

**As Passed by the Senate**

**126th General Assembly  
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2005-2006**

**Sub. H. B. No. 115**

**Representatives Setzer, Reinhard, Webster, Carano, C. Evans, Chandler,  
Calvert, Combs, DeBose, Domenick, Fende, Flowers, Gibbs, Key, Law,  
Martin, McGregor, J., Otterman, Patton, T., Schlichter, Schneider, Seitz,  
Smith, S., Stewart, D., Strahorn, Williams, Yuko  
Senators Cates, Padgett, Gardner, Mumper, Niehaus, Harris**

—

**A B I L L**

To amend sections 3301.075, 3310.08, 3313.843, 1  
3314.014, 3319.01, and 3319.17 and to enact 2  
sections 3301.0713, 3312.01 to 3312.13, and 3  
3313.845 of the Revised Code to establish the 4  
Educational Regional Service System and the EMIS 5  
Advisory Board, to revise the financing of 6  
Educational Choice Scholarships for 7  
kindergartners, to permit the governing authority 8  
of a start-up community school that meets certain 9  
conditions to establish another community school 10  
above the cap on the number of community schools, 11  
to permit school districts to establish residency 12  
requirements for superintendents, and to make an 13  
appropriation. 14

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

**Section 1.** That sections 3301.075, 3310.08, 3313.843, 15  
3314.014, 3319.01, and 3319.17 be amended and sections 3301.0713, 16  
3312.01, 3312.02, 3312.03, 3312.04, 3312.05, 3312.06, 3312.07, 17

3312.08, 3312.09, 3312.10, 3312.11, 3312.12, 3312.13, and 3313.845 18  
of the Revised Code be enacted to read as follows: 19

**Sec. 3301.075.** The state board of education shall adopt rules 20  
governing the purchasing and leasing of data processing services 21  
and equipment for all local, exempted village, city, and joint 22  
vocational school districts and all educational service centers. 23  
Such rules shall include provisions for the establishment of an 24  
Ohio education computer network under procedures, guidelines, and 25  
specifications of the department of education. 26

The department shall administer funds appropriated for the 28  
Ohio education computer network to ensure its efficient and 29  
economical operation and shall approve no more than twenty-seven 30  
data acquisition sites to operate concurrently. Such sites shall 31  
be approved for funding in accordance with rules of the state 32  
board adopted under this section that shall provide for the 33  
superintendent of public instruction to require the membership of 34  
each data acquisition site to be composed of combinations of 35  
school districts and educational service centers having sufficient 36  
students to support an efficient, economical comprehensive program 37  
of computer services to member districts and educational service 38  
centers. However, no such rule shall prohibit a school district or 39  
educational service center from receiving computer services from 40  
any data acquisition site established under this section or from 41  
any other public or private vendor. Each data acquisition site 42  
shall be organized in accordance with section 3313.92 or Chapter 43  
167. of the Revised Code. 44

The department of education may contract with an independent 45  
for profit or nonprofit entity to provide current and historical 46  
information on Ohio government through the Ohio education computer 47  
network to school district libraries operating in accordance with 48

section 3375.14 of the Revised Code in order to assist school 49  
teachers in social studies course instruction and support student 50  
research projects. Any such contract shall be awarded in 51  
accordance with Chapter 125. of the Revised Code. 52

Sec. 3301.0713. (A) The education management information 53  
system advisory board is hereby established. The board shall make 54  
recommendations to the department of education for improving the 55  
operation of the education management information system 56  
established under section 3301.0714 of the Revised Code. Topics 57  
that may be addressed by the recommendations include the 58  
definitions used for the data maintained in the system, reporting 59  
deadlines, rules and guidelines for the operation of the system 60  
adopted by the state board of education pursuant to section 61  
3301.0714 of the Revised Code, and any other issues raised by 62  
education personnel who work with the system. 63

(B) The board shall consist of the following members: 64

(1) Two members of the state board, appointed by the state 65  
board; 66

(2) One person appointed by the Ohio educational service 67  
center association; 68

(3) One person appointed by the buckeye association of school 69  
administrators; 70

(4) One person appointed by the Ohio association of school 71  
business officials; 72

(5) One person appointed by the Ohio association of EMIS 73  
professionals; 74

(6) One representative of four-year institutions of higher 75  
education, appointed by the Ohio board of regents; 76

(7) One representative of two-year institutions of higher 77

education, appointed by the Ohio association of community 78  
colleges; 79

(8) Two representatives of the department, appointed by the 80  
superintendent of public instruction; 81

(9) Two persons appointed by the management council of the 82  
Ohio education computer network; 83

(10) One classroom teacher appointed jointly by the Ohio 84  
education association and the Ohio federation of teachers. 85

The chairpersons and ranking minority members of the 86  
education committees of the senate and house of representatives, 87  
or their designees, shall be ex officio, nonvoting members of the 88  
board. 89

(C) Members of the board initially appointed under division 90  
(B) of this section shall serve until January 1, 2008. Thereafter, 91  
terms of office shall be for two years, each term ending on the 92  
same day of the same month as did the term that it succeeds. Each 93  
member shall hold office from the date of appointment until the 94  
end of the term for which the member was appointed. Members may be 95  
reappointed. 96

(D) Vacancies shall be filled in the same manner as the 97  
original appointment. Any member appointed to fill a vacancy 98  
occurring prior to the expiration of the term for which the 99  
member's predecessor was appointed shall hold office for the 100  
remainder of that term. Members shall receive no compensation for 101  
their services. 102

(E) The chairpersons of the education committees of the 103  
senate and house of representatives, or their designees, shall 104  
alternate annually as chairperson of the board. The board shall 105  
meet once every two months and at other times upon the call of the 106  
chairperson. 107

(F) If at any time the education management information system is replaced with a new system for collecting financial and student performance data for school districts and buildings, the board established by this section shall continue to function in the manner prescribed by this section in relation to the new data collection system after the new system is operational. 108  
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**Sec. 3310.08.** (A) The amount paid for an eligible student under the educational choice scholarship pilot program shall be the lesser of the tuition of the chartered nonpublic school in which the student is enrolled or the maximum amount prescribed in section 3310.09 of the Revised Code. 114  
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(B)(1) The department shall pay to the parent of each eligible student for whom a scholarship is awarded under the program, or to the student if at least eighteen years of age, periodic partial payments of the scholarship. 119  
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(2) The department shall proportionately reduce or terminate the payments for any student who withdraws from a chartered nonpublic school prior to the end of the school year. 123  
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(C)(1) The department shall deduct from the payments made to each school district under Chapter 3317. and, if necessary, sections 321.24 and 323.156 of the Revised Code ~~the amount of five thousand two hundred dollars~~ one of the following amounts, as applicable, for each eligible student awarded a scholarship under the educational choice scholarship pilot program who is entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in the district. ~~The:~~ 126  
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(a) For each scholarship student enrolled in kindergarten, two thousand seven hundred dollars; 134  
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(b) For each scholarship student enrolled in grades one to twelve, five thousand two hundred dollars. 136  
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The amount deducted under ~~this~~ division (C)(1) of this section funds scholarships for students under both the educational choice scholarship pilot program and the pilot project scholarship program under sections 3313.974 to 3313.979 of the Revised Code.

(2) If the department reduces or terminates payments to a parent or a student, as prescribed in division (B)(2) of this section, and the student enrolls in the schools of the student's resident district or in a community school, established under Chapter 3314. of the Revised Code, before the end of the school year, the department shall proportionally restore to the resident district the amount deducted for that student under division (C)(1) of this section.

(D) In the case of any school district from which a deduction is made under division (C) of this section, the department shall disclose on the district's SF-3 form, or any successor to that form used to calculate a district's state funding for operating expenses, a comparison of the following:

(1) The district's state base-cost payment, as calculated under division (A)(1) of section 3317.022 of the Revised Code prior to making the adjustments under divisions (A)(2) and (3) of that section, with the scholarship students included in the district's formula ADM;

(2) What the district's state base-cost payment would have been, as calculated under division (A)(1) of that section prior to making the adjustments under divisions (A)(2) and (3) of that section, if the scholarship students were not included in the district's formula ADM.

This comparison shall display both the aggregate difference between the amounts described in divisions (D)(1) and (2) of this section, and the quotient of that aggregate difference divided by the number of eligible students for whom deductions are made under

division (C) of this section.

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Sec. 3312.01. (A) The educational regional service system is hereby established. The system shall support state and regional education initiatives and efforts to improve school effectiveness and student achievement. Services, including special education and related services, shall be provided under the system to school districts, community schools established under Chapter 3314. of the Revised Code, and chartered nonpublic schools.

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It is the intent of the general assembly that the educational regional service system reduce the unnecessary duplication of programs and services and provide for a more streamlined and efficient delivery of educational services without reducing the availability of the services needed by school districts and schools.

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(B) The educational regional service system shall consist of the following:

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(1) The state regional alliance advisory board established under section 3312.11 of the Revised Code;

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(2) The advisory councils and subcommittees established under sections 3312.03 and 3312.05 of the Revised Code;

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(3) A fiscal agent for each of the regions as configured under section 3312.02 of the Revised Code;

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(4) Educational service centers, data acquisition sites established under section 3301.075 of the Revised Code, and other regional education service providers.

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(C) Educational service centers shall provide the services that they are specifically required to provide by the Revised Code and may enter into agreements pursuant to section 3313.843, 3313.844, or 3313.845 of the Revised Code for the provision of other services, which may include any of the following:

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<u>(1) Assistance in improving student performance;</u>	199
<u>(2) Services to enable a school district or school to operate more efficiently or economically;</u>	200 201
<u>(3) Professional development for teachers or administrators;</u>	202
<u>(4) Assistance in the recruitment and retention of teachers and administrators;</u>	203 204
<u>(5) Any other educational, administrative, or operational services.</u>	205 206
<u>In addition to implementing state and regional education initiatives and school improvement efforts under the educational regional service system, educational service centers shall implement state or federally funded initiatives assigned to the service centers by the general assembly or the department of education.</u>	207 208 209 210 211 212
<u>Any educational service center selected to be a fiscal agent for its region pursuant to section 3312.07 of the Revised Code shall continue to operate as an educational service center for the part of the region that comprises its territory.</u>	213 214 215 216
<u>(D) Data acquisition sites may enter into agreements for the provision of services pursuant to section 3312.10 of the Revised Code.</u>	217 218 219
<u>(E) No school district, community school, or chartered nonpublic school shall be required to purchase services from an educational service center or data acquisition site in the region in which the district or school is located, except that a local school district shall receive any services required by the Revised Code to be provided by an educational service center to the local school districts in its territory from the educational service center in whose territory the district is located.</u>	220 221 222 223 224 225 226 227



<u>Sec. 3312.02. (A) There shall be the following sixteen</u>	228
<u>regions in the educational regional service system:</u>	229
<u>(1) Region one shall consist of the territory contained in</u>	230
<u>Defiance, Fulton, Hancock, Henry, Lucas, Ottawa, Paulding, Putnam,</u>	231
<u>Sandusky, Seneca, Van Wert, Williams, and Wood counties.</u>	232
<u>(2) Region two shall consist of the territory contained in</u>	233
<u>Erie, Huron, and Lorain counties.</u>	234
<u>(3) Region three shall consist of the territory contained in</u>	235
<u>Cuyahoga county.</u>	236
<u>(4) Region four shall consist of the territory contained in</u>	237
<u>Geauga and Lake counties.</u>	238
<u>(5) Region five shall consist of the territory contained in</u>	239
<u>Ashtabula, Mahoning, and Trumbull counties.</u>	240
<u>(6) Region six shall consist of the territory contained in</u>	241
<u>Allen, Auglaize, Champaign, Hardin, Logan, Mercer, and Shelby</u>	242
<u>counties.</u>	243
<u>(7) Region seven shall consist of the territory contained in</u>	244
<u>Ashland, Crawford, Knox, Marion, Morrow, Richland, and Wyandot</u>	245
<u>counties.</u>	246
<u>(8) Region eight shall consist of the territory contained in</u>	247
<u>Medina, Portage, and Summit counties.</u>	248
<u>(9) Region nine shall consist of the territory contained in</u>	249
<u>Columbiana, Stark, and Wayne counties.</u>	250
<u>(10) Region ten shall consist of the territory contained in</u>	251
<u>Clark, Darke, Greene, Miami, Montgomery, and Preble counties.</u>	252
<u>(11) Region eleven shall consist of the territory contained</u>	253
<u>in Delaware, Fairfield, Franklin, Licking, Madison, Pickaway, and</u>	254
<u>Union counties.</u>	255

(12) Region twelve shall consist of the territory contained 256  
in Belmont, Carroll, Coshocton, Guernsey, Harrison, Holmes, 257  
Jefferson, Muskingum, Noble, and Tuscarawas counties. 258

(13) Region thirteen shall consist of the territory contained 259  
in Butler, Clermont, Hamilton, and Warren counties. 260

(14) Region fourteen shall consist of the territory contained 261  
in Adams, Brown, Clinton, Fayette, and Highland counties. 262

(15) Region fifteen shall consist of the territory contained 263  
in Lawrence, Pike, Ross, and Scioto counties. 264

(16) Region sixteen shall consist of the territory contained 265  
in Athens, Gallia, Hocking, Jackson, Meigs, Monroe, Morgan, Perry, 266  
Vinton, and Washington counties. 267

(B) If an educational service center has territory in more 268  
than one region as designated under this section, the service 269  
center and each local school district located in the service 270  
center's territory shall be considered to be part of the region in 271  
which the majority of the service center's territory is located 272  
and shall not be considered to be part of any other region. If a 273  
city or exempted village school district has territory in more 274  
than one region as designated under this section, the district 275  
shall be considered to be part of the region in which the majority 276  
of the district's territory is located and shall not be considered 277  
to be part of any other region. 278

(C) Not later than July 1, 2007, the state board of education 279  
shall adopt rules establishing a process whereby a school district 280  
may elect to transfer to a region other than the region to which 281  
the district is assigned by this section. The state board shall 282  
consult with school districts and regional service providers in 283  
developing the process. No school district shall be permitted to 284  
transfer to a different region under this division after June 30, 285  
2009. 286

<u>Sec. 3312.03. (A) Each region of the educational regional</u>	287
<u>service system shall have an advisory council. Except as provided</u>	288
<u>in division (F) of this section, each advisory council shall</u>	289
<u>consist of the following members and the members appointed under</u>	290
<u>division (B) of this section:</u>	291
<u>(1) The superintendent of each educational service center</u>	292
<u>that has territory in the region;</u>	293
<u>(2) The director of the special education regional resource</u>	294
<u>center in the region;</u>	295
<u>(3) The superintendent of the school district in the region</u>	296
<u>with the smallest student population;</u>	297
<u>(4) The superintendent of the school district in the region</u>	298
<u>with the largest student population;</u>	299
<u>(5) The director of each data acquisition site located in the</u>	300
<u>region;</u>	301
<u>(6) One representative of a four-year institution of higher</u>	302
<u>education located in the region, or in an adjacent region if there</u>	303
<u>is no such institution, appointed by the Ohio board of regents;</u>	304
<u>(7) One representative of a two-year institution of higher</u>	305
<u>education located in the region, or in an adjacent region if there</u>	306
<u>is no such institution, appointed by the Ohio association of</u>	307
<u>community colleges;</u>	308
<u>(8) The treasurer of the fiscal agent for the region.</u>	309
<u>(B) The members of the advisory council listed in division</u>	310
<u>(A) of this section, upon a majority vote, shall appoint the</u>	311
<u>following members to serve on the council:</u>	312
<u>(1) One member of the board of education of a city school</u>	313
<u>district in the region;</u>	314
<u>(2) One member of the board of education of an exempted</u>	315

<u>village school district in the region;</u>	316
<u>(3) One member of the board of education of a local school district in the region;</u>	317
<u>(4) One member of the governing board of an educational service center in the region;</u>	318
<u>(5) One superintendent of a city, exempted village, or local school district in the region;</u>	319
<u>(6) One superintendent of a joint vocational school district in the region;</u>	320
<u>(7) One representative of business;</u>	321
<u>(8) One employee of each education technology center that provides services in the region;</u>	322
<u>(9) One classroom teacher.</u>	323
<u>(C) Each advisory council annually shall elect a chairperson and vice-chairperson from among its members.</u>	324
<u>(D) For two years after its initial meeting, each advisory council shall hold regular meetings at least four times each year to conduct council business and may hold other meetings at the call of the chairperson. Subsequently, all meetings shall be called by the chairperson.</u>	325
<u>(E) Advisory council members shall receive no compensation for their services.</u>	326
<u>(F) Any advisory council may increase its membership beyond the members required by divisions (A) and (B) of this section by adopting a resolution specifying the number of additional members, their manner of appointment, and any eligibility criteria for appointment.</u>	327
<u>Sec. 3312.04. The advisory council of each region of the</u>	328
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educational regional service system shall do all of the following: 344

(A) Identify regional needs and priorities for educational services; 345  
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(B) Develop policies to coordinate the delivery of services to school districts, community schools, and chartered nonpublic schools in a manner that responds to regional needs and priorities. Such policies shall not supersede any requirement of a performance contract entered into by the fiscal agent of the region under section 3312.08 of the Revised Code. 347  
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(C) Make recommendations to the fiscal agent for the region regarding the expenditure of funds available to the region for implementation of state and regional education initiatives and school improvement efforts; 353  
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(D) Monitor implementation of state and regional education initiatives and school improvement efforts by educational service centers, data acquisition sites, and other regional service providers to ensure that the terms of the performance contracts entered into by the fiscal agent for the region under section 3312.08 of the Revised Code are being met; 357  
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(E) Establish an accountability system to evaluate the advisory council on its performance of the duties described in divisions (A) to (D) of this section. 363  
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**Sec. 3312.05.** (A) The advisory council of each region of the educational regional service system shall establish the following specialized subcommittees of the council: 366  
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(1) A school improvement subcommittee, which shall include one classroom teacher appointed jointly by the Ohio education association and the Ohio federation of teachers and representatives of community schools and education personnel with 369  
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expertise in the area of school improvement; 373

(2) An education technology subcommittee, which shall include 374  
classroom teachers or curriculum coordinators, parents, elementary 375  
and secondary school principals, representatives of chartered 376  
nonpublic schools, representatives of data acquisition sites, 377  
representatives of business, and representatives of two-year and 378  
four-year institutions of higher education; 379

(3) A professional development subcommittee, which shall 380  
include classroom teachers, principals, school district 381  
superintendents, curriculum coordinators, representatives of 382  
chartered nonpublic schools, and representatives of two-year and 383  
four-year institutions of higher education; 384

(4) A special education subcommittee, which shall consist of 385  
one classroom teacher appointed jointly by the Ohio education 386  
association and the Ohio federation of teachers and the members of 387  
the governing board of the special education regional resource 388  
center in the region; 389

(5) A data acquisition site subcommittee, which shall consist 390  
of one classroom teacher appointed jointly by the Ohio education 391  
association and the Ohio federation of teachers and the members of 392  
the governing authority of each data acquisition site located in 393  
the region. 394

(B) The advisory council shall appoint persons who reside or 395  
practice their occupations in the region to serve on the 396  
subcommittees established under divisions (A)(1) to (3) of this 397  
section. If the advisory council is unable to appoint such a 398  
person to a subcommittee, the council shall appoint a similarly 399  
situated person from an adjacent region. 400

(C) An advisory council may establish additional 401  
subcommittees as needed to address topics of interest to the 402  
council. Members of any additional subcommittee shall be appointed 403

by the advisory council and shall include a diverse range of  
classroom teachers and other education personnel with expertise in  
the topic addressed by the subcommittee and representatives of  
individuals or groups with an interest in the topic.

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(D) Any member of an advisory council may participate in the  
deliberations of any subcommittee established by the council.

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**Sec. 3312.06.** Each advisory council subcommittee established  
under section 3312.05 of the Revised Code shall make  
recommendations to the advisory council regarding the  
implementation of state and regional education initiatives and  
school improvement efforts in the subcommittee's area of  
specialization. The recommendations may include strategies to  
tailor state education initiatives to regional needs and  
priorities or to maximize funds available to the region for the  
provision of services in the subcommittee's area of  
specialization.

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**Sec. 3312.07.** (A) Not later than January 31, 2007, the  
department of education shall select a school district or  
educational service center in each region of the educational  
regional service system to be the fiscal agent for the region. For  
this purpose, the department shall issue a request for proposals  
from districts and service centers interested in being a fiscal  
agent. The department shall select each fiscal agent based upon  
the following criteria:

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(1) Capability to serve as a fiscal agent as demonstrated by  
a satisfactory audit record and prior experience serving as a  
fiscal agent;

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(2) Adequate capacity in terms of facilities, personnel, and  
other relevant resources;

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(3) Evidence that the school district's or educational

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service center's role as a fiscal agent would result in minimal 434  
disruption to its responsibilities as a district or service 435  
center; 436

(4) Demonstrated intent to limit the aggregate fees for 437  
administering a performance contract entered into under section 438  
3312.08 of the Revised Code to not more than seven per cent of the 439  
value of the contract. 440

(B) If no school district or educational service center in a 441  
region responds to the request for proposals issued by the 442  
department, the department shall select a district or service 443  
center in the region that meets the criteria in division (A) of 444  
this section to be the fiscal agent for the region. 445

Sec. 3312.08. Each fiscal agent selected by the department of 446  
education pursuant to section 3312.07 of the Revised Code shall do 447  
all of the following: 448

(A) Enter into performance contracts with the department in 449  
accordance with section 3312.09 of the Revised Code for the 450  
implementation of state and regional education initiatives and 451  
school improvement efforts; 452

(B) Receive federal and state funds, including federal funds 453  
for the provision of special education and related services, as 454  
specified in the performance contracts, and disburse those funds 455  
as specified in the performance contracts to educational service 456  
centers, data acquisition sites, and other regional service 457  
providers. However, any funds owed to an educational service 458  
center under section 3317.11 of the Revised Code shall be paid 459  
directly to the service center by the department in accordance 460  
with that section and any operating funds appropriated for a data 461  
acquisition site shall be paid directly to the data acquisition 462  
site by the department pursuant to section 3301.075 of the Revised 463



Code. 464

(C) Implement any expenditure of funds recommended by the 465  
advisory council for the region pursuant to section 3312.04 of the 466  
Revised Code or required by the terms of any performance contract, 467  
unless there are insufficient funds available to the region to pay 468  
for the expenditure or the expenditure violates a provision of the 469  
Revised Code, a rule of the state board of education regarding 470  
such expenditure, or the terms of a performance contract; 471

(D) Exercise fiscal oversight of the implementation of state 472  
and regional education initiatives and school improvement efforts. 473

Sec. 3312.09. (A) Each performance contract entered into by 474  
the department of education and the fiscal agent of a region for 475  
implementation of a state or regional education initiative or 476  
school improvement effort shall include the following: 477

(1) A definition of the services to be provided to school 478  
districts, community schools, and chartered nonpublic schools in 479  
the region; 480

(2) Expected outcomes from the provision of the services 481  
defined in the contract; 482

(3) The method the department will use to evaluate whether 483  
the expected outcomes have been achieved; 484

(4) A requirement that the fiscal agent develop and implement 485  
a corrective action plan if the results of the evaluation are 486  
unsatisfactory; 487

(5) Data reporting requirements; 488

(6) The aggregate fees to be charged by the fiscal agent and 489  
any entity with which it subcontracts to cover personnel and 490  
program costs associated with administering the contract, which 491  
fees shall be subject to controlling board approval if in excess 492

<u>of four per cent of the value of the contract;</u>	493
<u>(7) A requirement that a member of the advisory council in</u>	494
<u>the region be a member of the state regional alliance advisory</u>	495
<u>board established under section 3312.11 of the Revised Code.</u>	496
<u>(B) Upon completion of each evaluation described in a</u>	497
<u>performance contract, the department shall post the results of</u>	498
<u>that evaluation on its web site.</u>	499
<u><b>Sec. 3312.10.</b> The board of education of a city, exempted</u>	500
<u>village, or local school district or the governing authority of a</u>	501
<u>community school may enter into an agreement, through the adoption</u>	502
<u>of identical resolutions, with the governing authority of a data</u>	503
<u>acquisition site, under which the data acquisition site will</u>	504
<u>provide services to the school district or community school.</u>	505
<u>Services provided under the agreement and the amount to be paid</u>	506
<u>for such services shall be mutually agreed to by the parties to</u>	507
<u>the agreement, and shall be specified in the agreement. Payment</u>	508
<u>for services specified in the agreement shall be the sole</u>	509
<u>responsibility of the board of education or community school</u>	510
<u>governing authority and shall be made directly to the data</u>	511
<u>acquisition site providing the services.</u>	512
<u><b>Sec. 3312.11.</b> (A) The state regional alliance advisory board</u>	513
<u>is hereby created. The board shall consist of the following</u>	514
<u>members:</u>	515
<u>(1) One member of the advisory council of each region of the</u>	516
<u>educational regional service system, appointed by the council;</u>	517
<u>(2) One member of the state board of education, appointed by</u>	518
<u>the state board;</u>	519
<u>(3) One representative of four-year institutions of higher</u>	520
<u>education, appointed by the Ohio board of regents;</u>	521

<u>(4) One representative of two-year institutions of higher education, appointed by the Ohio association of community colleges;</u>	522
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<u>(5) One representative of the department of education, appointed by the superintendent of public instruction;</u>	525
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<u>(6) One representative of the governor, appointed by the governor;</u>	527
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<u>(7) One classroom teacher, appointed jointly by the Ohio education association and the Ohio federation of teachers;</u>	529
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<u>(8) One parent, appointed by the Ohio parent teacher association;</u>	531
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<u>(9) One representative of business, appointed by the Ohio chamber of commerce;</u>	533
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<u>(10) One representative of the buckeye association of school administrators, appointed by the association;</u>	535
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<u>(11) One representative of the Ohio educational service center association, appointed by the association;</u>	537
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<u>(12) One representative of the Ohio school boards association, appointed by the association;</u>	539
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<u>(13) One school administrator, appointed jointly by the Ohio association of elementary school administrators and the Ohio association of secondary school administrators;</u>	541
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<u>(14) One representative of the Ohio association of school business officials, appointed by the association.</u>	544
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<u>The superintendent of public instruction and the chairpersons and ranking minority members of the education committees of the senate and house of representatives, or their designees, shall be ex officio, nonvoting members of the board.</u>	546
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<u>(B) All appointed members of the board shall serve at the</u>	550

pleasure of their appointing authorities. 551

(C) Members shall receive no compensation for their services. 552

(D) The superintendent of public instruction, or the 553  
superintendent's designee, shall be the chairperson of the board. 554  
For two years after its initial meeting, the board shall hold 555  
regular meetings at least monthly to conduct board business and 556  
may hold other meetings at the call of the chairperson. 557  
Subsequently, meetings shall be held at the call of the 558  
chairperson or at the request of at least one-third of the board's 559  
members. 560

Sec. 3312.12. The state regional alliance advisory board 561  
shall do all of the following: 562

(A) Identify issues concerning the operation of the 563  
educational regional service system that may require action by the 564  
state board of education or the department of education; 565

(B) Promote communication and coordination among the state 566  
board, the department, fiscal agents, advisory councils, and users 567  
of the educational regional service system regarding issues 568  
affecting the operation of the system and statewide education 569  
initiatives; 570

(C) Make recommendations regarding quality standards for the 571  
delivery of services to school districts and schools through the 572  
educational regional service system. Copies of the recommendations 573  
shall be provided to the department and the advisory councils. 574

(D) Establish an accountability system to evaluate the board 575  
on its performance of the duties described in divisions (A) to (C) 576  
of this section. 577

Sec. 3312.13. The department of education shall consider the 578  
unique needs and circumstances of each region of the educational 579

regional service system when allocating funds for the 580  
implementation of statewide education initiatives by regional 581  
service providers. 582

**Sec. 3313.843.** (A) Notwithstanding division (D) of section 583  
3311.52 of the Revised Code, this section does not apply to either 584  
of the following: 585

(1) Any cooperative education school district; 586

(2) Any city or exempted village school district with a total 587  
student count of thirteen thousand or more determined pursuant to 588  
section 3317.03 of the Revised Code that has not entered into one 589  
or more agreements pursuant to this section prior to July 1, 1993, 590  
unless the district's total student count did not exceed thirteen 591  
thousand at the time it entered into an initial agreement under 592  
this section. 593

(B) The board of education of a city or exempted village 594  
school district and the governing board of an educational service 595  
center ~~with territory in a county in which the city or exempted~~ 596  
~~village school district also has territory~~ may enter into an 597  
agreement, through adoption of identical resolutions, under which 598  
the educational service center governing board will provide 599  
services to the city or exempted village school district. 600

Services provided under the agreement shall be specified in 601  
the agreement, and may include any one or a combination of the 602  
following: supervisory teachers; in-service and continuing 603  
education programs for city or exempted village school district 604  
personnel; curriculum services as provided to the local school 605  
districts under the supervision of the service center governing 606  
board; research and development programs; academic instruction for 607  
which the governing board employs teachers pursuant to section 608  
3319.02 of the Revised Code; and assistance in the provision of 609

special accommodations and classes for handicapped students. 610  
Services included in the agreement shall be provided to the city 611  
or exempted village district in the same manner they are provided 612  
to local school districts under the governing board's supervision, 613  
unless otherwise specified in the agreement. The city or exempted 614  
village board of education shall reimburse the educational service 615  
center governing board pursuant to section 3317.11 of the Revised 616  
Code. 617

(C)~~(1)~~ If an educational service center received funding 618  
under division (B) of former section 3317.11 or division (F) of 619  
section 3317.11 of the Revised Code for an agreement under this 620  
section involving a city school district whose total student count 621  
was less than thirteen thousand, the service center may continue 622  
to receive funding under that division for such an agreement in 623  
any subsequent year if the city district's total student count 624  
exceeds thirteen thousand. However, only the first thirteen 625  
thousand pupils in the formula ADM of such district shall be 626  
included in determining the amount of the per pupil subsidy the 627  
service center shall receive under division (F) of section 3317.11 628  
of the Revised Code. 629

~~(2) If, prior to July 1, 1998, an educational service center 630  
received funding under division (B) of former section 3317.11 of 631  
the Revised Code for a period of at least three years, for a good 632  
faith agreement under this section involving a city school 633  
district with no territory in the county in which the educational 634  
service center has territory, that educational service center and 635  
that city school district may enter into an agreement under this 636  
section, and the service center shall receive funding under 637  
division (F) of section 3317.11 of the Revised Code for any such 638  
agreement, notwithstanding the territorial boundaries of the 639  
service center and the city school district. 640~~

(D) Any agreement entered into pursuant to this section shall 641

be valid only if a copy is filed with the department of education  
by the first day of the school year for which the agreement is in  
effect.

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Sec. 3313.845. The board of education of a city, exempted  
village, or local school district and the governing board of an  
educational service center may enter into an agreement, through  
adoption of identical resolutions, under which the educational  
service center will provide services to the school district.  
Services provided under the agreement and the amount to be paid  
for such services shall be mutually agreed to by the district  
board of education and the service center governing board, and  
shall be specified in the agreement. Payment for services  
specified in the agreement shall be made pursuant to division (D)  
of section 3317.11 of the Revised Code and shall not include any  
deduction under division (B), (C), or (F) of that section. Any  
agreement entered into pursuant to this section shall be valid  
only if a copy is filed with the department of education by the  
first day of the school year for which the agreement is in effect.

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The authority granted under this section to the boards of  
education of city and exempted village school districts is in  
addition to the authority granted to such boards under section  
3313.843 of the Revised Code. No city or exempted village district  
that is eligible to receive services from an educational service  
center under section 3313.843 of the Revised Code may receive any  
of the services described in division (B) of that section pursuant  
to an agreement entered into with an educational service center  
under this section.

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If a local school district enters into an agreement with an  
educational service center under this section and the district is  
not located within the territory of the service center, the  
agreement shall not require the district to receive any

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supervisory services described in division (B) of section 3317.11 673  
of the Revised Code from the service center. The supervisory 674  
services described in that section shall be provided to the 675  
district by the educational service center of the territory in 676  
which the district is located. 677

**Sec. 3314.014.** As used in this section, "operator" means an 678  
organization that manages the daily operations of a community 679  
school pursuant to a contract between the operator and the 680  
school's governing authority. 681

(A)(1) Notwithstanding the limit prescribed by division 682  
(A)(4) of section 3314.013 of the Revised Code, a start-up school 683  
sponsored by an entity described in divisions (C)(1)(b) to (f) of 684  
section 3314.02 of the Revised Code may be established after the 685  
date that limit is reached, provided the school's governing 686  
authority enters into a contract with an operator permitted to 687  
manage the school under division (B) of this section. 688

(2) Notwithstanding the limit prescribed by division (A)(5) 689  
of section 3314.013 of the Revised Code, a conversion school that 690  
is an internet- or computer-based community school or a start-up 691  
school sponsored by the school district in which the school is or 692  
is proposed to be located may be established after the date that 693  
limit is reached, provided the school's governing authority enters 694  
into a contract with an operator permitted to manage the school 695  
under division (B) of this section. However, a conversion school 696  
that is an internet- or computer-based community school may be 697  
established after that date only if the prohibition prescribed by 698  
division (A)(6) of section 3314.013 of the Revised Code is no 699  
longer in effect. 700

(B) An operator may enter into contracts with the governing 701  
authorities of community schools established after the date the 702  
limit prescribed by division (A)(4) or (5) of section 3314.013 of 703



the Revised Code, as applicable, is reached, provided the total  
number of schools for which the operator enters into such  
contracts, excluding conversion schools that are not internet- or  
computer-based community schools, does not exceed the number of  
community schools managed by the operator on the applicable date  
that are rated excellent, effective, or in need of continuous  
improvement pursuant to section 3302.03 of the Revised Code.

(C) Notwithstanding the limit prescribed by division (A)(4)  
of section 3314.013 of the Revised Code, after the date the limit  
prescribed in that division is reached, the governing authority of  
a start-up school sponsored by an entity described in divisions  
(C)(1)(b) to (f) of section 3314.02 of the Revised Code may  
establish one additional school serving the same grade levels and  
providing the same educational program as the current start-up  
school and may open that additional school in the 2006-2007 school  
year, if both of the following conditions are met:

(1) The governing authority entered into another contract  
with the same sponsor or a different sponsor described in  
divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code  
and filed a copy of that contract with the superintendent of  
public instruction prior to March 15, 2006.

(2) The governing authority's current school satisfies all of  
the following conditions:

(a) The school currently is rated as excellent or effective  
pursuant to section 3302.03 of the Revised Code.

(b) The school made adequate yearly progress, as defined in  
section 3302.01 of the Revised Code, for the previous school year.

(c) The school has been in operation for at least four school  
years.

(d) The school is not managed by an operator.

**Sec. 3319.01.** Except in an island school district, where the 734  
superintendent of an educational service center otherwise may 735  
serve as superintendent of the district and except as otherwise 736  
provided for any cooperative education school district pursuant to 737  
division (B)(2) of section 3311.52 or division (B)(3) of section 738  
3311.521 of the Revised Code, the board of education in each 739  
school district and the governing board of each service center 740  
shall, at a regular or special meeting held not later than the 741  
first day of May of the calendar year in which the term of the 742  
superintendent expires, appoint a person possessed of the 743  
qualifications provided in this section to act as superintendent, 744  
for a term not longer than five years beginning the first day of 745  
August and ending on the thirty-first day of July. Such 746  
superintendent is, at the expiration of a current term of 747  
employment, deemed reemployed for a term of one year at the same 748  
salary plus any increments that may be authorized by the board, 749  
unless such board, on or before the first day of March of the year 750  
in which the contract of employment expires, either reemploys the 751  
superintendent for a succeeding term as provided in this section 752  
or gives to the superintendent written notice of its intention not 753  
to reemploy the superintendent. A superintendent may not be 754  
transferred to any other position during the term of the 755  
superintendent's employment or reemployment except by mutual 756  
agreement by the superintendent and the board. If a vacancy occurs 757  
in the office of superintendent, the board shall appoint a 758  
superintendent for a term not to exceed five years from the next 759  
preceding first day of August. 760

A board may at any regular or special meeting held during the 761  
period beginning on the first day of January of the calendar year 762  
immediately preceding the year the contract of employment of a 763  
superintendent expires and ending on the first day of March of the 764  
year it expires, reemploy such superintendent for a succeeding 765

term for not longer than five years, beginning on the first day of 766  
August immediately following the expiration of the 767  
superintendent's current term of employment and ending on the 768  
thirty-first day of July of the year in which such succeeding term 769  
expires. No person shall be appointed to the office of 770  
superintendent of a city, or exempted village school district or a 771  
service center who does not hold a license designated for being a 772  
superintendent issued under section 3319.22 of the Revised Code, 773  
unless such person had been employed as a county, city, or 774  
exempted village superintendent prior to August 1, 1939. No person 775  
shall be appointed to the office of local superintendent who does 776  
not hold a license designated for being a superintendent issued 777  
under section 3319.22 of the Revised Code, unless such person held 778  
or was qualified to hold the position of executive head of a local 779  
school district on September 16, 1957. At the time of making such 780  
appointment or designation of term, such board shall fix the 781  
compensation of the superintendent, which may be increased or 782  
decreased during such term, provided such decrease is a part of a 783  
uniform plan affecting salaries of all employees of the district, 784  
and shall execute a written contract of employment with such 785  
superintendent. 786

Each board shall adopt procedures for the evaluation of its 787  
superintendent and shall evaluate its superintendent in accordance 788  
with those procedures. An evaluation based upon such procedures 789  
shall be considered by the board in deciding whether to renew the 790  
superintendent's contract. The establishment of an evaluation 791  
procedure shall not create an expectancy of continued employment. 792  
Nothing in this section shall prevent a board from making the 793  
final determination regarding the renewal or failure to renew of a 794  
superintendent's contract. 795

Termination of a superintendent's contract shall be pursuant 796  
to section 3319.16 of the Revised Code. 797

A board may establish vacation leave for its superintendent. 798  
Upon the superintendent's separation from employment a board that 799  
has such leave may provide compensation at the superintendent's 800  
current rate of pay for all lawfully accrued and unused vacation 801  
leave to the superintendent's credit at the time of separation, 802  
not to exceed the amount accrued within three years before the 803  
date of separation. In case of the death of a superintendent, such 804  
unused vacation leave as the board would have paid to this 805  
superintendent upon separation shall be paid in accordance with 806  
section 2113.04 of the Revised Code, or to the superintendent's 807  
estate. 808

Notwithstanding section 9.481 of the Revised Code, the board 809  
of a city, local, exempted village, or joint vocational school 810  
district may require its superintendent, as a condition of 811  
employment, to reside within the boundaries of the district. 812

The superintendent shall be the executive officer for the 813  
board. The superintendent shall direct and assign teachers and 814  
other employees of the district or service center, except as 815  
provided in section 3319.04 of the Revised Code; assign the pupils 816  
to the proper schools and grades, provided that the assignment of 817  
a pupil to a school outside of the pupil's district of residence 818  
is approved by the board of the district of residence of such 819  
pupil; and perform such other duties as the board determines. 820

The board of education of any school district may contract 821  
with the governing board of the educational service center from 822  
which it otherwise receives services to conduct searches and 823  
recruitment of candidates for the superintendent position 824  
authorized under this section. 825

**Sec. 3319.17.** (A) As used in this section, "interdistrict 826  
contract" means any contract or agreement entered into by an 827  
educational service center governing board and another board or 828

other public entity pursuant to section 3313.17, 3313.841, 829  
3313.842, 3313.843, 3313.844, 3313.845, 3313.91, or 3323.08 of the 830  
Revised Code, including any such contract or agreement for the 831  
provision of services funded under division (I) of section 832  
3317.024 of the Revised Code or provided in any unit approved 833  
under section 3317.05 of the Revised Code. 834

(B) When, for any of the following reasons that apply to any 835  
city, exempted village, local, or joint vocational school district 836  
or any educational service center, the board decides that it will 837  
be necessary to reduce the number of teachers it employs, it may 838  
make a reasonable reduction: 839

(1) In the case of any district or service center, return to 840  
duty of regular teachers after leaves of absence including leaves 841  
provided pursuant to division (B) of section 3314.10 of the 842  
Revised Code, suspension of schools, territorial changes affecting 843  
the district or center, or financial reasons; 844

(2) In the case of any city, exempted village, local, or 845  
joint vocational school district, decreased enrollment of pupils 846  
in the district; 847

(3) In the case of any governing board of a service center 848  
providing any particular service directly to pupils pursuant to 849  
one or more interdistrict contracts requiring such service, 850  
reduction in the total number of pupils the governing board is 851  
required to provide with the service under all interdistrict 852  
contracts as a result of the termination or nonrenewal of one or 853  
more of these interdistrict contracts; 854

(4) In the case of any governing board providing any 855  
particular service that it does not provide directly to pupils 856  
pursuant to one or more interdistrict contracts requiring such 857  
service, reduction in the total level of the service the governing 858  
board is required to provide under all interdistrict contracts as 859

a result of the termination or nonrenewal of one or more of these 860  
interdistrict contracts. 861

(C) In making any such reduction, any city, exempted village, 862  
local, or joint vocational school board shall proceed to suspend 863  
contracts in accordance with the recommendation of the 864  
superintendent of schools who shall, within each teaching field 865  
affected, give preference first to teachers on continuing 866  
contracts and then to teachers who have greater seniority. In 867  
making any such reduction, any governing board of a service center 868  
shall proceed to suspend contracts in accordance with the 869  
recommendation of the superintendent who shall, within each 870  
teaching field or service area affected, give preference first to 871  
teachers on continuing contracts and then to teachers who have 872  
greater seniority. 873

On a case-by-case basis, in lieu of suspending a contract in 874  
whole, a board may suspend a contract in part, so that an 875  
individual is required to work a percentage of the time the 876  
employee otherwise is required to work under the contract and 877  
receives a commensurate percentage of the full compensation the 878  
employee otherwise would receive under the contract. 879

The teachers whose continuing contracts are suspended by any 880  
board pursuant to this section shall have the right of restoration 881  
to continuing service status by that board in the order of 882  
seniority of service in the district or service center if and when 883  
teaching positions become vacant or are created for which any of 884  
such teachers are or become qualified. No teacher whose continuing 885  
contract has been suspended pursuant to this section shall lose 886  
that right of restoration to continuing service status by reason 887  
of having declined recall to a position that is less than 888  
full-time or, if the teacher was not employed full-time just prior 889  
to suspension of the teacher's continuing contract, to a position 890  
requiring a lesser percentage of full-time employment than the 891

position the teacher last held while employed in the district or 892  
service center. 893

(D) Notwithstanding any provision to the contrary in Chapter 894  
4117. of the Revised Code, the requirements of this section 895  
prevail over any conflicting provisions of agreements between 896  
employee organizations and public employers entered into after 897  
September 29, 2005. 898

**Section 2.** That existing sections 3301.075, 3310.08, 899  
3313.843, 3314.014, 3319.01, and 3319.17 of the Revised Code are 900  
hereby repealed. 901

**Section 3.** Subject to appropriations of the General Assembly, 902  
funding for the operation of the Educational Regional Service 903  
System established by this act shall begin July 1, 2007. 904

**Section 4.** (A) The Ohio Board of Regents and the Ohio 905  
Association of Community Colleges shall make appointments to the 906  
advisory councils established under section 3312.03 of the Revised 907  
Code within thirty days after the effective date of this section. 908  
Each advisory council shall make the appointments required by 909  
division (B) of that section within forty-five days after the 910  
effective date of this section. 911

(B) Each advisory council and the Ohio Education Association 912  
and the Ohio Federation of Teachers shall make the appointments to 913  
the advisory council subcommittees required by division (B) of 914  
section 3312.05 of the Revised Code within sixty days after the 915  
effective date of this section. 916

(C) Appointments to the State Regional Alliance Advisory 917  
Board established by section 3312.11 of the Revised Code shall be 918  
made within sixty days after the effective date of this section. 919

(D) Appointments to the Education Management Information 920

System Advisory Board established by section 3301.0713 of the Revised Code shall be made within thirty days after the effective date of this section.

**Section 5.** It is the intent of the General Assembly that the Department of Education not fill staff positions in the regional offices of the Department's Office of Early Childhood Education as those positions become open through attrition.

**Section 6.** All appropriation items in this section are appropriated out of money in the state treasury to the credit of the designated fund. For all appropriations made in this section, the amounts in the first column are for fiscal year 2006 and the amounts in the second column are for fiscal year 2007.

EDU DEPARTMENT OF EDUCATION

General Revenue Fund					934
GRF 200-536 Ohio Core Support	\$	0	\$	13,200,000	935
TOTAL GRF General Revenue Fund	\$	0	\$	13,200,000	936
TOTAL ALL BUDGET FUND GROUPS	\$	0	\$	13,200,000	937

OHIO CORE SUPPORT

The foregoing appropriation item 200-536, Ohio Core Support, shall be used to support implementation of the Ohio Core Program, which requires establishment of a rigorous high school curriculum for Ohio's high school students. The Department of Education and the Board of Regents shall jointly plan and work collaboratively to guide implementation of the Ohio Core Program and to administer funding to eligible school districts, individuals, and programs as determined by this section. The Department of Education and the Board of Regents shall jointly agree to the awarding and expenditure of funds appropriated in this section.

(A) Of the foregoing appropriation item 200-536, Ohio Core Support, up to \$2,600,000 in fiscal year 2007 shall be used to



support the participation of teachers licensed in Ohio and 951  
mid-career professionals not currently employed by a school 952  
district or licensed to teach at the primary or secondary 953  
education levels in a twelve-month intensive training program that 954  
leads to teacher licensure in a laboratory-based science, advanced 955  
mathematics, or foreign language field at the secondary education 956  
level and employment with an Ohio school district. 957

(B) Of the foregoing appropriation item 200-536, Ohio Core 958  
Support, up to \$1,500,000 in fiscal year 2007 shall be used to 959  
support alternative teacher licensure programs developed by 960  
educational service centers, in partnership with institutions of 961  
higher education. Participants shall be teachers licensed in Ohio 962  
and mid-career professionals not currently employed by a school 963  
district or licensed to teach at the primary or secondary 964  
education levels. Programs shall be consistent with the State 965  
Board of Education's alternative licensure requirements. 966

(C) Of the foregoing appropriation item 200-536, Ohio Core 967  
Support, up to \$3,600,000 in fiscal year 2007 shall be distributed 968  
to school districts to be used to obtain contracted instruction 969  
with institutions of higher education in mathematics, science, or 970  
foreign language for high school students that results in dual 971  
high school and college credit. Costs shall be based upon 972  
reasonable expenses that institutions of higher education could 973  
incur for faculty, supplies, and other associated costs. 974

(D) Of the foregoing appropriation item 200-536, Ohio Core 975  
Support, up to \$2,000,000 in fiscal year 2007 shall be disbursed 976  
to the eTech Ohio Commission within sixty days after the effective 977  
date of this section. Funding shall be used to implement and 978  
support the Ohio Students Choosing On-line Resources for 979  
Educational Success Initiative that increases the educational 980  
options available for students in mathematics, advanced 981  
laboratory-based science, and foreign language. The eTech Ohio 982

Commission shall work collaboratively with the Department of 983  
Education and the Board of Regents on this initiative. 984

(E) Of the foregoing appropriation item 200-536, Ohio Core 985  
Support, up to \$3,500,000 in fiscal year 2007 shall be disbursed 986  
to the Board of Regents within sixty days after the effective date 987  
of this section. The Board of Regents shall use the funds to 988  
support up to ten regional summer academies that focus on foreign 989  
language, science, mathematics, engineering, and technology and 990  
prepare eleventh and twelfth grade students to pursue 991  
college-level foreign language, mathematics, science, technology, 992  
and engineering, with a focus on secondary teaching in these 993  
disciplines. Successful completion of these academics shall result 994  
in dual high school and college credits. Costs shall be based upon 995  
reasonable expenses, as determined by the Board of Regents, that 996  
institutions of higher education could incur for faculty, 997  
supplies, and other associated costs. 998

**Section 7.** The appropriations made in Section 6 of this act 999  
are subject to all provisions of Am. Sub. H.B. 66 of the 126th 1000  
General Assembly that are generally applicable to such 1001  
appropriations. Expenditures from appropriations contained in 1002  
Section 6 of this act shall be accounted for as though made in Am. 1003  
Sub. H.B. 66 of the 126th General Assembly. 1004

**Section 8.** Sections 6, 7, and 8 of this act are not subject 1005  
to the referendum. Therefore, under Ohio Constitution, Article II, 1006  
Section 1d and section 1.471 of the Revised Code, the sections go 1007  
into immediate effect when this act becomes law. 1008