  
Professional Development, shall be consistent with a school 4102  
district's technology plan that shall meet the minimum 4103  
specifications for school district technology plans as prescribed 4104  
by the Ohio SchoolNet Commission. Funds allocated through these 4105  
grants may be combined with funds received through other state or 4106  
federal grants for technology so long as the school district's 4107  
technology plan specifies the use of these funds. 4108

EDUCATION TECHNOLOGY 4109

The foregoing appropriation item 228-539, Education 4110  
Technology, shall be used to provide funding to suppliers of 4111  
information services to school districts for the provision of 4112  
hardware, software, and staff development in support of 4113  
educational uses of technology in the classroom as prescribed by 4114  
the State Plan for Technology pursuant to section 3301.07 of the 4115  
Revised Code, and to support assistive technology for children and 4116  
youth with disabilities. 4117

Of the foregoing appropriation item 228-539, Education 4118  
Technology, up to \$1,946,000 in each fiscal year shall be used by 4119  
the Ohio SchoolNet Commission to link all public K-12 classrooms 4120  
to each other and the Internet, and to provide access to voice, 4121  
video, and data educational resources for students and teachers 4122  
through the OneNet Ohio Program. 4123

Up to \$4,403,778 in each fiscal year shall be used by the 4124  
Ohio SchoolNet Commission to contract with instructional 4125  
television, and \$639,537 in each fiscal year shall be used by the 4126  
commission to contract with education media centers to provide 4127  
Ohio schools with instructional resources and services. 4128

Resources may include, but not be limited to, the following: 4129  
pre-recorded video materials (including videotape, laser discs, 4130

and CD-ROM discs); computer software for student use or student 4131  
access to electronic communication, databases, spreadsheet, and 4132  
word processing capability; live student courses or courses 4133  
delivered electronically; automated media systems; and 4134  
instructional and professional development materials for teachers. 4135  
The commission shall cooperate with education technology agencies 4136  
in the acquisition, development, and delivery of such educational 4137  
resources to ensure high-quality and educational soundness at the 4138  
lowest possible cost. Delivery of such resources may utilize a 4139  
variety of technologies, with preference given to a high-speed 4140  
integrated information network that can transport video, voice, 4141  
data, and graphics simultaneously. 4142

Services shall include presentations and technical assistance 4143  
that will help students and teachers integrate educational 4144  
materials that support curriculum objectives, match specific 4145  
learning styles, and are appropriate for individual interests and 4146  
ability levels. 4147

Such instructional resources and services shall be made 4148  
available for purchase by chartered nonpublic schools or by public 4149  
school districts for the benefit of pupils attending chartered 4150  
nonpublic schools. 4151

TELECOMMUNITY 4152

The foregoing appropriation item 228-630, Ohio SchoolNet 4153  
Telecommunity Fund, shall be distributed by the Ohio SchoolNet 4154  
Commission on a grant basis to eligible school districts to 4155  
establish "distance learning" through interactive video 4156  
technologies in the school district. Per agreements with eight 4157  
Ohio local telephone companies: ALLTEL Ohio, CENTURY Telephone of 4158  
Ohio, Chillicothe Telephone Company, Cincinnati Bell Telephone 4159  
Company, Orwell Telephone Company, Sprint North Central Telephone, 4160  
VERIZON, and Western Reserve Telephone Company, school districts 4161  
are eligible for funds if they are within one of the listed 4162

telephone company service areas. Funds to administer the program 4163  
shall be expended by the commission up to the amount specified in 4164  
agreements with the listed telephone companies. 4165

Within 30 days after ~~the effective date of this section~~ June 4166  
26, 2003, the Director of Budget and Management shall transfer to 4167  
Fund 4W9 in the State Special Revenue Fund Group any investment 4168  
earnings from moneys paid to the Ohio SchoolNet Commission by any 4169  
telephone company as part of any settlement agreement between the 4170  
listed companies and the Public Utilities Commission in fiscal 4171  
years 1996 and beyond. 4172

DISTANCE LEARNING 4173

Appropriation item 228-634, Distance Learning, shall be 4174  
distributed by the Ohio SchoolNet Commission on a grant basis to 4175  
eligible school districts to establish "distance learning" in the 4176  
school district. Per the agreement with Ameritech, school 4177  
districts are eligible for funds if they are within an Ameritech 4178  
service area. Funds to administer the program shall be expended by 4179  
the commission up to the amount specified in the agreement with 4180  
Ameritech. 4181

Within thirty days after ~~the effective date of this section~~ 4182  
June 26, 2003, the Director of Budget and Management shall 4183  
transfer to fund 4X1 in the State Special Revenue Fund Group any 4184  
investment earnings from moneys paid to the office or to the 4185  
SchoolNet Commission by any telephone company as part of a 4186  
settlement agreement between the company and the Public Utilities 4187  
Commission in fiscal year 1995. 4188

GATES FOUNDATION GRANTS 4189

The foregoing appropriation item 228-605, Gates Foundation 4190  
Grants, shall be used by the Ohio SchoolNet Commission to provide 4191  
professional development to school district principals, 4192  
superintendents, and other administrative staff for the use of 4193



education technology. The appropriation is made possible through a grant from the Bill and Melinda Gates foundation.

**Section 4.** That existing Sections 41.37 and 98.01 of Am. Sub. H.B. 95 of the 125th General Assembly are hereby repealed.

**Section 5.** The Department of Education shall use the money appropriated for a safe school help line in fiscal year 2005 from appropriation item 200-578, Safe and Supportive Schools, to contract for this service at a rate of \$1.80 per participating student. In the event that the appropriated funds are not sufficient to maintain this per student rate for all participating students, the per student rate shall be reduced accordingly. The contractor shall accept the resulting rate as payment in full and shall not bill any participating entity for this service.

**Section 6.** Sections 41.37 and 98.01 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended in this act, and Section 5 of this act, and the items of law of which those sections as amended or enacted in this act are composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, Sections 41.37 and 98.01 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended in this act, and Section 5 of this act, and the items of law of which those sections as amended or enacted in this act are composed, go into immediate effect when this act becomes law.

**Section 7.** Section 2152.18 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 247 and Sub. H.B. 393 of the 124th General Assembly. 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 composite is the resulting version of the section in

effect prior to the effective date of the section as presented in	4224
this act.	4225