

# As Introduced

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 143**

**Representative Wagner**

**Cosponsors: Representatives McGregor, J., Wachtmann, Adams, Fessler,  
Domenick, Combs**

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## **A B I L L**

To amend sections 9.41, 9.833, 9.90, 124.01, 124.11, 1  
124.271, 124.34, 124.38, 124.40, 124.57, 3301.07, 2  
3301.072, 3311.10, 3311.19, 3311.52, 3311.72, 3  
3313.12, 3313.20, 3313.202, 3313.33, 3313.53, 4  
3313.604, 3313.665, 3313.751, 3313.79, 3313.81, 5  
3313.871, 3313.96, 3313.975, 3314.03, 3314.09, 6  
3314.091, 3315.062, 3315.09, 3315.091, 3316.07, 7  
3317.01, 3319.01, 3319.011, 3319.02, 3319.03, 8  
3319.04, 3319.05, 3319.06, 3319.07, 3319.071, 9  
3319.073, 3319.075, 3319.08, 3319.081, 3319.088, 10  
3319.10, 3319.151, 3327.01, 3327.03, 3327.09, 11  
3327.10, 3327.16, 4117.01, 4117.03, 4117.04, 12  
4117.06, 4117.08, 4117.09, and 4117.10; to repeal 13  
sections 5.23, 9.901, 117.53, 124.011, 124.54, 14  
3301.22, 3313.174, 3313.211, 3313.41, 3313.472, 15  
3313.482, 3313.51, 3313.534, 3313.535, 3313.537, 16  
3313.60, 3313.601, 3313.602, 3313.608, 3313.609, 17  
3313.6011, 3313.6012, 3313.6013, 3313.6014, 18  
3313.63, 3313.648, 3313.66, 3313.661, 3313.662, 19  
3313.664, 3313.666, 3313.667, 3313.70, 3313.712, 20  
3313.76, 3313.77, 3313.78, 3313.80, 3313.801, 21  
3313.811, 3314.10, 3314.20, 3315.17, 3315.171, 22

3315.18, 3315.181, 3315.19, 3317.12, 3317.13, 23  
3317.14, 3317.15, 3319.072, 3319.082, 3319.083, 24  
3319.084, 3319.085, 3319.086, 3319.087, 3319.0810, 25  
3319.0811, 3319.09, 3319.101, 3319.11, 3319.111, 26  
3319.12, 3319.13, 3319.131, 3319.14, 3319.141, 27  
3319.142, 3319.143, 3319.16, 3319.161, 3319.17, 28  
3319.171, 3319.172, 3319.18, 3319.181, 3319.33, 29  
3319.63, 3324.01, 3324.02, 3324.03, 3324.04, 30  
3324.05, 3324.06, 3324.07, 3324.10, 3327.011, 31  
3327.02, 3327.15, 4117.101, and 4117.102 of the 32  
Revised Code; and to repeal Sections 203.12.02 and 33  
611.03 of Am. Sub. H.B. 66 of the 126th General 34  
Assembly to eliminate certain requirements and 35  
prohibitions applying to school district boards of 36  
education, including the centralized procurement 37  
of employee health benefits contingently mandated 38  
by Am. Sub. H.B. 66 of the 126th General Assembly. 39

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

**Section 1.** That sections 9.41, 9.833, 9.90, 124.01, 124.11, 40  
124.271, 124.34, 124.38, 124.40, 124.57, 3301.07, 3301.072, 41  
3311.10, 3311.19, 3311.52, 3311.72, 3313.12, 3313.20, 3313.202, 42  
3313.33, 3313.53, 3313.604, 3313.665, 3313.751, 3313.79, 3313.81, 43  
3313.871, 3313.96, 3313.975, 3314.03, 3314.09, 3314.091, 3315.062, 44  
3315.09, 3315.091, 3316.07, 3317.01, 3319.01, 3319.011, 3319.02, 45  
3319.03, 3319.04, 3319.05, 3319.06, 3319.07, 3319.071, 3319.073, 46  
3319.075, 3319.08, 3319.081, 3319.088, 3319.10, 3319.151, 3327.01, 47  
3327.03, 3327.09, 3327.10, 3327.16, 4117.01, 4117.03, 4117.04, 48  
4117.06, 4117.08, 4117.09, and 4117.10 of the Revised Code be 49  
amended to read as follows: 50

**Sec. 9.41.** The director of budget and management or any 51

fiscal officer of any county, city, city health district, or 52  
general health district, ~~or city school district~~ thereof, or civil 53  
service township, shall not draw, sign, issue, or authorize the 54  
drawing, signing, or issuing of any warrant on the treasurer of 55  
state or other disbursing officer of the state, or the treasurer 56  
or other disbursing officer of any county, city, ~~or city school~~ 57  
~~district thereof,~~ or civil service township, to pay any salary or 58  
other compensation to any officer, clerk, employee, or other 59  
person in the classified service unless an estimate, payroll, or 60  
account for such salary or compensation containing the name of 61  
each person to be paid, bears the certificate of the director of 62  
administrative services, or in the case of the service of the city 63  
or civil service township, the certificate of the civil service 64  
commission of the city or civil service township, or in the case 65  
of the service of the county, the certificate of the appointing 66  
authority, that the persons named in the estimate, payroll, or 67  
account have been appointed, promoted, reduced, suspended, or laid 68  
off, or are being employed in pursuance of Chapter 124. of the 69  
Revised Code and the rules adopted thereunder. 70

Where estimates, payrolls, or accounts are prepared by 71  
electronic data processing equipment, the director of 72  
administrative services or the municipal or civil service township 73  
civil service commission may develop methods for controlling the 74  
input or verifying the output of such equipment to ensure 75  
compliance with Chapter 124. of the Revised Code and the rules 76  
adopted thereunder. Any estimates, payrolls, or accounts prepared 77  
by these methods shall be subject to special audit at any time. 78

Any sum paid contrary to this section may be recovered from 79  
any officer making such payment in contravention of law and of the 80  
rules made in pursuance of law, or from any officer signing, 81  
countersigning, or authorizing the signing or countersigning of 82  
any warrant for the payment of the same, or from the sureties on 83

the officer's official bond, in an action in the courts of the 84  
state, maintained by a citizen resident therein. All moneys 85  
recovered in any action brought under this section shall, when 86  
collected, be paid into the state treasury or the treasury of the 87  
appropriate civil division of the state, except that the plaintiff 88  
in any action shall be entitled to recover the plaintiff's own 89  
taxable costs of such action. 90

**Sec. 9.833.** (A) As used in this section, "political 91  
subdivision" means a municipal corporation, township, county, 92  
school district, or other body corporate and politic responsible 93  
for governmental activities in a geographic area smaller than that 94  
of the state, ~~and agencies and instrumentalities of these~~ 95  
~~entities. For purposes of this section, a school district is not a~~ 96  
~~"political subdivision."~~ 97

(B) Political subdivisions that provide health care benefits 98  
for their officers or employees may do any of the following: 99

(1) Establish and maintain an individual self-insurance 100  
program with public moneys to provide authorized health care 101  
benefits, including but not limited to, health care, prescription 102  
drugs, dental care, and vision care, in accordance with division 103  
(C) of this section; 104

(2) Establish and maintain a health savings account program 105  
whereby employees or officers may establish and maintain health 106  
savings accounts in accordance with section 223 of the Internal 107  
Revenue Code. Public moneys may be used to pay for or fund 108  
federally qualified high deductible health plans that are linked 109  
to health savings accounts or to make contributions to health 110  
savings accounts. A health savings account program may be a part 111  
of a self-insurance program. 112

(3) After establishing an individual self-insurance program, 113  
agree with other political subdivisions that have established 114

individual self-insurance programs for health care benefits, that 115  
their programs will be jointly administered in a manner specified 116  
in the agreement; 117

(4) Pursuant to a written agreement and in accordance with 118  
division (C) of this section, join in any combination with other 119  
political subdivisions to establish and maintain a joint 120  
self-insurance program to provide health care benefits; 121

(5) Pursuant to a written agreement, join in any combination 122  
with other political subdivisions to procure or contract for 123  
policies, contracts, or plans of insurance to provide health care 124  
benefits, which may include a health savings account program, for 125  
their officers and employees subject to the agreement; 126

(6) Use in any combination any of the policies, contracts, 127  
plans, or programs authorized under this division. 128

(C) Except as otherwise provided in division (E) of this 129  
section, the following apply to individual or joint self-insurance 130  
programs established pursuant to this section: 131

(1) Such funds shall be reserved as are necessary, in the 132  
exercise of sound and prudent actuarial judgment, to cover 133  
potential cost of health care benefits for the officers and 134  
employees of the political subdivision. A report of amounts so 135  
reserved and disbursements made from such funds, together with a 136  
written report of a member of the American academy of actuaries 137  
certifying whether the amounts reserved conform to the 138  
requirements of this division, are computed in accordance with 139  
accepted loss reserving standards, and are fairly stated in 140  
accordance with sound loss reserving principles, shall be prepared 141  
and maintained, within ninety days after the last day of the 142  
fiscal year of the entity for which the report is provided for 143  
that fiscal year, in the office of the program administrator 144  
described in division (C)(3) of this section. 145

The report required by division (C)(1) of this section shall 146  
include, but not be limited to, disbursements made for the 147  
administration of the program, including claims paid, costs of the 148  
legal representation of political subdivisions and employees, and 149  
fees paid to consultants. 150

The program administrator described in division (C)(3) of 151  
this section shall make the report required by this division 152  
available for inspection by any person at all reasonable times 153  
during regular business hours, and, upon the request of such 154  
person, shall make copies of the report available at cost within a 155  
reasonable period of time. 156

(2) Each political subdivision shall reserve funds necessary 157  
for an individual or joint self-insurance program in a special 158  
fund that may be established ~~for political subdivisions other than~~ 159  
~~an agency or instrumentality~~ pursuant to an ordinance or 160  
resolution of the political subdivision and not subject to section 161  
5705.12 of the Revised Code. ~~An agency or instrumentality shall~~ 162  
~~reserve the funds necessary for an individual or joint~~ 163  
~~self insurance program in a special fund established pursuant to a~~ 164  
~~resolution duly adopted by the agency's or instrumentality's~~ 165  
~~governing board.~~ The political subdivision may allocate the costs 166  
of insurance or any self-insurance program, or both, among the 167  
funds or accounts established under this division on the basis of 168  
relative exposure and loss experience. 169

(3) A contract may be awarded, without the necessity of 170  
competitive bidding, to any person, political subdivision, 171  
nonprofit corporation organized under Chapter 1702. of the Revised 172  
Code, or regional council of governments created under Chapter 173  
167. of the Revised Code for purposes of administration of an 174  
individual or joint self-insurance program. No such contract shall 175  
be entered into without full, prior, public disclosure of all 176  
terms and conditions. The disclosure shall include, at a minimum, 177

a statement listing all representations made in connection with 178  
any possible savings and losses resulting from the contract, and 179  
potential liability of any political subdivision or employee. The 180  
proposed contract and statement shall be disclosed and presented 181  
at a meeting of the political subdivision not less than one week 182  
prior to the meeting at which the political subdivision authorizes 183  
the contract. 184

A contract awarded to a nonprofit corporation or a regional 185  
council of governments under this division may provide that all 186  
employees of the nonprofit corporation or regional council of 187  
governments and the employees of all entities related to the 188  
nonprofit corporation or regional council of governments may be 189  
covered by the individual or joint self-insurance program under 190  
the terms and conditions set forth in the contract. 191

(4) The individual or joint self-insurance program shall 192  
include a contract with a member of the American academy of 193  
actuaries for the preparation of the written evaluation of the 194  
reserve funds required under division (C)(1) of this section. 195

(5) A joint self-insurance program may allocate the costs of 196  
funding the program among the funds or accounts established under 197  
this division to the participating political subdivisions on the 198  
basis of their relative exposure and loss experience. 199

(6) An individual self-insurance program may allocate the 200  
costs of funding the program among the funds or accounts 201  
established under this division to the political subdivision that 202  
established the program. 203

(7) Two or more political subdivisions may also authorize the 204  
establishment and maintenance of a joint health care cost 205  
containment program, including, but not limited to, the employment 206  
of risk managers, health care cost containment specialists, and 207  
consultants, for the purpose of preventing and reducing health 208

care costs covered by insurance, individual self-insurance, or 209  
joint self-insurance programs. 210

(8) A political subdivision is not liable under a joint 211  
self-insurance program for any amount in excess of amounts payable 212  
pursuant to the written agreement for the participation of the 213  
political subdivision in the joint self-insurance program. Under a 214  
joint self-insurance program agreement, a political subdivision 215  
may, to the extent permitted under the written agreement, assume 216  
the risks of any other political subdivision. A joint 217  
self-insurance program established under this section is deemed a 218  
separate legal entity for the public purpose of enabling the 219  
members of the joint self-insurance program to obtain insurance or 220  
to provide for a formalized, jointly administered self-insurance 221  
fund for its members. An entity created pursuant to this section 222  
is exempt from all state and local taxes. 223

(9) Any political subdivision, other than an agency or 224  
instrumentality, may issue general obligation bonds, or special 225  
obligation bonds that are not payable from real or personal 226  
property taxes, and may also issue notes in anticipation of such 227  
bonds, pursuant to an ordinance or resolution of its legislative 228  
authority or other governing body for the purpose of providing 229  
funds to pay expenses associated with the settlement of claims, 230  
whether by way of a reserve or otherwise, and to pay the political 231  
subdivision's portion of the cost of establishing and maintaining 232  
an individual or joint self-insurance program or to provide for 233  
the reserve in the special fund authorized by division (C)(2) of 234  
this section. 235

In its ordinance or resolution authorizing bonds or notes 236  
under this section, a political subdivision may elect to issue 237  
such bonds or notes under the procedures set forth in Chapter 133. 238  
of the Revised Code. In the event of such an election, 239  
notwithstanding Chapter 133. of the Revised Code, the maturity of 240



the bonds may be for any period authorized in the ordinance or 241  
resolution not exceeding twenty years, which period shall be the 242  
maximum maturity of the bonds for purposes of section 133.22 of 243  
the Revised Code. 244

Bonds and notes issued under this section shall not be 245  
considered in calculating the net indebtedness of the political 246  
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 247  
the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 248  
hereby made applicable to bonds or notes authorized under this 249  
section. 250

(10) A joint self-insurance program is not an insurance 251  
company. Its operation does not constitute doing an insurance 252  
business and is not subject to the insurance laws of this state. 253

(D) A political subdivision may procure group life insurance 254  
for its employees in conjunction with an individual or joint 255  
self-insurance program authorized by this section, provided that 256  
the policy of group life insurance is not self-insured. 257

(E) Divisions (C)(1), (2), and (4) of this section do not 258  
apply to individual self-insurance programs in municipal 259  
corporations, townships, or counties. 260

(F) A public official or employee of a political subdivision 261  
who is or becomes a member of the governing body of the program 262  
administrator of a joint self-insurance program in which the 263  
political subdivision participates is not in violation of division 264  
(D) or (E) of section 102.03, division (C) of section 102.04, or 265  
section 2921.42 of the Revised Code as a result of either of the 266  
following: 267

(1) The political subdivision's entering under this section 268  
into the written agreement to participate in the joint 269  
self-insurance program; 270

(2) The political subdivision's entering under this section 271

into any other contract with the joint self-insurance program. 272

**Sec. 9.90.** (A) The governing board of any public institution 273  
of higher education, including without limitation state 274  
universities and colleges, community college districts, university 275  
branch districts, technical college districts, and municipal 276  
universities, or the board of education of any school district, 277  
may, in addition to all other powers provided in the Revised Code: 278

(1) Contract for, purchase, or otherwise procure from an 279  
insurer or insurers licensed to do business by the state of Ohio 280  
for or on behalf of such of its employees as it may determine, 281  
life insurance, or sickness, accident, annuity, endowment, health, 282  
medical, hospital, dental, or surgical coverage and benefits, or 283  
any combination thereof, by means of insurance plans or other 284  
types of coverage, family, group or otherwise, and may pay from 285  
funds under its control and available for such purpose all or any 286  
portion of the cost, premium, or charge for such insurance, 287  
coverage, or benefits. However, the governing board, in addition 288  
to or as an alternative to the authority otherwise granted by 289  
division (A)(1) of this section, may elect to procure coverage for 290  
health care services, for or on behalf of such of its employees as 291  
it may determine, by means of policies, contracts, certificates, 292  
or agreements issued by at least two health insuring corporations 293  
holding a certificate of authority under Chapter 1751. of the 294  
Revised Code and may pay from funds under the governing board's 295  
control and available for such purpose all or any portion of the 296  
cost of such coverage. 297

(2) Make payments to a custodial account for investment in 298  
regulated investment company stock for the purpose of providing 299  
retirement benefits as described in section 403(b)(7) of the 300  
Internal Revenue Code of 1954, as amended. Such stock shall be 301  
purchased only from persons authorized to sell such stock in this 302

state. 303

Any income of an employee deferred under divisions (A)(1) and 304  
(2) of this section in a deferred compensation program eligible 305  
for favorable tax treatment under the Internal Revenue Code of 306  
1954, as amended, shall continue to be included as regular 307  
compensation for the purpose of computing the contributions to and 308  
benefits from the retirement system of such employee. Any sum so 309  
deferred shall not be included in the computation of any federal 310  
and state income taxes withheld on behalf of any such employee. 311

(B) All or any portion of the cost, premium, or charge 312  
therefor may be paid in such other manner or combination of 313  
matters as the governing board or school district board may 314  
determine, including direct payment by the employee in cases under 315  
division (A)(1) of this section, and, if authorized in writing by 316  
the employee in cases under division (A)(1) or (2) of this 317  
section, by such governing board or school district board with 318  
moneys made available by deduction from or reduction in salary or 319  
wages or by the foregoing of a salary or wage increase. Nothing in 320  
section 3917.01 or section 3917.06 of the Revised Code shall 321  
prohibit the issuance or purchase of group life insurance 322  
authorized by this section by reason of payment of premiums 323  
therefor by the governing board from its funds, and such group 324  
life insurance may be so issued and purchased if otherwise 325  
consistent with the provisions of sections 3917.01 to 3917.07 of 326  
the Revised Code. 327

~~(C) The board of education of any school district may 328  
exercise any of the powers granted to the governing boards of 329  
public institutions of higher education under divisions (A) and 330  
(B) of this section, except in relation to the provision of health 331  
care benefits to employees. All health care benefits provided to 332  
persons employed by the public schools of this state shall be 333  
medical plans designed by the school employees health care board 334~~

~~pursuant to section 9.901 of the Revised Code.~~ 335

**Sec. 124.01.** Except as otherwise provided in this chapter, as 336  
used in this chapter: 337

(A) "Civil service" includes all offices and positions of 338  
trust or employment in the service of the state and in the service 339  
of the counties, cities, city health districts, and general health 340  
districts, ~~and city school districts~~ of the state. 341

(B) "State service" includes all offices and positions in the 342  
service of the state and the counties and general health districts 343  
of the state. "State service" does not include offices and 344  
positions in the service of the cities, and city health districts, 345  
~~and city school districts~~ of the state. 346

(C) "Classified service" means the competitive classified 347  
civil service of the state, the several counties, cities, city 348  
health districts, and general health districts, ~~and city school~~ 349  
~~districts~~ of the state, and civil service townships. 350

(D) "Appointing authority" means the officer, commission, 351  
board, or body having the power of appointment to, or removal 352  
from, positions in any office, department, commission, board, or 353  
institution. 354

(E) "Commission" means the municipal civil service commission 355  
of any city, ~~except that, when in reference to the commission that~~ 356  
~~serves a city school district, "commission" means the civil~~ 357  
~~service commission determined under section 124.011 of the Revised~~ 358  
~~Code.~~ 359

(F) "Employee" means any person holding a position subject to 360  
appointment, removal, promotion, or reduction by an appointing 361  
officer. 362

(G) "Civil service township" means any township with a 363  
population of ten thousand or more persons residing within the 364

township and outside any municipal corporation, which has a police 365  
or fire department of ten or more full-time paid employees and 366  
which has a civil service commission established under division 367  
(B) of section 124.40 of the Revised Code. 368

(H) "Flexible hours employee" means an employee who may work 369  
more or less than eight hours on any given day so long as the 370  
employee works forty hours in the same week. 371

(I) "Classification series" means any group of classification 372  
titles that have the identical name but different numerical 373  
designations, or identical titles except for designated levels of 374  
supervision, except for those classification series established by 375  
the director of administrative services in accordance with 376  
division (A) of section 124.14 of the Revised Code. 377

(J) "Classification change" means a change in an employee's 378  
classification in the job classification plan. 379

(K) "Service of the state" or "civil service of the state" 380  
includes all offices and positions of trust or employment with the 381  
government of the state. "Service of the state" and "civil service 382  
of the state" do not include offices and positions of trust or 383  
employment with state-supported colleges and universities, 384  
counties, cities, city health districts, ~~city school districts,~~ 385  
general health districts, and civil service townships of the 386  
state. 387

**Sec. 124.11.** The civil service of the state and the several 388  
counties, cities, civil service townships, city health districts, 389  
and general health districts, ~~and city school districts~~ of the 390  
state shall be divided into the unclassified service and the 391  
classified service. 392

(A) The unclassified service shall comprise the following 393  
positions, which shall not be included in the classified service, 394

and which shall be exempt from all examinations required by this	395
chapter:	396
(1) All officers elected by popular vote or persons appointed	397
to fill vacancies in those offices;	398
(2) All election officers as defined in section 3501.01 of	399
the Revised Code;	400
(3)(a) The members of all boards and commissions, and heads	401
of principal departments, boards, and commissions appointed by the	402
governor or by and with the governor's consent;	403
(b) The heads of all departments appointed by a board of	404
county commissioners;	405
(c) The members of all boards and commissions and all heads	406
of departments appointed by the mayor, or, if there is no mayor,	407
such other similar chief appointing authority of any city <del>or city</del>	408
<del>school district</del> ;	409
Except as otherwise provided in division (A)(17) or (C) of	410
this section, this chapter does not exempt the chiefs of police	411
departments and chiefs of fire departments of cities or civil	412
service townships from the competitive classified service.	413
(4) The members of county or district licensing boards or	414
commissions and boards of revision, and not more than five deputy	415
county auditors;	416
(5) All officers and employees elected or appointed by either	417
or both branches of the general assembly, and employees of the	418
city legislative authority engaged in legislative duties;	419
(6) All commissioned, warrant, and noncommissioned officers	420
and enlisted persons in the Ohio organized militia, including	421
military appointees in the adjutant general's department;	422
(7)(a) All presidents, business managers, administrative	423
officers, <del>superintendents, assistant superintendents, principals,</del>	424

deans, assistant deans, instructors, teachers, and such employees 425  
as are engaged in educational or research duties connected with 426  
the public ~~school system~~, colleges, and universities, as 427  
determined by the governing body of the public ~~school system~~, 428  
colleges, and universities; 429

(b) Superintendents, assistant superintendents, principals, 430  
teachers, and other research or educational service employees 431  
employed by the department of education for service at the state 432  
school for the deaf or the state school for the blind; 433

(c) The library staff of any library in the state supported 434  
wholly or in part at public expense. 435

(8) Four clerical and administrative support employees for 436  
each of the elective state officers, four clerical and 437  
administrative support employees for each board of county 438  
commissioners and one such employee for each county commissioner, 439  
and four clerical and administrative support employees for other 440  
elective officers and each of the principal appointive executive 441  
officers, boards, or commissions, except for civil service 442  
commissions, that are authorized to appoint such clerical and 443  
administrative support employees; 444

(9) The deputies and assistants of state agencies authorized 445  
to act for and on behalf of the agency, or holding a fiduciary or 446  
administrative relation to that agency and those persons employed 447  
by and directly responsible to elected county officials or a 448  
county administrator and holding a fiduciary or administrative 449  
relationship to such elected county officials or county 450  
administrator, and the employees of such county officials whose 451  
fitness would be impracticable to determine by competitive 452  
examination, provided that division (A)(9) of this section shall 453  
not affect those persons in county employment in the classified 454  
service as of September 19, 1961. Nothing in division (A)(9) of 455  
this section applies to any position in a county department of job 456

and family services created pursuant to Chapter 329. of the 457  
Revised Code. 458

(10) Bailiffs, constables, official stenographers, and 459  
commissioners of courts of record, deputies of clerks of the 460  
courts of common pleas who supervise or who handle public moneys 461  
or secured documents, and such officers and employees of courts of 462  
record and such deputies of clerks of the courts of common pleas 463  
as the director of administrative services finds it impracticable 464  
to determine their fitness by competitive examination; 465

(11) Assistants to the attorney general, special counsel 466  
appointed or employed by the attorney general, assistants to 467  
county prosecuting attorneys, and assistants to city directors of 468  
law; 469

(12) Such teachers and employees in the agricultural 470  
experiment stations; such students in normal schools, colleges, 471  
and universities of the state who are employed by the state or a 472  
political subdivision of the state in student or intern 473  
classifications; and such unskilled labor positions as the 474  
director of administrative services or any municipal civil service 475  
commission may find it impracticable to include in the competitive 476  
classified service; provided such exemptions shall be by order of 477  
the commission or the director, duly entered on the record of the 478  
commission or the director with the reasons for each such 479  
exemption; 480

(13) Any physician or dentist who is a full-time employee of 481  
the department of mental health, the department of mental 482  
retardation and developmental disabilities, or an institution 483  
under the jurisdiction of either department; and physicians who 484  
are in residency programs at the institutions; 485

(14) Up to twenty positions at each institution under the 486  
jurisdiction of the department of mental health or the department 487



of mental retardation and developmental disabilities that the 488  
department director determines to be primarily administrative or 489  
managerial; and up to fifteen positions in any division of either 490  
department, excluding administrative assistants to the director 491  
and division chiefs, which are within the immediate staff of a 492  
division chief and which the director determines to be primarily 493  
and distinctively administrative and managerial; 494

(15) Noncitizens of the United States employed by the state, 495  
or its counties or cities, as physicians or nurses who are duly 496  
licensed to practice their respective professions under the laws 497  
of this state, or medical assistants, in mental or chronic disease 498  
hospitals, or institutions; 499

(16) Employees of the governor's office; 500

(17) Fire chiefs and chiefs of police in civil service 501  
townships appointed by boards of township trustees under section 502  
505.38 or 505.49 of the Revised Code; 503

(18) Executive directors, deputy directors, and program 504  
directors employed by boards of alcohol, drug addiction, and 505  
mental health services under Chapter 340. of the Revised Code, and 506  
secretaries of the executive directors, deputy directors, and 507  
program directors; 508

(19) Superintendents, and management employees as defined in 509  
section 5126.20 of the Revised Code, of county boards of mental 510  
retardation and developmental disabilities; 511

(20) Physicians, nurses, and other employees of a county 512  
hospital who are appointed pursuant to sections 339.03 and 339.06 513  
of the Revised Code; 514

(21) The executive director of the state medical board, who 515  
is appointed pursuant to division (B) of section 4731.05 of the 516  
Revised Code; 517

(22) County directors of job and family services as provided 518  
in section 329.02 of the Revised Code and administrators appointed 519  
under section 329.021 of the Revised Code; 520

(23) A director of economic development who is hired pursuant 521  
to division (A) of section 307.07 of the Revised Code; 522

(24) Chiefs of construction and compliance, of operations and 523  
maintenance, and of licensing and certification in the division of 524  
industrial compliance in the department of commerce; 525

(25) The executive director of a county transit system 526  
appointed under division (A) of section 306.04 of the Revised 527  
Code; 528

(26) Up to five positions at each of the administrative 529  
departments listed in section 121.02 of the Revised Code and at 530  
the department of taxation, department of the adjutant general, 531  
department of education, Ohio board of regents, bureau of workers' 532  
compensation, industrial commission, state lottery commission, and 533  
public utilities commission of Ohio that the head of that 534  
administrative department or of that other state agency determines 535  
to be involved in policy development and implementation. The head 536  
of the administrative department or other state agency shall set 537  
the compensation for employees in these positions at a rate that 538  
is not less than the minimum compensation specified in pay range 539  
41 but not more than the maximum compensation specified in pay 540  
range 44 of salary schedule E-2 in section 124.152 of the Revised 541  
Code. The authority to establish positions in the unclassified 542  
service under division (A)(26) of this section is in addition to 543  
and does not limit any other authority that an administrative 544  
department or state agency has under the Revised Code to establish 545  
positions, appoint employees, or set compensation. 546

(27) Employees of the department of agriculture employed 547  
under section 901.09 of the Revised Code; 548

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

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

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

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

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

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

(1) The competitive class shall include all positions and employments in the state and the counties, cities, city health districts, and general health districts, ~~and city school districts~~ of the state, and, upon the creation by the board of trustees of a

civil service township of a township civil service commission, all 580  
positions in a civil service township police or fire department 581  
having ten or more full-time paid employees, for which it is 582  
practicable to determine the merit and fitness of applicants by 583  
competitive examinations. Appointments shall be made to, or 584  
employment shall be given in, all positions in the competitive 585  
class that are not filled by promotion, reinstatement, transfer, 586  
or reduction, as provided in this chapter, and the rules of the 587  
director of administrative services, by appointment from those 588  
certified to the appointing officer in accordance with this 589  
chapter. 590

(2) The unskilled labor class shall include ordinary 591  
unskilled laborers. Vacancies in the labor class for positions in 592  
service of the state shall be filled by appointment from lists of 593  
applicants registered by the director. Vacancies in the labor 594  
class for all other positions shall be filled by appointment from 595  
lists of applicants registered by a commission. The director or 596  
the commission, as applicable, by rule, shall require an applicant 597  
for registration in the labor class to furnish evidence or take 598  
tests as the director or commission considers proper with respect 599  
to age, residence, physical condition, ability to labor, honesty, 600  
sobriety, industry, capacity, and experience in the work or 601  
employment for which application is made. Laborers who fulfill the 602  
requirements shall be placed on the eligible list for the kind of 603  
labor or employment sought, and preference shall be given in 604  
employment in accordance with the rating received from that 605  
evidence or in those tests. Upon the request of an appointing 606  
officer, stating the kind of labor needed, the pay and probable 607  
length of employment, and the number to be employed, the director 608  
or commission, as applicable, shall certify from the highest on 609  
the list double the number to be employed; from this number, the 610  
appointing officer shall appoint the number actually needed for 611  
the particular work. If more than one applicant receives the same 612

rating, priority in time of application shall determine the order 613  
in which their names shall be certified for appointment. 614

(C) A municipal or civil service township civil service 615  
commission may place volunteer firefighters who are paid on a 616  
fee-for-service basis in either the classified or the unclassified 617  
civil service. 618

(D) This division does not apply to persons in the 619  
unclassified service who have the right to resume positions in the 620  
classified service under sections 4121.121, 5119.071, 5120.07, 621  
5120.38, 5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the 622  
Revised Code. 623

An appointing authority whose employees are paid directly by 624  
warrant of the director of budget and management may appoint a 625  
person who holds a certified position in the classified service 626  
within the appointing authority's agency to a position in the 627  
unclassified service within that agency. A person appointed 628  
pursuant to this division to a position in the unclassified 629  
service shall retain the right to resume the position and status 630  
held by the person in the classified service immediately prior to 631  
the person's appointment to the position in the unclassified 632  
service, regardless of the number of positions the person held in 633  
the unclassified service. An employee's right to resume a position 634  
in the classified service may only be exercised when an appointing 635  
authority demotes the employee to a pay range lower than the 636  
employee's current pay range or revokes the employee's appointment 637  
to the unclassified service. An employee forfeits the right to 638  
resume a position in the classified service when the employee is 639  
removed from the position in the unclassified service due to 640  
incompetence, inefficiency, dishonesty, drunkenness, immoral 641  
conduct, insubordination, discourteous treatment of the public, 642  
neglect of duty, violation of this chapter or the rules of the 643  
director of administrative services, any other failure of good 644

behavior, any other acts of misfeasance, malfeasance, or 645  
nonfeasance in office, or conviction of a felony. An employee also 646  
forfeits the right to resume a position in the classified service 647  
upon transfer to a different agency. 648

Reinstatement to a position in the classified service shall 649  
be to a position substantially equal to that position in the 650  
classified service held previously, as certified by the director 651  
of administrative services. If the position the person previously 652  
held in the classified service has been placed in the unclassified 653  
service or is otherwise unavailable, the person shall be appointed 654  
to a position in the classified service within the appointing 655  
authority's agency that the director of administrative services 656  
certifies is comparable in compensation to the position the person 657  
previously held in the classified service. Service in the position 658  
in the unclassified service shall be counted as service in the 659  
position in the classified service held by the person immediately 660  
prior to the person's appointment to the position in the 661  
unclassified service. When a person is reinstated to a position in 662  
the classified service as provided in this division, the person is 663  
entitled to all rights, status, and benefits accruing to the 664  
position in the classified service during the person's time of 665  
service in the position in the unclassified service. 666

**Sec. 124.271.** Any employee in the classified service of the 667  
state or any county, city, city health district, or general health 668  
district, ~~or city school district~~ who is appointed to a position 669  
under section 124.30 of the Revised Code, and either demonstrates 670  
merit and fitness for the position by successfully completing the 671  
probationary period for the position or remains in the position 672  
for a period of six months of continuous service, whichever period 673  
is longer, shall become a permanent appointee in the classified 674  
service at the conclusion of that period. 675

**Sec. 124.34.** (A) The tenure of every officer or employee in 676  
the classified service of the state and the counties, civil 677  
service townships, cities, city health districts, and general 678  
health districts, ~~and city school districts~~ of the state, holding 679  
a position under this chapter, shall be during good behavior and 680  
efficient service. No officer or employee shall be reduced in pay 681  
or position, fined, suspended, or removed, or have the officer's 682  
or employee's longevity reduced or eliminated, except as provided 683  
in section 124.32 of the Revised Code, and for incompetency, 684  
inefficiency, dishonesty, drunkenness, immoral conduct, 685  
insubordination, discourteous treatment of the public, neglect of 686  
duty, violation of any policy or work rule of the officer's or 687  
employee's appointing authority, violation of this chapter or the 688  
rules of the director of administrative services or the 689  
commission, any other failure of good behavior, any other acts of 690  
misfeasance, malfeasance, or nonfeasance in office, or conviction 691  
of a felony. The denial of a one-time pay supplement or a bonus to 692  
an officer or employee is not a reduction in pay for purposes of 693  
this section. 694

An appointing authority may require an employee who is 695  
suspended to report to work to serve the suspension. An employee 696  
serving a suspension in this manner shall continue to be 697  
compensated at the employee's regular rate of pay for hours 698  
worked. The disciplinary action shall be recorded in the 699  
employee's personnel file in the same manner as other disciplinary 700  
actions and has the same effect as a suspension without pay for 701  
the purpose of recording disciplinary actions. 702

A finding by the appropriate ethics commission, based upon a 703  
preponderance of the evidence, that the facts alleged in a 704  
complaint under section 102.06 of the Revised Code constitute a 705  
violation of Chapter 102., section 2921.42, or section 2921.43 of 706  
the Revised Code may constitute grounds for dismissal. Failure to 707

file a statement or falsely filing a statement required by section 708  
102.02 of the Revised Code may also constitute grounds for 709  
dismissal. The tenure of an employee in the career professional 710  
service of the department of transportation is subject to section 711  
5501.20 of the Revised Code. 712

Conviction of a felony is a separate basis for reducing in 713  
pay or position, suspending, or removing an officer or employee, 714  
even if the officer or employee has already been reduced in pay or 715  
position, suspended, or removed for the same conduct that is the 716  
basis of the felony. An officer or employee may not appeal to the 717  
state personnel board of review or the commission any disciplinary 718  
action taken by an appointing authority as a result of the 719  
officer's or employee's conviction of a felony. If an officer or 720  
employee removed under this section is reinstated as a result of 721  
an appeal of the removal, any conviction of a felony that occurs 722  
during the pendency of the appeal is a basis for further 723  
disciplinary action under this section upon the officer's or 724  
employee's reinstatement. 725

A person convicted of a felony immediately forfeits the 726  
person's status as a classified employee in any public employment 727  
on and after the date of the conviction for the felony. If an 728  
officer or employee is removed under this section as a result of 729  
being convicted of a felony or is subsequently convicted of a 730  
felony that involves the same conduct that was the basis for the 731  
removal, the officer or employee is barred from receiving any 732  
compensation after the removal notwithstanding any modification or 733  
disaffirmance of the removal, unless the conviction for the felony 734  
is subsequently reversed or annulled. 735

Any person removed for conviction of a felony is entitled to 736  
a cash payment for any accrued but unused sick, personal, and 737  
vacation leave as authorized by law. If subsequently reemployed in 738  
the public sector, the person shall qualify for and accrue these 739



forms of leave in the manner specified by law for a newly 740  
appointed employee and shall not be credited with prior public 741  
service for the purpose of receiving these forms of leave. 742

As used in this division, "felony" means any of the 743  
following: 744

(1) A felony that is an offense of violence as defined in 745  
section 2901.01 of the Revised Code; 746

(2) A felony that is a felony drug abuse offense as defined 747  
in section 2925.01 of the Revised Code; 748

(3) A felony under the laws of this or any other state or the 749  
United States that is a crime of moral turpitude; 750

(4) A felony involving dishonesty, fraud, or theft; 751

(5) A felony that is a violation of section 2921.05, 2921.32, 752  
or 2921.42 of the Revised Code. 753

(B) In case of a reduction, a suspension of forty or more 754  
work hours in the case of an employee exempt from the payment of 755  
overtime compensation, a suspension of twenty-four or more work 756  
hours in the case of an employee required to be paid overtime 757  
compensation, a fine of forty or more hours' pay in the case of an 758  
employee exempt from the payment of overtime compensation, a fine 759  
of twenty-four or more hours' pay in the case of an employee 760  
required to be paid overtime compensation, or removal, except for 761  
the reduction or removal of a probationary employee, the 762  
appointing authority shall serve the employee with a copy of the 763  
order of reduction, fine, suspension, or removal, which order 764  
shall state the reasons for the action. 765

Within ten days following the date on which the order is 766  
served or, in the case of an employee in the career professional 767  
service of the department of transportation, within ten days 768  
following the filing of a removal order, the employee, except as 769

otherwise provided in this section, may file an appeal of the 770  
order in writing with the state personnel board of review or the 771  
commission. For purposes of this section, the date on which an 772  
order is served is the date of hand delivery of the order or the 773  
date of delivery of the order by certified United States mail, 774  
whichever occurs first. If an appeal is filed, the board or 775  
commission shall forthwith notify the appointing authority and 776  
shall hear, or appoint a trial board to hear, the appeal within 777  
thirty days from and after its filing with the board or 778  
commission. The board, commission, or trial board may affirm, 779  
disaffirm, or modify the judgment of the appointing authority. 780  
However, in an appeal of a removal order based upon a violation of 781  
a last chance agreement, the board, commission, or trial board may 782  
only determine if the employee violated the agreement and thus 783  
affirm or disaffirm the judgment of the appointing authority. 784

In cases of removal or reduction in pay for disciplinary 785  
reasons, either the appointing authority or the officer or 786  
employee may appeal from the decision of the state personnel board 787  
of review or the commission, and any such appeal shall be to the 788  
court of common pleas of the county in which the appointing 789  
authority is located, or to the court of common pleas of Franklin 790  
county, as provided by section 119.12 of the Revised Code. 791

(C) In the case of the suspension for any period of time, or 792  
a fine, demotion, or removal, of a chief of police, a chief of a 793  
fire department, or any member of the police or fire department of 794  
a city or civil service township, who is in the classified civil 795  
service, the appointing authority shall furnish the chief or 796  
member with a copy of the order of suspension, fine, demotion, or 797  
removal, which order shall state the reasons for the action. The 798  
order shall be filed with the municipal or civil service township 799  
civil service commission. Within ten days following the filing of 800  
the order, the chief or member may file an appeal, in writing, 801

with the commission. If an appeal is filed, the commission shall 802  
forthwith notify the appointing authority and shall hear, or 803  
appoint a trial board to hear, the appeal within thirty days from 804  
and after its filing with the commission, and it may affirm, 805  
disaffirm, or modify the judgment of the appointing authority. An 806  
appeal on questions of law and fact may be had from the decision 807  
of the commission to the court of common pleas in the county in 808  
which the city or civil service township is situated. The appeal 809  
shall be taken within thirty days from the finding of the 810  
commission. 811

~~(D) A violation of division (A)(7) of section 2907.03 of the 812  
Revised Code is grounds for termination of employment of a 813  
nonteaching employee under this section. 814~~

~~(E) As used in this section, "last chance agreement" means an 815  
agreement signed by both an appointing authority and an officer or 816  
employee of the appointing authority that describes the type of 817  
behavior or circumstances that, if it occurs, will automatically 818  
lead to removal of the officer or employee without the right of 819  
appeal to the state personnel board of review or the appropriate 820  
commission. 821~~

**Sec. 124.38.** ~~Each~~ Both of the following shall be entitled for 822  
each completed eighty hours of service to sick leave of four and 823  
six-tenths hours with pay: 824

(A) Employees in the various offices of the county, 825  
municipal, and civil service township service, other than 826  
superintendents and management employees, as defined in section 827  
5126.20 of the Revised Code, of county boards of mental 828  
retardation and developmental disabilities; 829

(B) Employees of any state college or university; 830

~~(C) Employees of any board of education for whom sick leave 831~~

~~is not provided by section 3319.141 of the Revised Code.~~ 832

Employees may use sick leave, upon approval of the 833  
responsible administrative officer of the employing unit, for 834  
absence due to personal illness, pregnancy, injury, exposure to 835  
contagious disease that could be communicated to other employees, 836  
and illness, injury, or death in the employee's immediate family. 837  
Unused sick leave shall be cumulative without limit. When sick 838  
leave is used, it shall be deducted from the employee's credit on 839  
the basis of one hour for every one hour of absence from 840  
previously scheduled work. 841

The previously accumulated sick leave of an employee who has 842  
been separated from the public service shall be placed to the 843  
employee's credit upon the employee's re-employment in the public 844  
service, provided that the re-employment takes place within ten 845  
years of the date on which the employee was last terminated from 846  
public service. This ten-year period shall be tolled for any 847  
period during which the employee holds elective public office, 848  
whether by election or by appointment. 849

An employee who transfers from one public agency to another 850  
shall be credited with the unused balance of the employee's 851  
accumulated sick leave up to the maximum of the sick leave 852  
accumulation permitted in the public agency to which the employee 853  
transfers. 854

The appointing authorities of the various offices of the 855  
county service may permit all or any part of a person's accrued 856  
but unused sick leave acquired during service with any regional 857  
council of government established in accordance with Chapter 167. 858  
of the Revised Code to be credited to the employee upon a transfer 859  
as if the employee were transferring from one public agency to 860  
another under this section. 861

The appointing authority of each employing unit shall require 862

an employee to furnish a satisfactory written, signed statement to 863  
justify the use of sick leave. If medical attention is required, a 864  
certificate stating the nature of the illness from a licensed 865  
physician shall be required to justify the use of sick leave. 866  
Falsification of either a written, signed statement or a 867  
physician's certificate shall be grounds for disciplinary action, 868  
including dismissal. 869

This section does not interfere with existing unused sick 870  
leave credit in any agency of government where attendance records 871  
are maintained and credit has been given employees for unused sick 872  
leave. 873

Notwithstanding this section or any other section of the 874  
Revised Code, any appointing authority of a county office, 875  
department, commission, board, or body may, upon notification to 876  
the board of county commissioners, establish alternative schedules 877  
of sick leave for employees of the appointing authority for whom 878  
the state employment relations board has not established an 879  
appropriate bargaining unit pursuant to section 4117.06 of the 880  
Revised Code, as long as the alternative schedules are not 881  
inconsistent with the provisions of at least one collective 882  
bargaining agreement covering other employees of that appointing 883  
authority, if such a collective bargaining agreement exists. If no 884  
such collective bargaining agreement exists, an appointing 885  
authority may, upon notification to the board of county 886  
commissioners, establish an alternative schedule of sick leave for 887  
its employees that does not diminish the sick leave benefits 888  
granted by this section. 889

**Sec. 124.40.** (A) The mayor or other chief appointing 890  
authority of each city in the state shall appoint three persons, 891  
one for a term of two years, one for a term of four years, and one 892  
for a term of six years, who shall constitute the municipal civil 893

service commission of that city and of the ~~city school district~~ 894  
~~and~~ city health district in which that city is located. Each 895  
alternate year thereafter the mayor or other chief appointing 896  
authority shall appoint one person, as successor of the member 897  
whose term expires, to serve six years. A vacancy shall be filled 898  
by the mayor or other chief appointing authority for the unexpired 899  
term. At the time of any appointment, not more than two 900  
commissioners shall be adherents of the same political party. 901

The municipal civil service commission shall prescribe, 902  
amend, and enforce rules not inconsistent with this chapter for 903  
the classification of positions in the civil service of the city 904  
~~and city school district~~, and all the positions in the city health 905  
district; for examinations for and resignations from those 906  
positions; for appointments, promotions, removals, transfers, 907  
layoffs, suspensions, reductions, and reinstatements with respect 908  
to those positions; and for standardizing those positions and 909  
maintaining efficiency in them. The commission's rules shall 910  
authorize each appointing authority of a city, ~~city school~~ 911  
~~district~~, or city health district to develop and administer in a 912  
manner it devises an evaluation system for the employees it 913  
appoints. The commission shall exercise all other powers and 914  
perform all other duties with respect to the civil service of the 915  
city, ~~city school district~~, and city health district, as 916  
prescribed in this chapter and conferred upon the director of 917  
administrative services and the state personnel board of review 918  
with respect to the civil service of the state; and all authority 919  
granted to the director and the board with respect to the service 920  
under their jurisdiction shall, except as otherwise provided by 921  
this chapter, be held to be granted to the commission with respect 922  
to the service under its jurisdiction. The procedure applicable to 923  
reductions, suspensions, and removals, as provided for in section 924  
124.34 of the Revised Code, shall govern the civil service of 925  
cities. 926

The expense and salaries of a municipal civil service 927  
commission shall be determined by the legislative authority of the 928  
city and a sufficient sum of money shall be appropriated each year 929  
to carry out this chapter in the city. 930

All persons who are employed by a ~~city school district~~, city 931  
health district, or city health department when a municipal civil 932  
service commission having jurisdiction over them is appointed, or 933  
when they become subject to civil service by extension of civil 934  
service to include new classifications of employees, shall 935  
continue to hold their positions until removed in accordance with 936  
the civil service laws. 937

If the appointing authority of any city fails to appoint a 938  
civil service commission or commissioner, as provided by law, 939  
within sixty days after the appointing authority has the power to 940  
so appoint, or after a vacancy exists, the state personnel board 941  
of review shall make the appointment, and the appointee shall hold 942  
office until the expiration of the term of the appointing 943  
authority of the city. If any municipal civil service commission 944  
fails to prepare and submit rules or regulations in accordance 945  
with this chapter, the board shall forthwith make those rules or 946  
regulations. This chapter shall in all respects, except as 947  
provided in this section, be in full force in cities with a civil 948  
service commission. 949

Each municipal civil service commission shall make reports 950  
from time to time, as the board requires, of the manner in which 951  
the law and the rules and regulations under it have been and are 952  
being administered, and the results of their administration, in 953  
the city, ~~city school district~~, and city health district. A copy 954  
of the annual report of each municipal civil service commission 955  
shall be filed in the office of the board as a public record. 956

Whenever the board has reason to believe that a municipal 957  
civil service commission is violating or is failing to perform the 958

duties imposed upon it by law, or that any member of a municipal 959  
civil service commission is willfully or through culpable 960  
negligence violating the law or failing to perform official duties 961  
as a member of the commission, it shall institute an 962  
investigation, and if, in the judgment of the board, it finds any 963  
such violation or failure to perform the duties imposed by law, it 964  
shall make a report of the violation or failure in writing to the 965  
chief executive authority of the city, which report shall be a 966  
public record. 967

Upon the receipt of a report from the board charging the 968  
municipal civil service commission with violating or failing to 969  
perform the duties imposed upon it by law, or charging any member 970  
of the commission with willfully or through culpable negligence 971  
violating the law or failing to perform official duties as a 972  
member of the commission, along with the evidence on which the 973  
report is based, the chief executive authority of the city shall 974  
forthwith remove the municipal civil service commissioner or 975  
commissioners. In all cases of removal of a municipal civil 976  
service commissioner by the chief executive authority of any city, 977  
an appeal may be had to the court of common pleas, in the county 978  
in which the city is situated, to determine the sufficiency of the 979  
cause of removal. The appeal shall be taken within ten days from 980  
the decision of the chief executive authority. If the court 981  
disaffirms the judgment of the chief executive authority, the 982  
commissioner shall be reinstated to the commissioner's former 983  
position on the commission. 984

The chief executive authority of a city with a municipal 985  
civil service commission may remove at any time any commissioner 986  
for inefficiency, neglect of duty, or malfeasance in office, 987  
having first given to the commissioner a copy of the charges and 988  
an opportunity to be publicly heard in person or by counsel in 989  
defense. 990



The mayor has the exclusive right to suspend the chief of the 991  
police department or the chief of the fire department for 992  
incompetence, gross neglect of duty, gross immorality, habitual 993  
drunkenness, failure to obey orders given by the proper authority, 994  
or any other reasonable and just cause. If either the chief of 995  
police or the chief of the fire department is so suspended, the 996  
mayor forthwith shall certify that fact, together with the cause 997  
of the suspension, to the municipal civil service commission. 998  
Within five days from the date of receipt of the notice, the 999  
commission shall proceed to hear the charges and render judgment 1000  
on them. The judgment may affirm, disaffirm, or modify the 1001  
judgment of the mayor, and an appeal may be had from the decision 1002  
of the commission to the court of common pleas as provided in 1003  
section 124.34 of the Revised Code to determine the sufficiency of 1004  
the cause of removal. 1005

(B) The board of trustees of a township that has a population 1006  
of ten thousand or more persons residing within the township and 1007  
outside any municipal corporation and that has a police or fire 1008  
department of ten or more full-time paid employees may appoint 1009  
three persons to constitute the township civil service commission. 1010  
Of the initial appointments made to the commission, one shall be 1011  
for a term ending two years after the date of initial appointment, 1012  
one shall be for a term ending four years after that date, and one 1013  
shall be for a term ending six years after that date. Thereafter, 1014  
terms of office shall be for six years, each term ending on the 1015  
same day of the same month as did the term which it succeeds. Each 1016  
member shall hold office from the date of appointment until the 1017  
end of the term for which the member was appointed. Any member 1018  
appointed to fill a vacancy occurring prior to the expiration of 1019  
the term for which the member's predecessor was appointed shall 1020  
hold office for the remainder of that term. Any member shall 1021  
continue in office subsequent to the expiration date of the 1022  
member's term until a successor takes office, or until a period of 1023

sixty days has elapsed, whichever occurs first. At the time of any 1024  
appointment, not more than two commissioners shall be adherents of 1025  
the same political party. 1026

The board of township trustees shall determine the 1027  
compensation and expenses to be paid to the members of the 1028  
township civil service commission. The powers and duties conferred 1029  
on municipal civil service commissions and the supervisory 1030  
authority of the state personnel board of review under division 1031  
(A) of this section shall be applicable to the civil service 1032  
commission of a civil service township. 1033

The board of township trustees has the exclusive right to 1034  
suspend the chief of the police or fire department of the township 1035  
in the same manner as provided in division (A) of this section for 1036  
municipal chiefs. 1037

The jurisdiction of the township civil service commission is 1038  
limited to employees of the township fire or police department and 1039  
then only if the department has ten or more full-time paid 1040  
employees, and it does not extend to any other township employees. 1041

**Sec. 124.57.** (A) No officer or employee in the classified 1042  
service of the state, the several counties, and cities, ~~and city~~ 1043  
~~school districts~~ of the state, or the civil service townships of 1044  
the state shall directly or indirectly, orally or by letter, 1045  
solicit or receive, or be in any manner concerned in soliciting or 1046  
receiving, any assessment, subscription, or contribution for any 1047  
political party or for any candidate for public office; nor shall 1048  
any person solicit directly or indirectly, orally or by letter, or 1049  
be in any manner concerned in soliciting, any such assessment, 1050  
contribution, or payment from any officer or employee in the 1051  
classified service of the state, the several counties, or cities, 1052  
~~or city school districts~~ of the state, or the civil service 1053  
townships of the state; nor shall any officer or employee in the 1054

classified service of the state, the several counties, and cities, 1055  
~~and city school districts~~ of the state, or the civil service 1056  
townships of the state be an officer in any political organization 1057  
or take part in politics other than to vote as the officer or 1058  
employee pleases and to express freely political opinions. 1059

(B)(1) Nothing in division (A) of this section prohibits an 1060  
officer or employee described in that division from serving as a 1061  
precinct election official under section 3501.22 of the Revised 1062  
Code. 1063

(2) Nothing in division (A) of this section prohibits an 1064  
employee of the Ohio cooperative extension service whose position 1065  
is transferred from the unclassified civil service to the 1066  
classified civil service and who also holds the office of 1067  
president of a city legislative authority from completing the 1068  
existing term of office as president. 1069

**Sec. 3301.07.** The state board of education shall exercise 1070  
under the acts of the general assembly general supervision of the 1071  
system of public education in the state. In addition to the powers 1072  
otherwise imposed on the state board under the provisions of law, 1073  
the board shall have the following powers: 1074

(A) Exercise policy forming, planning, and evaluative 1075  
functions for the public schools of the state, and for adult 1076  
education, except as otherwise provided by law; 1077

(B) Exercise leadership in the improvement of public 1078  
education in this state, and administer the educational policies 1079  
of this state relating to public schools, and relating to 1080  
instruction and instructional material, building and equipment, 1081  
transportation of pupils, administrative responsibilities of 1082  
school officials and personnel, and finance and organization of 1083  
school districts, educational service centers, and territory. 1084  
Consultative and advisory services in such matters shall be 1085

provided by the board to school districts and educational service 1086  
centers of this state. The board also shall develop a standard of 1087  
financial reporting which shall be used by all school districts 1088  
and educational service centers to make their financial 1089  
information available to the public in a format understandable by 1090  
the average citizen and provide year-to-year comparisons for at 1091  
least five years. The format shall show, among other things, 1092  
district and educational service center revenue by source; 1093  
expenditures for salaries, wages, and benefits of employees, 1094  
showing such amounts separately for classroom teachers, other 1095  
employees required to hold licenses issued pursuant to sections 1096  
3319.22 to 3319.31 of the Revised Code, and all other employees; 1097  
expenditures other than for personnel, by category, including 1098  
utilities, textbooks and other educational materials, equipment, 1099  
permanent improvements, pupil transportation, extracurricular 1100  
athletics, and other extracurricular activities; and per pupil 1101  
expenditures. 1102

(C) Administer and supervise the allocation and distribution 1103  
of all state and federal funds for public school education under 1104  
the provisions of law, and may prescribe such systems of 1105  
accounting as are necessary and proper to this function. It may 1106  
require county auditors and treasurers, boards of education, 1107  
educational service center governing boards, treasurers of such 1108  
boards, teachers, and other school officers and employees, or 1109  
other public officers or employees, to file with it such reports 1110  
as it may prescribe relating to such funds, or to the management 1111  
and condition of such funds. 1112

(D) Formulate and prescribe minimum standards to be applied 1113  
to all elementary and secondary schools in this state for the 1114  
purpose of ~~requiring~~ promoting a general education of high 1115  
quality. ~~Such standards shall provide adequately for: the~~ 1116  
~~licensing of teachers, administrators, and other professional~~ 1117

~~personnel and their assignment according to training and 1118  
qualifications; efficient and effective instructional materials 1119  
and equipment, including library facilities; the proper 1120  
organization, administration, and supervision of each school, 1121  
including regulations for preparing all necessary records and 1122  
reports and the preparation of a statement of policies and 1123  
objectives for each school; buildings, grounds, health and 1124  
sanitary facilities and services; admission of pupils, and such 1125  
requirements for their promotion from grade to grade as will 1126  
assure that they are capable and prepared for the level of study 1127  
to which they are certified; requirements for graduation; and such 1128  
other factors as the board finds necessary; however, those 1129  
standards shall not require school districts to perform duties or 1130  
to abstain from activities not specifically required or prohibited 1131  
in this title. 1132~~

In the formulation and administration of such standards for 1133  
nonpublic schools the board shall also consider the particular 1134  
needs, methods and objectives of those schools, provided they do 1135  
not conflict with the provision of a general education of a high 1136  
quality and provided that regular procedures shall be followed for 1137  
promotion from grade to grade of pupils who have met the 1138  
educational requirements prescribed. 1139

(E) May ~~require~~ promote as part of the health curriculum 1140  
information developed under section 2108.15 of the Revised Code 1141  
~~promoting~~ the donation of anatomical gifts pursuant to Chapter 1142  
2108. of the Revised Code and may provide the information to high 1143  
schools, educational service centers, and joint vocational school 1144  
district boards of education; 1145

(F) Prepare and submit annually to the governor and the 1146  
general assembly a report on the status, needs, and major problems 1147  
of the public schools of the state, with recommendations for 1148  
necessary legislative action and a ten-year projection of the 1149

state's public and nonpublic school enrollment, by year and by 1150  
grade level; 1151

(G) Prepare and submit to the director of budget and 1152  
management the biennial budgetary requests of the state board of 1153  
education, for its agencies and for the public schools of the 1154  
state; 1155

(H) Cooperate with federal, state, and local agencies 1156  
concerned with the health and welfare of children and youth of the 1157  
state; 1158

(I) Require such reports from school districts and 1159  
educational service centers, school officers, and employees as are 1160  
necessary ~~and desirable~~ to comply with requirements of this title. 1161  
The superintendents and treasurers of school districts and 1162  
educational service centers shall certify as to the accuracy of 1163  
all reports required by law or state board or state department of 1164  
education rules to be submitted by the district or educational 1165  
service center and which contain information necessary for 1166  
calculation of state funding. Any superintendent who knowingly 1167  
falsifies such report shall be subject to license revocation 1168  
pursuant to section 3319.31 of the Revised Code. 1169

(J) In accordance with Chapter 119. of the Revised Code, 1170  
adopt procedures, standards, and guidelines for the education of 1171  
handicapped children pursuant to Chapter 3323. of the Revised 1172  
Code, including procedures, standards, and guidelines governing 1173  
programs and services operated by county boards of mental 1174  
retardation and developmental disabilities pursuant to section 1175  
3323.09 of the Revised Code; 1176

(K) For the purpose of encouraging the development of special 1177  
programs of education for academically gifted children, employ 1178  
competent persons to analyze and publish data, promote research, 1179  
advise and counsel with boards of education, and encourage the 1180

training of teachers in the special instruction of gifted 1181  
children. The board may provide financial assistance out of any 1182  
funds appropriated for this purpose to boards of education and 1183  
educational service center governing boards for developing and 1184  
conducting programs of education for academically gifted children. 1185

(L) ~~Require that all public schools emphasize~~ Emphasize and 1186  
encourage, within existing units of study, the teaching of energy 1187  
and resource conservation as recommended to each district board of 1188  
education by leading business persons involved in energy 1189  
production and conservation, beginning in the primary grades; 1190

(M) Formulate and prescribe minimum standards ~~requiring~~ 1191  
promoting the use of phonics as a technique in the teaching of 1192  
reading in grades kindergarten through three. In addition, the 1193  
state board shall provide in-service training programs for 1194  
teachers on the use of phonics as a technique in the teaching of 1195  
reading in grades kindergarten through three. 1196

(N) Develop and modify as necessary a state plan for 1197  
technology to encourage and promote the use of technological 1198  
advancements in educational settings. 1199

The board may adopt rules necessary for carrying out any 1200  
function imposed on it by law, and may provide rules as are 1201  
necessary for its government and the government of its employees, 1202  
and may delegate to the superintendent of public instruction the 1203  
management and administration of any function imposed on it by 1204  
law. It may provide for the appointment of board members to serve 1205  
on temporary committees established by the board for such purposes 1206  
as are necessary. Permanent or standing committees shall not be 1207  
created. 1208

**Sec. 3301.072.** The state board of education shall establish 1209  
continuing programs of in-service training in school district 1210  
budget and finance for superintendents of schools or their 1211

designees, business managers, members of boards of education, and 1212  
treasurers of boards of education for the purpose of enhancing 1213  
their background and working knowledge of government accounting, 1214  
state and federal laws relating to school district budgeting and 1215  
financing, financial report preparation, rules of the auditor of 1216  
state, and budget and accounting management. 1217

The manner and content of each training program shall be 1218  
determined and provided by the state board of education after 1219  
consultation with the department of taxation and the auditor of 1220  
state. The state board may enter into contracts with the 1221  
department and the auditor of state to supply, at cost, any 1222  
assistance required to enable the board to perform its duties 1223  
under this section. 1224

Each superintendent or ~~his~~ designee of a superintendent, 1225  
treasurer or treasurer pro tempore, and business manager ~~shall~~ 1226  
may, but shall not be required to, attend ~~one a~~ a training program 1227  
provided under this section ~~each year.~~ 1228

**Sec. 3311.10.** If an exempted village school district fails to 1229  
contain within its territorial boundaries territory lying within 1230  
the corporate limits of a village having a population, according 1231  
to the latest federal census of two thousand or more, such 1232  
exempted village school district shall become a local school 1233  
district, subject to the supervision of the educational service 1234  
center governing board for the school year commencing the first 1235  
day of July following the publication by the secretary of state of 1236  
such census, and thereafter. This section does not apply to any 1237  
exempted village school district organized as such exempted 1238  
village school district prior to June 1, 1943. 1239

The board of education of an exempted village school district 1240  
that contains within its boundaries all or part of two or more 1241  
municipal corporations, the aggregate population of which totals 1242



five thousand or more as determined by the preceding federal 1243  
census, may, by a majority vote of the full membership of the 1244  
board, propose that such district become a city school district. 1245  
The proposal shall be filed with the state board of education. The 1246  
state board of education shall either approve or disapprove the 1247  
proposal and shall notify, in writing, the board of education of 1248  
the district of its decision within ninety days of the day on 1249  
which the proposal was received. 1250

A school district created by the state board of education 1251  
under section 3311.37 of the Revised Code which includes any 1252  
combination of two or more exempted village or local school 1253  
districts may be designated as a city school district by the state 1254  
board of education, provided the aggregate population of the newly 1255  
created district totals five thousand or more as determined by the 1256  
last federal or special census and provided there is contained 1257  
within its boundaries all or part of a municipal corporation. 1258

When a governing board of an educational service center is 1259  
dissolved pursuant to section 3311.37 of the Revised Code the 1260  
employees shall be assured the opportunity of continued employment 1261  
in the newly created school district in similar positions at no 1262  
reduction in salary until the expiration of the existing 1263  
contracts. ~~Nonteaching school employees of city school districts,~~ 1264  
~~created pursuant to this section, shall not be employed pursuant~~ 1265  
~~to Chapter 124. of the Revised Code, except that sick leave shall~~ 1266  
~~be granted pursuant to section 124.38 of the Revised Code.~~ 1267

**Sec. 3311.19.** (A) The management and control of a joint 1268  
vocational school district shall be vested in the joint vocational 1269  
school district board of education. Where a joint vocational 1270  
school district is composed only of two or more local school 1271  
districts located in one county, or when all the participating 1272  
districts are in one county and the boards of such participating 1273

districts so choose, the educational service center governing 1274  
board of the county in which the joint vocational school district 1275  
is located shall serve as the joint vocational school district 1276  
board of education. Where a joint vocational school district is 1277  
composed of local school districts of more than one county, or of 1278  
any combination of city, local, or exempted village school 1279  
districts or educational service centers, unless administration by 1280  
the educational service center governing board has been chosen by 1281  
all the participating districts in one county pursuant to this 1282  
section, the board of education of the joint vocational school 1283  
district shall be composed of one or more persons who are members 1284  
of the boards of education from each of the city or exempted 1285  
village school districts or members of the educational service 1286  
centers' governing boards affected to be appointed by the boards 1287  
of education or governing boards of such school districts and 1288  
educational service centers. In such joint vocational school 1289  
districts the number and terms of members of the joint vocational 1290  
school district board of education and the allocation of a given 1291  
number of members to each of the city and exempted village 1292  
districts and educational service centers shall be determined in 1293  
the plan for such district, provided that each such joint 1294  
vocational school district board of education shall be composed of 1295  
an odd number of members. 1296

(B) Notwithstanding division (A) of this section, a governing 1297  
board of an educational service center that has members of its 1298  
governing board serving on a joint vocational school district 1299  
board of education may make a request to the joint vocational 1300  
district board that the joint vocational school district plan be 1301  
revised to provide for one or more members of boards of education 1302  
of local school districts that are within the territory of the 1303  
educational service district and within the joint vocational 1304  
school district to serve in the place of or in addition to its 1305  
educational service center governing board members. If agreement 1306

is obtained among a majority of the boards of education and 1307  
governing boards that have a member serving on the joint 1308  
vocational school district board of education and among a majority 1309  
of the local school district boards of education included in the 1310  
district and located within the territory of the educational 1311  
service center whose board requests the substitution or addition, 1312  
the state board of education may revise the joint vocational 1313  
school district plan to conform with such agreement. 1314

(C) If the board of education of any school district or 1315  
educational service center governing board included within a joint 1316  
vocational district that has had its board or governing board 1317  
membership revised under division (B) of this section requests the 1318  
joint vocational school district board to submit to the state 1319  
board of education a revised plan under which one or more joint 1320  
vocational board members chosen in accordance with a plan revised 1321  
under such division would again be chosen in the manner prescribed 1322  
by division (A) of this section, the joint vocational board shall 1323  
submit the revised plan to the state board of education, provided 1324  
the plan is agreed to by a majority of the boards of education 1325  
represented on the joint vocational board, a majority of the local 1326  
school district boards included within the joint vocational 1327  
district, and each educational service center governing board 1328  
affected by such plan. The state board of education may revise the 1329  
joint vocational school district plan to conform with the revised 1330  
plan. 1331

(D) The vocational schools in such joint vocational school 1332  
district shall be available to all youth of school age within the 1333  
joint vocational school district subject to the rules adopted by 1334  
the joint vocational school district board of education in regard 1335  
to the standards requisite to admission. A joint vocational school 1336  
district board of education shall have the same powers, duties, 1337  
and authority for the management and operation of such joint 1338

vocational school district as is granted by law, except by this 1339  
chapter and Chapters ~~124.7~~, 3317., 3323., and 3331. of the Revised 1340  
Code, to a board of education of a city school district, and shall 1341  
be subject to all the provisions of law that apply to a city 1342  
school district, except such provisions in this chapter and 1343  
Chapters ~~124.7~~, 3317., 3323., and 3331. of the Revised Code. 1344

(E) Where a governing board of an educational service center 1345  
has been designated to serve as the joint vocational school 1346  
district board of education, the educational service center 1347  
superintendent shall be the executive officer for the joint 1348  
vocational school district, and the governing board may provide 1349  
for additional compensation to be paid to the educational service 1350  
center superintendent by the joint vocational school district, but 1351  
the educational service center superintendent shall have no 1352  
continuing tenure other than that of educational service center 1353  
superintendent. The superintendent of schools of a joint 1354  
vocational school district shall exercise the duties and authority 1355  
vested by law in a superintendent of schools pertaining to the 1356  
operation of a school district and the employment and supervision 1357  
of its personnel. The joint vocational school district board of 1358  
education shall appoint a treasurer of the joint vocational school 1359  
district who shall be the fiscal officer for such district and who 1360  
shall have all the powers, duties, and authority vested by law in 1361  
a treasurer of a board of education. Where a governing board of an 1362  
educational service center has been designated to serve as the 1363  
joint vocational school district board of education, such board 1364  
may appoint the educational service center superintendent as the 1365  
treasurer of the joint vocational school district. 1366

(F) Each member of a joint vocational school district board 1367  
of education may be paid such compensation as the board provides 1368  
by resolution, but it shall not exceed one hundred twenty-five 1369  
dollars per member for each meeting attended plus mileage, at the 1370

rate per mile provided by resolution of the board, to and from 1371  
meetings of the board. 1372

The board may provide by resolution for the deduction of 1373  
amounts payable for benefits ~~under section 3313.202 of the Revised~~ 1374  
~~Code. No member of a board of a joint vocational school district~~ 1375  
~~who is purchasing any category of benefits offered by a city,~~ 1376  
~~local, or exempted village school board or educational service~~ 1377  
~~center governing board, shall purchase the same category of~~ 1378  
~~benefits as a member of the joint vocational school board.~~ 1379

Each member of a joint vocational school district board may 1380  
be paid such compensation as the board provides by resolution for 1381  
attendance at an approved training program, provided that such 1382  
compensation shall not exceed sixty dollars per day for attendance 1383  
at a training program three hours or fewer in length and one 1384  
hundred twenty-five dollars a day for attendance at a training 1385  
program longer than three hours in length. However, no board 1386  
member shall be compensated for the same training program under 1387  
this section and section 3313.12 of the Revised Code. 1388

**Sec. 3311.52.** A cooperative education school district may be 1389  
established pursuant to divisions (A) to (C) of this section or 1390  
pursuant to section 3311.521 of the Revised Code. 1391

(A) A cooperative education school district may be 1392  
established upon the adoption of identical resolutions within a 1393  
sixty-day period by a majority of the members of the board of 1394  
education of each city, local, and exempted village school 1395  
district that is within the territory of a county school financing 1396  
district. 1397

A copy of each resolution shall be filed with the board of 1398  
education of the educational service center which created the 1399  
county school financing district. Upon the filing of the last such 1400  
resolution, the educational service center governing board shall 1401

immediately notify each board of education filing such a 1402  
resolution of the date on which the last resolution was filed. 1403

Ten days after the date on which the last resolution is filed 1404  
with the educational service center governing board or ten days 1405  
after the last of any notices required under division (C) of this 1406  
section is received by the educational service center governing 1407  
board, whichever is later, the county school financing district 1408  
shall be dissolved and the new cooperative education school 1409  
district and the board of education of the cooperative education 1410  
school district shall be established. 1411

On the date that any county school financing district is 1412  
dissolved and a cooperative education school district is 1413  
established under this section, each of the following shall apply: 1414

(1) The territory of the dissolved district becomes the 1415  
territory of the new district. 1416

(2) Any outstanding tax levy in force in the dissolved 1417  
district shall be spread over the territory of the new district 1418  
and shall remain in force in the new district until the levy 1419  
expires or is renewed. 1420

(3) Any funds of the dissolved district shall be paid over in 1421  
full to the new district. 1422

(4) Any net indebtedness of the dissolved district shall be 1423  
assumed in full by the new district. As used in division (A)(4) of 1424  
this section, "net indebtedness" means the difference between the 1425  
par value of the outstanding and unpaid bonds and notes of the 1426  
dissolved district and the amount held in the sinking fund and 1427  
other indebtedness retirement funds for their redemption. 1428

When a county school financing district is dissolved and a 1429  
cooperative education school district is established under this 1430  
section, the governing board of the educational service center 1431  
that created the dissolved district shall give written notice of 1432

this fact to the county auditor and the board of elections of each 1433  
county having any territory in the new district. 1434

(B) The resolutions adopted under division (A) of this 1435  
section shall include all of the following provisions: 1436

(1) Provision that the governing board of the educational 1437  
service center which created the county school financing district 1438  
shall be the board of education of the cooperative education 1439  
school district, except that provision may be made for the 1440  
composition, selection, and terms of office of an alternative 1441  
board of education of the cooperative district, which board shall 1442  
include at least one member selected from or by the members of the 1443  
board of education of each city, local, and exempted village 1444  
school district and at least one member selected from or by the 1445  
members of the educational service center governing board within 1446  
the territory of the cooperative district; 1447

(2) Provision that the treasurer and superintendent of the 1448  
educational service center which created the county school 1449  
financing district shall be the treasurer and superintendent of 1450  
the cooperative education school district, except that provision 1451  
may be made for the selection of a treasurer or superintendent of 1452  
the cooperative district other than the treasurer or 1453  
superintendent of the educational service center, which provision 1454  
shall require one of the following: 1455

(a) The selection of one person as both the treasurer and 1456  
superintendent of the cooperative district, which provision may 1457  
require such person to be the treasurer or superintendent of any 1458  
city, local, or exempted village school district or educational 1459  
service center within the territory of the cooperative district; 1460

(b) The selection of one person as the treasurer and another 1461  
person as the superintendent of the cooperative district, which 1462  
provision may require either one or both such persons to be 1463

treasurers or superintendents of any city, local, or exempted 1464  
village school districts or educational service center within the 1465  
territory of the cooperative district. 1466

(3) A statement of the educational program the board of 1467  
education of the cooperative education school district will 1468  
conduct, including but not necessarily limited to the type of 1469  
educational program, the grade levels proposed for inclusion in 1470  
the program, the timetable for commencing operation of the 1471  
program, and the facilities proposed to be used or constructed to 1472  
be used by the program; 1473

(4) A statement of the annual amount, or the method for 1474  
determining that amount, of funds or services or facilities that 1475  
each city, local, and exempted village school district within the 1476  
territory of the cooperative district is required to pay to or 1477  
provide for the use of the board of education of the cooperative 1478  
education school district; 1479

(5) Provision for adopting amendments to the provisions of 1480  
divisions (B)(2) to (4) of this section. 1481

(C) If the resolutions adopted under division (A) of this 1482  
section provide for a board of education of the cooperative 1483  
education school district that is not the governing board of the 1484  
educational service center that created the county school 1485  
financing district, each board of education of each city, local, 1486  
or exempted village school district and the governing board of the 1487  
educational service center within the territory of the cooperative 1488  
district shall, within thirty days after the date on which the 1489  
last resolution is filed with the educational service center 1490  
governing board under division (A) of this section, select one or 1491  
more members of the board of education of the cooperative district 1492  
as provided in the resolutions filed with the educational service 1493  
center governing board. Each such board shall immediately notify 1494  
the educational ~~services~~ service center governing board of each 1495



such selection. 1496

(D) Except for the powers and duties in this chapter and 1497  
Chapters ~~124.7~~, 3317., 3318., 3323., and 3331. of the Revised Code, 1498  
a cooperative education school district established pursuant to 1499  
divisions (A) to (C) of this section or pursuant to section 1500  
3311.521 of the Revised Code has all the powers of a city school 1501  
district and its board of education has all the powers and duties 1502  
of a board of education of a city school district with respect to 1503  
the educational program specified in the resolutions adopted under 1504  
division (A) of this section. All laws applicable to a city school 1505  
district or the board of education or the members of the board of 1506  
education of a city school district, except such laws in this 1507  
chapter and Chapters ~~124.7~~, 3317., 3318., 3323., and 3331. of the 1508  
Revised Code, are applicable to a cooperative education school 1509  
district and its board. 1510

The treasurer and superintendent of a cooperative education 1511  
school district shall have the same respective duties and powers 1512  
as a treasurer and superintendent of a city school district, 1513  
except for any powers and duties in this chapter and Chapters 1514  
~~124.7~~, 3317., 3318., 3323., and 3331. of the Revised Code. 1515

(E) For purposes of this title, any student included in the 1516  
formula ADM certified for any city, exempted village, or local 1517  
school district under section 3317.03 of the Revised Code by 1518  
virtue of being counted, in whole or in part, in the average daily 1519  
membership of a cooperative education school district under 1520  
division (A)(2)(f) of that section shall be construed to be 1521  
enrolled both in that city, exempted village, or ~~village~~ local 1522  
school district and in that cooperative education school district. 1523  
This division shall not be construed to mean that any such 1524  
individual student may be counted more than once for purposes of 1525  
determining the average daily membership of any one school 1526  
district. 1527

**Sec. 3311.72.** This section does not apply to any principal, 1528  
assistant principal, or other administrator who is employed to 1529  
perform administrative functions primarily within one school 1530  
building. 1531

(A) On the effective date of the assumption of control of a 1532  
municipal school district by the new board of education pursuant 1533  
to division (B) of section 3311.71 of the Revised Code, the 1534  
treasurer, business manager, superintendent, assistant 1535  
superintendents, and other administrators of the school district 1536  
shall submit their resignations to the board. As used in this 1537  
section, "other administrator" has the same meaning as in section 1538  
3319.02 of the Revised Code. 1539

(B) Notwithstanding Chapter 3319. of the Revised Code: 1540

(1) Until thirty months after the date of the assumption of 1541  
control of a municipal school district by a board pursuant to 1542  
division (B) of section 3311.71 of the Revised Code, the mayor 1543  
shall appoint the chief executive officer and fill any vacancies 1544  
occurring in that position. 1545

(2) After the board appointed pursuant to division (B) of 1546  
section 3311.71 of the Revised Code has been in control of a 1547  
municipal school district for thirty months, the mayor shall 1548  
appoint the chief executive officer and fill any vacancies 1549  
occurring in that position, with the concurrence of the board. 1550

(3) After the first date of the assumption of control of a 1551  
municipal school district by a board pursuant to division (F) of 1552  
section 3311.71 of the Revised Code, the board shall appoint the 1553  
chief executive officer and fill any vacancies occurring in that 1554  
position, with the concurrence of the mayor. 1555

(4) An individual appointed to the position of chief 1556  
executive officer under division (B)(1), (2), or (3) of this 1557

section shall have a contract with the school district that 1558  
includes such terms and conditions of employment as are agreeable 1559  
to the board and the appointee, except that each such contract 1560  
shall contain a provision stating that, unless the individual 1561  
chooses to terminate the contract at a prior time: 1562

(a) During the first thirty months after the date of the 1563  
assumption of control of the municipal school district by the 1564  
board pursuant to division (B) of section 3311.71 of the Revised 1565  
Code, the individual will serve at the pleasure of the mayor; 1566

(b) Beginning thirty months after the date of assumption of 1567  
control, the individual will serve at the pleasure of the board, 1568  
with the mayor's concurrence required for removal. 1569

(c) The chief executive officer shall appoint a chief 1570  
financial officer, a chief academic officer, a chief operating 1571  
officer, and a chief communications officer and any other 1572  
administrators for the district as the chief executive officer 1573  
shall determine to be necessary. The chief executive officer shall 1574  
also appoint ombudspersons who shall answer questions and seek to 1575  
resolve problems and concerns raised by parents and guardians of 1576  
children attending district schools. The chief executive officer 1577  
shall appoint a sufficient number of ombudspersons to serve the 1578  
needs of the parents and guardians. 1579

A municipal school district is not required to have a 1580  
superintendent appointed pursuant to section 3319.01 of the 1581  
Revised Code or a treasurer elected pursuant to section 3313.22 of 1582  
the Revised Code. In addition to the rights, authority, and duties 1583  
conferred upon the chief executive officer and chief financial 1584  
officer in sections 3311.71 to 3311.76 of the Revised Code, the 1585  
chief executive officer and the chief financial officer shall have 1586  
all of the rights, authority, and duties conferred upon the 1587  
superintendent of a school district and the treasurer of a board 1588  
of education, respectively, by the Revised Code that are not 1589

inconsistent with sections 3311.71 to 3311.76 of the Revised Code. 1590

(D) Notwithstanding ~~Chapters 124.~~ and Chapter 3319. of the 1591  
Revised Code, an individual appointed to an administrative 1592  
position in a municipal school district by its chief executive 1593  
officer shall have a contract with the school district that 1594  
includes such terms and conditions of employment as are agreeable 1595  
to the chief executive officer and the appointee, except that each 1596  
such contract shall contain a provision stating that, unless the 1597  
appointee chooses to terminate the contract at a prior time, the 1598  
appointee will serve at the pleasure of the chief executive 1599  
officer. 1600

(E) The chief executive officer shall also contract for or 1601  
employ such consultants, counsel, or other outside parties as in 1602  
the chief executive officer's reasonable judgment shall be 1603  
necessary to design, implement, or evaluate the plan required by 1604  
section 3311.74 of the Revised Code and to properly operate the 1605  
school district, subject to appropriations by the board. 1606

(F) Notwithstanding section 3301.074 and Chapter 3319. of the 1607  
Revised Code, no person appointed under this section shall be 1608  
required to hold any license, certificate, or permit. 1609

**Sec. 3313.12.** Each member of the educational service center 1610  
governing board may be paid such compensation as the governing 1611  
board provides by resolution, provided that any such compensation 1612  
shall not exceed one hundred twenty-five dollars a day plus 1613  
mileage both ways, at the rate per mile provided by resolution of 1614  
the governing board, for attendance at any meeting of the board. 1615  
Such compensation and the expenses of the educational service 1616  
center superintendent, itemized and verified, shall be paid from 1617  
the educational service center governing board fund upon vouchers 1618  
signed by the president of the governing board. 1619

The board of education of any city, local, or exempted 1620

village school district may provide by resolution for compensation 1621  
of its members, provided that such compensation shall not exceed 1622  
one hundred twenty-five dollars per member for meetings attended. 1623  
The board may provide by resolution for the deduction of amounts 1624  
payable for benefits ~~under section 3313.202 of the Revised Code.~~ 1625

Each member of a district board or educational service center 1626  
governing board may be paid such compensation as the respective 1627  
board provides by resolution for attendance at an approved 1628  
training program, provided that such compensation shall not exceed 1629  
sixty dollars a day for attendance at a training program three 1630  
hours or fewer in length and one hundred twenty-five dollars a day 1631  
for attendance at a training program longer than three hours in 1632  
length. 1633

**Sec. 3313.20.** (A) The board of education of a school district 1634  
or the governing board of an educational service center ~~shall~~ may 1635  
make any rules that are necessary for its government and the 1636  
government of its employees, pupils of its schools, and all other 1637  
persons entering upon its school grounds or premises. Rules 1638  
regarding entry of persons other than students, staff, and faculty 1639  
upon school grounds or premises ~~shall~~ may be posted conspicuously 1640  
at or near the entrance to the school grounds or premises, or near 1641  
the perimeter of the school grounds or premises, if there are no 1642  
formal entrances, and at the main entrance to each school 1643  
building. 1644

(B)(1) The board of education of each city, local, exempted 1645  
village, or joint vocational school district may adopt a written 1646  
policy that authorizes principals of public schools within the 1647  
district or their designees to do one or both of the following: 1648

(a) Search any pupil's locker and the contents of the locker 1649  
that is searched if the principal reasonably suspects that the 1650  
locker or its contents contains evidence of a pupil's violation of 1651

a criminal statute or of a school rule; 1652

(b) Search any pupil's locker and the contents of any pupil's 1653  
locker at any time if the board of education posts in a 1654  
conspicuous place in each school building that has lockers 1655  
available for use by pupils a notice that the lockers are the 1656  
property of the board of education and that the lockers and the 1657  
contents of all the lockers are subject to random search at any 1658  
time without regard to whether there is a reasonable suspicion 1659  
that any locker or its contents contains evidence of a violation 1660  
of a criminal statute or a school rule. 1661

(2) A board of education's adoption of or failure to adopt a 1662  
written policy pursuant to division (B)(1) of this section does 1663  
not prevent the principal of any school from searching at any time 1664  
the locker of any pupil and the contents of any locker of any 1665  
pupil in the school if an emergency situation exists or appears to 1666  
exist that immediately threatens the health or safety of any 1667  
person, or threatens to damage or destroy any property, under the 1668  
control of the board of education and if a search of lockers and 1669  
the contents of the lockers is reasonably necessary to avert that 1670  
threat or apparent threat. 1671

(C) Any employee may receive compensation and expenses for 1672  
days on which ~~he~~ the employee is excused, in accordance with the 1673  
policy statement of the board, by the superintendent of such board 1674  
or by a responsible administrative official designated by the 1675  
superintendent for the purpose of attending professional meetings 1676  
as defined by the board policy, and the board may provide and pay 1677  
the salary of a substitute for such days. The expenses thus 1678  
incurred by an employee shall be paid by the board from the 1679  
appropriate fund of the school district or the educational service 1680  
center governing board fund provided that statements of expenses 1681  
are furnished in accordance with the policy statement of the 1682  
board. 1683

(D) Each city, local, and exempted village school district 1684  
shall may adopt a written policy governing the attendance of 1685  
employees at professional meetings. 1686

~~Sec. 3313.202. Any elected or appointed member of the board 1687  
of education of a school district and the dependent children and 1688  
spouse of the member may be covered, at the option of the member, 1689  
under any medical plan designed by the school employees health 1690  
care board under section 9.901 of the Revised Code. The member 1691  
shall pay all premiums for that coverage. Payments for such 1692  
coverage shall be made, in advance, in a manner prescribed by the 1693  
school employees health care board. The member's exercise of an 1694  
option to be covered under this section shall be in writing, 1695  
announced at a regular public meeting of the board of education, 1696  
and recorded as a public record in the minutes of the board. (A) 1697  
The board of education of a school district may procure and pay 1698  
all or part of the cost of group term life, hospitalization, 1699  
surgical care, or major medical insurance, disability, dental 1700  
care, vision care, medical care, hearing aids, prescription drugs, 1701  
sickness and accident insurance, group legal services, or a 1702  
combination of any of the foregoing types of insurance or 1703  
coverage, whether issued by an insurance company or a health 1704  
insuring corporation duly licensed by this state, covering the 1705  
teaching or nonteaching employees of the school district, or a 1706  
combination of both, or the dependent children and spouses of such 1707  
employees. 1708~~

(B) The board may provide the benefits described in this 1709  
section through an individual self-insurance program or a joint 1710  
self-insurance program as provided in section 9.833 of the Revised 1711  
Code. 1712

**Sec. 3313.33.** (A) Conveyances made by a board of education 1713  
shall be executed by the president and treasurer thereof. 1714

(B) Except as provided in division (C) of this section, no member of the board shall have, directly or indirectly, any pecuniary interest in any contract of the board or be employed in any manner for compensation by the board of which the person is a member. No contract shall be binding upon any board unless it is made or authorized at a regular or special meeting of such board.

(C) A member of the board may have a pecuniary interest in a contract of the board if all of the following apply:

(1) The member's pecuniary interest in that contract is that the member is employed by a political subdivision, instrumentality, or agency of the state that is contracting with the board;

(2) The member does not participate in any discussion or debate regarding the contract or vote on the contract;

(3) The member files with the school district treasurer an affidavit stating the member's exact employment status with the political subdivision, instrumentality, or agency contracting with the board.

(D) This section does not apply where a member of the board, being a shareholder of a corporation but not being an officer or director thereof, owns not in excess of five per cent of the stock of such corporation. If a stockholder desires to avail self of the exception, before entering upon such contract such person shall first file with the treasurer an affidavit stating the stockholder's exact status and connection with said corporation.

~~This section does not apply where a member of the board elects to be covered by a medical plan under section 3313.202 of the Revised Code.~~

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

(1) "Licensed individual" means an individual who holds a



valid educator license, certificate, or permit issued by the state 1745  
board of education under section 3319.22, 3319.26, 3319.27, 1746  
3319.302, or 3319.304 of the Revised Code. 1747

(2) "Nonlicensed individual" means an individual who does not 1748  
hold a valid educator license, certificate, or permit issued by 1749  
the state board of education under section 3319.22, 3319.26, 1750  
3319.27, 3319.302, or 3319.304 of the Revised Code. 1751

(B) The board of education of any city, exempted village, or 1752  
local school district may establish and maintain in connection 1753  
with the public school systems: 1754

(1) Manual training, industrial arts, domestic science, and 1755  
commercial departments; 1756

(2) Agricultural, industrial, vocational, and trades schools. 1757

Such board may pay from the public school funds, as other 1758  
school expenses are paid, the expenses of establishing and 1759  
maintaining such departments and schools and of directing, 1760  
supervising, and coaching the pupil-activity programs in music, 1761  
language, arts, speech, government, athletics, and any others 1762  
directly related to the curriculum. 1763

(C) The board of education of any city, exempted village, or 1764  
local school district may employ a nonlicensed individual to 1765  
direct, supervise, or coach a pupil-activity program as long as 1766  
that individual holds a valid pupil-activity program permit issued 1767  
by the state board of education under division (A) of section 1768  
3319.303 of the Revised Code. 1769

~~(D)(1) Except as provided in division (D)(2) of this section, 1770  
a nonlicensed individual who holds a valid pupil activity program 1771  
permit may be employed under division (C) of this section only 1772  
after the school district's board of education adopts a resolution 1773  
stating that it has offered such position to those employees of 1774  
the district who are licensed individuals and no such employee 1775~~

~~qualified to fill the position has accepted it, and has then~~ 1776  
~~advertised the position as available to any licensed individual~~ 1777  
~~who is qualified to fill it and who is not employed by the board,~~ 1778  
~~and no such person has applied for and accepted the position.~~ 1779

~~(2) A board of education may renew the contract of any~~ 1780  
~~nonlicensed individual, currently employed by the board under~~ 1781  
~~division (C) of this section for one or more years, without first~~ 1782  
~~offering the position held by that individual to employees of the~~ 1783  
~~district who are licensed individuals or advertising the position~~ 1784  
~~as available to any qualified licensed individuals who are not~~ 1785  
~~currently employed by the board as otherwise required under~~ 1786  
~~division (D)(1) of this section.~~ 1787

~~(E)~~ A nonlicensed individual employed under this section is a 1788  
nonteaching employee and is not an educational assistant as 1789  
defined in section 3319.088 of the Revised Code. A nonlicensed 1790  
individual may direct, supervise, or coach a pupil-activity 1791  
program under this section as long as that pupil-activity program 1792  
does not include any class or course required or offered for 1793  
credit toward a pupil's promotion to the next grade or for 1794  
graduation, or any activity conducted as a part of or required for 1795  
such a class or course. A nonlicensed individual employed under 1796  
this section may perform only the duties of the director, 1797  
supervisor, or coach of the pupil-activity program for which the 1798  
nonlicensed individual is employed. 1799

~~(F)~~(E) The board ~~shall~~ may fix the compensation of each 1800  
nonlicensed individual employed under this section, ~~which shall be~~ 1801  
~~the same amount as the position was or would be offered to the~~ 1802  
~~district's licensed employees,~~ and execute a written contract with 1803  
the nonlicensed individual ~~for a term not to exceed one year.~~ The 1804  
contract ~~shall~~ may specify the compensation, duration, and other 1805  
terms of employment, ~~and the compensation shall not be reduced~~ 1806  
~~unless such reduction is a part of a uniform plan affecting the~~ 1807

~~entire district.~~ 1808

If the state board suspends, revokes, or limits the 1809  
pupil-activity program permit of a nonlicensed individual, the 1810  
school district board may terminate or suspend the employment 1811  
contract of that individual. ~~Otherwise, no contract issued under~~ 1812  
~~this section shall be terminated or suspended except pursuant to~~ 1813  
~~the procedure established by division (C) of section 3319.081 of~~ 1814  
~~the Revised Code.~~ 1815

**Sec. 3313.604.** For purposes of this section, American sign 1816  
language is hereby recognized as a foreign language, and any 1817  
public or chartered nonpublic school may offer a course in 1818  
American sign language. A student who successfully completes a 1819  
course in American sign language ~~is entitled to receive~~ may be 1820  
granted credit for that course toward satisfaction of a foreign 1821  
language requirement of the public or chartered nonpublic school 1822  
where the course is offered. 1823

**Sec. 3313.665.** In order to promote a safe and healthy school 1824  
setting and enhance the educational environment, a code of conduct 1825  
or discipline policy adopted by a board of education may include a 1826  
reasonable dress code, or may establish a school uniform to be 1827  
worn by the students attending one or more district schools. ~~Any~~ 1828  
~~such dress code or uniform policy shall be included in the code of~~ 1829  
~~conduct or discipline policy only if all of the following~~ 1830  
~~conditions are met:~~ 1831

~~(A) Any specific uniform selected for a school shall be~~ 1832  
~~determined by the district board after affording ample opportunity~~ 1833  
~~for principal, staff, and parents to offer suggestions and~~ 1834  
~~comments.~~ 1835

~~(B) No specific uniform shall be required in any school until~~ 1836  
~~the parents of the students in the school have been given six~~ 1837

~~months notice.~~ 1838

~~(C) No specific uniform shall be required in any school 1839  
unless the board includes in the policy adopted under this section 1840  
a procedure to assist parents of economically disadvantaged 1841  
students to obtain uniforms. This procedure may include using 1842  
school district funds or funds from other sources to provide this 1843  
assistance.~~ 1844

~~(D) Any policy requiring uniforms shall provide exceptions 1845  
for students participating in a nationally recognized youth 1846  
organization that establishes its own uniforms, on those days that 1847  
such organization has a scheduled function.~~ 1848

**Sec. 3313.751.** (A) As used in this section: 1849

(1) "School district" means a city, local, exempted village, 1850  
or joint vocational school district. 1851

(2) "Smoke" means to burn any substance containing tobacco, 1852  
including a lighted cigarette, cigar, or pipe, or to burn a clove 1853  
cigarette. 1854

(3) "Use tobacco" means to chew or maintain any substance 1855  
containing tobacco, including smokeless tobacco, in the mouth to 1856  
derive the effects of tobacco. 1857

(B) No pupil shall smoke or use tobacco or possess any 1858  
substance containing tobacco in any area under the control of a 1859  
school district or an educational service center or at any 1860  
activity supervised by any school operated by a school district or 1861  
an educational service center. 1862

~~(C) The board of education of each school district and the 1863  
governing board of each educational service center shall adopt a 1864  
policy providing for the enforcement of division (B) of this 1865  
section and establishing disciplinary measures for a violation of 1866  
division (B) of this section.~~ 1867

**Sec. 3313.79.** Any organization or group of citizens permitted 1868  
to use the properties ~~specified in section 3313.76 of the Revised~~ 1869  
~~Code~~ a school district or educational service center shall be 1870  
responsible for any damage done them over and above the ordinary 1871  
wear, and shall, if required, pay the actual expenses incurred for 1872  
janitor service, light, and heat. 1873

**Sec. 3313.81.** The board of education of any city, exempted 1874  
village, or local school district may establish food service, 1875  
provide facilities and equipment, and pay operating costs in the 1876  
schools under its control for the preparation and serving of 1877  
lunches, and other meals or refreshments to the pupils, employees 1878  
of the board of education employed therein, and to other persons 1879  
taking part in or patronizing any activity in connection with the 1880  
schools. A board of education that operates such a food service 1881  
may also provide meals at cost to residents of the school district 1882  
who are sixty years of age or older or may contract with public or 1883  
private nonprofit organizations providing services to the elderly 1884  
to provide nutritious meals for persons who are sixty years of age 1885  
or older. Restrictions or limitations upon the privileges or use 1886  
of facilities by any pupil, employee, person taking part in or 1887  
patronizing a school-related activity, or elderly person must be 1888  
applied equally to all pupils, all employees, all persons taking 1889  
part in or patronizing a school-related activity, or elderly 1890  
persons, respectively, except that a board may expend school funds 1891  
other than funds from federally reimbursed moneys or student 1892  
payments to provide meals at no charge to senior citizens 1893  
performing volunteer services in the district's schools in 1894  
accordance with a volunteer program approved by the board. 1895

~~Such facilities shall be under the management and control of~~ 1896  
~~the board and the operation of such facilities for school food~~ 1897  
~~service purposes or to provide meals for the elderly shall not be~~ 1898

~~for profit. In the operation of such facilities for school food 1899  
service purposes there shall be established a food service fund in 1900  
the treasurer's cash journal, which shall be separate from all 1901  
other funds of the board. All receipts and disbursements in 1902  
connection with the operation of food service for school food 1903  
service purposes and the maintenance, improvement, and purchase of 1904  
equipment for school food service purposes shall be paid directly 1905  
into and disbursed from the food service fund which shall be kept 1906  
in a legally designated depository of the board. Revenues for the 1907  
operation, maintenance, improvement, and purchase of equipment 1908  
shall be provided by the food service fund, appropriations 1909  
transferred from the general fund, federal funds, and from other 1910  
proper sources. Records of receipts and disbursements resulting 1911  
from the provision of meals for the elderly shall be separately 1912  
maintained, in accordance with section 3313.29 of the Revised 1913  
Code. 1914~~

The enforcement of this section shall be under jurisdiction 1915  
of the state board of education. 1916

**Sec. 3313.871.** (A) By a majority vote of its members, a board 1917  
of education may appropriate from the general fund an amount 1918  
sufficient to pay annual membership dues and service fees to one 1919  
or more accrediting associations that have the purpose of 1920  
improving education. ~~Such annual membership dues and service fees 1921  
shall not exceed in the aggregate five hundred dollars per public 1922  
school evaluated for accreditation in the district. 1923~~

(B) In addition to the expenditures authorized under division 1924  
(A) of this section, a board of education may pay the necessary 1925  
and proper expenses associated with accreditation activities and 1926  
school evaluations. A board of education may pay an employee the 1927  
employee's regular salary during the employee's service as an 1928  
evaluator of a school in another school district. 1929

Sec. 3313.96. (A) As used in this section, "minor," "missing child," and "missing children" have the same meanings as in section 2901.30 of the Revised Code.

(B) Each board of education ~~shall~~ may develop within its district informational programs for students, parents, and community members relative to missing children issues and matters. Each of these boards may request copies of the informational materials acquired or prepared by the missing children clearinghouse pursuant to section 109.65 of the Revised Code and may request assistance from the clearinghouse in developing its programs.

The principal or chief administrative officer of a nonpublic school in this state may develop within ~~his~~ the principal's or officer's school informational programs relative to missing children issues and matters for students, parents, and community members. The principal or officer may request copies of the informational materials acquired or prepared by the missing children clearinghouse and may request assistance from the clearinghouse in developing its programs.

(C) Each board of education may develop a fingerprinting program for students and minors within the district. The principal or chief administrative officer of a nonpublic school in this state may develop a fingerprinting program for students of the school. If developed, the program shall be developed in conjunction with law enforcement agencies having jurisdiction within the school district or where the nonpublic school is located and, in the case of a local school district, in conjunction with the governing board of the educational service center. Such law enforcement agencies shall cooperate fully with the board or nonpublic school in the development of its fingerprinting program.

If developed, the fingerprinting program shall be developed 1961  
for the sole purpose of providing a means by which a missing child 1962  
might be located or identified and shall be operated on the 1963  
following basis: 1964

(1) No student or minor shall be required to participate in 1965  
the program. 1966

(2) In order for a student or minor to participate in the 1967  
program, the parents, parent who is the residential parent and 1968  
legal custodian, guardian, legal custodian, or other person 1969  
responsible for the student or minor shall authorize the student's 1970  
or minor's participation by signing a form that shall be developed 1971  
by the board of education or by the principal or chief 1972  
administrative officer of the nonpublic school, for the program. 1973

(3) The fingerprinting of students or minors shall be 1974  
performed by members of the associated law enforcement agencies on 1975  
fingerprint sheets provided to the school districts or nonpublic 1976  
schools by the bureau of criminal identification and investigation 1977  
pursuant to section 109.58 of the Revised Code or on fingerprint 1978  
sheets or cards otherwise acquired. 1979

(4) All fingerprint cards shall be given to the parents, 1980  
parent who is the residential parent and legal custodian, 1981  
guardian, legal custodian, or other person responsible for a 1982  
student or minor after the fingerprinting of the student or minor. 1983  
No copy of a fingerprinting shall be retained by a law enforcement 1984  
agency, school, school district, or any other person except the 1985  
student or minor's parent, guardian, or legal custodian. 1986

(5) The name, sex, hair and eye color, height, weight, and 1987  
date and place of birth of the student or minor shall be indicated 1988  
on the fingerprint sheet or card. 1989

(6) The fingerprinting program developed pursuant to this 1990  
section shall be offered on a periodic basis. Parents, guardians, 1991



legal custodians, and residents of the districts or in the 1992  
communities served by the schools shall be notified periodically 1993  
of the program and its purpose. These notifications may be given 1994  
by means of memoranda or letters sent to these persons, by 1995  
newspaper articles, or by other reasonable means. 1996

(D) This section does not affect any fingerprinting programs 1997  
for minors that are provided by private organizations or 1998  
governmental entities other than school districts. 1999

**Sec. 3313.975.** As used in this section and in sections 2000  
3313.975 to 3313.979 of the Revised Code, "the pilot project 2001  
school district" or "the district" means any school district 2002  
included in the pilot project scholarship program pursuant to this 2003  
section. 2004

(A) The superintendent of public instruction shall establish 2005  
a pilot project scholarship program and shall include in such 2006  
program any school districts that are or have ever been under 2007  
federal court order requiring supervision and operational 2008  
management of the district by the state superintendent. The 2009  
program shall provide for a number of students residing in any 2010  
such district to receive scholarships to attend alternative 2011  
schools, and for an equal number of students to receive tutorial 2012  
assistance grants while attending public school in any such 2013  
district. 2014

(B) The state superintendent shall establish an application 2015  
process and deadline for accepting applications from students 2016  
residing in the district to participate in the scholarship 2017  
program. In the initial year of the program students may only use 2018  
a scholarship to attend school in grades kindergarten through 2019  
third. 2020

The state superintendent shall award as many scholarships and 2021  
tutorial assistance grants as can be funded given the amount 2022

appropriated for the program. In no case, however, shall more than 2023  
fifty per cent of all scholarships awarded be used by students who 2024  
were enrolled in a nonpublic school during the school year of 2025  
application for a scholarship. 2026

(C)(1) The pilot project program shall continue in effect 2027  
each year that the general assembly has appropriated sufficient 2028  
money to fund scholarships and tutorial assistance grants. In each 2029  
year the program continues, no new students may receive 2030  
scholarships unless they are enrolled in grades kindergarten to 2031  
eight. However, any student who has received a scholarship the 2032  
preceding year may continue to receive one until the student has 2033  
completed grade ten. Beginning in the 2005-2006 academic year, a 2034  
student who previously has received a scholarship may receive a 2035  
scholarship in grade eleven. Beginning in the 2006-2007 academic 2036  
year, a student who previously has received a scholarship may 2037  
receive a scholarship in grade twelve. 2038

(2) If the general assembly discontinues the scholarship 2039  
program, all students who are attending an alternative school 2040  
under the pilot project shall be entitled to continued admittance 2041  
to that specific school through all grades that are provided in 2042  
such school, under the same conditions as when they were 2043  
participating in the pilot project. The state superintendent shall 2044  
continue to make scholarship payments in accordance with division 2045  
(A) or (B) of section 3313.979 of the Revised Code for students 2046  
who remain enrolled in an alternative school under this provision 2047  
in any year that funds have been appropriated for this purpose. 2048

If funds are not appropriated, the tuition charged to the 2049  
parents of a student who remains enrolled in an alternative school 2050  
under this provision shall not be increased beyond the amount 2051  
equal to the amount of the scholarship plus any additional amount 2052  
charged that student's parent in the most recent year of 2053  
attendance as a participant in the pilot project, except that 2054

tuition for all the students enrolled in such school may be 2055  
increased by the same percentage. 2056

(D) Notwithstanding ~~sections 124.39, section 3307.54, and~~ 2057  
~~3319.17~~ of the Revised Code, if the pilot project school district 2058  
experiences a decrease in enrollment due to participation in a 2059  
state-sponsored scholarship program pursuant to sections 3313.974 2060  
to 3313.979 of the Revised Code, the district board of education 2061  
may enter into an agreement with any teacher it employs to provide 2062  
to that teacher severance pay or early retirement incentives, or 2063  
both, if the teacher agrees to terminate the employment contract 2064  
with the district board, ~~provided any collective bargaining~~ 2065  
~~agreement in force pursuant to Chapter 4117. of the Revised Code~~ 2066  
~~does not prohibit such an agreement for termination of a teacher's~~ 2067  
~~employment contract.~~ 2068

**Sec. 3314.03.** A copy of every contract entered into under 2069  
this section shall be filed with the superintendent of public 2070  
instruction. 2071

(A) Each contract entered into between a sponsor and the 2072  
governing authority of a community school shall specify the 2073  
following: 2074

(1) That the school shall be established as either of the 2075  
following: 2076

(a) A nonprofit corporation established under Chapter 1702. 2077  
of the Revised Code, if established prior to April 8, 2003; 2078

(b) A public benefit corporation established under Chapter 2079  
1702. of the Revised Code, if established after April 8, 2003; 2080

(2) The education program of the school, including the 2081  
school's mission, the characteristics of the students the school 2082  
is expected to attract, the ages and grades of students, and the 2083  
focus of the curriculum; 2084

- (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement tests; 2085  
2086  
2087
- (4) Performance standards by which the success of the school will be evaluated by the sponsor; 2088  
2089
- (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 2090  
2091
- (6)(a) Dismissal procedures; 2092
- (b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student. 2093  
2094  
2095  
2096  
2097  
2098
- (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 2099  
2100
- (8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, and the audits shall be conducted in accordance with section 117.10 of the Revised Code. 2101  
2102  
2103  
2104  
2105  
2106
- (9) The facilities to be used and their locations; 2107
- (10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code; 2108  
2109  
2110  
2111  
2112  
2113
- (11) That the school will comply with the following 2114

requirements: 2115

(a) The school will provide learning opportunities to a 2116  
minimum of twenty-five students for a minimum of nine hundred 2117  
twenty hours per school year; 2118

(b) The governing authority will purchase liability 2119  
insurance, or otherwise provide for the potential liability of the 2120  
school; 2121

(c) The school will be nonsectarian in its programs, 2122  
admission policies, employment practices, and all other 2123  
operations, and will not be operated by a sectarian school or 2124  
religious institution; 2125

(d) The school will comply with sections 9.90, 9.91, 109.65, 2126  
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 2127  
3301.0712, 3301.0715, ~~3313.472~~, 3313.50, 3313.536, ~~3313.608~~, 2128  
~~3313.6012~~, ~~3313.6013~~, ~~3313.6014~~, 3313.643, ~~3313.648~~, ~~3313.66~~, 2129  
~~3313.661~~, ~~3313.662~~, ~~3313.666~~, ~~3313.667~~, 3313.67, 3313.671, 2130  
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, ~~3313.80~~, 2131  
3313.96, ~~3319.073~~, 3319.313, 3319.314, 3319.315, 3319.321, 2132  
3319.39, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 2133  
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 2134  
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 2135  
of the Revised Code as if it were a school district and will 2136  
comply with section 3301.0714 of the Revised Code in the manner 2137  
specified in section 3314.17 of the Revised Code; 2138

(e) The school shall comply with Chapter 102. and section 2139  
2921.42 of the Revised Code; 2140

(f) The school will comply with sections 3313.61, 3313.611, 2141  
and 3313.614 of the Revised Code, except that for students who 2142  
enter ninth grade for the first time before July 1, 2010, the 2143  
requirement in sections 3313.61 and 3313.611 of the Revised Code 2144  
that a person must successfully complete the curriculum in any 2145

high school prior to receiving a high school diploma may be met by 2146  
completing the curriculum adopted by the governing authority of 2147  
the community school rather than the curriculum specified in Title 2148  
XXXIII of the Revised Code or any rules of the state board of 2149  
education. Beginning with students who enter ninth grade for the 2150  
first time on or after July 1, 2010, the requirement in sections 2151  
3313.61 and 3313.611 of the Revised Code that a person must 2152  
successfully complete the curriculum of a high school prior to 2153  
receiving a high school diploma shall be met by completing the 2154  
Ohio core curriculum prescribed in division (C) of section 2155  
3313.603 of the Revised Code, unless the person qualifies under 2156  
division (D) or (F) of that section. Each school shall comply with 2157  
the plan for awarding high school credit based on demonstration of 2158  
subject area competency, adopted by the state board of education 2159  
under division (J) of section 3313.603 of the Revised Code. 2160

(g) The school governing authority will submit within four 2161  
months after the end of each school year a report of its 2162  
activities and progress in meeting the goals and standards of 2163  
divisions (A)(3) and (4) of this section and its financial status 2164  
to the sponsor and the parents of all students enrolled in the 2165  
school. 2166

~~(h) The school, unless it is an internet or computer based 2167  
community school, will comply with section 3313.801 of the Revised 2168  
Code as if it were a school district. 2169~~

(12) Arrangements for ~~providing~~ any health and other benefits 2170  
provided to employees; 2171

(13) The length of the contract, which shall begin at the 2172  
beginning of an academic year. No contract shall exceed five years 2173  
unless such contract has been renewed pursuant to division (E) of 2174  
this section. 2175

(14) The governing authority of the school, which shall be 2176

responsible for carrying out the provisions of the contract; 2177

(15) A financial plan detailing an estimated school budget 2178  
for each year of the period of the contract and specifying the 2179  
total estimated per pupil expenditure amount for each such year. 2180  
The plan shall specify for each year the base formula amount that 2181  
will be used for purposes of funding calculations under section 2182  
3314.08 of the Revised Code. This base formula amount for any year 2183  
shall not exceed the formula amount defined under section 3317.02 2184  
of the Revised Code. The plan may also specify for any year a 2185  
percentage figure to be used for reducing the per pupil amount of 2186  
the subsidy calculated pursuant to section 3317.029 of the Revised 2187  
Code the school is to receive that year under section 3314.08 of 2188  
the Revised Code. 2189

(16) Requirements and procedures regarding the disposition of 2190  
employees of the school in the event the contract is terminated or 2191  
not renewed pursuant to section 3314.07 of the Revised Code; 2192

(17) Whether the school is to be created by converting all or 2193  
part of an existing public school or is to be a new start-up 2194  
school, and if it is a converted public school, specification of 2195  
any duties or responsibilities of an employer that the board of 2196  
education that operated the school before conversion is delegating 2197  
to the governing board of the community school with respect to all 2198  
or any specified group of employees provided the delegation is not 2199  
prohibited by a collective bargaining agreement applicable to such 2200  
employees; 2201

(18) Provisions establishing procedures for resolving 2202  
disputes or differences of opinion between the sponsor and the 2203  
governing authority of the community school; 2204

(19) A provision requiring the governing authority to adopt a 2205  
policy regarding the admission of students who reside outside the 2206  
district in which the school is located. That policy shall comply 2207

with the admissions procedures specified in sections 3314.06 and 2208  
3314.061 of the Revised Code and, at the sole discretion of the 2209  
authority, shall do one of the following: 2210

(a) Prohibit the enrollment of students who reside outside 2211  
the district in which the school is located; 2212

(b) Permit the enrollment of students who reside in districts 2213  
adjacent to the district in which the school is located; 2214

(c) Permit the enrollment of students who reside in any other 2215  
district in the state. 2216

(20) A provision recognizing the authority of the department 2217  
of education to take over the sponsorship of the school in 2218  
accordance with the provisions of division (C) of section 3314.015 2219  
of the Revised Code; 2220

(21) A provision recognizing the sponsor's authority to 2221  
assume the operation of a school under the conditions specified in 2222  
division (B) of section 3314.073 of the Revised Code; 2223

(22) A provision recognizing both of the following: 2224

(a) The authority of public health and safety officials to 2225  
inspect the facilities of the school and to order the facilities 2226  
closed if those officials find that the facilities are not in 2227  
compliance with health and safety laws and regulations; 2228

(b) The authority of the department of education as the 2229  
community school oversight body to suspend the operation of the 2230  
school under section 3314.072 of the Revised Code if the 2231  
department has evidence of conditions or violations of law at the 2232  
school that pose an imminent danger to the health and safety of 2233  
the school's students and employees and the sponsor refuses to 2234  
take such action; 2235

(23) A description of the learning opportunities that will be 2236  
offered to students including both classroom-based and 2237



non-classroom-based learning opportunities that is in compliance 2238  
with criteria for student participation established by the 2239  
department under division (L)(2) of section 3314.08 of the Revised 2240  
Code; 2241

(24) The school will comply with section 3302.04 of the 2242  
Revised Code, including division (E) of that section to the extent 2243  
possible, except that any action required to be taken by a school 2244  
district pursuant to that section shall be taken by the sponsor of 2245  
the school. However, the sponsor shall not be required to take any 2246  
action described in division (F) of that section. 2247

(25) Beginning in the 2006-2007 school year, the school will 2248  
open for operation not later than the thirtieth day of September 2249  
each school year, unless the mission of the school as specified 2250  
under division (A)(2) of this section is solely to serve dropouts. 2251  
In its initial year of operation, if the school fails to open by 2252  
the thirtieth day of September, or within one year after the 2253  
adoption of the contract pursuant to division (D) of section 2254  
3314.02 of the Revised Code if the mission of the school is solely 2255  
to serve dropouts, the contract shall be void. 2256

(B) The community school shall also submit to the sponsor a 2257  
comprehensive plan for the school. The plan shall specify the 2258  
following: 2259

(1) The process by which the governing authority of the 2260  
school will be selected in the future; 2261

(2) The management and administration of the school; 2262

(3) If the community school is a currently existing public 2263  
school, alternative arrangements for current public school 2264  
students who choose not to attend the school and teachers who 2265  
choose not to teach in the school after conversion; 2266

(4) The instructional program and educational philosophy of 2267  
the school; 2268

(5) Internal financial controls.	2269
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	2270 2271 2272 2273 2274 2275 2276 2277 2278
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	2279 2280 2281 2282 2283
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	2284 2285
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	2286 2287 2288
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;	2289 2290 2291 2292
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	2293 2294 2295
(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant	2296 2297 2298 2299

to section 3314.072 of the Revised Code, or terminate the contract 2300  
of the school pursuant to section 3314.07 of the Revised Code as 2301  
determined necessary by the sponsor; 2302

(6) Have in place a plan of action to be undertaken in the 2303  
event the community school experiences financial difficulties or 2304  
closes prior to the end of a school year. 2305

(E) Upon the expiration of a contract entered into under this 2306  
section, the sponsor of a community school may, with the approval 2307  
of the governing authority of the school, renew that contract for 2308  
a period of time determined by the sponsor, but not ending earlier 2309  
than the end of any school year, if the sponsor finds that the 2310  
school's compliance with applicable laws and terms of the contract 2311  
and the school's progress in meeting the academic goals prescribed 2312  
in the contract have been satisfactory. Any contract that is 2313  
renewed under this division remains subject to the provisions of 2314  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 2315

(F) If a community school fails to open for operation within 2316  
one year after the contract entered into under this section is 2317  
adopted pursuant to division (D) of section 3314.02 of the Revised 2318  
Code or permanently closes prior to the expiration of the 2319  
contract, the contract shall be void and the school shall not 2320  
enter into a contract with any other sponsor. A school shall not 2321  
be considered permanently closed because the operations of the 2322  
school have been suspended pursuant to section 3314.072 of the 2323  
Revised Code. Any contract that becomes void under this division 2324  
shall not count toward any statewide limit on the number of such 2325  
contracts prescribed by section 3314.013 of the Revised Code. 2326

**Sec. 3314.09.** (A) As used in this section and section 2327  
3314.091 of the Revised Code, "native student" means a student 2328  
entitled to attend school in the school district under section 2329  
3313.64 or 3313.65 of the Revised Code. 2330

(B) ~~Except as provided in section 3314.091 of the Revised Code, the~~ The board of education of each city, local, and exempted village school district ~~shall~~ may provide transportation to and from school for its district's native students ~~in accordance with section 3327.01 of the Revised Code.~~

**Sec. 3314.091.** (A) A school district ~~is not required to provide transportation for any native student enrolled in a community school if the district board of education has entered~~ may enter into an agreement with the community school's governing authority that designates the community school as responsible for providing or arranging for the transportation of the district's native students to and from the community school. ~~For any such agreement to be effective, it must be certified by the superintendent of public instruction as having met all of the following requirements:~~

~~(1) It is submitted to the department of education by a deadline which shall be established by the department.~~

~~(2) It specifies qualifications, such as residing a minimum distance from the school, for students to have their transportation provided or arranged.~~

~~(3) The transportation provided by the community school is subject to all provisions of the Revised Code and all rules adopted under the Revised Code pertaining to pupil transportation.~~

~~(4) The sponsor of the community school also has signed the agreement.~~

(B)(1) A community school governing authority that enters into an agreement to provide transportation under this section shall provide or arrange transportation free of any charge for each of its enrolled students eligible for transportation as specified in section 3327.01 of the Revised Code.

The governing authority may provide or arrange transportation 2361  
for any other enrolled student who is not eligible for 2362  
transportation and may charge a fee for such service up to the 2363  
actual cost of the service. 2364

(2) Notwithstanding anything to the contrary in division 2365  
(B)(1) of this section, a community school governing authority 2366  
shall provide or arrange transportation free of any charge for any 2367  
disabled student enrolled in the school for whom the student's 2368  
individualized education program developed under Chapter 3323. of 2369  
the Revised Code specifies transportation. 2370

(C)(1) If a school district board and a community school 2371  
governing authority elect to enter into an agreement under this 2372  
section, the department of education annually shall pay the 2373  
community school the amount specified in division (C)(2) of this 2374  
section for each of the enrolled students for whom the school's 2375  
governing authority provides or arranges transportation to and 2376  
from school. The department shall deduct the payment from the 2377  
state payment under Chapter 3317. and, if necessary, sections 2378  
321.14 and 323.156 of the Revised Code that is otherwise paid to 2379  
the school district in which the student enrolled in the community 2380  
school resides. The department shall include the number of the 2381  
district's native students for whom payment is made to a community 2382  
school under this division in the calculation of the district's 2383  
transportation payment under division (D) of section 3317.022 of 2384  
the Revised Code. 2385

~~A community school shall be paid under this division only for 2386  
students who are eligible as specified in section 3327.01 of the 2387  
Revised Code or who are disabled and whose individualized 2388  
education program requires transportation and whose transportation 2389  
to and from school is actually provided or arranged or for whom a 2390  
payment in lieu of transportation is made by the community 2391  
school's governing authority. To qualify for the payments, the 2392~~

community school shall report to the department, in the form and 2393  
manner required by the department, data on the number of students 2394  
transported or whose transportation is arranged, the number of 2395  
miles traveled, cost to transport, and any other information 2396  
requested by the department. 2397

A community school shall use payments received under this 2398  
division solely to pay the costs of providing or arranging for the 2399  
transportation of students who are eligible as specified in 2400  
section 3327.01 of the Revised Code or who are disabled and whose 2401  
individualized education program requires transportation, which 2402  
may include payments to a parent, guardian, or other person in 2403  
charge of a child in lieu of transportation. 2404

(2) The payment to a community school governing authority 2405  
under this section for eligible students shall be made according 2406  
to the terms of the agreement entered into under this section. 2407

~~(D) Except when arranged through payment to a parent,~~ 2408  
~~guardian, or person in charge of a child, transportation provided~~ 2409  
~~or arranged for by a community school pursuant to an agreement~~ 2410  
~~under this section is subject to all provisions of the Revised~~ 2411  
~~Code, and all rules adopted under the Revised Code, pertaining to~~ 2412  
~~the construction, design, equipment, and operation of school buses~~ 2413  
~~and other vehicles transporting students to and from school. The~~ 2414  
~~drivers and mechanics of the vehicles are subject to all~~ 2415  
~~provisions of the Revised Code, and all rules adopted under the~~ 2416  
~~Revised Code, pertaining to drivers and mechanics of such~~ 2417  
~~vehicles. The community school also shall comply with sections~~ 2418  
~~3313.201, 3327.09, and 3327.10 and division (B) of section 3327.16~~ 2419  
~~of the Revised Code as if it were a school district. For purposes~~ 2420  
~~of complying with section 3327.10 of the Revised Code, the~~ 2421  
~~educational service center that serves the county in which the~~ 2422  
~~community school is located shall be the certifying agency, unless~~ 2423  
~~the agreement designates the school district as the certifying~~ 2424

agency. 2425

**Sec. 3315.062.** (A) The board of education of any school 2426  
district may expend moneys from its general revenue fund for the 2427  
operation of such student activity programs included in the 2428  
program of each school district as authorized by its board of 2429  
education. ~~Such expenditure shall not exceed five tenths of one~~ 2430  
~~per cent of the board's annual operating budget.~~ 2431

(B) If more than fifty dollars a year is received through a 2432  
student activity program, the moneys from such program ~~shall~~ may 2433  
be paid into an activity fund established by the board of 2434  
education of the school district. The board ~~shall~~ may adopt 2435  
regulations governing the establishment and maintenance of such 2436  
fund, including a system of accounting to separate and verify each 2437  
transaction and to show the sources from which the fund revenue is 2438  
received, the amount collected from each source, and the amount 2439  
expended for each purpose. Expenditures from the fund ~~shall~~ may be 2440  
subject to approval of the board. 2441

(C) The board of education of any school district may 2442  
purchase accident insurance for pupils participating in school 2443  
athletic programs for which the school district is authorized to 2444  
expend public money. The board also may, to the extent it 2445  
considers necessary, establish a self-insurance plan for the 2446  
protection of such pupils against loss or expense resulting from 2447  
bodily injury or death by accident, or for the payment of any 2448  
deductible under a policy of accident insurance procured pursuant 2449  
to this division. 2450

**Sec. 3315.09.** The boards of education of any city, exempted 2451  
village, local, or joint vocational school districts or the 2452  
governing boards of educational service centers may enter into 2453  
contracts ~~for a term not exceeding one year,~~ upon such terms as 2454

each board deems expedient, with each other, or with the trustees 2455  
or other authorized officials of any college or university, 2456  
legally organized, for the purpose of obtaining in such school 2457  
district or educational service center instruction in the special, 2458  
technical, professional, or other advanced studies which may be 2459  
pursued in such college or university beyond the scope of the 2460  
public high school. In like manner such boards may contract ~~for a~~ 2461  
~~term, not exceeding one year,~~ with each other or with a private 2462  
corporation or association not for profit, maintaining and 2463  
furnishing a museum of art, science, or history, or providing 2464  
musical instruction, for the purpose of obtaining in such school 2465  
district or educational service center such instruction or other 2466  
educational services as can be rendered to the schools by such 2467  
private corporation or association. 2468

**Sec. 3315.091.** The boards of education of any city, exempted 2469  
village, local, or joint vocational school districts or the 2470  
governing boards of educational service centers may enter into 2471  
contracts ~~for a term not exceeding one year,~~ upon such terms as 2472  
each board deems expedient, with each other, or with a private 2473  
driver training school licensed under section 4508.03 of the 2474  
Revised Code, for the purpose of providing instruction in driver 2475  
education under section 3301.17 of the Revised Code. 2476

**Sec. 3316.07.** (A) A school district financial planning and 2477  
supervision commission has the following powers, duties, and 2478  
functions: 2479

(1) To review or to assume responsibility for the development 2480  
of all tax budgets, tax levy and bond and note resolutions, 2481  
appropriation measures, and certificates of estimated resources of 2482  
the school district in order to ensure that such are consistent 2483  
with the financial recovery plan and a balanced appropriation 2484  
budget for the current fiscal year, and to request and review any 2485



supporting information upon which the financial recovery plan and 2486  
balanced appropriation budget may be developed and based, and to 2487  
determine whether revenue estimates and estimates of expenditures 2488  
and appropriations will result in a balanced budget; 2489

(2) To inspect and secure copies of any document, resolution, 2490  
or instrument pertaining to the effective financial accounting and 2491  
reporting system, debt obligations, debt limits, financial 2492  
recovery plan, balanced appropriation budgets, appropriation 2493  
measures, report of audit, statement or invoice, or other 2494  
worksheet or record of the school district; 2495

(3) To inspect and secure copies of any document, instrument, 2496  
certification, records of proceedings, or other worksheet or 2497  
records of the county budget commission, county auditor, or other 2498  
official or employee of the school district or of any other 2499  
political subdivision or agency of government of the state; 2500

(4) To review, revise, and approve determinations and 2501  
certifications affecting the school district made by the county 2502  
budget commission or county auditor pursuant to Chapter 5705. of 2503  
the Revised Code to ensure that such determinations and 2504  
certifications are consistent with the laws of the state; 2505

(5) To bring civil actions, including mandamus, to enforce 2506  
this chapter; 2507

(6) After consultation with the officials of the school 2508  
district and the auditor of state, to implement or require 2509  
implementation of any necessary or appropriate steps to bring the 2510  
books of account, accounting systems, and financial procedures and 2511  
reports of the school district into compliance with requirements 2512  
prescribed by the auditor of state, and to assume responsibility 2513  
for achieving such compliance and for making any desirable 2514  
modifications and supplementary systems and procedures pertinent 2515  
to the school district; 2516

(7) To assist or provide assistance to the school district or 2517  
to assume the total responsibility for the structuring or the 2518  
terms of, and the placement for sale of, debt obligations of the 2519  
school district; 2520

(8) To perform all other powers, duties, and functions as 2521  
provided under this chapter; 2522

(9) To make and enter into all contracts and agreements 2523  
necessary or incidental to the performance of its duties and the 2524  
exercise of its powers under this chapter; 2525

(10) To consult with officials of the school district and 2526  
make recommendations or assume the responsibility for implementing 2527  
cost reductions and revenue increases to achieve balanced budgets 2528  
and carry out the financial recovery plan in accordance with this 2529  
chapter; 2530

(11) To make reductions in force to bring the school 2531  
district's budget into balance, notwithstanding section 3319.081 2532  
and divisions (A) and (B) of section 3319.17 of the Revised Code, 2533  
notwithstanding any provision of a policy adopted under section 2534  
3319.171 of the Revised Code, and notwithstanding any provision to 2535  
the contrary in section 4117.08 or 4117.10 of the Revised Code or 2536  
in any collective bargaining agreement entered into on or after 2537  
November 21, 1997. 2538

In making reductions in force, the commission shall first 2539  
consider reasonable reductions among the administrative and 2540  
~~non-teaching~~ nonteaching employees of the school district giving 2541  
due regard to ensuring the district's ability to maintain the 2542  
personnel, programs, and services essential to the provision of an 2543  
adequate educational program. 2544

~~In making these reductions in non-teaching employees in 2545  
districts where Chapter 124. of the Revised Code controls such 2546  
reductions, the reductions shall be made in accordance with 2547~~

~~sections 124.321 to 124.327 of the Revised Code. In making these 2548  
reductions in non teaching employees in districts where Chapter 2549  
124. of the Revised Code does not control these reductions, within 2550  
each category of non teaching employees, the commission shall give 2551  
preference to those employees with continuing contracts or 2552  
non probationary status and who have greater seniority. 2553~~

~~If revenues and expenditures cannot be balanced by reasonable 2554  
reductions in administrative and non teaching employees, the 2555  
commission may also make reasonable reductions in the number of 2556  
teaching contracts. If the commission finds it necessary to 2557  
suspend teaching contracts, it shall suspend them in accordance 2558  
with division (C) of section 3319.17 of the Revised Code but shall 2559  
consider a reduction in non classroom teachers before classroom 2560  
teachers. 2561~~

(B) During the fiscal emergency period, the commission shall, 2562  
in addition to other powers: 2563

(1) With respect to the appropriation measure in effect at 2564  
the commencement of the fiscal emergency period of the school 2565  
district if that period commenced more than three months prior to 2566  
the end of the current fiscal year, and otherwise with respect to 2567  
the appropriation measure for the next fiscal year: 2568

(a) Review and determine the adequacy of all revenues to meet 2569  
all expenditures for such fiscal year; 2570

(b) Review and determine the extent of any deficiency of 2571  
revenues to meet such expenditures; 2572

(c) Require the school district board or superintendent to 2573  
provide justification documents to substantiate, to the extent and 2574  
in the manner considered necessary, any item of revenue or 2575  
appropriation; 2576

(d) Not later than sixty days after taking office or after 2577  
receiving the appropriation measure for the next fiscal year, 2578

issue a public report regarding its review pursuant to division 2579  
(B)(1) of this section. 2580

(2) Require the school district board, by resolution, to 2581  
establish monthly levels of expenditures and encumbrances 2582  
consistent with the financial recovery plan and the commission's 2583  
review pursuant to divisions (B)(1)(a) and (b) of this section, or 2584  
establish such levels itself. If the commission permits the 2585  
district board to make expenditures, the commission shall monitor 2586  
the monthly levels of expenditures and encumbrances and require 2587  
justification documents to substantiate any departure from any 2588  
approved level. No district board shall make any expenditure apart 2589  
from the approved level without the written approval of the 2590  
commission. 2591

(C) In making any determination pursuant to division (B) of 2592  
this section, the commission may rely on any information 2593  
considered in its judgment reliable or material and shall not be 2594  
restricted by any tax budget or certificate or any other document 2595  
the school district may have adopted or received from any other 2596  
governmental agency. 2597

(D) County, state, and school district officers or employees 2598  
shall assist the commission diligently and promptly in the 2599  
prosecution of its duties, including the furnishing of any 2600  
materials, including justification documents, required. 2601

(E) Annually on or before the first day of April during the 2602  
fiscal emergency period, the commission shall make reports and 2603  
recommendations to the speaker of the house of representatives and 2604  
the president of the senate concerning progress of the school 2605  
district to eliminate fiscal emergency conditions, failures of the 2606  
school district to comply with this chapter, and recommendations 2607  
for further actions to attain the objectives of this chapter, 2608  
including any legislative action needed to make provisions of law 2609  
more effective for their purposes, or to enhance revenue raising 2610

or financing capabilities of school districts. The commission may 2611  
make such interim reports as it considers appropriate for such 2612  
purposes and shall make such additional reports as may be 2613  
requested by either house of the general assembly. 2614

**Sec. 3317.01.** As used in this section and section 3317.011 of 2615  
the Revised Code, "school district," unless otherwise specified, 2616  
means any city, local, exempted village, joint vocational, or 2617  
cooperative education school district and any educational service 2618  
center. 2619

This chapter shall be administered by the state board of 2620  
education. The superintendent of public instruction shall 2621  
calculate the amounts payable to each school district and shall 2622  
certify the amounts payable to each eligible district to the 2623  
treasurer of the district as provided by this chapter. As soon as 2624  
possible after such amounts are calculated, the superintendent 2625  
shall certify to the treasurer of each school district the 2626  
district's adjusted charge-off increase, as defined in section 2627  
5705.211 of the Revised Code. No moneys shall be distributed 2628  
pursuant to this chapter without the approval of the controlling 2629  
board. 2630

The state board of education shall, in accordance with 2631  
appropriations made by the general assembly, meet the financial 2632  
obligations of this chapter. 2633

Annually, the department of education shall calculate and 2634  
report to each school district the district's total state and 2635  
local funds for providing an adequate basic education to the 2636  
district's nonhandicapped students, utilizing the determination in 2637  
section 3317.012 of the Revised Code. In addition, the department 2638  
shall calculate and report separately for each school district the 2639  
district's total state and local funds for providing an adequate 2640  
education for its handicapped students, utilizing the 2641

determinations in both sections 3317.012 and 3317.013 of the Revised Code. 2642  
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Not later than the thirty-first day of August of each fiscal year, the department of education shall provide to each school district and county MR/DD board a preliminary estimate of the amount of funding that the department calculates the district will receive under each of divisions (C)(1) and (4) of section 3317.022 of the Revised Code. No later than the first day of December of each fiscal year, the department shall update that preliminary estimate. 2644  
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Moneys distributed pursuant to this chapter shall be calculated and paid on a fiscal year basis, beginning with the first day of July and extending through the thirtieth day of June. The moneys appropriated for each fiscal year shall be distributed at least monthly to each school district unless otherwise provided for. The state board shall submit a yearly distribution plan to the controlling board at its first meeting in July. The state board shall submit any proposed midyear revision of the plan to the controlling board in January. Any year-end revision of the plan shall be submitted to the controlling board in June. If moneys appropriated for each fiscal year are distributed other than monthly, such distribution shall be on the same basis for each school district. 2652  
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The total amounts paid each month shall constitute, as nearly as possible, one-twelfth of the total amount payable for the entire year. 2665  
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Until fiscal year 2007, payments made during the first six months of the fiscal year may be based on an estimate of the amounts payable for the entire year. Payments made in the last six months shall be based on the final calculation of the amounts payable to each school district for that fiscal year. Payments made in the last six months may be adjusted, if necessary, to 2668  
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correct the amounts distributed in the first six months, and to 2674  
reflect enrollment increases when such are at least three per 2675  
cent. 2676

Beginning in fiscal year 2007, payments shall be calculated 2677  
to reflect the biannual reporting of average daily membership. In 2678  
fiscal year 2007 and in each fiscal year thereafter, annualized 2679  
periodic payments for each school district shall be based on the 2680  
district's student counts certified pursuant to section 3317.03 of 2681  
the Revised Code as follows: 2682

the sum of one-half of the number of students reported 2683  
for the first full week in October plus one-half of the 2684  
average of the numbers reported for the first full week 2685  
in October and for the first full week in February 2686

Except as otherwise provided, payments under this chapter 2687  
shall be made only to those school districts in which: 2688

(A) The school district, except for any educational service 2689  
center and any joint vocational or cooperative education school 2690  
district, levies for current operating expenses at least twenty 2691  
mills. Levies for joint vocational or cooperative education school 2692  
districts or county school financing districts, limited to or to 2693  
the extent apportioned to current expenses, shall be included in 2694  
this qualification requirement. School district income tax levies 2695  
under Chapter 5748. of the Revised Code, limited to or to the 2696  
extent apportioned to current operating expenses, shall be 2697  
included in this qualification requirement to the extent 2698  
determined by the tax commissioner under division (D) of section 2699  
3317.021 of the Revised Code. 2700

(B) The school year next preceding the fiscal year for which 2701  
such payments are authorized meets the requirement of section 2702  
3313.48 or 3313.481 of the Revised Code, with regard to the 2703  
minimum number of days or hours school must be open for 2704  
instruction with pupils in attendance, for individualized 2705

parent-teacher conference and reporting periods, and for 2706  
professional meetings of teachers. This requirement shall be 2707  
waived by the superintendent of public instruction if it had been 2708  
necessary for a school to be closed because of disease epidemic, 2709  
hazardous weather conditions, inoperability of school buses or 2710  
other equipment necessary to the school's operation, damage to a 2711  
school building, or other temporary circumstances due to utility 2712  
failure rendering the school building unfit for school use, 2713  
provided that for those school districts operating pursuant to 2714  
section 3313.48 of the Revised Code the number of days the school 2715  
was actually open for instruction with pupils in attendance and 2716  
for individualized parent-teacher conference and reporting periods 2717  
is not less than one hundred seventy-five, or for those school 2718  
districts operating on a trimester plan the number of days the 2719  
school was actually open for instruction with pupils in attendance 2720  
not less than seventy-nine days in any trimester, for those school 2721  
districts operating on a quarterly plan the number of days the 2722  
school was actually open for instruction with pupils in attendance 2723  
not less than fifty-nine days in any quarter, or for those school 2724  
districts operating on a pentamester plan the number of days the 2725  
school was actually open for instruction with pupils in attendance 2726  
not less than forty-four days in any pentamester. 2727

A school district shall not be considered to have failed to 2728  
comply with this division or section 3313.481 of the Revised Code 2729  
because schools were open for instruction but either twelfth grade 2730  
students were excused from attendance for up to three days or only 2731  
a portion of the kindergarten students were in attendance for up 2732  
to three days in order to allow for the gradual orientation to 2733  
school of such students. 2734

The superintendent of public instruction shall waive the 2735  
requirements of this section with reference to the minimum number 2736  
of days or hours school must be in session with pupils in 2737



attendance for the school year succeeding the school year in which 2738  
a board of education initiates a plan of operation pursuant to 2739  
section 3313.481 of the Revised Code. The minimum requirements of 2740  
this section shall again be applicable to such a district 2741  
beginning with the school year commencing the second July 2742  
succeeding the initiation of one such plan, and for each school 2743  
year thereafter. 2744

A school district shall not be considered to have failed to 2745  
comply with this division or section 3313.48 or 3313.481 of the 2746  
Revised Code because schools were open for instruction but the 2747  
length of the regularly scheduled school day, for any number of 2748  
days during the school year, was reduced by not more than two 2749  
hours due to hazardous weather conditions. 2750

~~(C) The school district has on file, and is paying in 2751  
accordance with, a teachers' salary schedule which complies with 2752  
section 3317.13 of the Revised Code. 2753~~

A board of education or governing board of an educational 2754  
service center which has not conformed with other law and the 2755  
rules pursuant thereto, shall not participate in the distribution 2756  
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 2757  
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 2758  
and sufficient reason established to the satisfaction of the state 2759  
board of education and the state controlling board. 2760

All funds allocated to school districts under this chapter, 2761  
except those specifically allocated for other purposes, shall be 2762  
used to pay current operating expenses only. 2763

**Sec. 3319.01.** Except in an island school district, where the 2764  
superintendent of an educational service center otherwise may 2765  
serve as superintendent of the district and except as otherwise 2766  
provided for any cooperative education school district pursuant to 2767  
division (B)(2) of section 3311.52 or division (B)(3) of section 2768

3311.521 of the Revised Code, the board of education in each 2769  
school district and the governing board of each service center 2770  
shall, at a regular or special meeting held not later than the 2771  
first day of May of the calendar year in which the term of the 2772  
superintendent expires, appoint a person ~~possessed of the~~ 2773  
~~qualifications provided in this section~~ to act as superintendent, 2774  
~~for a term not longer than five years beginning the first day of~~ 2775  
~~August and ending on the thirty first day of July. Such~~ 2776  
~~superintendent is, at the expiration of a current term of~~ 2777  
~~employment, deemed reemployed for a term of one year at the same~~ 2778  
~~salary plus any increments that may be authorized by the board,~~ 2779  
~~unless such board, on or before the first day of March of the year~~ 2780  
~~in which the contract of employment expires, either reemploys the~~ 2781  
~~superintendent for a succeeding term as provided in this section~~ 2782  
~~or gives to the superintendent written notice of its intention not~~ 2783  
~~to reemploy the superintendent. A superintendent may not be~~ 2784  
~~transferred to any other position during the term of the~~ 2785  
~~superintendent's employment or reemployment except by mutual~~ 2786  
~~agreement by the superintendent and the board. If a vacancy occurs~~ 2787  
~~in the office of superintendent, the board shall appoint a~~ 2788  
~~superintendent for a term not to exceed five years from the next~~ 2789  
~~preceding first day of August.~~ 2790

A board may at any regular or special meeting held during the 2791  
period beginning on the first day of January of the calendar year 2792  
immediately preceding the year the contract of employment of a 2793  
superintendent expires and ending on the first day of March of the 2794  
year it expires, reemploy such superintendent for a succeeding 2795  
term for not longer than five years, beginning on the first day of 2796  
August immediately following the expiration of the 2797  
superintendent's current term of employment and ending on the 2798  
thirty first day of July of the year in which such succeeding term 2799  
expires. No person shall be appointed to the office of 2800  
superintendent of a city, or exempted village school district or a 2801

~~service center who does not hold a license designated for being a superintendent issued under section 3319.22 of the Revised Code, unless such person had been employed as a county, city, or exempted village superintendent prior to August 1, 1939. No person shall be appointed to the office of local superintendent who does not hold a license designated for being a superintendent issued under section 3319.22 of the Revised Code, unless such person held or was qualified to hold the position of executive head of a local school district on September 16, 1957. At the time of making such appointment or designation of term, such board shall fix the compensation of the superintendent, which may be increased or decreased during such term, provided such decrease is a part of a uniform plan affecting salaries of all employees of the district, and shall execute a written contract of employment with such superintendent.~~

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

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

A board may establish vacation leave for its superintendent. Upon the superintendent's separation from employment a board that has such leave may provide compensation at the superintendent's current rate of pay for all lawfully accrued and unused vacation leave to the superintendent's credit at the time of separation, not to exceed the amount accrued within three years before the

date of separation. In case of the death of a superintendent, such 2834  
unused vacation leave as the board would have paid to this 2835  
superintendent upon separation shall be paid in accordance with 2836  
section 2113.04 of the Revised Code, or to the superintendent's 2837  
estate. 2838

Notwithstanding section 9.481 of the Revised Code, the board 2839  
of a city, local, exempted village, or joint vocational school 2840  
district may require its superintendent, as a condition of 2841  
employment, to reside within the boundaries of the district. 2842

The superintendent shall be the executive officer for the 2843  
board. The superintendent shall direct and assign teachers and 2844  
other employees of the district or service center, except as 2845  
provided in division (B) of section 3313.31 ~~and section 3319.04~~ of 2846  
the Revised Code; assign the pupils to the proper schools and 2847  
grades, provided that the assignment of a pupil to a school 2848  
outside of the pupil's district of residence is approved by the 2849  
board of the district of residence of such pupil; and perform such 2850  
other duties as the board determines. 2851

The board of education of any school district may contract 2852  
with the governing board of the educational service center from 2853  
which it otherwise receives services to conduct searches and 2854  
recruitment of candidates for the superintendent position 2855  
authorized under this section. 2856

**Sec. 3319.011.** If a board of education determines the 2857  
superintendent is incapacitated in such a manner that ~~he~~ the 2858  
superintendent is unable to perform the duties of the office of 2859  
superintendent, the board may, by a majority vote of the members 2860  
of the board, appoint a person to serve in ~~his~~ the 2861  
superintendent's place pro tempore. ~~Each board of education shall~~ 2862  
~~adopt a written policy establishing standards for determining~~ 2863  
~~whether the superintendent is incapacitated, and shall provide~~ 2864

~~that during~~ During any period in which the superintendent is 2865  
incapacitated, ~~he~~ the superintendent may be placed on sick leave 2866  
or on leave of absence and may be returned to active duty status 2867  
from sick leave or leave of absence. The superintendent may 2868  
request a hearing before the board on any action taken under this 2869  
section, ~~and he shall have the same rights in any such hearing as~~ 2870  
~~are granted to a teacher in a board hearing under section 3319.16~~ 2871  
~~of the Revised Code.~~ The superintendent pro tempore shall perform 2872  
all of the duties and functions of the superintendent and shall 2873  
serve until the board by majority vote determines the 2874  
superintendent's incapacity is removed or until the expiration of 2875  
the superintendent's contract or term of office, whichever is 2876  
sooner. The superintendent pro tempore may be removed at any time 2877  
for cause by a ~~two-thirds~~ vote of the ~~members of the~~ board. The 2878  
board shall fix the compensation of the superintendent pro tempore 2879  
~~in accordance with section 3319.01 of the Revised Code.~~ 2880

**Sec. 3319.02.** (A)(1) As used in this section, "other 2881  
administrator" means any of the following: 2882

(a) Except as provided in division (A)(2) of this section, 2883  
any employee in a position for which a board of education requires 2884  
a license designated by rule of the department of education for 2885  
being an administrator issued under section 3319.22 of the Revised 2886  
Code, including a professional pupil services employee or 2887  
administrative specialist or an equivalent of either one who is 2888  
not employed as a school counselor and spends less than fifty per 2889  
cent of the time employed teaching or working with students; 2890

(b) Any nonlicensed employee whose job duties would enable 2891  
such employee to be considered as either a "supervisor" or a 2892  
"management level employee," as defined in section 4117.01 of the 2893  
Revised Code; 2894

(c) A business manager appointed under section 3319.03 of the 2895

Revised Code. 2896

(2) As used in this section, "other administrator" does not 2897  
include a superintendent, assistant superintendent, principal, or 2898  
assistant principal. 2899

(B) The board of education of each school district and the 2900  
governing board of an educational service center may appoint one 2901  
or more assistant superintendents and such other administrators as 2902  
are necessary. An assistant educational service center 2903  
superintendent or service center supervisor employed on a 2904  
part-time basis may also be employed by a local board as a 2905  
teacher. ~~The board of each city, exempted village, and local 2906  
school district shall employ principals for all high schools and 2907  
for such other schools as the board designates, and those boards 2908  
may appoint assistant principals for any school that they 2909  
designate.~~ 2910

~~(C) In educational service centers and in city, exempted 2911  
village, and local school districts, assistant superintendents, 2912  
principals, assistant principals, and other administrators shall 2913  
only be employed or reemployed in accordance with nominations of 2914  
the superintendent, except that a board of education of a school 2915  
district or the governing board of a service center, by a 2916  
three fourths vote of its full membership, may reemploy any 2917  
assistant superintendent, principal, assistant principal, or other 2918  
administrator whom the superintendent refuses to nominate.~~ 2919

~~The board of education or governing board shall execute a 2920  
written contract of employment with each assistant superintendent, 2921  
principal, assistant principal, and other administrator it employs 2922  
or reemploys. The term of such contract shall not exceed three 2923  
years except that in the case of a person who has been employed as 2924  
an assistant superintendent, principal, assistant principal, or 2925  
other administrator in the district or center for three years or 2926  
more, the term of the contract shall be for not more than five 2927~~

~~years and, unless the superintendent of the district recommends 2928  
otherwise, not less than two years. If the superintendent so 2929  
recommends, the term of the contract of a person who has been 2930  
employed by the district or service center as an assistant 2931  
superintendent, principal, assistant principal, or other 2932  
administrator for three years or more may be one year, but all 2933  
subsequent contracts granted such person shall be for a term of 2934  
not less than two years and not more than five years. When a 2935  
teacher with continuing service status becomes an assistant 2936  
superintendent, principal, assistant principal, or other 2937  
administrator with the district or service center with which the 2938  
teacher holds continuing service status, the teacher retains such 2939  
status in the teacher's nonadministrative position as provided in 2940  
sections 3319.08 and 3319.09 of the Revised Code. 2941~~

~~A board of education or governing board may reemploy an 2942  
assistant superintendent, principal, assistant principal, or other 2943  
administrator at any regular or special meeting held during the 2944  
period beginning on the first day of January of the calendar year 2945  
immediately preceding the year of expiration of the employment 2946  
contract and ending on the last day of March of the year the 2947  
employment contract expires. 2948~~

~~Except by mutual agreement of the parties thereto, no 2949  
assistant superintendent, principal, assistant principal, or other 2950  
administrator shall be transferred during the life of a contract 2951  
to a position of lesser responsibility. No contract may be 2952  
terminated by a board except pursuant to section 3319.16 of the 2953  
Revised Code. No contract may be suspended except pursuant to 2954  
section 3319.17 or 3319.171 of the Revised Code. The salaries and 2955  
compensation prescribed by such contracts shall not be reduced by 2956  
a board unless such reduction is a part of a uniform plan 2957  
affecting the entire district or center. The contract shall 2958  
specify the employee's administrative position and duties as 2959~~

~~included in the job description adopted under division (D) of this section, the salary and other compensation to be paid for performance of duties, the number of days to be worked, the number of days of vacation leave, if any, and any paid holidays in the contractual year.~~

~~An assistant superintendent, principal, assistant principal, or other administrator is, at the expiration of the current term of employment, deemed reemployed at the same salary plus any increments that may be authorized by the board, unless such employee notifies the board in writing to the contrary on or before the first day of June, or unless such board, on or before the last day of March of the year in which the contract of employment expires, either reemploys such employee for a succeeding term or gives written notice of its intention not to reemploy the employee. The term of reemployment of a person reemployed under this paragraph shall be one year, except that if such person has been employed by the school district or service center as an assistant superintendent, principal, assistant principal, or other administrator for three years or more, the term of reemployment shall be two years.~~

~~(D)(1) Each board shall adopt procedures for the evaluation of all assistant superintendents, principals, assistant principals, and other administrators and shall evaluate such employees in accordance with those procedures. The evaluation based upon such procedures shall be considered by the board in deciding whether to renew the contract of employment of an assistant superintendent, principal, assistant principal, or other administrator.~~

~~(2) The evaluation shall measure each assistant superintendent's, principal's, assistant principal's, and other administrator's effectiveness in performing the duties included in the job description and the evaluation procedures shall provide~~



~~for, but not be limited to, the following:~~ 2992

~~(a) Each assistant superintendent, principal, assistant principal, and other administrator shall be evaluated annually through a written evaluation process.~~ 2993  
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~~(b) The evaluation shall be conducted by the superintendent or designee.~~ 2996  
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~~(c) In order to provide time to show progress in correcting the deficiencies identified in the evaluation process, the evaluation process shall be completed as follows:~~ 2998  
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~~(i) In any school year that the employee's contract of employment is not due to expire, at least one evaluation shall be completed in that year. A written copy of the evaluation shall be provided to the employee no later than the end of the employee's contract year as defined by the employee's annual salary notice.~~ 3001  
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~~(ii) In any school year that the employee's contract of employment is due to expire, at least a preliminary evaluation and at least a final evaluation shall be completed in that year. A written copy of the preliminary evaluation shall be provided to the employee at least sixty days prior to any action by the board on the employee's contract of employment. The final evaluation shall indicate the superintendent's intended recommendation to the board regarding a contract of employment for the employee. A written copy of the evaluation shall be provided to the employee at least five days prior to the board's acting to renew or not renew the contract.~~ 3006  
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~~(3) Termination of an assistant superintendent, principal, assistant principal, or other administrator's contract shall be pursuant to section 3319.16 of the Revised Code. Suspension of any such employee shall be pursuant to section 3319.17 or 3319.171 of the Revised Code.~~ 3017  
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~~(4) Before taking action to renew or nonrenew the contract of~~ 3022

~~an assistant superintendent, principal, assistant principal, or  
other administrator under this section and prior to the last day  
of March of the year in which such employee's contract expires,  
the board shall notify each such employee of the date that the  
contract expires and that the employee may request a meeting with  
the board. Upon request by such an employee, the board shall grant  
the employee a meeting in executive session. In that meeting, the  
board shall discuss its reasons for considering renewal or  
nonrenewal of the contract. The employee shall be permitted to  
have a representative, chosen by the employee, present at the  
meeting.~~

~~(5) The establishment of an evaluation procedure shall not  
create an expectancy of continued employment. Nothing in division  
(D) of this section shall prevent a board from making the final  
determination regarding the renewal or nonrenewal of the contract  
of any assistant superintendent, principal, assistant principal,  
or other administrator. However, if a board fails to provide  
evaluations pursuant to division (D)(2)(c)(i) or (ii) of this  
section, or if the board fails to provide at the request of the  
employee a meeting as prescribed in division (D)(4) of this  
section, the employee automatically shall be reemployed at the  
same salary plus any increments that may be authorized by the  
board for a period of one year, except that if the employee has  
been employed by the district or service center as an assistant  
superintendent, principal, assistant principal, or other  
administrator for three years or more, the period of reemployment  
shall be for two years.~~

~~(E) On nomination of the superintendent of a service center a  
governing board may employ supervisors who shall be employed under  
written contracts of employment for terms not to exceed five years  
each. Such contracts may be terminated by a governing board  
pursuant to section 3319.16 of the Revised Code. Any supervisor~~

~~employed pursuant to this division may terminate the contract of 3055  
employment at the end of any school year after giving the board at 3056  
least thirty days' written notice prior to such termination. On 3057  
the recommendation of the superintendent the contract or contracts 3058  
of any supervisor employed pursuant to this division may be 3059  
suspended for the remainder of the term of any such contract 3060  
pursuant to section 3319.17 or 3319.171 of the Revised Code. 3061~~

~~(F)(C)~~ A board may establish vacation leave for any 3062  
individuals employed under this section. Upon such an individual's 3063  
separation from employment, a board that has such leave may 3064  
compensate such an individual at the individual's current rate of 3065  
pay for all lawfully accrued and unused vacation leave credited at 3066  
the time of separation, not to exceed the amount accrued within 3067  
three years before the date of separation. In case of the death of 3068  
an individual employed under this section, such unused vacation 3069  
leave as the board would have paid to the individual upon 3070  
separation under this section shall be paid in accordance with 3071  
section 2113.04 of the Revised Code, or to the estate. 3072

~~(G)(D)~~ The board of education of any school district may 3073  
contract with the governing board of the educational service 3074  
center from which it otherwise receives services to conduct 3075  
searches and recruitment of candidates for assistant 3076  
superintendent, principal, assistant principal, and other 3077  
administrator positions authorized under this section. 3078

**Sec. 3319.03.** The board of education of each city, exempted 3079  
village, and local school district may create the position of 3080  
business manager. ~~The board shall appoint such business manager 3081  
who shall serve pursuant to a contract in accordance with section 3082  
3319.02 of the Revised Code.~~ In the discharge of all official 3083  
duties, the business manager may be directly responsible to the 3084  
board, or to the superintendent of schools, as the board directs 3085

at the time of appointment to the position. ~~Where such business~~ 3086  
~~manager is responsible to the superintendent the business manager~~ 3087  
~~shall be appointed by the superintendent and confirmed by the~~ 3088  
~~board.~~ 3089

~~No board of education shall appoint or confirm as business~~ 3090  
~~manager any person who does not hold a valid business manager's~~ 3091  
~~license issued under section 3301.074 of the Revised Code. If the~~ 3092  
~~business manager fails to maintain a valid license, the business~~ 3093  
~~manager shall be removed by the board.~~ 3094

**Sec. 3319.04.** The business manager ~~shall~~ may have the care 3095  
and custody of all property of the school district, real or 3096  
personal, except moneys, supervise the construction of buildings 3097  
in the process of erection, and the maintenance, operation, and 3098  
repairs thereof, advertise for bids, and purchase and have custody 3099  
of all supplies and equipment authorized by the board. The 3100  
business manager ~~shall~~ may assist in the preparation of the annual 3101  
appropriation resolution; ~~shall~~ may appoint and may discharge, 3102  
subject to confirmation by the board, noneducational employees, 3103  
except as provided in division (B) of section 3313.31 of the 3104  
Revised Code; and ~~shall~~ may prepare and execute all contracts 3105  
necessary in carrying out this section. 3106

**Sec. 3319.05.** The business manager shall receive such 3107  
compensation as is fixed by the board of education before ~~his~~ 3108  
~~election, which shall not be decreased during his term of office.~~ 3109  
~~He~~ The business manager shall give such bond as prescribed by the 3110  
board for the faithful discharge of ~~his~~ official duties. 3111

**Sec. 3319.06.** ~~(A)~~ The board of education of each city, 3112  
exempted village, or local school district may create the position 3113  
of internal auditor. Any person employed by the board as an 3114  
internal auditor shall hold a valid permit issued under section 3115

4701.10 of the Revised Code to practice as a certified public 3116  
accountant or a public accountant. 3117

~~(B) The board shall execute a written contract of employment 3118  
with each internal auditor it employs. The contract shall specify 3119  
the internal auditor's duties, the salary and other compensation 3120  
to be paid for performance of those duties, the number of days to 3121  
be worked, the number of days of vacation leave, if any, and any 3122  
paid holidays in the contractual year. The salary and other 3123  
compensation prescribed by the contract may be increased by the 3124  
board during the term of the contract but shall not be reduced 3125  
during that term unless such reduction is part of a uniform plan 3126  
affecting employees of the entire district. The term of the 3127  
initial contract shall not exceed three years. Any renewal of the 3128  
contract shall be for a term of not less than two years and not 3129  
more than five years. 3130~~

~~The internal auditor shall be directly responsible to the 3131  
board for the performance of all duties outlined in the contract. 3132  
If the board does not intend to renew the contract upon its 3133  
expiration, the board shall provide written notice to the internal 3134  
auditor of its intention not to renew the contract not later than 3135  
the last day of March of the year in which the contract expires. 3136  
If the board does not provide such notice by that date, the 3137  
internal auditor shall be deemed reemployed for a term of one year 3138  
at the same salary plus any increments that may be authorized by 3139  
the board. Termination of an internal auditor's contract shall be 3140  
pursuant to section 3319.16 of the Revised Code. 3141~~

~~(C) Each board that employs an internal auditor shall adopt 3142  
procedures for the evaluation of the internal auditor and shall 3143  
evaluate the internal auditor in accordance with those procedures. 3144  
The evaluation based upon the procedures shall be considered by 3145  
the board in deciding whether to renew the internal auditor's 3146  
contract of employment. The establishment of an evaluation 3147~~

~~procedure shall not create an expectancy of continued employment. 3148~~  
~~Nothing in this section shall prevent the board from making the 3149~~  
~~final determination regarding the renewal or nonrenewal of the 3150~~  
~~contract of an internal auditor. 3151~~

**Sec. 3319.07.** (A) The board of education of each city, 3152  
exempted village, local, and joint vocational school district 3153  
~~shall~~ may employ the teachers of the public schools of their 3154  
respective districts. 3155

The governing board of each educational service center may 3156  
employ special instruction teachers, special education teachers, 3157  
and teachers of academic courses in which there are too few 3158  
students in each of the constituent local school districts or in 3159  
city or exempted village school districts entering into agreements 3160  
pursuant to section 3313.843 of the Revised Code to warrant each 3161  
district's employing teachers for those courses. 3162

~~When any board makes appointments of teachers, the teachers 3163~~  
~~in the employ of the board shall be considered before new teachers 3164~~  
~~are chosen in their stead. In all school districts and in service 3165~~  
~~centers no teacher shall be employed unless such person is 3166~~  
~~nominated by the superintendent of such district or center. Such 3167~~  
~~board, by a three fourths vote of its full membership, may 3168~~  
~~re-employ any teacher whom the superintendent refuses to appoint. 3169~~

(B) The board of education of any school district may 3170  
contract with the governing board of the educational service 3171  
center from which it otherwise receives services to conduct 3172  
searches and recruitment of candidates for teacher positions. 3173

**Sec. 3319.071.** The board of education of any school district 3174  
may, by resolution, establish a professional development program 3175  
for teachers in accordance with which it may reimburse teachers 3176  
employed by the district for all or any part of the cost incurred 3177

by the teacher in the successful completion of a course or 3178  
training program in which the teacher enrolled as part of the 3179  
development program. The terms and conditions for participation 3180  
shall be determined by the board and shall be included in the 3181  
resolution establishing the program. 3182

~~No teacher shall be required to participate in a professional 3183  
development program under this section. When a teacher is 3184  
participating in such a program, such participation does not 3185  
constitute the performance of duties by such teacher in addition 3186  
to the teacher's regular teaching duties and is not subject to 3187  
section 3319.08 of the Revised Code. 3188~~

~~As used in this section, "teacher" has the meaning contained 3189  
in division (A) of section 3319.09 of the Revised Code. 3190~~

**Sec. 3319.073.** The board of education of each city and 3191  
exempted village school district and the governing board of each 3192  
educational service center shall may develop, in consultation with 3193  
public or private agencies or persons involved in child abuse 3194  
prevention or intervention programs, a program of in-service 3195  
training for persons employed by any school district or service 3196  
center to work in an elementary school as a nurse, teacher, 3197  
counselor, school psychologist, or administrator. ~~Each person 3198  
employed by any school district or service center to work in an 3199  
elementary school as a nurse, teacher, counselor, school 3200  
psychologist, or administrator shall complete at least four hours 3201  
of in-service training in the prevention of child abuse, violence, 3202  
and substance abuse and the promotion of positive youth 3203  
development within two years of commencing employment with the 3204  
district or center, and every five years thereafter. A person who 3205  
is employed by any school district or service center to work in an 3206  
elementary school as a nurse, teacher, counselor, school 3207  
psychologist, or administrator on the effective date of this 3208~~

~~amendment shall complete at least four hours of the in service 3209  
training required by this section within two years of the 3210  
effective date of this amendment and every five years thereafter. 3211~~

**Sec. 3319.075.** Once the state board of education adopts 3212  
professional development standards pursuant to section 3319.61 of 3213  
the Revised Code, the board of education of each school district 3214  
~~shall~~ may use the standards for any of the following purposes: 3215

(A) To guide the design of teacher education programs serving 3216  
both teacher candidates and experienced teachers; 3217

(B) To guide school-based professional development that is 3218  
aligned with student achievement; 3219

(C) To determine what types of professional development the 3220  
school district and the schools within the district should 3221  
provide; 3222

(D) To guide how state and federal funding for professional 3223  
development should be spent; 3224

(E) To develop criteria for decision making by the local 3225  
professional development committees established under section 3226  
3319.22 of the Revised Code; 3227

(F) To guide the school district in the hiring of third-party 3228  
providers of instructional services who use or meet the 3229  
professional development standards; 3230

(G) To guide all licensed school personnel in developing 3231  
their own plans for professional growth. 3232

**Sec. 3319.08.** The board of education of each city, exempted 3233  
village, local, and joint vocational school district and the 3234  
governing board of each educational service center ~~shall~~ may enter 3235  
into written contracts for the employment and reemployment of all 3236  
teachers. The board of each such school district or service center 3237



that authorizes compensation ~~in addition to the base salary stated~~ 3238  
~~in the teachers' salary schedule~~ for the performance of duties by 3239  
a teacher that are in addition to the teacher's regular teaching 3240  
duties, ~~shall~~ may enter into a supplemental written contract with 3241  
each teacher who is to perform additional duties. ~~Such~~ 3242  
~~supplemental written contracts shall be limited contracts.~~ Such 3243  
written contracts and supplemental written contracts ~~shall~~ may set 3244  
forth the teacher's duties and ~~shall~~ may specify the salaries and 3245  
compensation to be paid for regular teaching duties and additional 3246  
teaching duties, respectively, either or both of which may be 3247  
increased ~~but not~~ or diminished during the term for which the 3248  
contract is made, ~~except as provided in section 3319.12 of the~~ 3249  
~~Revised Code.~~ 3250

~~If a board adopts a motion or resolution to employ a teacher~~ 3251  
~~under a limited or continuing contract and the teacher accepts~~ 3252  
~~such employment, the failure of such parties to execute a written~~ 3253  
~~contract shall not void such employment contract.~~ 3254

Teachers ~~must~~ may be paid for ~~all~~ time lost when the schools 3255  
in which they are employed are closed due to an epidemic or other 3256  
public calamity, and for time lost due to illness or otherwise ~~for~~ 3257  
~~not less than five days annually~~ as authorized by regulations 3258  
which each board ~~shall~~ may adopt. 3259

~~Contracts for the employment of teachers shall be of two~~ 3260  
~~types, limited contracts and continuing contracts.~~ 3261

~~(A) A limited contract is:~~ 3262

~~(1) For a superintendent, a contract for such term as~~ 3263  
~~authorized by section 3319.01 of the Revised Code;~~ 3264

~~(2) For an assistant superintendent, principal, assistant~~ 3265  
~~principal, or other administrator, a contract for such term as~~ 3266  
~~authorized by section 3319.02 of the Revised Code;~~ 3267

~~(3) For all other teachers, a contract for a term not to~~ 3268

~~exceed five years.~~ 3269

~~(B) A continuing contract is a contract that remains in effect until the teacher resigns, elects to retire, or is retired pursuant to former section 3307.37 of the Revised Code, or until it is terminated or suspended and shall be granted only to the following:~~ 3270  
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~~(1) Any teacher holding a professional, permanent, or life teacher's certificate;~~ 3275  
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~~(2) Any teacher holding a professional educator license who has completed the applicable one of the following:~~ 3277  
3278

~~(a) If the teacher did not hold a masters degree at the time of initially receiving a teacher's certificate under former law or an educator license, thirty semester hours of coursework in the area of licensure or in an area related to the teaching field since the initial issuance of such certificate or license, as specified in rules which the state board of education shall adopt;~~ 3279  
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~~(b) If the teacher held a masters degree at the time of initially receiving a teacher's certificate under former law or an educator license, six semester hours of graduate coursework in the area of licensure or in an area related to the teaching field since the initial issuance of such certificate or license, as specified in rules which the state board of education shall adopt.~~ 3285  
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~~This section applies only to contracts entered into after August 18, 1969.~~ 3291  
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After the effective date of this amendment, the board of education of a school district or the governing board of an educational service center is not required to enter into a contract with any teacher that is valid until the teacher resigns; however, a board shall honor any such contract that the board entered into prior to that date. 3293  
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Sec. 3319.081. Except as otherwise provided in division 3299  
(G)(E) of this section, in all school districts wherein the 3300  
provisions of Chapter 124. of the Revised Code do not apply, the 3301  
following employment contract system shall control for employees 3302  
whose contracts of employment are not otherwise provided by law: 3303

(A) Newly hired regular nonteaching school employees, 3304  
including regular hourly rate and per diem employees, shall may 3305  
enter into written contracts for their employment which shall be 3306  
for a period of not more than one year. If such employees are 3307  
rehired, their subsequent contract shall be for a period of two 3308  
years. 3309

(B) After the termination of the two year contract provided 3310  
in division (A) of this section, if the contract of a nonteaching 3311  
employee is renewed, the employee shall be continued in 3312  
employment, and the salary provided in the contract may be 3313  
increased but not reduced unless such reduction is a part of a 3314  
uniform plan affecting the nonteaching employees of the entire 3315  
district. 3316

(C) The contracts as provided for in this section may be 3317  
terminated by a majority vote of the board of education. ~~Except as~~ 3318  
~~provided in sections 3319.0810 and 3319.172 of the Revised Code,~~ 3319  
the contracts may be terminated only for violation of written 3320  
rules and regulations as set forth by the board of education or 3321  
for incompetency, inefficiency, dishonesty, drunkenness, immoral 3322  
conduct, insubordination, discourteous treatment of the public, 3323  
neglect of duty, or any other acts of misfeasance, malfeasance, or 3324  
nonfeasance. In addition to the right of the board of education to 3325  
terminate the contract of an employee, the board may suspend an 3326  
employee for a definite period of time or demote the employee for 3327  
the reasons set forth in this division. The action of the board of 3328  
education terminating the contract of an employee or suspending or 3329

~~demoting the employee shall be served upon the employee by 3330  
certified mail. Within ten days following the receipt of such 3331  
notice by the employee, the employee may file an appeal, in 3332  
writing, with the court of common pleas of the county in which 3333  
such school board is situated. After hearing the appeal the common 3334  
pleas court may affirm, disaffirm, or modify the action of the 3335  
school board. 3336~~

A violation of division (A)(7) of section 2907.03 of the 3337  
Revised Code is grounds for termination of employment of a 3338  
nonteaching employee under this division. 3339

~~(D) All employees who have been employed by a school district 3340  
where the provisions of Chapter 124. of the Revised Code do not 3341  
apply, for a period of at least three years on November 24, 1967, 3342  
shall hold continuing contracts of employment pursuant to this 3343  
section. 3344~~

~~(E)~~(C) Any nonteaching school employee may terminate the 3345  
nonteaching school employee's contract of employment thirty days 3346  
subsequent to the filing of a written notice of such termination 3347  
with the treasurer of the board. 3348

~~(F)~~(D) A person hired exclusively for the purpose of 3349  
replacing a nonteaching school employee while such employee is on 3350  
leave of absence granted under section 3319.13 of the Revised Code 3351  
is not a regular nonteaching school employee under this section. 3352

~~(G)~~(E) All nonteaching employees employed pursuant to this 3353  
section and Chapter 124. of the Revised Code shall may be paid for 3354  
all time lost when the schools in which they are employed are 3355  
closed owing to an epidemic or other public calamity. Nothing in 3356  
this division shall be construed as requiring payment in excess of 3357  
an employee's regular wage rate or salary for any time worked 3358  
while the school in which the employee is employed is officially 3359  
closed for the reasons set forth in this division. 3360

**Sec. 3319.088.** As used in this section, "educational 3361  
assistant" means any nonteaching employee in a school district who 3362  
directly assists a teacher as defined in section 3319.09 of the 3363  
Revised Code, by performing duties for which a license issued 3364  
pursuant to sections 3319.22 to 3319.30 of the Revised Code is not 3365  
required. 3366

(A) The state board of education shall issue educational aide 3367  
permits and educational paraprofessional licenses for educational 3368  
assistants and shall adopt rules for the issuance and renewal of 3369  
such permits and licenses which shall be consistent with the 3370  
provisions of this section. Educational aide permits and 3371  
educational paraprofessional licenses may be of several types and 3372  
the rules shall prescribe the minimum qualifications of education, 3373  
health, and character for the service to be authorized under each 3374  
type. The prescribed minimum qualifications may require special 3375  
training or educational courses designed to qualify a person to 3376  
perform effectively the duties authorized under an educational 3377  
aide permit or educational paraprofessional license. 3378

(B)(1) Any application for a permit or license, or a renewal 3379  
or duplicate of a permit or license, under this section shall be 3380  
accompanied by the payment of a fee in the amount established 3381  
under division (A) of section 3319.51 of the Revised Code. Any 3382  
fees received under this division shall be paid into the state 3383  
treasury to the credit of the state board of education licensure 3384  
fund established under division (B) of section 3319.51 of the 3385  
Revised Code. 3386

(2) Any person applying for or holding a permit or license 3387  
pursuant to this section is subject to sections 3123.41 to 3123.50 3388  
of the Revised Code and any applicable rules adopted under section 3389  
3123.63 of the Revised Code and sections 3319.31 and 3319.311 of 3390  
the Revised Code. 3391

(C) Educational assistants shall at all times while in the 3392  
performance of their duties be under the supervision and direction 3393  
of a teacher ~~as defined in section 3319.09 of the Revised Code.~~ 3394  
Educational assistants may assist a teacher to whom assigned in 3395  
the supervision of pupils, in assisting with instructional tasks, 3396  
and in the performance of duties which, in the judgment of the 3397  
teacher to whom the assistant is assigned, may be performed by a 3398  
person not licensed pursuant to sections 3319.22 to 3319.30 of the 3399  
Revised Code and for which a teaching license, issued pursuant to 3400  
sections 3319.22 to 3319.30 of the Revised Code is not required. 3401  
The duties of an educational assistant shall not include the 3402  
assignment of grades to pupils. The duties of an educational 3403  
~~assistants~~ assistant need not be performed in the physical 3404  
presence of the teacher to whom assigned, but the activity of an 3405  
educational assistant shall at all times be under the direction of 3406  
the teacher to whom assigned. The assignment of an educational 3407  
assistant need not be limited to assisting a single teacher. In 3408  
the event an educational assistant is assigned to assist more than 3409  
one teacher the assignments shall be clearly delineated and so 3410  
arranged that the educational assistant shall never be subject to 3411  
simultaneous supervision or direction by more than one teacher. 3412

Educational assistants assigned to supervise children shall, 3413  
when the teacher to whom assigned is not physically present, 3414  
maintain the degree of control and discipline which would be 3415  
maintained by the teacher, but an educational assistant may not 3416  
render corporal punishment. 3417

~~Except when expressly permitted solely for the purposes of~~ 3418  
~~section 3317.029 of the Revised Code, educational assistants may~~ 3419  
~~not be used in place of classroom teachers or other employees and~~ 3420  
~~any payment of compensation by boards of education to educational~~ 3421  
~~assistants for such services is prohibited. The ratio between the~~ 3422  
~~number of licensed teachers and the pupils in a school district~~ 3423

~~may not be decreased by utilization of educational assistants and 3424  
no grouping, or other organization of pupils, for utilization of 3425  
educational assistants shall be established which is inconsistent 3426  
with sound educational practices and procedures. A school district 3427  
may employ up to one full time equivalent educational assistant 3428  
for each six full time equivalent licensed employees of the 3429  
district. Educational assistants shall not be counted as licensed 3430  
employees for purposes of state support in the school foundation 3431  
program and no grouping or regrouping of pupils with educational 3432  
assistants may be counted as a class or unit for school foundation 3433  
program purposes. Neither special courses required by the 3434  
regulations of the state board of education, prescribing minimum 3435  
qualifications of education for an educational assistant, nor 3436  
years of service as an educational assistant shall be counted in 3437  
any way toward qualifying for a teacher license, for a teacher 3438  
contract of any type, or for determining placement on a salary 3439  
schedule in a school district as a teacher. 3440~~

~~(D) Educational assistants employed by a board of education 3441  
shall have all rights, benefits, and legal protection available to 3442  
other nonteaching employees in the school district, except that 3443  
provisions of Chapter 124. of the Revised Code shall not apply to 3444  
any person employed as an educational assistant, and shall be 3445  
members of the school employees retirement system. Educational 3446  
assistants shall be compensated according to a salary plan adopted 3447  
annually by the board. 3448~~

~~Except as provided in this section nonteaching employees 3449  
shall not serve as educational assistants without first obtaining 3450  
an appropriate educational aide permit or educational 3451  
paraprofessional license from the state board of education. A 3452  
nonteaching employee who is the holder of a valid educational aide 3453  
permit or educational paraprofessional license shall neither 3454  
render nor be required to render services inconsistent with the 3455~~

~~type of services authorized by the permit or license held. No 3456  
person shall receive compensation from a board of education for 3457  
services rendered as an educational assistant in violation of this 3458  
provision. 3459~~

~~Nonteaching employees whose functions are solely 3460  
secretarial clerical and who do not perform any other duties as 3461  
educational assistants, even though they assist a teacher and work 3462  
under the direction of a teacher shall not be required to hold a 3463  
permit or license issued pursuant to this section. Students 3464  
preparing to become licensed teachers or educational assistants 3465  
shall not be required to hold an educational aide permit or 3466  
paraprofessional license for such periods of time as such students 3467  
are assigned, as part of their training program, to work with a 3468  
teacher in a school district. Such students shall not be 3469  
compensated for such services. 3470~~

~~Following the determination of the assignment and general job 3471  
description of an educational assistant and subject to supervision 3472  
by the teacher's immediate administrative officer, a teacher to 3473  
whom an educational assistant is assigned shall make all final 3474  
determinations of the duties to be assigned to such assistant. 3475  
Teachers shall not be required to hold a license designated for 3476  
being a supervisor or administrator in order to perform the 3477  
necessary supervision of educational assistants. 3478~~

~~(E) No person who is, or who has been employed as an 3479  
educational assistant shall divulge, except to the teacher to whom 3480  
assigned, or the administrator of the school in the absence of the 3481  
teacher to whom assigned, or when required to testify in a court 3482  
or proceedings, any personal information concerning any pupil in 3483  
the school district which was obtained or obtainable by the 3484  
educational assistant while so employed. Violation of this 3485  
provision is grounds for disciplinary action or dismissal, or 3486  
both. 3487~~



**Sec. 3319.10.** Teachers may be employed as substitute teachers 3488  
~~for terms not to exceed one year~~ for assignment as services are 3489  
needed to take the place of regular teachers absent on account of 3490  
illness or on leaves of absence or to fill temporarily positions 3491  
created by emergencies; such assignment to be subject to 3492  
termination when such services no longer are needed. 3493

A teacher employed as a substitute with an assignment to one 3494  
specific teaching position ~~shall~~ may after sixty days of service 3495  
be granted sick leave, visiting days, and other local privileges 3496  
granted to regular teachers including a salary not less than the 3497  
minimum salary on the current adopted salary schedule. 3498

A teacher employed as a substitute for one hundred twenty 3499  
days or more during a school year and re-employed for or assigned 3500  
to a specific teaching position for the succeeding year ~~shall~~ may 3501  
receive a contract as a regular teacher if the substitute meets 3502  
the local educational requirements for the employment of regular 3503  
teachers. 3504

~~Teachers employed as substitutes on a casual or day to day~~ 3505  
~~basis shall not be entitled to the notice of nonre employment~~ 3506  
~~prescribed in section 3319.11 of the Revised Code, but boards~~ 3507  
Boards of education may grant ~~such~~ substitute teachers employed on 3508  
a casual or day-to-day basis sick leave and other local privileges 3509  
and cumulate ~~such~~ service in determining seniority. 3510

~~For purposes of determining in any school year the days of~~ 3511  
~~service of a substitute teacher under this section, any teacher's~~ 3512  
~~days of service in that school year while conditionally employed~~ 3513  
~~as a substitute teacher under section 3319.101 of the Revised Code~~ 3514  
~~shall count as days of service as a substitute teacher under this~~ 3515  
~~section.~~ 3516

**Sec. 3319.151.** (A) No person shall reveal to any student any 3517

specific question that the person knows is part of a test to be 3518  
administered under section 3301.0711 of the Revised Code or in any 3519  
other way assist a pupil to cheat on such a test. 3520

(B) On a finding by the state board of education, after 3521  
investigation, that a school employee who holds a license issued 3522  
under sections 3319.22 to 3319.31 of the Revised Code has violated 3523  
division (A) of this section, the license of such teacher shall be 3524  
suspended for one year. Prior to commencing an investigation, the 3525  
board shall give the teacher notice of the allegation and an 3526  
opportunity to respond and present a defense. 3527

(C)(1) Violation of division (A) of this section is grounds 3528  
for termination of employment of a nonteaching employee under 3529  
~~division (C) of section 3319.081 or section 124.34~~ of the Revised 3530  
Code. 3531

(2) Violation of division (A) of this section is grounds for 3532  
termination of a teacher contract under section 3319.16 of the 3533  
Revised Code. 3534

**Sec. 3327.01.** Notwithstanding division (D) of section 3311.19 3535  
and division (D) of section 3311.52 of the Revised Code, this 3536  
section and sections ~~3327.011~~, 3327.012, and 3327.02 of the 3537  
Revised Code do not apply to any joint vocational or cooperative 3538  
education school district. 3539

~~In all city, local, and exempted village school districts 3540  
where resident school pupils in grades kindergarten through eight 3541  
live more than two miles from the school for which the state board 3542  
of education prescribes minimum standards pursuant to division (D) 3543  
of section 3301.07 of the Revised Code and to which they are 3544  
assigned by the board of education of the district of residence or 3545  
to and from the nonpublic or community school which they attend 3546  
the board of education shall provide transportation for such 3547  
pupils to and from such school except as provided in section 3548~~

~~3327.02 of the Revised Code.~~ 3549

~~In all city, local, and exempted village school districts 3550  
where pupil transportation is required under a career technical 3551  
plan approved by the state board of education under section 3552  
3313.90 of the Revised Code, for any student attending a 3553  
career technical program operated by another school district, 3554  
including a joint vocational school district, as prescribed under 3555  
that section, the board of education of the student's district of 3556  
residence shall provide transportation from the public high school 3557  
operated by that district to which the student is assigned to the 3558  
career technical program.~~ 3559

~~In all Each city, local, and exempted village school 3560  
districts the board district may provide transportation for 3561  
resident school pupils in any and all grades ~~nine through twelve~~ 3562  
to and from the ~~high~~ school to which they are assigned by the 3563  
board of education of the district of residence or to and from the 3564  
nonpublic or community ~~high~~ school which they attend for which the 3565  
state board of education prescribes minimum standards pursuant to 3566  
division (D) of section 3301.07 of the Revised Code.~~ 3567

~~A board of education shall not be required to transport 3568  
elementary or high school pupils to and from a nonpublic or 3569  
community school where such transportation would require more than 3570  
thirty minutes of direct travel time as measured by school bus 3571  
from the public school building to which the pupils would be 3572  
assigned if attending the public school designated by the district 3573  
of residence.~~ 3574

~~Where it is impractical to transport a pupil by school 3575  
conveyance, a board of education may offer payment, in lieu of 3576  
providing such transportation in accordance with section 3327.02 3577  
of the Revised Code.~~ 3578

In all city, local, and exempted village school districts the 3579

board shall provide transportation for all children who are so 3580  
crippled that they are unable to walk to and from the school for 3581  
which the state board of education prescribes minimum standards 3582  
pursuant to division (D) of section 3301.07 of the Revised Code 3583  
and which they attend. In case of dispute whether the child is 3584  
able to walk to and from the school, the health commissioner shall 3585  
be the judge of such ability. In all city, exempted village, and 3586  
local school districts the board shall provide transportation to 3587  
and from school or special education classes for educable mentally 3588  
retarded children in accordance with standards adopted by the 3589  
state board of education. 3590

~~When transportation of pupils is provided the conveyance 3591  
shall be run on a time schedule that shall be adopted and put in 3592  
force by the board not later than ten days after the beginning of 3593  
the school term. 3594~~

In all city, local, and exempted village school districts 3595  
where pupil transportation is required under a career-technical 3596  
plan approved by the state board of education under section 3597  
3313.90 of the Revised Code, for any student attending a 3598  
career-technical program operated by another school district, 3599  
including a joint vocational school district, as prescribed under 3600  
that section, the board of education of the student's district of 3601  
residence shall provide transportation from the public high school 3602  
operated by that district to which the student is assigned to the 3603  
career-technical program. 3604

The cost of any transportation service authorized by this 3605  
section shall be paid first out of federal funds, if any, 3606  
available for the purpose of pupil transportation, and secondly 3607  
out of state appropriations, in accordance with regulations 3608  
adopted by the state board of education. 3609

No transportation of any pupils shall be provided by any 3610  
board of education to or from any school which in the selection of 3611

pupils, faculty members, or employees, practices discrimination 3612  
against any person on the grounds of race, color, religion, or 3613  
national origin. 3614

**Sec. 3327.03.** Notwithstanding division (D) of section 3311.19 3615  
and division (D) of section 3311.52 of the Revised Code, this 3616  
section does not apply to any joint vocational or cooperative 3617  
education school district. 3618

The boards of education of city, local, or exempted village 3619  
school districts may by resolution designate certain places as 3620  
depots from which to gather children for transportation to school, 3621  
when such districts provide transportation. ~~The places designated 3622  
as depots shall be provided with a shelter and be made comfortable 3623  
during cold and stormy weather.~~ 3624

**Sec. 3327.09.** The board of education of each school district 3625  
~~shall~~ may procure for the benefit of its employees who operate a 3626  
school bus, motor van, or other vehicle used in the transportation 3627  
of school children motor vehicle liability insurance for injuries 3628  
to persons and property. ~~Such insurance shall be in amounts not 3629  
less than one hundred thousand dollars per person, three hundred 3630  
thousand dollars per occurrence, fifty thousand dollars property 3631  
damage and three thousand dollars medical payments coverage. If 3632  
such amounts cannot be procured by a board of education by 3633  
ordinary methods from insurance companies authorized to do 3634  
business in this state and the superintendent of insurance has 3635  
certified that fact in writing, then the board shall procure the 3636  
next highest amounts which can reasonably be procured. Each board 3637  
of education may procure uninsured motorists insurance. 3638~~

The board of education of each school district may procure 3639  
accident insurance covering all pupils and other authorized 3640  
passengers transported under the authority of such board. ~~such~~ 3641

Such accident insurance ~~shall~~ may provide compensation for injury 3642  
or death to any pupil or other authorized passenger caused by any 3643  
accident arising out of or in connection with the operation of 3644  
such school bus, motor van, or other vehicle used in the 3645  
transportation of school children or other authorized passengers, 3646  
in such amounts and upon such terms as may be agreed upon by the 3647  
board and the insurance company. ~~The insurance procured pursuant~~ 3648  
~~to this section shall be from one or more recognized insurance~~ 3649  
~~companies authorized to do business in this state.~~ 3650

**Sec. 3327.10.** (A) No person shall be employed as driver of a 3651  
school bus or motor van, owned and operated by any school district 3652  
or educational service center or privately owned and operated 3653  
under contract with any school district or service center in this 3654  
state, who has not received a certificate from the educational 3655  
service center governing board in case such person is employed by 3656  
a service center or by a local school district under the 3657  
supervision of the service center governing board, or by the 3658  
superintendent of schools, in case such person is employed by the 3659  
board of a city or exempted village school district, certifying 3660  
that such person is at least eighteen years of age and is of good 3661  
moral character and is qualified physically and otherwise for such 3662  
position. The service center governing board or the 3663  
superintendent, as the case may be, shall provide for an annual 3664  
physical examination that conforms with rules adopted by the state 3665  
board of education of each driver to ascertain the driver's 3666  
physical fitness for such employment. Any certificate may be 3667  
revoked by the authority granting the same on proof that the 3668  
holder has been guilty of failing to comply with division (D)(1) 3669  
of this section, or upon a conviction or a guilty plea for a 3670  
violation, or any other action, that results in a loss or 3671  
suspension of driving rights. Failure to comply with such division 3672  
may be cause for disciplinary action or termination of employment 3673

under ~~division (C) of section 3319.081, or section 124.34~~ of the Revised Code. 3674  
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(B) No person shall be employed as driver of a school bus or motor van not subject to the rules of the department of education pursuant to division (A) of this section who has not received a certificate from the school administrator or contractor certifying that such person is at least eighteen years of age, is of good moral character, and is qualified physically and otherwise for such position. Each driver shall have an annual physical examination which conforms to the state highway patrol rules, ascertaining the driver's physical fitness for such employment. The examination shall be performed by one of the following: 3676  
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(1) A person licensed under Chapter 4731. of the Revised Code or by another state to practice medicine and surgery or osteopathic medicine and surgery; 3686  
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(2) A physician assistant; 3689

(3) A certified nurse practitioner; 3690

(4) A clinical nurse specialist; 3691

(5) A certified nurse-midwife. 3692

Any written documentation of the physical examination shall be completed by the individual who performed the examination. 3693  
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Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(2) of this section. 3695  
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(C) Any person who drives a school bus or motor van must give satisfactory and sufficient bond except a driver who is an employee of a school district and who drives a bus or motor van owned by the school district. 3698  
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(D) No person employed as driver of a school bus or motor van under this section who is convicted of a traffic violation or who 3702  
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has had the person's commercial driver's license suspended shall 3704  
drive a school bus or motor van until the person has filed a 3705  
written notice of the conviction or suspension, as follows: 3706

(1) If the person is employed under division (A) of this 3707  
section, the person shall file the notice with the superintendent, 3708  
or a person designated by the superintendent, of the school 3709  
district for which the person drives a school bus or motor van as 3710  
an employee or drives a privately owned and operated school bus or 3711  
motor van under contract. 3712

(2) If employed under division (B) of this section, the 3713  
person shall file the notice with the employing school 3714  
administrator or contractor, or a person designated by the 3715  
administrator or contractor. 3716

(E) In addition to resulting in possible revocation of a 3717  
certificate as authorized by divisions (A) and (B) of this 3718  
section, violation of division (D) of this section is a minor 3719  
misdemeanor. 3720

**Sec. 3327.16.** Notwithstanding division (D) of section 3311.19 3721  
and division (D) of section 3311.52 of the Revised Code, this 3722  
section does not apply to any joint vocational or cooperative 3723  
education school district or its superintendent. 3724

~~(A)~~ The superintendent of each school district may establish 3725  
a volunteer bus rider assistance program, under which qualified 3726  
adults or responsible older pupils, as determined by the 3727  
superintendent, may be authorized to ride on school buses with 3728  
pupils during such periods of time that the buses are being used 3729  
to transport pupils to and from schools. Volunteers shall not be 3730  
compensated for their services, but older pupils may be excused 3731  
early from school to participate in the program. 3732

Volunteers may be assigned duties or responsibilities by the 3733



superintendent, including but not limited to, assisting younger 3734  
pupils in embarking and disembarking from buses and in crossing 3735  
streets where necessary to ensure the safety of the pupil, aiding 3736  
the driver of the bus to maintain order on buses, assisting 3737  
handicapped pupils, and such other activities as the 3738  
superintendent determines will aid in the safe and efficient 3739  
transportation of pupils. 3740

Volunteers serving under this section are not employees for 3741  
purposes of Chapter 4117. or 4123. of the Revised Code. Nothing in 3742  
this section shall authorize a board of education to adversely 3743  
affect the employment of any employee of the board. 3744

~~(B) The board of education of each city, local, or exempted 3745  
village school district shall present a program to all pupils in 3746  
kindergarten through third grade who are offered school bus 3747  
transportation and who have not previously attended such program. 3748  
The program shall consist of instruction in bus rider behavior, 3749  
school bus safety, and the potential problems and hazards 3750  
associated with school bus ridership. The department of education 3751  
shall prescribe the content and length of such program, which 3752  
shall be presented within two weeks after the commencement of 3753  
classes each school year. 3754~~

**Sec. 4117.01.** As used in this chapter: 3755

(A) "Person," in addition to those included in division (C) 3756  
of section 1.59 of the Revised Code, includes employee 3757  
organizations, public employees, and public employers. 3758

(B) "Public employer" means the state or any political 3759  
subdivision of the state located entirely within the state, 3760  
including, without limitation, any municipal corporation with a 3761  
population of at least five thousand according to the most recent 3762  
federal decennial census; county; township with a population of at 3763  
least five thousand in the unincorporated area of the township 3764

according to the most recent federal decennial census; ~~school~~ 3765  
~~district; governing authority of a community school established~~ 3766  
~~under Chapter 3314. of the Revised Code;~~ state institution of 3767  
higher learning; public or special district; state agency, 3768  
authority, commission, or board; or other branch of public 3769  
employment. 3770

(C) "Public employee" means any person holding a position by 3771  
appointment or employment in the service of a public employer, 3772  
including any person working pursuant to a contract between a 3773  
public employer and a private employer and over whom the national 3774  
labor relations board has declined jurisdiction on the basis that 3775  
the involved employees are employees of a public employer, except: 3776

(1) Persons holding elective office; 3777

(2) Employees of the general assembly and employees of any 3778  
other legislative body of the public employer whose principal 3779  
duties are directly related to the legislative functions of the 3780  
body; 3781

(3) Employees on the staff of the governor or the chief 3782  
executive of the public employer whose principal duties are 3783  
directly related to the performance of the executive functions of 3784  
the governor or the chief executive; 3785

(4) Persons who are members of the Ohio organized militia, 3786  
while training or performing duty under section 5919.29 or 5923.12 3787  
of the Revised Code; 3788

(5) Employees of the state employment relations board; 3789

(6) Confidential employees; 3790

(7) Management level employees; 3791

(8) Employees and officers of the courts, assistants to the 3792  
attorney general, assistant prosecuting attorneys, and employees 3793  
of the clerks of courts who perform a judicial function; 3794

(9) Employees of a public official who act in a fiduciary capacity, appointed pursuant to section 124.11 of the Revised Code;	3795 3796 3797
(10) Supervisors;	3798
(11) Students whose primary purpose is educational training, including graduate assistants or associates, residents, interns, or other students working as part-time public employees less than fifty per cent of the normal year in the employee's bargaining unit;	3799 3800 3801 3802 3803
(12) Employees of county boards of election;	3804
(13) Seasonal and casual employees as determined by the state employment relations board;	3805 3806
(14) Part-time faculty members of an institution of higher education;	3807 3808
(15) Employees of the state personnel board of review;	3809
(16) Participants in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code who perform a service for a public employer that the public employer needs but is not performed by an employee of the public employer if the participant is not engaged in paid employment or subsidized employment pursuant to the activity;	3810 3811 3812 3813 3814 3815
(17) Employees included in the career professional service of the department of transportation under section 5501.20 of the Revised Code;	3816 3817 3818
(18) Employees of community-based correctional facilities and district community-based correctional facilities created under sections 2301.51 to 2301.58 of the Revised Code who are not subject to a collective bargaining agreement on June 1, 2005.	3819 3820 3821 3822
(D) "Employee organization" means any labor or bona fide organization in which public employees participate and that exists	3823 3824

for the purpose, in whole or in part, of dealing with public 3825  
employers concerning grievances, labor disputes, wages, hours, 3826  
terms, and other conditions of employment. 3827

(E) "Exclusive representative" means the employee 3828  
organization certified or recognized as an exclusive 3829  
representative under section 4117.05 of the Revised Code. 3830

(F) "Supervisor" means any individual who has authority, in 3831  
the interest of the public employer, to hire, transfer, suspend, 3832  
lay off, recall, promote, discharge, assign, reward, or discipline 3833  
other public employees; to responsibly direct them; to adjust 3834  
their grievances; or to effectively recommend such action, if the 3835  
exercise of that authority is not of a merely routine or clerical 3836  
nature, but requires the use of independent judgment, provided 3837  
that: 3838

(1) Employees of school districts who are department 3839  
chairpersons or consulting teachers shall not be deemed 3840  
supervisors; 3841

(2) With respect to members of a police or fire department, 3842  
no person shall be deemed a supervisor except the chief of the 3843  
department or those individuals who, in the absence of the chief, 3844  
are authorized to exercise the authority and perform the duties of 3845  
the chief of the department. Where prior to June 1, 1982, a public 3846  
employer pursuant to a judicial decision, rendered in litigation 3847  
to which the public employer was a party, has declined to engage 3848  
in collective bargaining with members of a police or fire 3849  
department on the basis that those members are supervisors, those 3850  
members of a police or fire department do not have the rights 3851  
specified in this chapter for the purposes of future collective 3852  
bargaining. The state employment relations board shall decide all 3853  
disputes concerning the application of division (F)(2) of this 3854  
section. 3855

(3) With respect to faculty members of a state institution of higher education, heads of departments or divisions are supervisors; however, no other faculty member or group of faculty members is a supervisor solely because the faculty member or group of faculty members participate in decisions with respect to courses, curriculum, personnel, or other matters of academic policy; 3856  
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~~(4) No teacher as defined in section 3319.09 of the Revised Code shall be designated as a supervisor or a management level employee unless the teacher is employed under a contract governed by section 3319.01, 3319.011, or 3319.02 of the Revised Code and is assigned to a position for which a license deemed to be for administrators under state board rules is required pursuant to section 3319.22 of the Revised Code.~~ 3863  
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(G) "To bargain collectively" means to perform the mutual obligation of the public employer, by its representatives, and the representatives of its employees to negotiate in good faith at reasonable times and places with respect to wages, hours, terms, and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement, with the intention of reaching an agreement, or to resolve questions arising under the agreement. "To bargain collectively" includes executing a written contract incorporating the terms of any agreement reached. The obligation to bargain collectively does not mean that either party is compelled to agree to a proposal nor does it require the making of a concession. 3870  
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(H) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a 3882  
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stoppage of work by employees in good faith because of dangerous 3888  
or unhealthful working conditions at the place of employment that 3889  
are abnormal to the place of employment. 3890

(I) "Unauthorized strike" includes, but is not limited to, 3891  
concerted action during the term or extended term of a collective 3892  
bargaining agreement or during the pendency of the settlement 3893  
procedures set forth in section 4117.14 of the Revised Code in 3894  
failing to report to duty; willful absence from one's position; 3895  
stoppage of work; slowdown, or abstinence in whole or in part from 3896  
the full, faithful, and proper performance of the duties of 3897  
employment for the purpose of inducing, influencing, or coercing a 3898  
change in wages, hours, terms, and other conditions of employment. 3899  
"Unauthorized strike" includes any such action, absence, stoppage, 3900  
slowdown, or abstinence when done partially or intermittently, 3901  
whether during or after the expiration of the term or extended 3902  
term of a collective bargaining agreement or during or after the 3903  
pendency of the settlement procedures set forth in section 4117.14 3904  
of the Revised Code. 3905

(J) "Professional employee" means any employee engaged in 3906  
work that is predominantly intellectual, involving the consistent 3907  
exercise of discretion and judgment in its performance and 3908  
requiring knowledge of an advanced type in a field of science or 3909  
learning customarily acquired by a prolonged course in an 3910  
institution of higher learning or a hospital, as distinguished 3911  
from a general academic education or from an apprenticeship; or an 3912  
employee who has completed the courses of specialized intellectual 3913  
instruction and is performing related work under the supervision 3914  
of a professional person to become qualified as a professional 3915  
employee. 3916

(K) "Confidential employee" means any employee who works in 3917  
the personnel offices of a public employer and deals with 3918  
information to be used by the public employer in collective 3919

bargaining; or any employee who works in a close continuing 3920  
relationship with public officers or representatives directly 3921  
participating in collective bargaining on behalf of the employer. 3922

(L) "Management level employee" means an individual who 3923  
formulates policy on behalf of the public employer, who 3924  
responsibly directs the implementation of policy, or who may 3925  
reasonably be required on behalf of the public employer to assist 3926  
in the preparation for the conduct of collective negotiations, 3927  
administer collectively negotiated agreements, or have a major 3928  
role in personnel administration. ~~Assistant superintendents,~~ 3929  
~~principals, and assistant principals whose employment is governed~~ 3930  
~~by section 3319.02 of the Revised Code are management level~~ 3931  
~~employees.~~ With respect to members of a faculty of a state 3932  
institution of higher education, no person is a management level 3933  
employee because of the person's involvement in the formulation or 3934  
implementation of academic or institution policy. 3935

(M) "Wages" means hourly rates of pay, salaries, or other 3936  
forms of compensation for services rendered. 3937

(N) "Member of a police department" means a person who is in 3938  
the employ of a police department of a municipal corporation as a 3939  
full-time regular police officer as the result of an appointment 3940  
from a duly established civilservice eligibility list or under 3941  
section 737.15 or 737.16 of the Revised Code, a full-time deputy 3942  
sheriff appointed under section 311.04 of the Revised Code, a 3943  
township constable appointed under section 509.01 of the Revised 3944  
Code, or a member of a township police district police department 3945  
appointed under section 505.49 of the Revised Code. 3946

(O) "Members of the state highway patrol" means highway 3947  
patrol troopers and radio operators appointed under section 3948  
5503.01 of the Revised Code. 3949

(P) "Member of a fire department" means a person who is in 3950

the employ of a fire department of a municipal corporation or a township as a fire cadet, full-time regular firefighter, or promoted rank as the result of an appointment from a duly established civil service eligibility list or under section 505.38, 709.012, or 737.22 of the Revised Code.

(Q) "Day" means calendar day.

**Sec. 4117.03.** (A) Public employees have the right to:

(1) Form, join, assist, or participate in, or refrain from forming, joining, assisting, or participating in, except as otherwise provided in Chapter 4117. of the Revised Code, any employee organization of their own choosing;

(2) Engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection;

(3) Representation by an employee organization;

(4) Bargain collectively with their public employers to determine wages, hours, terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement, and enter into collective bargaining agreements;

(5) Present grievances and have them adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of the collective bargaining agreement then in effect and as long as the bargaining representatives have the opportunity to be present at the adjustment.

(B) Persons on active duty or acting in any capacity as members of the organized militia do not have collective bargaining rights.

(C) Except as provided in division (D) of this section, nothing in Chapter 4117. of the Revised Code prohibits public



employers from electing to engage in collective bargaining, to 3981  
meet and confer, to hold discussions, or to engage in any other 3982  
form of collective negotiations with public employees who are not 3983  
subject to Chapter 4117. of the Revised Code pursuant to division 3984  
(C) of section 4117.01 of the Revised Code. 3985

After the effective date of this amendment, the board of 3986  
education of a school district, the governing board of an 3987  
educational service center, or the governing authority of a 3988  
community school is not required to collectively bargain with its 3989  
employees, but may do so at the discretion of the board of 3990  
education, governing board, or governing authority in accordance 3991  
with this division. The provisions of any collective bargaining 3992  
agreement entered into by a board of education, governing board, 3993  
or governing authority prior to that date are enforceable and are 3994  
subject to Chapter 4117. of the Revised Code as it existed prior 3995  
to that date; however, no board of education, governing board, or 3996  
governing authority is required to extend, renew, or modify any 3997  
collective bargaining agreement in force on that date. 3998

(D) A public employer shall not engage in collective 3999  
bargaining or other forms of collective negotiations with the 4000  
employees of county boards of elections referred to in division 4001  
(C)(12) of section 4117.01 of the Revised Code. 4002

~~(E)(1) Employees of public school may bargain collectively 4003  
for health care benefits; however, all health care benefits shall 4004  
be provided through school employees health care board medical 4005  
plans, in accordance with section 9.901 of the Revised Code. If a 4006  
school district provides its employees with health care benefits 4007  
pursuant to collective bargaining, the employees shall be 4008  
permitted to choose a plan option from among the school employees 4009  
health care board plans agreed to during collective bargaining. 4010~~

~~(2) During collective bargaining, employees of public schools 4011  
may agree to pay a higher percentage of the premium for health 4012~~

~~benefit coverage under the plans designed by the school employees 4013  
health care board pursuant to section 9.901 of the Revised Code 4014  
than the percentage designated as the employees' contribution 4015  
level by the board. A collective bargaining agreement, however, 4016  
shall not permit the employees to contribute a lesser percentage 4017  
of the premium than that set as the employees' contribution level 4018  
by the school employees health care board, unless, in so doing, 4019  
the participating school board is able to remain in compliance 4020  
with the aggregate goal set pursuant to division (G)(3) of section 4021  
9.901 of the Revised Code. 4022~~

**Sec. 4117.04.** (A) Public employers shall extend to an 4023  
exclusive representative designated under section 4117.05 of the 4024  
Revised Code, the right to represent exclusively the employees in 4025  
the appropriate bargaining unit and the right to unchallenged and 4026  
exclusive representation for a period of not less than twelve 4027  
months following the date of certification and thereafter, if the 4028  
public employer and the employee organization enter into an 4029  
agreement, for a period of not more than three years from the date 4030  
of signing the agreement. For the purposes of this section, 4031  
extensions of agreements shall not be construed to affect the 4032  
expiration date of the original agreement. 4033

(B) A public employer shall bargain collectively with an 4034  
exclusive representative designated under section 4117.05 of the 4035  
Revised Code for purposes of Chapter 4117. of the Revised Code. 4036

When the state employment relations board notifies a public 4037  
employer that it has certified an employee organization as 4038  
exclusive representative for a unit of its employees, the public 4039  
employer shall designate an employer representative and promptly 4040  
notify the board and the employee organization of ~~his~~ the employer 4041  
representative's identity and address. On certification, the 4042  
employee organization shall designate an employee representative 4043

and promptly notify the board and the public employer of ~~his~~ the 4044  
employee representative's identity and address. The board or any 4045  
party shall address to the appropriate designated representative 4046  
all communications concerned with collective relationships under 4047  
Chapter 4117. of the Revised Code. In the case of municipal 4048  
corporations, counties, ~~school districts, educational service~~ 4049  
~~centers,~~ villages, and townships, the designation of the employer 4050  
representative is as provided in division (C) of section 4117.10 4051  
of the Revised Code. The designated representative of a party may 4052  
sign agreements resulting from collective bargaining on behalf of 4053  
~~his~~ the representative's designator; but the agreements are 4054  
subject to the procedures set forth in Chapter 4117. of the 4055  
Revised Code. 4056

**Sec. 4117.06.** (A) The state employment relations board shall 4057  
decide in each case the unit appropriate for the purposes of 4058  
collective bargaining. The determination is final and conclusive 4059  
and not appealable to the court. 4060

(B) The board shall determine the appropriateness of each 4061  
bargaining unit and shall consider among other relevant factors: 4062  
the desires of the employees; the community of interest; wages, 4063  
hours, and other working conditions of the public employees; the 4064  
effect of over-fragmentation; the efficiency of operations of the 4065  
public employer; the administrative structure of the public 4066  
employer; and the history of collective bargaining. 4067

(C) The board may determine a unit to be the appropriate unit 4068  
in a particular case, even though some other unit might also be 4069  
appropriate. 4070

(D) In addition, in determining the appropriate unit, the 4071  
board shall not: 4072

(1) Decide that any unit is appropriate if the unit includes 4073  
both professional and nonprofessional employees, unless a majority 4074

of the professional employees and a majority of the 4075  
nonprofessional employees first vote for inclusion in the unit; 4076

(2) Include guards or correction officers at correctional or 4077  
mental institutions, special police officers appointed in 4078  
accordance with sections 5119.14 and 5123.13 of the Revised Code, 4079  
psychiatric attendants employed at mental health forensic 4080  
facilities, youth leaders employed at juvenile correction 4081  
facilities, or any public employee employed as a guard to enforce 4082  
against other employees rules to protect property of the employer 4083  
or to protect the safety of persons on the employer's premises in 4084  
a unit with other employees; 4085

(3) Include members of a police or fire department or members 4086  
of the state highway patrol in a unit with other classifications 4087  
of public employees of the department; 4088

(4) Designate as appropriate a bargaining unit that contains 4089  
more than one institution of higher education; nor shall it within 4090  
any such institution of higher education designate as appropriate 4091  
a unit where such designation would be inconsistent with the 4092  
accreditation standards or interpretations of such standards, 4093  
governing such institution of higher education or any department, 4094  
school, or college thereof. For the purposes of this division, any 4095  
branch or regional campus of a public institution of higher 4096  
education is part of that institution of higher education. 4097

(5) Designate as appropriate a bargaining unit that contains 4098  
employees within the jurisdiction of more than one elected county 4099  
office holder, unless the county-elected office holder and the 4100  
board of county commissioners agree to such other designation; 4101

(6) With respect to members of a police department, designate 4102  
as appropriate a unit that includes rank and file members of the 4103  
department with members who are of the rank of sergeant or above; 4104

~~(7) Except as otherwise provided by division (A)(3) of 4105~~

~~section 3314.10 of the Revised Code, designate as appropriate a bargaining unit that contains employees from multiple community schools established under Chapter 3314. of the Revised Code. For purposes of this division, more than one unit may be designated within a single community school.~~

This section shall not be deemed to prohibit multiunit bargaining.

**Sec. 4117.08.** (A) All matters pertaining to wages, hours, or terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement are subject to collective bargaining between the public employer and the exclusive representative, except as otherwise specified in this section ~~and division (E) of section 4117.03 of the Revised Code.~~

(B) The conduct and grading of civil service examinations, the rating of candidates, the establishment of eligible lists from the examinations, and the original appointments from the eligible lists are not appropriate subjects for collective bargaining.

(C) Unless a public employer agrees otherwise in a collective bargaining agreement, nothing in Chapter 4117. of the Revised Code impairs the right and responsibility of each public employer to:

(1) Determine matters of inherent managerial policy which include, but are not limited to areas of discretion or policy such as the functions and programs of the public employer, standards of services, its overall budget, utilization of technology, and organizational structure;

(2) Direct, supervise, evaluate, or hire employees;

(3) Maintain and improve the efficiency and effectiveness of governmental operations;

(4) Determine the overall methods, process, means, or

personnel by which governmental operations are to be conducted;	4136
(5) Suspend, discipline, demote, or discharge for just cause,	4137
or lay off, transfer, assign, schedule, promote, or retain	4138
employees;	4139
(6) Determine the adequacy of the work force;	4140
(7) Determine the overall mission of the employer as a unit	4141
of government;	4142
(8) Effectively manage the work force;	4143
(9) Take actions to carry out the mission of the public	4144
employer as a governmental unit.	4145
The employer is not required to bargain on subjects reserved	4146
to the management and direction of the governmental unit except as	4147
affect wages, hours, terms and conditions of employment, and the	4148
continuation, modification, or deletion of an existing provision	4149
of a collective bargaining agreement. A public employee or	4150
exclusive representative may raise a legitimate complaint or file	4151
a grievance based on the collective bargaining agreement.	4152
<b>Sec. 4117.09.</b> (A) The parties to any collective bargaining	4153
agreement shall reduce the agreement to writing and both execute	4154
it.	4155
(B) The agreement shall contain a provision that:	4156
(1) Provides for a grievance procedure which may culminate	4157
with final and binding arbitration of unresolved grievances, and	4158
disputed interpretations of agreements, and which is valid and	4159
enforceable under its terms when entered into in accordance with	4160
this chapter. No publication thereof is required to make it	4161
effective. A party to the agreement may bring suits for violation	4162
of agreements or the enforcement of an award by an arbitrator in	4163
the court of common pleas of any county wherein a party resides or	4164
transacts business.	4165

(2) Authorizes the public employer to deduct the periodic 4166  
dues, initiation fees, and assessments of members of the exclusive 4167  
representative upon presentation of a written deduction 4168  
authorization by the employee. 4169

(C) The agreement may contain a provision that requires as a 4170  
condition of employment, on or after a mutually agreed upon 4171  
probationary period or sixty days following the beginning of 4172  
employment, whichever is less, or the effective date of a 4173  
collective bargaining agreement, whichever is later, that the 4174  
employees in the unit who are not members of the employee 4175  
organization pay to the employee organization a fair share fee. 4176  
The arrangement does not require any employee to become a member 4177  
of the employee organization, nor shall fair share fees exceed 4178  
dues paid by members of the employee organization who are in the 4179  
same bargaining unit. Any public employee organization 4180  
representing public employees pursuant to this chapter shall 4181  
prescribe an internal procedure to determine a rebate, if any, for 4182  
nonmembers which conforms to federal law, provided a nonmember 4183  
makes a timely demand on the employee organization. Absent 4184  
arbitrary and capricious action, such determination is conclusive 4185  
on the parties except that a challenge to the determination may be 4186  
filed with the state employment relations board within thirty days 4187  
of the determination date specifying the arbitrary or capricious 4188  
nature of the determination and the board shall review the rebate 4189  
determination and decide whether it was arbitrary or capricious. 4190  
The deduction of a fair share fee by the public employer from the 4191  
payroll check of the employee and its payment to the employee 4192  
organization is automatic and does not require the written 4193  
authorization of the employee. 4194

The internal rebate procedure shall provide for a rebate of 4195  
expenditures in support of partisan politics or ideological causes 4196  
not ~~germaine~~ germane to the work of employee organizations in the 4197

realm of collective bargaining. 4198

Any public employee who is a member of and adheres to 4199  
established and traditional tenets or teachings of a bona fide 4200  
religion or religious body which has historically held 4201  
conscientious objections to joining or financially supporting an 4202  
employee organization and which is exempt from taxation under the 4203  
provisions of the Internal Revenue Code shall not be required to 4204  
join or financially support any employee organization as a 4205  
condition of employment. Upon submission of proper proof of 4206  
religious conviction to the board, the board shall declare the 4207  
employee exempt from becoming a member of or financially 4208  
supporting an employee organization. The employee shall be 4209  
required, in lieu of the fair share fee, to pay an amount of money 4210  
equal to the fair share fee to a nonreligious charitable fund 4211  
exempt from taxation under section 501(c)(3) of the Internal 4212  
Revenue Code mutually agreed upon by the employee and the 4213  
representative of the employee organization to which the employee 4214  
would otherwise be required to pay the fair share fee. The 4215  
employee shall furnish to the employee organization written 4216  
receipts evidencing such payment, and failure to make the payment 4217  
or furnish the receipts shall subject the employee to the same 4218  
sanctions as would nonpayment of dues under the applicable 4219  
collective bargaining agreement. 4220

No public employer shall agree to a provision requiring that 4221  
a public employee become a member of an employee organization as a 4222  
condition for securing or retaining employment. 4223

~~(D) As used in this division, "teacher" means any employee of 4224  
a school district certified to teach in the public schools of this 4225  
state. 4226~~

~~The agreement may contain a provision that provides for a 4227  
peer review plan under which teachers in a bargaining unit or 4228  
representatives of an employee organization representing teachers 4229~~



~~may, for other teachers of the same bargaining unit or teachers  
whom the employee organization represents, participate in  
assisting, instructing, reviewing, evaluating, or appraising and  
make recommendations or participate in decisions with respect to  
the retention, discharge, renewal, or nonrenewal of, the teachers  
covered by a peer review plan.~~

~~The participation of teachers or their employee organization  
representative in a peer review plan permitted under this division  
shall not be construed as an unfair labor practice under this  
chapter or as a violation of any other provision of law or rule  
adopted pursuant thereto.~~

~~(E) No agreement shall contain an expiration date that is  
later than three years from the date of execution. The parties may  
extend any agreement, but the extensions do not affect the  
expiration date of the original agreement.~~

**Sec. 4117.10.** (A) An agreement between a public employer and  
an exclusive representative entered into pursuant to this chapter  
governs the wages, hours, and terms and conditions of public  
employment covered by the agreement. If the agreement provides for  
a final and binding arbitration of grievances, public employers,  
employees, and employee organizations are subject solely to that  
grievance procedure and the state personnel board of review or  
civil service commissions have no jurisdiction to receive and  
determine any appeals relating to matters that were the subject of  
a final and binding grievance procedure. Where no agreement exists  
or where an agreement makes no specification about a matter, the  
public employer and public employees are subject to all applicable  
state or local laws or ordinances pertaining to the wages, hours,  
and terms and conditions of employment for public employees. Laws  
pertaining to civil rights, affirmative action, unemployment  
compensation, workers' compensation, the retirement of public

employees, and residency requirements, ~~the minimum educational~~ 4261  
~~requirements contained in the Revised Code pertaining to public~~ 4262  
~~education including the requirement of a certificate by the fiscal~~ 4263  
~~officer of a school district pursuant to section 5705.41 of the~~ 4264  
~~Revised Code, and~~ the provisions of division (A) of section 124.34 4265  
of the Revised Code governing the disciplining of officers and 4266  
employees who have been convicted of a felony, ~~and the minimum~~ 4267  
~~standards promulgated by the state board of education pursuant to~~ 4268  
~~division (D) of section 3301.07 of the Revised Code prevail over~~ 4269  
conflicting provisions of agreements between employee 4270  
organizations and public employers. The law pertaining to the 4271  
leave of absence and compensation provided under section 5923.05 4272  
of the Revised Code prevails over any conflicting provisions of 4273  
such agreements if the terms of the agreement contain benefits 4274  
which are less than those contained in that section or the 4275  
agreement contains no such terms and the public authority is the 4276  
state or any agency, authority, commission, or board of the state 4277  
or if the public authority is another entity listed in division 4278  
(B) of section 4117.01 of the Revised Code that elects to provide 4279  
leave of absence and compensation as provided in section 5923.05 4280  
of the Revised Code. Except for sections 306.08, 306.12, 306.35, 4281  
and 4981.22 of the Revised Code and arrangements entered into 4282  
thereunder, and section 4981.21 of the Revised Code as necessary 4283  
to comply with section 13(c) of the "Urban Mass Transportation Act 4284  
of 1964," 87 Stat. 295, 49 U.S.C.A. 1609(c), as amended, and 4285  
arrangements entered into thereunder, this chapter prevails over 4286  
any and all other conflicting laws, resolutions, provisions, 4287  
present or future, except as otherwise specified in this chapter 4288  
or as otherwise specified by the general assembly. Nothing in this 4289  
section prohibits or shall be construed to invalidate the 4290  
provisions of an agreement establishing supplemental workers' 4291  
compensation or unemployment compensation benefits ~~or exceeding~~ 4292  
~~minimum requirements contained in the Revised Code pertaining to~~ 4293

~~public education or the minimum standards promulgated by the state 4294~~  
~~board of education pursuant to division (D) of section 3301.07 of 4295~~  
~~the Revised Code. 4296~~

(B) The public employer shall submit a request for funds 4297  
necessary to implement an agreement and for approval of any other 4298  
matter requiring the approval of the appropriate legislative body 4299  
to the legislative body within fourteen days of the date on which 4300  
the parties finalize the agreement, unless otherwise specified, 4301  
but if the appropriate legislative body is not in session at the 4302  
time, then within fourteen days after it convenes. The legislative 4303  
body must approve or reject the submission as a whole, and the 4304  
submission is deemed approved if the legislative body fails to act 4305  
within thirty days after the public employer submits the 4306  
agreement. The parties may specify that those provisions of the 4307  
agreement not requiring action by a legislative body are effective 4308  
and operative in accordance with the terms of the agreement, 4309  
provided there has been compliance with division (C) of this 4310  
section. If the legislative body rejects the submission of the 4311  
public employer, either party may reopen all or part of the entire 4312  
agreement. 4313

As used in this section, "legislative body" includes the 4314  
governing board of a municipal corporation, ~~school district,~~ 4315  
college or university, village, township, or board of county 4316  
commissioners or any other body that has authority to approve the 4317  
budget of their public jurisdiction and, with regard to the state, 4318  
"legislative body" means the controlling board. 4319

(C) The chief executive officer, or the chief executive 4320  
officer's representative, of each municipal corporation, the 4321  
designated representative of ~~the board of education of each school~~ 4322  
~~district,~~ college or university, or any other body that has 4323  
authority to approve the budget of their public jurisdiction, the 4324  
designated representative of the board of county commissioners and 4325

of each elected officeholder of the county whose employees are 4326  
covered by the collective negotiations, and the designated 4327  
representative of the village or the board of township trustees of 4328  
each township is responsible for negotiations in the collective 4329  
bargaining process; except that the legislative body may accept or 4330  
reject a proposed collective bargaining agreement. When the 4331  
matters about which there is agreement are reduced to writing and 4332  
approved by the employee organization and the legislative body, 4333  
the agreement is binding upon the legislative body, the employer, 4334  
and the employee organization and employees covered by the 4335  
agreement. 4336

(D) There is hereby established an office of collective 4337  
bargaining in the department of administrative services for the 4338  
purpose of negotiating with and entering into written agreements 4339  
between state agencies, departments, boards, and commissions and 4340  
the exclusive representative on matters of wages, hours, terms and 4341  
other conditions of employment and the continuation, modification, 4342  
or deletion of an existing provision of a collective bargaining 4343  
agreement. Nothing in any provision of law to the contrary shall 4344  
be interpreted as excluding the bureau of workers' compensation 4345  
and the industrial commission from the preceding sentence. This 4346  
office shall not negotiate on behalf of other statewide elected 4347  
officials or boards of trustees of state institutions of higher 4348  
education who shall be considered as separate public employers for 4349  
the purposes of this chapter; however, the office may negotiate on 4350  
behalf of these officials or trustees where authorized by the 4351  
officials or trustees. The staff of the office of collective 4352  
bargaining are in the unclassified service. The director of 4353  
administrative services shall fix the compensation of the staff. 4354

The office of collective bargaining shall: 4355

(1) Assist the director in formulating management's 4356  
philosophy for public collective bargaining as well as planning 4357

bargaining strategies;	4358
(2) Conduct negotiations with the exclusive representatives of each employee organization;	4359 4360
(3) Coordinate the state's resources in all mediation, fact-finding, and arbitration cases as well as in all labor disputes;	4361 4362 4363
(4) Conduct systematic reviews of collective bargaining agreements for the purpose of contract negotiations;	4364 4365
(5) Coordinate the systematic compilation of data by all agencies that is required for negotiating purposes;	4366 4367
(6) Prepare and submit an annual report and other reports as requested to the governor and the general assembly on the implementation of this chapter and its impact upon state government.	4368 4369 4370 4371
<b>Section 2.</b> That existing sections 9.41, 9.833, 9.90, 124.01, 124.11, 124.271, 124.34, 124.38, 124.40, 124.57, 3301.07, 3301.072, 3311.10, 3311.19, 3311.52, 3311.72, 3313.12, 3313.20, 3313.202, 3313.33, 3313.53, 3313.604, 3313.665, 3313.751, 3313.79, 3313.81, 3313.871, 3313.96, 3313.975, 3314.03, 3314.09, 3314.091, 3315.062, 3315.09, 3315.091, 3316.07, 3317.01, 3319.01, 3319.011, 3319.02, 3319.03, 3319.04, 3319.05, 3319.06, 3319.07, 3319.071, 3319.073, 3319.075, 3319.08, 3319.081, 3319.088, 3319.10, 3319.151, 3327.01, 3327.03, 3327.09, 3327.10, 3327.16, 4117.01, 4117.03, 4117.04, 4117.06, 4117.08, 4117.09, and 4117.10 and sections 5.23, 9.901, 117.53, 124.011, 124.54, 3301.22, 3313.174, 3313.211, 3313.41, 3313.472, 3313.482, 3313.51, 3313.534, 3313.535, 3313.537, 3313.60, 3313.601, 3313.602, 3313.608, 3313.609, 3313.6011, 3313.6012, 3313.6013, 3313.6014, 3313.63, 3313.648, 3313.66, 3313.661, 3313.662, 3313.664, 3313.666, 3313.667, 3313.70, 3313.712, 3313.76, 3313.77, 3313.78, 3313.80,	4372 4373 4374 4375 4376 4377 4378 4379 4380 4381 4382 4383 4384 4385 4386 4387

3313.801, 3313.811, 3314.10, 3314.20, 3315.17, 3315.171, 3315.18, 4388  
3315.181, 3315.19, 3317.12, 3317.13, 3317.14, 3317.15, 3319.072, 4389  
3319.082, 3319.083, 3319.084, 3319.085, 3319.086, 3319.087, 4390  
3319.0810, 3319.0811, 3319.09, 3319.101, 3319.11, 3319.111, 4391  
3319.12, 3319.13, 3319.131, 3319.14, 3319.141, 3319.142, 3319.143, 4392  
3319.16, 3319.161, 3319.17, 3319.171, 3319.172, 3319.18, 3319.181, 4393  
3319.33, 3319.63, 3324.01, 3324.02, 3324.03, 3324.04, 3324.05, 4394  
3324.06, 3324.07, 3324.10, 3327.011, 3327.02, 3327.15, 4117.101, 4395  
and 4117.102 of the Revised Code are hereby repealed. 4396

**Section 3.** That sections 203.12.02 and 611.03 of Am. Sub. 4397  
H.B. 66 of the 126th General Assembly are hereby repealed. 4398

**Section 4.** Section 3314.03 of the Revised Code is presented 4399  
in this act as a composite of the section as amended by Am. Sub. 4400  
H.B. 79, Am. Sub. H.B. 137, Sub. H.B. 184, Am. Sub. H.B. 276, Sub. 4401  
H.B. 422, Am. Sub. H.B. 530, Sub. S.B. 164, and Am. Sub. S.B. 311 4402  
of the 126th General Assembly. The General Assembly, applying the 4403  
principle stated in division (B) of section 1.52 of the Revised 4404  
Code that amendments are to be harmonized if reasonably capable of 4405  
simultaneous operation, finds that the composite is the resulting 4406  
version of the section in effect prior to the effective date of 4407  
the section as presented in this act. 4408