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Representative Hite

Cosponsors: Representatives Bubp, Wagner, McGregor, J., Combs, Adams, Goodwin, Wagoner, Stebelton, Webster, Letson, Hottinger, Peterson, Latta, Huffman, Otterman, Okey, Setzer, Dyer, Patton, Lundy, Luckie, Garrison, Evans, Celeste, Heard, Collier, Schlichter, Brady, Aslanides, Bacon, Bolon, Boyd, Budish, Core, DeBose, Domenick, Fende, Fessler, Flowers, Gibbs, Goyal, Hagan, J., Harwood, Healy, Hughes, Koziura, Mallory, Mandel, Oelslager, Sayre, Schindel, Stewart, D., Sykes, Szollosi, Williams, B., Yuko, Zehringer

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A B I L L

To amend sections 109.57, 121.40, 3301.0710, 1
3301.0711, 3314.03, 3314.19, 3319.089, 3319.291, 2
3319.31, 3319.39, 3321.01, 3326.11, 3326.23, and 3
3327.10 and to enact section 3319.391 of the 4
Revised Code and to amend Section 8 of Am. Sub. 5
S.B. 311 of the 126th General Assembly to specify 6
administration dates for the elementary 7
achievement tests, to allow public schools to 8
charge tuition for all-day kindergarten, to 9
require the Department of Education to conduct a 10
survey of the fees charged by school districts, to 11

revise the requirements regarding criminal records 12
checks of school employees, to require the 13
Educator Standards Board to recommend a code of 14
conduct for educators, to require the Department 15
of Education to recommend penalties for failure to 16
report educator misconduct, to permit the State 17
Board of Education to revoke an expired license, 18
to permit waivers from the minimum number of 19
school days in the 2006-2007 school year for 20
certain joint vocational school districts that 21
experienced delays in a state-assisted 22
construction project, to extend the deadline for 23
the commission studying student success with the 24
Ohio Core curriculum to issue its recommendations, 25
to alter the membership of the Ohio Community 26
Service Council, and to declare an emergency. 27
28

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

Section 1. That sections 109.57, 121.40, 3301.0710, 29
3301.0711, 3314.03, 3314.19, 3319.089, 3319.291, 3319.31, 3319.39, 30
3321.01, 3326.11, 3326.23, and 3327.10 be amended and section 31
3319.391 of the Revised Code be enacted to read as follows: 32

Sec. 109.57. (A)(1) The superintendent of the bureau of 33
criminal identification and investigation shall procure from 34
wherever procurable and file for record photographs, pictures, 35
descriptions, fingerprints, measurements, and other information 36
that may be pertinent of all persons who have been convicted of 37
committing within this state a felony, any crime constituting a 38
misdemeanor on the first offense and a felony on subsequent 39
offenses, or any misdemeanor described in division (A)(1)(a) or 40

(A)(10)(a) of section 109.572 of the Revised Code, of all children 41
under eighteen years of age who have been adjudicated delinquent 42
children for committing within this state an act that would be a 43
felony or an offense of violence if committed by an adult or who 44
have been convicted of or pleaded guilty to committing within this 45
state a felony or an offense of violence, and of all well-known 46
and habitual criminals. The person in charge of any county, 47
multicounty, municipal, municipal-county, or multicounty-municipal 48
jail or workhouse, community-based correctional facility, halfway 49
house, alternative residential facility, or state correctional 50
institution and the person in charge of any state institution 51
having custody of a person suspected of having committed a felony, 52
any crime constituting a misdemeanor on the first offense and a 53
felony on subsequent offenses, or any misdemeanor described in 54
division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised 55
Code or having custody of a child under eighteen years of age with 56
respect to whom there is probable cause to believe that the child 57
may have committed an act that would be a felony or an offense of 58
violence if committed by an adult shall furnish such material to 59
the superintendent of the bureau. Fingerprints, photographs, or 60
other descriptive information of a child who is under eighteen 61
years of age, has not been arrested or otherwise taken into 62
custody for committing an act that would be a felony or an offense 63
of violence if committed by an adult, has not been adjudicated a 64
delinquent child for committing an act that would be a felony or 65
an offense of violence if committed by an adult, has not been 66
convicted of or pleaded guilty to committing a felony or an 67
offense of violence, and is not a child with respect to whom there 68
is probable cause to believe that the child may have committed an 69
act that would be a felony or an offense of violence if committed 70
by an adult shall not be procured by the superintendent or 71
furnished by any person in charge of any county, multicounty, 72
municipal, municipal-county, or multicounty-municipal jail or 73

workhouse, community-based correctional facility, halfway house, 74
alternative residential facility, or state correctional 75
institution, except as authorized in section 2151.313 of the 76
Revised Code. 77

(2) Every clerk of a court of record in this state, other 78
than the supreme court or a court of appeals, shall send to the 79
superintendent of the bureau a weekly report containing a summary 80
of each case involving a felony, involving any crime constituting 81
a misdemeanor on the first offense and a felony on subsequent 82
offenses, involving a misdemeanor described in division (A)(1)(a) 83
or (A)(10)(a) of section 109.572 of the Revised Code, or involving 84
an adjudication in a case in which a child under eighteen years of 85
age was alleged to be a delinquent child for committing an act 86
that would be a felony or an offense of violence if committed by 87
an adult. The clerk of the court of common pleas shall include in 88
the report and summary the clerk sends under this division all 89
information described in divisions (A)(2)(a) to (f) of this 90
section regarding a case before the court of appeals that is 91
served by that clerk. The summary shall be written on the standard 92
forms furnished by the superintendent pursuant to division (B) of 93
this section and shall include the following information: 94

(a) The incident tracking number contained on the standard 95
forms furnished by the superintendent pursuant to division (B) of 96
this section; 97

(b) The style and number of the case; 98

(c) The date of arrest; 99

(d) The date that the person was convicted of or pleaded 100
guilty to the offense, adjudicated a delinquent child for 101
committing the act that would be a felony or an offense of 102
violence if committed by an adult, found not guilty of the 103
offense, or found not to be a delinquent child for committing an 104

act that would be a felony or an offense of violence if committed 105
by an adult, the date of an entry dismissing the charge, an entry 106
declaring a mistrial of the offense in which the person is 107
discharged, an entry finding that the person or child is not 108
competent to stand trial, or an entry of a nolle prosequi, or the 109
date of any other determination that constitutes final resolution 110
of the case; 111

(e) A statement of the original charge with the section of 112
the Revised Code that was alleged to be violated; 113

(f) If the person or child was convicted, pleaded guilty, or 114
was adjudicated a delinquent child, the sentence or terms of 115
probation imposed or any other disposition of the offender or the 116
delinquent child. 117

If the offense involved the disarming of a law enforcement 118
officer or an attempt to disarm a law enforcement officer, the 119
clerk shall clearly state that fact in the summary, and the 120
superintendent shall ensure that a clear statement of that fact is 121
placed in the bureau's records. 122

(3) The superintendent shall cooperate with and assist 123
sheriffs, chiefs of police, and other law enforcement officers in 124
the establishment of a complete system of criminal identification 125
and in obtaining fingerprints and other means of identification of 126
all persons arrested on a charge of a felony, any crime 127
constituting a misdemeanor on the first offense and a felony on 128
subsequent offenses, or a misdemeanor described in division 129
(A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code and 130
of all children under eighteen years of age arrested or otherwise 131
taken into custody for committing an act that would be a felony or 132
an offense of violence if committed by an adult. The 133
superintendent also shall file for record the fingerprint 134
impressions of all persons confined in a county, multicounty, 135
municipal, municipal-county, or multicounty-municipal jail or 136

workhouse, community-based correctional facility, halfway house, 137
alternative residential facility, or state correctional 138
institution for the violation of state laws and of all children 139
under eighteen years of age who are confined in a county, 140
multicounty, municipal, municipal-county, or multicounty-municipal 141
jail or workhouse, community-based correctional facility, halfway 142
house, alternative residential facility, or state correctional 143
institution or in any facility for delinquent children for 144
committing an act that would be a felony or an offense of violence 145
if committed by an adult, and any other information that the 146
superintendent may receive from law enforcement officials of the 147
state and its political subdivisions. 148

(4) The superintendent shall carry out Chapter 2950. of the 149
Revised Code with respect to the registration of persons who are 150
convicted of or plead guilty to a sexually oriented offense or a 151
child-victim oriented offense and with respect to all other duties 152
imposed on the bureau under that chapter. 153

(5) The bureau shall perform centralized recordkeeping 154
functions for criminal history records and services in this state 155
for purposes of the national crime prevention and privacy compact 156
set forth in section 109.571 of the Revised Code and is the 157
criminal history record repository as defined in that section for 158
purposes of that compact. The superintendent or the 159
superintendent's designee is the compact officer for purposes of 160
that compact and shall carry out the responsibilities of the 161
compact officer specified in that compact. 162

(B) The superintendent shall prepare and furnish to every 163
county, multicounty, municipal, municipal-county, or 164
multicounty-municipal jail or workhouse, community-based 165
correctional facility, halfway house, alternative residential 166
facility, or state correctional institution and to every clerk of 167
a court in this state specified in division (A)(2) of this section 168

standard forms for reporting the information required under 169
division (A) of this section. The standard forms that the 170
superintendent prepares pursuant to this division may be in a 171
tangible format, in an electronic format, or in both tangible 172
formats and electronic formats. 173

(C)(1) The superintendent may operate a center for 174
electronic, automated, or other data processing for the storage 175
and retrieval of information, data, and statistics pertaining to 176
criminals and to children under eighteen years of age who are 177
adjudicated delinquent children for committing an act that would 178
be a felony or an offense of violence if committed by an adult, 179
criminal activity, crime prevention, law enforcement, and criminal 180
justice, and may establish and operate a statewide communications 181
network to gather and disseminate information, data, and 182
statistics for the use of law enforcement agencies and for other 183
uses specified in this division. The superintendent may gather, 184
store, retrieve, and disseminate information, data, and statistics 185
that pertain to children who are under eighteen years of age and 186
that are gathered pursuant to sections 109.57 to 109.61 of the 187
Revised Code together with information, data, and statistics that 188
pertain to adults and that are gathered pursuant to those 189
sections. 190

(2) The superintendent or the superintendent's designee shall 191
gather information of the nature described in division (C)(1) of 192
this section that pertains to the offense and delinquency history 193
of a person who has been convicted of, pleaded guilty to, or been 194
adjudicated a delinquent child for committing a sexually oriented 195
offense or a child-victim oriented offense for inclusion in the 196
state registry of sex offenders and child-victim offenders 197
maintained pursuant to division (A)(1) of section 2950.13 of the 198
Revised Code and in the internet database operated pursuant to 199
division (A)(13) of that section and for possible inclusion in the 200

internet database operated pursuant to division (A)(11) of that 201
section. 202

(3) In addition to any other authorized use of information, 203
data, and statistics of the nature described in division (C)(1) of 204
this section, the superintendent or the superintendent's designee 205
may provide and exchange the information, data, and statistics 206
pursuant to the national crime prevention and privacy compact as 207
described in division (A)(5) of this section. 208

(D) The information and materials furnished to the 209
superintendent pursuant to division (A) of this section and 210
information and materials furnished to any board or person under 211
division (F) or (G) of this section are not public records under 212
section 149.43 of the Revised Code. The superintendent or the 213
superintendent's designee shall gather and retain information so 214
furnished under division (A) of this section that pertains to the 215
offense and delinquency history of a person who has been convicted 216
of, pleaded guilty to, or been adjudicated a delinquent child for 217
committing a sexually oriented offense or a child-victim oriented 218
offense for the purposes described in division (C)(2) of this 219
section. 220

(E) The attorney general shall adopt rules, in accordance 221
with Chapter 119. of the Revised Code, setting forth the procedure 222
by which a person may receive or release information gathered by 223
the superintendent pursuant to division (A) of this section. A 224
reasonable fee may be charged for this service. If a temporary 225
employment service submits a request for a determination of 226
whether a person the service plans to refer to an employment 227
position has been convicted of or pleaded guilty to an offense 228
listed in division (A)(1), (3), (4), (5), or (6) of section 229
109.572 of the Revised Code, the request shall be treated as a 230
single request and only one fee shall be charged. 231

(F)(1) As used in division (F)(2) of this section, "head 232

start agency" means an entity in this state that has been approved 233
to be an agency for purposes of subchapter II of the "Community 234
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 235
as amended. 236

(2)(a) In addition to or in conjunction with any request that 237
is required to be made under section 109.572, 2151.86, 3301.32, 238
3301.541, 3319.39, 3319.391, 3327.10, 3701.881, 5104.012, 239
5104.013, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 240
Code, the board of education of any school district; the director 241
of mental retardation and developmental disabilities; any county 242
board of mental retardation and developmental disabilities; any 243
entity under contract with a county board of mental retardation 244
and developmental disabilities; the chief administrator of any 245
chartered nonpublic school; the chief administrator of any home 246
health agency; the chief administrator of or person operating any 247
child day-care center, type A family day-care home, or type B 248
family day-care home licensed or certified under Chapter 5104. of 249
the Revised Code; the administrator of any type C family day-care 250
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 251
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 252
general assembly; the chief administrator of any head start 253
agency; ~~or~~ the executive director of a public children services 254
agency; or an employer described in division (A)(2) of section 255
3319.391 or division (J)(2) of section 3327.10 of the Revised Code 256
may request that the superintendent of the bureau investigate and 257
determine, with respect to any individual who has applied for 258
employment in any position after October 2, 1989, or any 259
individual wishing to apply for employment with a board of 260
education may request, with regard to the individual, whether the 261
bureau has any information gathered under division (A) of this 262
section that pertains to that individual. On receipt of the 263
request, the superintendent shall determine whether that 264
information exists and, upon request of the person, board, or 265

entity requesting information, also shall request from the federal 266
bureau of investigation any criminal records it has pertaining to 267
that individual. The superintendent or the superintendent's 268
designee also may request criminal history records from other 269
states or the federal government pursuant to the national crime 270
prevention and privacy compact set forth in section 109.571 of the 271
Revised Code. Within thirty days of the date that the 272
superintendent receives a request, the superintendent shall send 273
to the board, entity, or person a report of any information that 274
the superintendent determines exists, including information 275
contained in records that have been sealed under section 2953.32 276
of the Revised Code, and, within thirty days of its receipt, shall 277
send the board, entity, or person a report of any information 278
received from the federal bureau of investigation, other than 279
information the dissemination of which is prohibited by federal 280
law. 281

(b) When a board of education is required to receive 282
information under this section as a prerequisite to employment of 283
an individual pursuant to section 3319.39 of the Revised Code, it 284
may accept a certified copy of records that were issued by the 285
bureau of criminal identification and investigation and that are 286
presented by an individual applying for employment with the 287
district in lieu of requesting that information itself. In such a 288
case, the board shall accept the certified copy issued by the 289
bureau in order to make a photocopy of it for that individual's 290
employment application documents and shall return the certified 291
copy to the individual. In a case of that nature, a district only 292
shall accept a certified copy of records of that nature within one 293
year after the date of their issuance by the bureau. 294

(3) The state board of education may request, with respect to 295
any individual who has applied for employment after October 2, 296
1989, in any position with the state board or the department of 297

education, any information that a school district board of 298
education is authorized to request under division (F)(2) of this 299
section, and the superintendent of the bureau shall proceed as if 300
the request has been received from a school district board of 301
education under division (F)(2) of this section. 302

(4) When the superintendent of the bureau receives a request 303
for information under section 3319.291 of the Revised Code, the 304
superintendent shall proceed as if the request has been received 305
from a school district board of education under division (F)(2) of 306
this section. 307

(5) When a recipient of a classroom reading improvement grant 308
paid under section 3301.86 of the Revised Code requests, with 309
respect to any individual who applies to participate in providing 310
any program or service funded in whole or in part by the grant, 311
the information that a school district board of education is 312
authorized to request under division (F)(2)(a) of this section, 313
the superintendent of the bureau shall proceed as if the request 314
has been received from a school district board of education under 315
division (F)(2)(a) of this section. 316

(G) In addition to or in conjunction with any request that is 317
required to be made under section 3701.881, 3712.09, 3721.121, or 318
3722.151 of the Revised Code with respect to an individual who has 319
applied for employment in a position that involves providing 320
direct care to an older adult, the chief administrator of a home 321
health agency, hospice care program, home licensed under Chapter 322
3721. of the Revised Code, adult day-care program operated 323
pursuant to rules adopted under section 3721.04 of the Revised 324
Code, or adult care facility may request that the superintendent 325
of the bureau investigate and determine, with respect to any 326
individual who has applied after January 27, 1997, for employment 327
in a position that does not involve providing direct care to an 328
older adult, whether the bureau has any information gathered under 329

division (A) of this section that pertains to that individual. 330

In addition to or in conjunction with any request that is 331
required to be made under section 173.27 of the Revised Code with 332
respect to an individual who has applied for employment in a 333
position that involves providing ombudsperson services to 334
residents of long-term care facilities or recipients of 335
community-based long-term care services, the state long-term care 336
ombudsperson, ombudsperson's designee, or director of health may 337
request that the superintendent investigate and determine, with 338
respect to any individual who has applied for employment in a 339
position that does not involve providing such ombudsperson 340
services, whether the bureau has any information gathered under 341
division (A) of this section that pertains to that applicant. 342

In addition to or in conjunction with any request that is 343
required to be made under section 173.394 of the Revised Code with 344
respect to an individual who has applied for employment in a 345
position that involves providing direct care to an individual, the 346
chief administrator of a community-based long-term care agency may 347
request that the superintendent investigate and determine, with 348
respect to any individual who has applied for employment in a 349
position that does not involve providing direct care, whether the 350
bureau has any information gathered under division (A) of this 351
section that pertains to that applicant. 352

On receipt of a request under this division, the 353
superintendent shall determine whether that information exists 354
and, on request of the individual requesting information, shall 355
also request from the federal bureau of investigation any criminal 356
records it has pertaining to the applicant. The superintendent or 357
the superintendent's designee also may request criminal history 358
records from other states or the federal government pursuant to 359
the national crime prevention and privacy compact set forth in 360
section 109.571 of the Revised Code. Within thirty days of the 361

date a request is received, the superintendent shall send to the 362
requester a report of any information determined to exist, 363
including information contained in records that have been sealed 364
under section 2953.32 of the Revised Code, and, within thirty days 365
of its receipt, shall send the requester a report of any 366
information received from the federal bureau of investigation, 367
other than information the dissemination of which is prohibited by 368
federal law. 369

(H) Information obtained by a government entity or person 370
under this section is confidential and shall not be released or 371
disseminated. 372

(I) The superintendent may charge a reasonable fee for 373
providing information or criminal records under division (F)(2) or 374
(G) of this section. 375

(J) As used in this section, "sexually oriented offense" and 376
"child-victim oriented offense" have the same meanings as in 377
section 2950.01 of the Revised Code. 378

Sec. 121.40. (A) There is hereby created the Ohio community 379
service council consisting of twenty-one members including the 380
superintendent of public instruction or the superintendent's 381
designee, the chancellor of the Ohio board of regents or the 382
chancellor's designee, ~~the director of natural resources or the~~ 383
~~director's designee,~~ the director of youth services or the 384
director's designee, the director of aging or the director's 385
designee, ~~the director of job and family services or the~~ 386
~~director's designee,~~ the chairperson of the committee of the house 387
of representatives dealing with education or the chairperson's 388
designee, the chairperson of the committee of the senate dealing 389
with education or the chairperson's designee, and ~~thirteen~~ fifteen 390
members who shall be appointed by the governor with the advice and 391
consent of the senate and who shall serve terms of office of three 392

years. The appointees shall include educators, including teachers 393
and administrators; representatives of youth organizations; 394
students and parents; representatives of organizations engaged in 395
volunteer program development and management throughout the state, 396
including youth and conservation programs; and representatives of 397
business, government, nonprofit organizations, social service 398
agencies, veterans organizations, religious organizations, or 399
philanthropies that support or encourage volunteerism within the 400
state. Members of the council shall receive no compensation, but 401
shall be reimbursed for actual and necessary expenses incurred in 402
the performance of their official duties. 403

(B) The council shall appoint an executive director for the 404
council, who shall be in the unclassified civil service. The 405
executive director shall supervise the council's activities and 406
report to the council on the progress of those activities. The 407
executive director shall do all things necessary for the efficient 408
and effective implementation of the duties of the council. 409

The responsibilities assigned to the executive director do 410
not relieve the members of the council from final responsibility 411
for the proper performance of the requirements of this section. 412

(C) The council or its designee shall do all of the 413
following: 414

(1) Employ, promote, supervise, and remove all employees as 415
needed in connection with the performance of its duties under this 416
section and may assign duties to those employees as necessary to 417
achieve the most efficient performance of its functions, and to 418
that end may establish, change, or abolish positions, and assign 419
and reassign duties and responsibilities of any employee of the 420
council. Personnel employed by the council who are subject to 421
Chapter 4117. of the Revised Code shall retain all of their rights 422
and benefits conferred pursuant to that chapter. Nothing in this 423
chapter shall be construed as eliminating or interfering with 424

Chapter 4117. of the Revised Code or the rights and benefits 425
conferred under that chapter to public employees or to any 426
bargaining unit. 427

(2) Maintain its office in Columbus, and may hold sessions at 428
any place within the state; 429

(3) Acquire facilities, equipment, and supplies necessary to 430
house the council, its employees, and files and records under its 431
control, and to discharge any duty imposed upon it by law. The 432
expense of these acquisitions shall be audited and paid for in the 433
same manner as other state expenses. For that purpose, the council 434
shall prepare and submit to the office of budget and management a 435
budget for each biennium according to sections 101.532 and 107.03 436
of the Revised Code. The budget submitted shall cover the costs of 437
the council and its staff in the discharge of any duty imposed 438
upon the council by law. The council shall not delegate any 439
authority to obligate funds. 440

(4) Pay its own payroll and other operating expenses from 441
line items designated by the general assembly; 442

(5) Retain its fiduciary responsibility as appointing 443
authority. Any transaction instructions shall be certified by the 444
appointing authority or its designee. 445

(6) Establish the overall policy and management of the 446
council in accordance with this chapter; 447

(7) Assist in coordinating and preparing the state 448
application for funds under sections 101 to 184 of the "National 449
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 450
U.S.C.A. 12411 to 12544, as amended, assist in administering and 451
overseeing the "National and Community Service Trust Act of 1993," 452
P.L. 103-82, 107 Stat. 785, and the americorps program in this 453
state, and assist in developing objectives for a comprehensive 454
strategy to encourage and expand community service programs 455

throughout the state; 456

(8) Assist the state board of education, school districts, 457
the chancellor of the board of regents, and institutions of higher 458
education in coordinating community service education programs 459
through cooperative efforts between institutions and organizations 460
in the public and private sectors; 461

(9) Assist the departments of natural resources, youth 462
services, aging, and job and family services in coordinating 463
community service programs through cooperative efforts between 464
institutions and organizations in the public and private sectors; 465

(10) Suggest individuals and organizations that are available 466
to assist school districts, institutions of higher education, and 467
the departments of natural resources, youth services, aging, and 468
job and family services in the establishment of community service 469
programs and assist in investigating sources of funding for 470
implementing these programs; 471

(11) Assist in evaluating the state's efforts in providing 472
community service programs using standards and methods that are 473
consistent with any statewide objectives for these programs and 474
provide information to the state board of education, school 475
districts, the chancellor of the board of regents, institutions of 476
higher education, and the departments of natural resources, youth 477
services, aging, and job and family services to guide them in 478
making decisions about these programs; 479

(12) Assist the state board of education in complying with 480
section 3301.70 of the Revised Code and the chancellor of the 481
board of regents in complying with division (B)(2) of section 482
3333.043 of the Revised Code; 483

(13) Advise, assist, consult with, and cooperate with, by 484
contract or otherwise, agencies and political subdivisions of this 485
state in establishing a statewide system for volunteers pursuant 486

to section 121.404 of the Revised Code. 487

(D) The department of aging shall serve as the council's 488
fiscal agent. Beginning on July 1, 1997, whenever reference is 489
made in any law, contract, or document to the functions of the 490
department of youth services as fiscal agent to the council, the 491
reference shall be deemed to refer to the department of aging. The 492
department of aging shall have no responsibility for or obligation 493
to the council prior to July 1, 1997. Any validation, cure, right, 494
privilege, remedy, obligation, or liability shall be retained by 495
the council. 496

As used in this section, "fiscal agent" means technical 497
support and includes the following technical support services: 498

(1) Preparing and processing payroll and other personnel 499
documents that the council executes as the appointing authority. 500
The department of aging shall not approve any payroll or other 501
personnel-related documents. 502

(2) Maintaining ledgers of accounts and reports of account 503
balances, and monitoring budgets and allotment plans in 504
consultation with the council. The department shall not approve 505
any biennial budget, grant, expenditure, audit, or fiscal-related 506
document. 507

(3) Performing other routine support services that the 508
director of aging or the director's designee and the council or 509
its designee consider appropriate to achieve efficiency. 510

(E)(1) The council or its designee has the following 511
authority and responsibility relative to fiscal matters: 512

(a) Sole authority to draw funds for any and all federal 513
programs in which the council is authorized to participate; 514

(b) Sole authority to expend funds from their accounts for 515
programs and any other necessary expenses the council may incur 516

and its subgrantees may incur; 517

(c) Responsibility to cooperate with and inform the 518
department of aging as fiscal agent to ensure that the department 519
is fully apprised of all financial transactions. 520

(2) The council shall follow all state procurement 521
requirements. 522

(3) The department of aging shall determine fees to be 523
charged to the council, which shall be in proportion to the 524
services performed for the council. 525

(4) The council shall pay fees owed to the department of 526
aging from a general revenue fund of the council or from any other 527
fund from which the operating expenses of the council are paid. 528
Any amounts set aside for a fiscal year for the payment of these 529
fees shall be used only for the services performed for the council 530
by the department of aging in that fiscal year. 531

(F) The council may accept and administer grants from any 532
source, public or private, to carry out any of the council's 533
functions this section establishes. 534

Sec. 3301.0710. The state board of education shall adopt 535
rules establishing a statewide program to test student 536
achievement. The state board shall ensure that all tests 537
administered under the testing program are aligned with the 538
academic standards and model curricula adopted by the state board 539
and are created with input from Ohio parents, Ohio classroom 540
teachers, Ohio school administrators, and other Ohio school 541
personnel pursuant to section 3301.079 of the Revised Code. 542

The testing program shall be designed to ensure that students 543
who receive a high school diploma demonstrate at least high school 544
levels of achievement in reading, writing, mathematics, science, 545
and social studies. 546

(A)(1) The state board shall prescribe all of the following:	547
(a) Two statewide achievement tests, one each designed to measure the level of reading and mathematics skill expected at the end of third grade;	548 549 550
(b) Three statewide achievement tests, one each designed to measure the level of reading, writing, and mathematics skill expected at the end of fourth grade;	551 552 553
(c) Four statewide achievement tests, one each designed to measure the level of reading, mathematics, science, and social studies skill expected at the end of fifth grade;	554 555 556
(d) Two statewide achievement tests, one each designed to measure the level of reading and mathematics skill expected at the end of sixth grade;	557 558 559
(e) Three statewide achievement tests, one each designed to measure the level of reading, writing, and mathematics skill expected at the end of seventh grade;	560 561 562
(f) Four statewide achievement tests, one each designed to measure the level of reading, mathematics, science, and social studies skill expected at the end of eighth grade.	563 564 565
(2) The state board shall determine and designate at least five ranges of scores on each of the achievement tests described in divisions (A)(1) and (B) of this section. Each range of scores shall be deemed to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:	566 567 568 569 570 571
(a) An advanced level of skill;	572
(b) An accelerated level of skill;	573
(c) A proficient level of skill;	574
(d) A basic level of skill;	575

(e) A limited level of skill. 576

(B) The tests prescribed under this division shall 577
collectively be known as the Ohio graduation tests. The state 578
board shall prescribe five statewide high school achievement 579
tests, one each designed to measure the level of reading, writing, 580
mathematics, science, and social studies skill expected at the end 581
of tenth grade. The state board shall designate a score in at 582
least the range designated under division (A)(2)(c) of this 583
section on each such test that shall be deemed to be a passing 584
score on the test as a condition toward granting high school 585
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 586
of the Revised Code. 587

The state board may enter into a reciprocal agreement with 588
the appropriate body or agency of any other state that has similar 589
statewide achievement testing requirements for receiving high 590
school diplomas, under which any student who has met an 591
achievement testing requirement of one state is recognized as 592
having met the similar achievement testing requirement of the 593
other state for purposes of receiving a high school diploma. For 594
purposes of this section and sections 3301.0711 and 3313.61 of the 595
Revised Code, any student enrolled in any public high school in 596
this state who has met an achievement testing requirement 597
specified in a reciprocal agreement entered into under this 598
division shall be deemed to have attained at least the applicable 599
score designated under this division on each test required by this 600
division that is specified in the agreement. 601

(C) Except as provided in division (H) of this section, the 602
state board shall annually designate as follows the dates on which 603
the tests prescribed under this section shall be administered: 604

(1) For the reading test prescribed under division (A)(1)(a) 605
of this section, as follows: 606

(a) One date prior to the thirty-first day of December each 607
school year; 608

(b) At least one date of each school year that is not earlier 609
than Monday of the week containing the ~~first~~ twenty-fourth day of 610
~~May~~ April. 611

(2) For the mathematics test prescribed under division 612
(A)(1)(a) of this section and the tests prescribed under divisions 613
(A)(1)(b), (c), (d), (e), and (f) of this section, at least one 614
date of each school year that is not earlier than Monday of the 615
week containing the ~~first~~ twenty-fourth day of ~~May~~ April; 616

(3) For the tests prescribed under division (B) of this 617
section, at least one date in each school year that is not earlier 618
than Monday of the week containing the fifteenth day of March for 619
all tenth grade students and at least one date prior to the 620
thirty-first day of December and at least one date subsequent to 621
that date but prior to the thirty-first day of March of each 622
school year for eleventh and twelfth grade students. 623

(D) In prescribing test dates pursuant to division (C)(3) of 624
this section, the state board shall, to the greatest extent 625
practicable, provide options to school districts in the case of 626
tests administered under that division to eleventh and twelfth 627
grade students and in the case of tests administered to students 628
pursuant to division (C)(2) of section 3301.0711 of the Revised 629
Code. Such options shall include at least an opportunity for 630
school districts to give such tests outside of regular school 631
hours. 632

(E) In prescribing test dates pursuant to this section, the 633
state board of education shall designate the dates in such a way 634
as to allow a reasonable length of time between the administration 635
of tests prescribed under this section and any administration of 636
the National Assessment of Education Progress Test given to 637

students in the same grade level pursuant to section 3301.27 of 638
the Revised Code or federal law. 639

(F) The state board shall prescribe a practice version of 640
each Ohio graduation test described in division (B) of this 641
section that is of comparable length to the actual test. 642

(G) Any committee established by the department of education 643
for the purpose of making recommendations to the state board 644
regarding the state board's designation of scores on the tests 645
described by this section shall inform the state board of the 646
probable percentage of students who would score in each of the 647
ranges established under division (A)(2) of this section on the 648
tests if the committee's recommendations are adopted by the state 649
board. To the extent possible, these percentages shall be 650
disaggregated by gender, major racial and ethnic groups, limited 651
English proficient students, economically disadvantaged students, 652
students with disabilities, and migrant students. 653

If the state board intends to make any change to the 654
committee's recommendations, the state board shall explain the 655
intended change to the Ohio accountability task force established 656
by section 3302.021 of the Revised Code. The task force shall 657
recommend whether the state board should proceed to adopt the 658
intended change. Nothing in this division shall require the state 659
board to designate test scores based upon the recommendations of 660
the task force. 661

(H)(1) The state board shall require any alternate assessment 662
administered to a student under division (C)(1) of section 663
3301.0711 of the Revised Code to be completed and submitted to the 664
entity with which the department contracts for the scoring of the 665
test not later than the first day of April of the school year in 666
which the test is administered. 667

(2) For any test prescribed by this section, the state board 668

may designate a date one week earlier than the applicable date 669
designated under division (C) of this section for the 670
administration of the test to limited English proficient students. 671

(3) In designating days for the administration of the tests 672
prescribed by division (A) of this section, the state board shall 673
require the tests for each grade level to be administered ~~on~~ 674
~~consecutive days~~ over a period of two weeks. 675

Sec. 3301.0711. (A) The department of education shall: 676

(1) Annually furnish to, grade, and score all tests required 677
by section 3301.0710 of the Revised Code to be administered by 678
city, local, exempted village, and joint vocational school 679
districts, except that each district shall score any test 680
administered pursuant to division (B)(10) of this section. Each 681
test so furnished shall include the data verification code of the 682
student to whom the test will be administered, as assigned 683
pursuant to division (D)(2) of section 3301.0714 of the Revised 684
Code. In furnishing the practice versions of Ohio graduation tests 685
prescribed by division (F) of section 3301.0710 of the Revised 686
Code, the department shall make the tests available on its web 687
site for reproduction by districts. In awarding contracts for 688
grading tests, the department shall give preference to Ohio-based 689
entities employing Ohio residents. 690

(2) Adopt rules for the ethical use of tests and prescribing 691
the manner in which the tests prescribed by section 3301.0710 of 692
the Revised Code shall be administered to students. 693

(B) Except as provided in divisions (C) and (J) of this 694
section, the board of education of each city, local, and exempted 695
village school district shall, in accordance with rules adopted 696
under division (A) of this section: 697

(1) Administer the reading test prescribed under division 698

(A)(1)(a) of section 3301.0710 of the Revised Code twice annually 699
to all students in the third grade who have not attained the score 700
designated for that test under division (A)(2)(c) of section 701
3301.0710 of the Revised Code. 702

(2) Administer the mathematics test prescribed under division 703
(A)(1)(a) of section 3301.0710 of the Revised Code at least once 704
annually to all students in the third grade. 705

(3) Administer the tests prescribed under division (A)(1)(b) 706
of section 3301.0710 of the Revised Code at least once annually to 707
all students in the fourth grade. 708

(4) Administer the tests prescribed under division (A)(1)(c) 709
of section 3301.0710 of the Revised Code at least once annually to 710
all students in the fifth grade. 711

(5) Administer the tests prescribed under division (A)(1)(d) 712
of section 3301.0710 of the Revised Code at least once annually to 713
all students in the sixth grade. 714

(6) Administer the tests prescribed under division (A)(1)(e) 715
of section 3301.0710 of the Revised Code at least once annually to 716
all students in the seventh grade. 717

(7) Administer the tests prescribed under division (A)(1)(f) 718
of section 3301.0710 of the Revised Code at least once annually to 719
all students in the eighth grade. 720

(8) Except as provided in division (B)(9) of this section, 721
administer any test prescribed under division (B) of section 722
3301.0710 of the Revised Code as follows: 723

(a) At least once annually to all tenth grade students and at 724
least twice annually to all students in eleventh or twelfth grade 725
who have not yet attained the score on that test designated under 726
that division; 727

(b) To any person who has successfully completed the 728

curriculum in any high school or the individualized education 729
program developed for the person by any high school pursuant to 730
section 3323.08 of the Revised Code but has not received a high 731
school diploma and who requests to take such test, at any time 732
such test is administered in the district. 733

(9) In lieu of the board of education of any city, local, or 734
exempted village school district in which the student is also 735
enrolled, the board of a joint vocational school district shall 736
administer any test prescribed under division (B) of section 737
3301.0710 of the Revised Code at least twice annually to any 738
student enrolled in the joint vocational school district who has 739
not yet attained the score on that test designated under that 740
division. A board of a joint vocational school district may also 741
administer such a test to any student described in division 742
(B)(8)(b) of this section. 743

(10) If the district has been declared to be under an 744
academic watch or in a state of academic emergency pursuant to 745
section 3302.03 of the Revised Code or has a three-year average 746
graduation rate of not more than seventy-five per cent, administer 747
each test prescribed by division (F) of section 3301.0710 of the 748
Revised Code in September to all ninth grade students, beginning 749
in the school year that starts July 1, 2005. 750

(C)(1)(a) Any student receiving special education services 751
under Chapter 3323. of the Revised Code may be excused from taking 752
any particular test required to be administered under this section 753
if the individualized education program developed for the student 754
pursuant to section 3323.08 of the Revised Code excuses the 755
student from taking that test and instead specifies an alternate 756
assessment method approved by the department of education as 757
conforming to requirements of federal law for receipt of federal 758
funds for disadvantaged pupils. To the extent possible, the 759
individualized education program shall not excuse the student from 760

taking a test unless no reasonable accommodation can be made to 761
enable the student to take the test. 762

(b) Any alternate assessment approved by the department for a 763
student under this division shall produce measurable results 764
comparable to those produced by the tests which the alternate 765
assessments are replacing in order to allow for the student's 766
assessment results to be included in the data compiled for a 767
school district or building under section 3302.03 of the Revised 768
Code. 769

(c) Any student enrolled in a chartered nonpublic school who 770
has been identified, based on an evaluation conducted in 771
accordance with section 3323.03 of the Revised Code or section 504 772
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 773
794, as amended, as a child with a disability shall be excused 774
from taking any particular test required to be administered under 775
this section if a plan developed for the student pursuant to rules 776
adopted by the state board excuses the student from taking that 777
test. In the case of any student so excused from taking a test, 778
the chartered nonpublic school shall not prohibit the student from 779
taking the test. 780

(2) A district board may, for medical reasons or other good 781
cause, excuse a student from taking a test administered under this 782
section on the date scheduled, but any such test shall be 783
administered to such excused student not later than nine days 784
following the scheduled date. The board shall annually report the 785
number of students who have not taken one or more of the tests 786
required by this section to the state board of education not later 787
than the thirtieth day of June. 788

(3) As used in this division, "limited English proficient 789
student" has the same meaning as in 20 U.S.C. 7801. 790

No school district board shall excuse any limited English 791

proficient student from taking any particular test required to be 792
administered under this section, except that any limited English 793
proficient student who has been enrolled in United States schools 794
for less than one full school year shall not be required to take 795
any such reading or writing test. However, no board shall prohibit 796
a limited English proficient student who is not required to take a 797
test under this division from taking the test. A board may permit 798
any limited English proficient student to take any test required 799
to be administered under this section with appropriate 800
accommodations, as determined by the department. For each limited 801
English proficient student, each school district shall annually 802
assess that student's progress in learning English, in accordance 803
with procedures approved by the department. 804

The governing authority of a chartered nonpublic school may 805
excuse a limited English proficient student from taking any test 806
administered under this section. However, no governing authority 807
shall prohibit a limited English proficient student from taking 808
the test. 809

(D)(1) In the school year next succeeding the school year in 810
which the tests prescribed by division (A)(1) or (B) of section 811
3301.0710 of the Revised Code or former division (A)(1), (A)(2), 812
or (B) of section 3301.0710 of the Revised Code as it existed 813
prior to September 11, 2001, are administered to any student, the 814
board of education of any school district in which the student is 815
enrolled in that year shall provide to the student intervention 816
services commensurate with the student's test performance, 817
including any intensive intervention required under section 818
3313.608 of the Revised Code, in any skill in which the student 819
failed to demonstrate at least a score at the proficient level on 820
the test. 821

(2) Following any administration of the tests prescribed by 822
division (F) of section 3301.0710 of the Revised Code to ninth 823

grade students, each school district that has a three-year average 824
graduation rate of not more than seventy-five per cent shall 825
determine for each high school in the district whether the school 826
shall be required to provide intervention services to any students 827
who took the tests. In determining which high schools shall 828
provide intervention services based on the resources available, 829
the district shall consider each school's graduation rate and 830
scores on the practice tests. The district also shall consider the 831
scores received by ninth grade students on the reading and 832
mathematics tests prescribed under division (A)(1)(f) of section 833
3301.0710 of the Revised Code in the eighth grade in determining 834
which high schools shall provide intervention services. 835

Each high school selected to provide intervention services 836
under this division shall provide intervention services to any 837
student whose test results indicate that the student is failing to 838
make satisfactory progress toward being able to attain scores at 839
the proficient level on the Ohio graduation tests. Intervention 840
services shall be provided in any skill in which a student 841
demonstrates unsatisfactory progress and shall be commensurate 842
with the student's test performance. Schools shall provide the 843
intervention services prior to the end of the school year, during 844
the summer following the ninth grade, in the next succeeding 845
school year, or at any combination of those times. 846

(E) Except as provided in section 3313.608 of the Revised 847
Code and division (M) of this section, no school district board of 848
education shall utilize any student's failure to attain a 849
specified score on any test administered under this section as a 850
factor in any decision to deny the student promotion to a higher 851
grade level. However, a district board may choose not to promote 852
to the next grade level any student who does not take any test 853
administered under this section or make up such test as provided 854
by division (C)(2) of this section and who is not exempt from the 855

requirement to take the test under division (C)(3) of this 856
section. 857

(F) No person shall be charged a fee for taking any test 858
administered under this section. 859

(G)(1) Each school district board shall designate one 860
location for the collection of tests administered in the spring 861
under division (B)(1) of this section and the tests administered 862
under divisions (B)(2) to (7) of this section. Each district board 863
shall submit the tests to the entity with which the department 864
contracts for the scoring of the tests as follows: 865

(a) If the district's total enrollment in grades kindergarten 866
through twelve during the first full school week of October was 867
less than two thousand five hundred, not later than the Friday 868
after all of the tests ~~are~~ have been administered; 869

(b) If the district's total enrollment in grades kindergarten 870
through twelve during the first full school week of October was 871
two thousand five hundred or more, but less than seven thousand, 872
not later than the Monday after all of the tests ~~are~~ have been 873
administered; 874

(c) If the district's total enrollment in grades kindergarten 875
through twelve during the first full school week of October was 876
seven thousand or more, not later than the Tuesday after all of 877
the tests ~~are~~ have been administered. 878

However, any such test that a student takes during the 879
make-up period described in division (C)(2) of this section shall 880
be submitted not later than the Friday following the day the 881
student takes the test. 882

(2) The department or an entity with which the department 883
contracts for the scoring of the test shall send to each school 884
district board a list of the individual test scores of all persons 885
taking any test prescribed by division (A)(1) or (B) of section 886

3301.0710 of the Revised Code within sixty days after its 887
administration, but in no case shall the scores be returned later 888
than the fifteenth day of June following the administration. For 889
any tests administered under this section by a joint vocational 890
school district, the department or entity shall also send to each 891
city, local, or exempted village school district a list of the 892
individual test scores of any students of such city, local, or 893
exempted village school district who are attending school in the 894
joint vocational school district. 895

(H) Individual test scores on any tests administered under 896
this section shall be released by a district board only in 897
accordance with section 3319.321 of the Revised Code and the rules 898
adopted under division (A) of this section. No district board or 899
its employees shall utilize individual or aggregate test results 900
in any manner that conflicts with rules for the ethical use of 901
tests adopted pursuant to division (A) of this section. 902

(I) Except as provided in division (G) of this section, the 903
department or an entity with which the department contracts for 904
the scoring of the test shall not release any individual test 905
scores on any test administered under this section. The state 906
board of education shall adopt rules to ensure the protection of 907
student confidentiality at all times. The rules may require the 908
use of the data verification codes assigned to students pursuant 909
to division (D)(2) of section 3301.0714 of the Revised Code to 910
protect the confidentiality of student test scores. 911

(J) Notwithstanding division (D) of section 3311.52 of the 912
Revised Code, this section does not apply to the board of 913
education of any cooperative education school district except as 914
provided under rules adopted pursuant to this division. 915

(1) In accordance with rules that the state board of 916
education shall adopt, the board of education of any city, 917
exempted village, or local school district with territory in a 918

cooperative education school district established pursuant to 919
divisions (A) to (C) of section 3311.52 of the Revised Code may 920
enter into an agreement with the board of education of the 921
cooperative education school district for administering any test 922
prescribed under this section to students of the city, exempted 923
village, or local school district who are attending school in the 924
cooperative education school district. 925

(2) In accordance with rules that the state board of 926
education shall adopt, the board of education of any city, 927
exempted village, or local school district with territory in a 928
cooperative education school district established pursuant to 929
section 3311.521 of the Revised Code shall enter into an agreement 930
with the cooperative district that provides for the administration 931
of any test prescribed under this section to both of the 932
following: 933

(a) Students who are attending school in the cooperative 934
district and who, if the cooperative district were not 935
established, would be entitled to attend school in the city, 936
local, or exempted village school district pursuant to section 937
3313.64 or 3313.65 of the Revised Code; 938

(b) Persons described in division (B)(8)(b) of this section. 939

Any testing of students pursuant to such an agreement shall 940
be in lieu of any testing of such students or persons pursuant to 941
this section. 942

(K)(1) Any chartered nonpublic school may participate in the 943
testing program by administering any of the tests prescribed by 944
section 3301.0710 or 3301.0712 of the Revised Code if the chief 945
administrator of the school specifies which tests the school 946
wishes to administer. Such specification shall be made in writing 947
to the superintendent of public instruction prior to the first day 948
of August of any school year in which tests are administered and 949

shall include a pledge that the nonpublic school will administer 950
the specified tests in the same manner as public schools are 951
required to do under this section and rules adopted by the 952
department. 953

(2) The department of education shall furnish the tests 954
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 955
to any chartered nonpublic school electing to participate under 956
this division. 957

(L)(1) The superintendent of the state school for the blind 958
and the superintendent of the state school for the deaf shall 959
administer the tests described by section 3301.0710 of the Revised 960
Code. Each superintendent shall administer the tests in the same 961
manner as district boards are required to do under this section 962
and rules adopted by the department of education and in conformity 963
with division (C)(1)(a) of this section. 964

(2) The department of education shall furnish the tests 965
described by section 3301.0710 of the Revised Code to each 966
superintendent. 967

(M) Notwithstanding division (E) of this section, a school 968
district may use a student's failure to attain a score in at least 969
the basic range on the mathematics test described by division 970
(A)(1)(a) of section 3301.0710 of the Revised Code or on any of 971
the tests described by division (A)(1)(b), (c), (d), (e), or (f) 972
of section 3301.0710 of the Revised Code as a factor in retaining 973
that student in the current grade level. 974

(N)(1) In the manner specified in divisions (N)(3) to (5) of 975
this section, the tests required by section 3301.0710 of the 976
Revised Code shall become public records pursuant to section 977
149.43 of the Revised Code on the first day of July following the 978
school year that the test was administered. 979

(2) The department may field test proposed test questions 980

with samples of students to determine the validity, reliability, 981
or appropriateness of test questions for possible inclusion in a 982
future year's test. The department also may use anchor questions 983
on tests to ensure that different versions of the same test are of 984
comparable difficulty. 985

Field test questions and anchor questions shall not be 986
considered in computing test scores for individual students. Field 987
test questions and anchor questions may be included as part of the 988
administration of any test required by section 3301.0710 of the 989
Revised Code. 990

(3) Any field test question or anchor question administered 991
under division (N)(2) of this section shall not be a public 992
record. Such field test questions and anchor questions shall be 993
redacted from any tests which are released as a public record 994
pursuant to division (N)(1) of this section. 995

(4) This division applies to the tests prescribed by division 996
(A) of section 3301.0710 of the Revised Code. 997

(a) The first administration of each test, as specified in 998
section 3301.0712 of the Revised Code, shall be a public record. 999

(b) For subsequent administrations of each test, not less 1000
than forty per cent of the questions on the test that are used to 1001
compute a student's score shall be a public record. The department 1002
shall determine which questions will be needed for reuse on a 1003
future test and those questions shall not be public records and 1004
shall be redacted from the test prior to its release as a public 1005
record. However, for each redacted question, the department shall 1006
inform each city, local, and exempted village school district of 1007
the statewide academic standard adopted by the state board of 1008
education under section 3301.079 of the Revised Code and the 1009
corresponding benchmark to which the question relates. The 1010
preceding sentence does not apply to field test questions that are 1011

redacted under division (N)(3) of this section. 1012

(5) Each test prescribed by division (B) of section 3301.0710 1013
of the Revised Code that is administered in the spring shall be a 1014
public record. Each test prescribed by that division that is 1015
administered in the fall or summer shall not be a public record. 1016

(0) As used in this section: 1017

(1) "Three-year average" means the average of the most recent 1018
consecutive three school years of data. 1019

(2) "Dropout" means a student who withdraws from school 1020
before completing course requirements for graduation and who is 1021
not enrolled in an education program approved by the state board 1022
of education or an education program outside the state. "Dropout" 1023
does not include a student who has departed the country. 1024

(3) "Graduation rate" means the ratio of students receiving a 1025
diploma to the number of students who entered ninth grade four 1026
years earlier. Students who transfer into the district are added 1027
to the calculation. Students who transfer out of the district for 1028
reasons other than dropout are subtracted from the calculation. If 1029
a student who was a dropout in any previous year returns to the 1030
same school district, that student shall be entered into the 1031
calculation as if the student had entered ninth grade four years 1032
before the graduation year of the graduating class that the 1033
student joins. 1034

Sec. 3314.03. A copy of every contract entered into under 1035
this section shall be filed with the superintendent of public 1036
instruction. 1037

(A) Each contract entered into between a sponsor and the 1038
governing authority of a community school shall specify the 1039
following: 1040

(1) That the school shall be established as either of the 1041

following:	1042
(a) A nonprofit corporation established under Chapter 1702.	1043
of the Revised Code, if established prior to April 8, 2003;	1044
(b) A public benefit corporation established under Chapter	1045
1702. of the Revised Code, if established after April 8, 2003;	1046
(2) The education program of the school, including the	1047
school's mission, the characteristics of the students the school	1048
is expected to attract, the ages and grades of students, and the	1049
focus of the curriculum;	1050
(3) The academic goals to be achieved and the method of	1051
measurement that will be used to determine progress toward those	1052
goals, which shall include the statewide achievement tests;	1053
(4) Performance standards by which the success of the school	1054
will be evaluated by the sponsor;	1055
(5) The admission standards of section 3314.06 of the Revised	1056
Code and, if applicable, section 3314.061 of the Revised Code;	1057
(6)(a) Dismissal procedures;	1058
(b) A requirement that the governing authority adopt an	1059
attendance policy that includes a procedure for automatically	1060
withdrawing a student from the school if the student without a	1061
legitimate excuse fails to participate in one hundred five	1062
consecutive hours of the learning opportunities offered to the	1063
student.	1064
(7) The ways by which the school will achieve racial and	1065
ethnic balance reflective of the community it serves;	1066
(8) Requirements for financial audits by the auditor of	1067
state. The contract shall require financial records of the school	1068
to be maintained in the same manner as are financial records of	1069
school districts, pursuant to rules of the auditor of state, and	1070
the audits shall be conducted in accordance with section 117.10 of	1071

the Revised Code.	1072
(9) The facilities to be used and their locations;	1073
(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;	1074 1075 1076 1077 1078 1079
(11) That the school will comply with the following requirements:	1080 1081
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year;	1082 1083 1084
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school;	1085 1086 1087
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution;	1088 1089 1090 1091
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.80, 3313.96, 3319.073, 3319.313, 3319.314, 3319.315, 3319.321, 3319.39, <u>3319.391</u> , 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and	1092 1093 1094 1095 1096 1097 1098 1099 1100 1101 1102

will comply with section 3301.0714 of the Revised Code in the 1103
manner specified in section 3314.17 of the Revised Code; 1104

(e) The school shall comply with Chapter 102. and section 1105
2921.42 of the Revised Code; 1106

(f) The school will comply with sections 3313.61, 3313.611, 1107
and 3313.614 of the Revised Code, except that for students who 1108
enter ninth grade for the first time before July 1, 2010, the 1109
requirement in sections 3313.61 and 3313.611 of the Revised Code 1110
that a person must successfully complete the curriculum in any 1111
high school prior to receiving a high school diploma may be met by 1112
completing the curriculum adopted by the governing authority of 1113
the community school rather than the curriculum specified in Title 1114
XXXIII of the Revised Code or any rules of the state board of 1115
education. Beginning with students who enter ninth grade for the 1116
first time on or after July 1, 2010, the requirement in sections 1117
3313.61 and 3313.611 of the Revised Code that a person must 1118
successfully complete the curriculum of a high school prior to 1119
receiving a high school diploma shall be met by completing the 1120
Ohio core curriculum prescribed in division (C) of section 1121
3313.603 of the Revised Code, unless the person qualifies under 1122
division (D) or (F) of that section. Each school shall comply with 1123
the plan for awarding high school credit based on demonstration of 1124
subject area competency, adopted by the state board of education 1125
under division (J) of section 3313.603 of the Revised Code. 1126

(g) The school governing authority will submit within four 1127
months after the end of each school year a report of its 1128
activities and progress in meeting the goals and standards of 1129
divisions (A)(3) and (4) of this section and its financial status 1130
to the sponsor and the parents of all students enrolled in the 1131
school. 1132

(h) The school, unless it is an internet- or computer-based 1133
community school, will comply with section 3313.801 of the Revised 1134

Code as if it were a school district. 1135

(12) Arrangements for providing health and other benefits to 1136
employees; 1137

(13) The length of the contract, which shall begin at the 1138
beginning of an academic year. No contract shall exceed five years 1139
unless such contract has been renewed pursuant to division (E) of 1140
this section. 1141

(14) The governing authority of the school, which shall be 1142
responsible for carrying out the provisions of the contract; 1143

(15) A financial plan detailing an estimated school budget 1144
for each year of the period of the contract and specifying the 1145
total estimated per pupil expenditure amount for each such year. 1146
The plan shall specify for each year the base formula amount that 1147
will be used for purposes of funding calculations under section 1148
3314.08 of the Revised Code. This base formula amount for any year 1149
shall not exceed the formula amount defined under section 3317.02 1150
of the Revised Code. The plan may also specify for any year a 1151
percentage figure to be used for reducing the per pupil amount of 1152
the subsidy calculated pursuant to section 3317.029 of the Revised 1153
Code the school is to receive that year under section 3314.08 of 1154
the Revised Code. 1155

(16) Requirements and procedures regarding the disposition of 1156
employees of the school in the event the contract is terminated or 1157
not renewed pursuant to section 3314.07 of the Revised Code; 1158

(17) Whether the school is to be created by converting all or 1159
part of an existing public school or is to be a new start-up 1160
school, and if it is a converted public school, specification of 1161
any duties or responsibilities of an employer that the board of 1162
education that operated the school before conversion is delegating 1163
to the governing board of the community school with respect to all 1164
or any specified group of employees provided the delegation is not 1165

prohibited by a collective bargaining agreement applicable to such employees; 1166
1167

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school; 1168
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1170

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following: 1171
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(a) Prohibit the enrollment of students who reside outside the district in which the school is located; 1177
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(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located; 1179
1180

(c) Permit the enrollment of students who reside in any other district in the state. 1181
1182

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code; 1183
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(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code; 1187
1188
1189

(22) A provision recognizing both of the following: 1190

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations; 1191
1192
1193
1194

(b) The authority of the department of education as the 1195

community school oversight body to suspend the operation of the 1196
school under section 3314.072 of the Revised Code if the 1197
department has evidence of conditions or violations of law at the 1198
school that pose an imminent danger to the health and safety of 1199
the school's students and employees and the sponsor refuses to 1200
take such action; 1201

(23) A description of the learning opportunities that will be 1202
offered to students including both classroom-based and 1203
non-classroom-based learning opportunities that is in compliance 1204
with criteria for student participation established by the 1205
department under division (L)(2) of section 3314.08 of the Revised 1206
Code; 1207

(24) The school will comply with section 3302.04 of the 1208
Revised Code, including division (E) of that section to the extent 1209
possible, except that any action required to be taken by a school 1210
district pursuant to that section shall be taken by the sponsor of 1211
the school. However, the sponsor shall not be required to take any 1212
action described in division (F) of that section. 1213

(25) Beginning in the 2006-2007 school year, the school will 1214
open for operation not later than the thirtieth day of September 1215
each school year, unless the mission of the school as specified 1216
under division (A)(2) of this section is solely to serve dropouts. 1217
In its initial year of operation, if the school fails to open by 1218
the thirtieth day of September, or within one year after the 1219
adoption of the contract pursuant to division (D) of section 1220
3314.02 of the Revised Code if the mission of the school is solely 1221
to serve dropouts, the contract shall be void. 1222

(B) The community school shall also submit to the sponsor a 1223
comprehensive plan for the school. The plan shall specify the 1224
following: 1225

(1) The process by which the governing authority of the 1226

school will be selected in the future;	1227
(2) The management and administration of the school;	1228
(3) If the community school is a currently existing public school, alternative arrangements for current public school students who choose not to attend the school and teachers who choose not to teach in the school after conversion;	1229 1230 1231 1232
(4) The instructional program and educational philosophy of the school;	1233 1234
(5) Internal financial controls.	1235
(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.	1236 1237 1238 1239 1240 1241 1242 1243 1244
(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:	1245 1246 1247 1248 1249
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	1250 1251
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	1252 1253 1254
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department	1255 1256

of education and to the parents of students enrolled in the 1257
community school; 1258

(4) Provide technical assistance to the community school in 1259
complying with laws applicable to the school and terms of the 1260
contract; 1261

(5) Take steps to intervene in the school's operation to 1262
correct problems in the school's overall performance, declare the 1263
school to be on probationary status pursuant to section 3314.073 1264
of the Revised Code, suspend the operation of the school pursuant 1265
to section 3314.072 of the Revised Code, or terminate the contract 1266
of the school pursuant to section 3314.07 of the Revised Code as 1267
determined necessary by the sponsor; 1268

(6) Have in place a plan of action to be undertaken in the 1269
event the community school experiences financial difficulties or 1270
closes prior to the end of a school year. 1271

(E) Upon the expiration of a contract entered into under this 1272
section, the sponsor of a community school may, with the approval 1273
of the governing authority of the school, renew that contract for 1274
a period of time determined by the sponsor, but not ending earlier 1275
than the end of any school year, if the sponsor finds that the 1276
school's compliance with applicable laws and terms of the contract 1277
and the school's progress in meeting the academic goals prescribed 1278
in the contract have been satisfactory. Any contract that is 1279
renewed under this division remains subject to the provisions of 1280
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 1281

(F) If a community school fails to open for operation within 1282
one year after the contract entered into under this section is 1283
adopted pursuant to division (D) of section 3314.02 of the Revised 1284
Code or permanently closes prior to the expiration of the 1285
contract, the contract shall be void and the school shall not 1286
enter into a contract with any other sponsor. A school shall not 1287

be considered permanently closed because the operations of the 1288
school have been suspended pursuant to section 3314.072 of the 1289
Revised Code. Any contract that becomes void under this division 1290
shall not count toward any statewide limit on the number of such 1291
contracts prescribed by section 3314.013 of the Revised Code. 1292

Sec. 3314.19. The sponsor of each community school annually 1293
shall provide the following assurances in writing to the 1294
department of education not later than ten business days prior to 1295
the opening of the school: 1296

(A) That a current copy of the contract between the sponsor 1297
and the governing authority of the school entered into under 1298
section 3314.03 of the Revised Code has been filed with the state 1299
office of community schools established under section 3314.11 of 1300
the Revised Code and that any subsequent modifications to that 1301
contract will be filed with the office; 1302

(B) That the school has submitted to the sponsor a plan for 1303
providing special education and related services to students with 1304
disabilities and has demonstrated the capacity to provide those 1305
services in accordance with Chapter 3323. of the Revised Code and 1306
federal law; 1307

(C) That the school has a plan and procedures for 1308
administering the achievement tests and diagnostic assessments 1309
prescribed by sections 3301.0710 and 3301.0715 of the Revised 1310
Code; 1311

(D) That school personnel have the necessary training, 1312
knowledge, and resources to properly use and submit information to 1313
all databases maintained by the department for the collection of 1314
education data, including the education management information 1315
system established under section 3301.0714 of the Revised Code in 1316
accordance with methods and timelines established under section 1317
3314.17 of the Revised Code; 1318

(E) That all required information about the school has been submitted to the Ohio education directory system or any successor system;	1319 1320 1321
(F) That the school will enroll at least the minimum number of students required by division (A)(11)(a) of section 3314.03 of the Revised Code in the school year for which the assurances are provided;	1322 1323 1324 1325
(G) That all classroom teachers are licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except for noncertificated persons engaged to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	1326 1327 1328 1329
(H) That the school's fiscal officer is in compliance with section 3314.011 of the Revised Code;	1330 1331
(I) That the school has complied with section 3319.39 of the Revised Code with respect to all employees who are responsible for the care, custody, or control of a child and that the school has conducted a criminal records check of each of its governing authority members;	1332 1333 1334 1335 1336
(J) That the school holds all of the following:	1337
(1) Proof of property ownership or a lease for the facilities used by the school;	1338 1339
(2) A certificate of occupancy;	1340
(3) Liability insurance for the school, as required by division (A)(11)(b) of section 3314.03 of the Revised Code, that the sponsor considers sufficient to indemnify the school's facilities, staff, and governing authority against risk;	1341 1342 1343 1344
(4) A satisfactory health and safety inspection;	1345
(5) A satisfactory fire inspection;	1346
(6) A valid food permit, if applicable.	1347

(K) That the sponsor has conducted a pre-opening site visit 1348
to the school for the school year for which the assurances are 1349
provided; 1350

(L) That the school has designated a date it will open for 1351
the school year for which the assurances are provided that is in 1352
compliance with division (A)(25) of section 3314.03 of the Revised 1353
Code; 1354

(M) That the school has met all of the sponsor's requirements 1355
for opening and any other requirements of the sponsor. 1356

Sec. 3319.089. The board of education of any city, local, or 1357
exempted village school district may adopt a resolution approving 1358
a contract with a county department of job and family services 1359
under section 5107.541 of the Revised Code to provide for a 1360
participant of the work experience program who has a child 1361
enrolled in a public school in that district to fulfill the work 1362
requirements of the work experience program by volunteering or 1363
working in that public school in accordance with section 5107.541 1364
of the Revised Code. Such recipients are not employees of such 1365
board of education. 1366

Before a school district places a participant in a public 1367
school under this section, the appointing officer or hiring 1368
officer of the board of education of a school district shall 1369
request a criminal records check of the participant to be 1370
conducted in the same manner as required for a person ~~responsible~~ 1371
~~for the care, custody, or control of a child in accordance with~~ 1372
under section 3319.39 of the Revised Code^{7,1}. The records check 1373
shall be conducted even though the participant, if subsequently 1374
hired, would not be considered an employee of the school district 1375
for purposes of working at the school. A participant shall not be 1376
placed in a school if the participant previously has been 1377
convicted of or pleaded guilty to any of the offenses listed in 1378

division (B)(1)(a) or (b) of section 3319.39 of the Revised Code. 1379

Sec. 3319.291. (A) The state board of education shall require 1380
each of the following persons, at the times prescribed by division 1381
(A) of this section, to submit two complete sets of fingerprints 1382
and written permission that authorizes the superintendent of 1383
public instruction to forward the fingerprints to the bureau of 1384
criminal identification and investigation pursuant to division (F) 1385
of section 109.57 of the Revised Code and that authorizes that 1386
bureau to forward the fingerprints to the federal bureau of 1387
investigation for purposes of obtaining any criminal records that 1388
the federal bureau maintains on the person: 1389

(1) Any person initially applying for any certificate, 1390
license, or permit described in this chapter or in division (B) of 1391
section 3301.071 or in section 3301.074 of the Revised Code at the 1392
time that application is made; 1393

(2) Any person applying for renewal of any certificate, 1394
license, or permit described in division (A)(1) of this section at 1395
the time that application is made; 1396

(3) Any person who is teaching under a professional teaching 1397
certificate issued under former section 3319.22 or under section 1398
3319.222 of the Revised Code upon a date prescribed by the state 1399
board that is not later than five years after the date that the 1400
certificate was issued or renewed; 1401

(4) Any person who is teaching under a permanent teaching 1402
certificate issued under former section 3319.22 or under section 1403
3319.222 of the Revised Code upon a date prescribed by the state 1404
board and every five years thereafter. 1405

(B) Except as provided in division (C) of this section, prior 1406
to issuing or renewing any certificate, license, or permit 1407
described in division (A)(1) or (2) of this section and in the 1408

case of a person required to submit fingerprints and written 1409
permission under division (A)(3) or (4) of this section, the state 1410
board or the superintendent of public instruction shall request 1411
the superintendent of the bureau of criminal identification and 1412
investigation to investigate and determine whether the bureau has 1413
any information, gathered pursuant to division (A) of section 1414
109.57 of the Revised Code, pertaining to any person submitting 1415
fingerprints and written permission under this section. ~~If the 1416
person does not present proof that the person has been a resident 1417
of this state for the five year period immediately prior to the 1418
date upon which the investigation described in this division is 1419
requested, or does not provide evidence that within that five year 1420
period the superintendent of the bureau of criminal identification 1421
and investigation has requested information about the person from 1422
the federal bureau of investigation, the state board or the 1423
superintendent of public instruction shall request the 1424
superintendent of the bureau of criminal identification and 1425
investigation to obtain any criminal records that the federal 1426
bureau of investigation has on the person. If the person presents 1427
proof that the person has been a resident of this state for that 1428
five year period, the state board or the superintendent of public 1429
instruction may request the superintendent of the bureau of 1430
criminal identification and investigation and to obtain any 1431
criminal records that the federal bureau of investigation has on 1432
the person. 1433~~

(C) The state board or the superintendent of public 1434
instruction may choose not to request any information required by 1435
division (B) of this section if the person applying for the 1436
issuance or renewal of a certificate, license, or permit described 1437
in division (A)(1) or (2) of this section or the person required 1438
to submit fingerprints and written permission under division 1439
(A)(3) or (4) of this section provides proof that a criminal 1440
records check was conducted on the person as a condition of 1441

employment pursuant to section 3319.39 of the Revised Code within 1442
the immediately preceding year. The state board or the 1443
superintendent of public instruction may accept a certified copy 1444
of records that were issued by the bureau of criminal 1445
identification and investigation and that are presented by a 1446
person applying for the issuance or renewal of a certificate, 1447
license, or permit described in this section in lieu of requesting 1448
that information under division (B) of this section if the records 1449
were issued by the bureau within the immediately preceding year. 1450

Sec. 3319.31. (A) As used in this section and sections 1451
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 1452
means a certificate, license, or permit described in this chapter 1453
or in division (B) of section 3301.071 or in section 3301.074 of 1454
the Revised Code. 1455

(B) For any of the following reasons, the state board of 1456
education, in accordance with Chapter 119. and section 3319.311 of 1457
the Revised Code, may refuse to issue a license to an applicant; i 1458
may limit a license it issues to an applicant; ~~or~~ i may suspend, 1459
revoke, or limit a license that has been issued to any person; or 1460
may revoke a license that has been issued to any person and has 1461
expired: 1462

(1) Engaging in an immoral act, incompetence, negligence, or 1463
conduct that is unbecoming to the applicant's or person's 1464
position; 1465

(2) A plea of guilty to, a finding of guilt by a jury or 1466
court of, or a conviction of any of the following: 1467

(a) A felony; 1468

(b) A violation of section 2907.04 or 2907.06 or division (A) 1469
or (B) of section 2907.07 of the Revised Code; 1470

(c) An offense of violence; 1471

(d) A theft offense, as defined in section 2913.01 of the Revised Code; 1472
1473

(e) A drug abuse offense, as defined in section 2925.01 of the Revised Code, that is not a minor misdemeanor; 1474
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(f) A violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in divisions (B)(2)(a) to (e) of this section. 1476
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(C) The state board may take action under division (B) of this section on the basis of substantially comparable conduct occurring in a jurisdiction outside this state or occurring before a person applies for or receives any license. 1479
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(D) The state board may adopt rules in accordance with Chapter 119. of the Revised Code to carry out this section and section 3319.311 of the Revised Code. 1483
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Sec. 3319.39. (A)(1) Except as provided in division (F)(2)(b) of section 109.57 of the Revised Code, the appointing or hiring officer of the board of education of a school district, the governing board of an educational service center, or of a chartered nonpublic school shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the school district, educational service center, or school for employment in any position ~~as a person responsible for the care, custody, or control of a child. Except as provided in division (A)(1) of this section, if the applicant does not present proof that the applicant has been a resident of this state for the five year period immediately prior to the date upon which the eriminal records check is requested or does not provide evidence that within that five year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check, the appointing or~~ 1486
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~~hiring officer shall request that the superintendent obtain~~ 1503
~~information from the federal bureau of investigation as a part of~~ 1504
~~the criminal records check for the applicant. Except as provided~~ 1505
~~in division (A)(1) of this section, if the applicant presents~~ 1506
~~proof that the applicant has been a resident of this state for~~ 1507
~~that five year period, the appointing or hiring officer may~~ 1508
~~request that the superintendent include information from the~~ 1509
~~federal bureau of investigation in the criminal records check. In~~ 1510
~~the case of an applicant who is applying to be employed as driver~~ 1511
~~of a school bus or motor van, the.~~ The appointing or hiring 1512
officer shall request that the superintendent include information 1513
from the federal bureau of investigation in the criminal records 1514
check. 1515

(2) A person required by division (A)(1) of this section to 1516
request a criminal records check shall provide to each applicant a 1517
copy of the form prescribed pursuant to division (C)(2) of section 1518
109.572 of the Revised Code, provide to each applicant a standard 1519
impression sheet to obtain fingerprint impressions prescribed 1520
pursuant to division (C)(2) of section 109.572 of the Revised 1521
Code, obtain the completed form and impression sheet from each 1522
applicant, and forward the completed form and impression sheet to 1523
the superintendent of the bureau of criminal identification and 1524
investigation at the time the person requests a criminal records 1525
check pursuant to division (A)(1) of this section. 1526

(3) An applicant who receives pursuant to division (A)(2) of 1527
this section a copy of the form prescribed pursuant to division 1528
(C)(1) of section 109.572 of the Revised Code and a copy of an 1529
impression sheet prescribed pursuant to division (C)(2) of that 1530
section and who is requested to complete the form and provide a 1531
set of fingerprint impressions shall complete the form or provide 1532
all the information necessary to complete the form and shall 1533
provide the impression sheet with the impressions of the 1534

applicant's fingerprints. If an applicant, upon request, fails to 1535
provide the information necessary to complete the form or fails to 1536
provide impressions of the applicant's fingerprints, the board of 1537
education of a school district, governing board of an educational 1538
service center, or governing authority of a chartered nonpublic 1539
school shall not employ that applicant for any position ~~for which~~ 1540
~~a criminal records check is required pursuant to division (A)(1)~~ 1541
~~of this section.~~ 1542

(B)(1) Except as provided in rules adopted by the department 1543
of education in accordance with division (E) of this section and 1544
as provided in division (B)(3) of this section, no board of 1545
education of a school district, no governing board of an 1546
educational service center, and no governing authority of a 1547
chartered nonpublic school shall employ a person ~~as a person~~ 1548
~~responsible for the care, custody, or control of a child~~ if the 1549
person previously has been convicted of or pleaded guilty to any 1550
of the following: 1551

(a) A violation of section 2903.01, 2903.02, 2903.03, 1552
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1553
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1554
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1555
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1556
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1557
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1558
2925.06, or 3716.11 of the Revised Code, a violation of section 1559
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1560
violation of section 2919.23 of the Revised Code that would have 1561
been a violation of section 2905.04 of the Revised Code as it 1562
existed prior to July 1, 1996, had the violation been committed 1563
prior to that date, a violation of section 2925.11 of the Revised 1564
Code that is not a minor drug possession offense, or felonious 1565
sexual penetration in violation of former section 2907.12 of the 1566

Revised Code; 1567

(b) A violation of an existing or former law of this state, 1568
another state, or the United States that is substantially 1569
equivalent to any of the offenses or violations described in 1570
division (B)(1)(a) of this section. 1571

(2) A board, governing board of an educational service 1572
center, or a governing authority of a chartered nonpublic school 1573
may employ an applicant conditionally until the criminal records 1574
check required by this section is completed and the board or 1575
governing authority receives the results of the criminal records 1576
check. If the results of the criminal records check indicate that, 1577
pursuant to division (B)(1) of this section, the applicant does 1578
not qualify for employment, the board or governing authority shall 1579
release the applicant from employment. 1580

(3) No board and no governing authority of a chartered 1581
nonpublic school shall employ a teacher who previously has been 1582
convicted of or pleaded guilty to any of the offenses listed in 1583
section 3319.31 of the Revised Code. 1584

(C)(1) Each board and each governing authority of a chartered 1585
nonpublic school shall pay to the bureau of criminal 1586
identification and investigation the fee prescribed pursuant to 1587
division (C)(3) of section 109.572 of the Revised Code for each 1588
criminal records check conducted in accordance with that section 1589
upon the request pursuant to division (A)(1) of this section of 1590
the appointing or hiring officer of the board or governing 1591
authority. 1592

(2) A board and the governing authority of a chartered 1593
nonpublic school may charge an applicant a fee for the costs it 1594
incurs in obtaining a criminal records check under this section. A 1595
fee charged under this division shall not exceed the amount of 1596
fees the board or governing authority pays under division (C)(1) 1597

of this section. If a fee is charged under this division, the 1598
board or governing authority shall notify the applicant at the 1599
time of the applicant's initial application for employment of the 1600
amount of the fee and that, unless the fee is paid, the board or 1601
governing authority will not consider the applicant for 1602
employment. 1603

(D) The report of any criminal records check conducted by the 1604
bureau of criminal identification and investigation in accordance 1605
with section 109.572 of the Revised Code and pursuant to a request 1606
under division (A)(1) of this section is not a public record for 1607
the purposes of section 149.43 of the Revised Code and shall not 1608
be made available to any person other than the applicant who is 1609
the subject of the criminal records check or the applicant's 1610
representative, the board or governing authority requesting the 1611
criminal records check or its representative, and any court, 1612
hearing officer, or other necessary individual involved in a case 1613
dealing with the denial of employment to the applicant. 1614

(E) The department of education shall adopt rules pursuant to 1615
Chapter 119. of the Revised Code to implement this section, 1616
including rules specifying circumstances under which the board or 1617
governing authority may hire a person who has been convicted of an 1618
offense listed in division (B)(1) or (3) of this section but who 1619
meets standards in regard to rehabilitation set by the department. 1620

(F) Any person required by division (A)(1) of this section to 1621
request a criminal records check shall inform each person, at the 1622
time of the person's initial application for employment, of the 1623
requirement to provide a set of fingerprint impressions and that a 1624
criminal records check is required to be conducted and 1625
satisfactorily completed in accordance with section 109.572 of the 1626
Revised Code if the person comes under final consideration for 1627
appointment or employment as a precondition to employment for the 1628
school district, educational service center, or school for that 1629

position. 1630

(G) As used in this section: 1631

(1) "Applicant" means a person who is under final 1632
consideration for appointment or employment in a position with a 1633
board of education, governing board of an educational service 1634
center, or a chartered nonpublic school ~~as a person responsible~~ 1635
~~for the care, custody, or control of a child~~, except that 1636
"applicant" does not include a person already employed by a board 1637
or chartered nonpublic school ~~in a position of care, custody, or~~ 1638
~~control of a child~~ who is under consideration for a different 1639
position with such board or school. 1640

(2) "Teacher" means a person holding an educator license or 1641
permit issued under section 3319.22 or 3319.301 of the Revised 1642
Code and teachers in a chartered nonpublic school. 1643

(3) "Criminal records check" has the same meaning as in 1644
section 109.572 of the Revised Code. 1645

(4) "Minor drug possession offense" has the same meaning as 1646
in section 2925.01 of the Revised Code. 1647

(H) If the board of education of a local school district 1648
adopts a resolution requesting the assistance of the educational 1649
service center in which the local district has territory in 1650
conducting criminal records checks of substitute teachers under 1651
this section, the appointing or hiring officer of such educational 1652
service center shall serve for purposes of this section as the 1653
appointing or hiring officer of the local board in the case of 1654
hiring substitute teachers for employment in the local district. 1655

Sec. 3319.391. (A)(1) This division applies to any person 1656
hired by a school district, educational service center, or 1657
chartered nonpublic school in any position that does not require a 1658
"license" issued by the state board of education, as defined in 1659

section 3319.31 of the Revised Code, and is not for the operation 1660
of a vehicle for pupil transportation. 1661

For each person to whom this division applies who is hired on 1662
or after the effective date of this section, the employer shall 1663
request a criminal records check in accordance with section 1664
3319.39 of the Revised Code and every five years thereafter. For 1665
each person to whom this division applies who is hired prior to 1666
that date, the employer shall request a criminal records check by 1667
a date prescribed by the department of education and every five 1668
years thereafter. 1669

(2) This division applies to any person hired to work in a 1670
school district, educational service center, or chartered 1671
nonpublic school, in any position that does not require a 1672
"license" issued by the state board of education, as defined in 1673
section 3319.31 of the Revised Code, and is not for the operation 1674
of a vehicle for pupil transportation, and who is employed by a 1675
private company under contract with the district, service center, 1676
or chartered nonpublic school to provide services. 1677

For each person to whom this division applies who is hired on 1678
or after the effective date of this section, the employer shall 1679
request a criminal records check prior to the person's hiring and 1680
every five years thereafter. For each person to whom this division 1681
applies who is hired prior to that date, the employer shall 1682
request a criminal records check by a date prescribed by the 1683
department and every five years thereafter. 1684

(B) Each request for a criminal records check under this 1685
section shall be made to the superintendent of the bureau of 1686
criminal identification and investigation in the manner prescribed 1687
in section 3319.39 of the Revised Code. Upon receipt of a request, 1688
the bureau shall conduct the criminal records check in accordance 1689
with section 109.572 of the Revised Code as if the request had 1690

been made under section 3319.39 of the Revised Code. 1691

(C) Any person who is the subject of a criminal records check 1692
under this section and has been convicted of or pleaded guilty to 1693
any offense described in division (B)(1) of section 3319.39 of the 1694
Revised Code shall not be hired or shall be released from 1695
employment, as applicable, unless the person meets the 1696
rehabilitation standards adopted by the department under division 1697
(E) of that section. 1698

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 1699
"guardian," or "other person having charge or care of a child" 1700
means either parent unless the parents are separated or divorced 1701
or their marriage has been dissolved or annulled, in which case 1702
"parent" means the parent who is the residential parent and legal 1703
custodian of the child. If the child is in the legal or permanent 1704
custody of a person or government agency, "parent" means that 1705
person or government agency. When a child is a resident of a home, 1706
as defined in section 3313.64 of the Revised Code, and the child's 1707
parent is not a resident of this state, "parent," "guardian," or 1708
"other person having charge or care of a child" means the head of 1709
the home. 1710

A child between six and eighteen years of age is "of 1711
compulsory school age" for the purpose of sections 3321.01 to 1712
3321.13 of the Revised Code. A child under six years of age who 1713
has been enrolled in kindergarten also shall be considered "of 1714
compulsory school age" for the purpose of sections 3321.01 to 1715
3321.13 of the Revised Code unless at any time the child's parent 1716
or guardian, at the parent's or guardian's discretion and in 1717
consultation with the child's teacher and principal, formally 1718
withdraws the child from kindergarten. The compulsory school age 1719
of a child shall not commence until the beginning of the term of 1720
such schools, or other time in the school year fixed by the rules 1721

of the board of the district in which the child resides. 1722

(2) No child shall be admitted to a kindergarten or a first 1723
grade of a public school in a district in which all children are 1724
admitted to kindergarten and the first grade in August or 1725
September unless the child is five or six years of age, 1726
respectively, by the thirtieth day of September of the year of 1727
admittance, or by the first day of a term or semester other than 1728
one beginning in August or September in school districts granting 1729
admittance at the beginning of such term or semester, except that 1730
in those school districts using or obtaining educationally 1731
accepted standardized testing programs for determining entrance, 1732
as approved by the board of education of such districts, the board 1733
shall admit a child to kindergarten or the first grade who fails 1734
to meet the age requirement, provided the child meets necessary 1735
standards as determined by such standardized testing programs. If 1736
the board of education has not established a standardized testing 1737
program, the board shall designate the necessary standards and a 1738
testing program it will accept for the purpose of admitting a 1739
child to kindergarten or first grade who fails to meet the age 1740
requirement. Each child who will be the proper age for entrance to 1741
kindergarten or first grade by the first day of January of the 1742
school year for which admission is requested shall be so tested 1743
upon the request of the child's parent. 1744

(3) Notwithstanding divisions (A)(2) and (D) of this section, 1745
beginning with the school year that starts in 2001 and continuing 1746
thereafter the board of education of any district may adopt a 1747
resolution establishing the first day of August in lieu of the 1748
thirtieth day of September as the required date by which students 1749
must have attained the age specified in those divisions. 1750

(B) As used in divisions (C) and (D) of this section, 1751
"successfully completed kindergarten" and "successful completion 1752
of kindergarten" mean that the child has completed the 1753

kindergarten requirements at one of the following:	1754
(1) A public or chartered nonpublic school;	1755
(2) A kindergarten class that is both of the following:	1756
(a) Offered by a day-care provider licensed under Chapter 5104. of the Revised Code;	1757 1758
(b) If offered after July 1, 1991, is directly taught by a teacher who holds one of the following:	1759 1760
(i) A valid educator license issued under section 3319.22 of the Revised Code;	1761 1762
(ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale;	1763 1764 1765
(iii) Certification determined under division (G) of this section to be equivalent to that described in division (B)(2)(b)(ii) of this section;	1766 1767 1768
(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code.	1769 1770
(C) Except as provided in division (D) of this section, no school district shall admit to the first grade any child who has not successfully completed kindergarten.	1771 1772 1773
(D) Upon request of a parent, the requirement of division (C) of this section may be waived by the district's pupil personnel services committee in the case of a child who is at least six years of age by the thirtieth day of September of the year of admittance and who demonstrates to the satisfaction of the committee the possession of the social, emotional, and cognitive skills necessary for first grade.	1774 1775 1776 1777 1778 1779 1780
The board of education of each city, local, and exempted village school district shall establish a pupil personnel services committee. The committee shall be composed of all of the following	1781 1782 1783

to the extent such personnel are either employed by the district 1784
or employed by the governing board of the educational service 1785
center within whose territory the district is located and the 1786
educational service center generally furnishes the services of 1787
such personnel to the district: 1788

- (1) The director of pupil personnel services; 1789
- (2) An elementary school counselor; 1790
- (3) An elementary school principal; 1791
- (4) A school psychologist; 1792
- (5) A teacher assigned to teach first grade; 1793
- (6) A gifted coordinator. 1794

The responsibilities of the pupil personnel services 1795
committee shall be limited to the issuing of waivers allowing 1796
admittance to the first grade without the successful completion of 1797
kindergarten. The committee shall have no other authority except 1798
as specified in this section. 1799

(E) The scheduling of times for kindergarten classes and 1800
length of the school day for kindergarten shall be determined by 1801
the board of education of a city, exempted village, or local 1802
school district. 1803

(F) Any kindergarten class offered by a day-care provider or 1804
school described by division (B)(1) or (B)(2)(a) of this section 1805
shall be developmentally appropriate. 1806

(G) Upon written request of a day-care provider described by 1807
division (B)(2)(a) of this section, the department of education 1808
shall determine whether certification held by a teacher employed 1809
by the provider meets the requirement of division (B)(2)(b)(iii) 1810
of this section and, if so, shall furnish the provider a statement 1811
to that effect. 1812

(H) As used in this division, "all-day kindergarten" has the 1813

same meaning as in section 3317.029 of the Revised Code. 1814

(1) Any school district that is not eligible to receive 1815
poverty-based assistance for all-day kindergarten under division 1816
(D) of section 3317.029 of the Revised Code may charge fees or 1817
tuition for students enrolled in all-day kindergarten. If a 1818
district charges fees or tuition for all-day kindergarten under 1819
this division, the district shall develop a sliding fee scale 1820
based on family incomes. 1821

(2) The department of education shall conduct an annual 1822
survey of each school district described in division (H)(1) of 1823
this section to determine the following: 1824

(a) Whether the district charges fees or tuition for students 1825
enrolled in all-day kindergarten; 1826

(b) The amount of the fees or tuition charged; 1827

(c) How many of the students for whom tuition is charged are 1828
eligible for free lunches under the "National School Lunch Act," 1829
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 1830
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 1831
and how many of the students for whom tuition is charged are 1832
eligible for reduced price lunches under those acts; 1833

(d) How many students are enrolled in traditional half-day 1834
kindergarten rather than all-day kindergarten. 1835

Each district shall report to the department, in the manner 1836
prescribed by the department, the information described in 1837
divisions (H)(2)(a) to (d) of this section. 1838

The department shall issue an annual report on the results of 1839
the survey and shall post the report on its web site. The 1840
department shall issue the first report not later than April 30, 1841
2008, and shall issue a report not later than the thirtieth day of 1842
April each year thereafter. 1843

Sec. 3326.11. Each science, technology, engineering, and 1844
mathematics school established under this chapter and its 1845
governing body shall comply with sections 9.90, 9.91, 109.65, 1846
121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, 1847
3301.0712, 3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 1848
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 1849
3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 1850
3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 1851
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 1852
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 1853
3313.718, 3313.80, 3313.801, 3313.96, 3319.073, 3319.21, 3319.313, 1854
3319.314, 3319.315, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 1855
3319.45, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 1856
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 1857
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 1858
4123., 4141., and 4167. of the Revised Code as if it were a school 1859
district. 1860

Sec. 3326.23. The governing body of each science, technology, 1861
engineering, and mathematics school annually shall provide the 1862
following assurances in writing to the department of education not 1863
later than ten business days prior to the opening of the school: 1864
1865

(A) That the school has a plan for providing special 1866
education and related services to students with disabilities and 1867
has demonstrated the capacity to provide those services in 1868
accordance with Chapter 3323. of the Revised Code and federal law; 1869
1870

(B) That the school has a plan and procedures for 1871
administering the achievement tests and diagnostic assessments 1872
prescribed by sections 3301.0710 and 3301.0715 of the Revised 1873
Code; 1874

(C) That school personnel have the necessary training, 1875
knowledge, and resources to properly use and submit information to 1876
all databases maintained by the department for the collection of 1877
education data, including the education management information 1878
system established under section 3301.0714 of the Revised Code; 1879

(D) That all required information about the school has been 1880
submitted to the Ohio education directory system or any successor 1881
system; 1882

(E) That all classroom teachers are licensed in accordance 1883
with sections 3319.22 to 3319.31 of the Revised Code or are 1884
engaged to teach pursuant to section 3319.301 of the Revised Code; 1885

(F) That the school's treasurer is in compliance with section 1886
3326.21 of the Revised Code; 1887

(G) That the school has complied with section 3319.39 of the 1888
Revised Code with respect to all employees ~~who are responsible for~~ 1889
~~the care, custody, or control of a child~~ and that the school has 1890
conducted a criminal records check of each of its governing body 1891
members; 1892

(H) That the school holds all of the following: 1893

(1) Proof of property ownership or a lease for the facilities 1894
used by the school; 1895

(2) A certificate of occupancy; 1896

(3) Liability insurance for the school, as required by 1897
section 3326.11 of the Revised Code; 1898

(4) A satisfactory health and safety inspection; 1899

(5) A satisfactory fire inspection; 1900

(6) A valid food permit, if applicable. 1901

(I) That the governing body has conducted a pre-opening site 1902
visit to the school for the school year for which the assurances 1903

are provided; 1904

(J) That the school has designated a date it will open for 1905

the school year for which the assurances are provided; 1906

(K) That the school has met all of the governing body's 1907

requirements for opening and any other requirements of the 1908

governing body. 1909

Sec. 3327.10. (A) No person shall be employed as driver of a 1910

school bus or motor van, owned and operated by any school district 1911

or educational service center or privately owned and operated 1912

under contract with any school district or service center in this 1913

state, who has not received a certificate from the educational 1914

service center governing board in case such person is employed by 1915

a service center or by a local school district under the 1916

supervision of the service center governing board, or by the 1917

superintendent of schools, in case such person is employed by the 1918

board of a city or exempted village school district, certifying 1919

that such person is at least eighteen years of age and is of good 1920

moral character and is qualified physically and otherwise for such 1921

position. The service center governing board or the 1922

superintendent, as the case may be, shall provide for an annual 1923

physical examination that conforms with rules adopted by the state 1924

board of education of each driver to ascertain the driver's 1925

physical fitness for such employment. Any certificate may be 1926

revoked by the authority granting the same on proof that the 1927

holder has been guilty of failing to comply with division (D)(1) 1928

of this section, or upon a conviction or a guilty plea for a 1929

violation, or any other action, that results in a loss or 1930

suspension of driving rights. Failure to comply with such division 1931

may be cause for disciplinary action or termination of employment 1932

under division (C) of section 3319.081, or section 124.34 of the 1933

Revised Code. 1934

(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:

(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;

(2) A physician assistant;

(3) A certified nurse practitioner;

(4) A clinical nurse specialist;

(5) A certified nurse-midwife.

Any written documentation of the physical examination shall be completed by the individual who performed the examination.

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.

(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.

(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 has had the person's commercial driver's license suspended shall drive a school bus or motor van until the person has filed a

written notice of the conviction or suspension, as follows: 1965

(1) If the person is employed under division (A) of this 1966
section, the person shall file the notice with the superintendent, 1967
or a person designated by the superintendent, of the school 1968
district for which the person drives a school bus or motor van as 1969
an employee or drives a privately owned and operated school bus or 1970
motor van under contract. 1971

(2) If employed under division (B) of this section, the 1972
person shall file the notice with the employing school 1973
administrator or contractor, or a person designated by the 1974
administrator or contractor. 1975

(E) In addition to resulting in possible revocation of a 1976
certificate as authorized by divisions (A) and (B) of this 1977
section, violation of division (D) of this section is a minor 1978
misdemeanor. 1979

(F)(1) Not later than thirty days after June 30, 2007, each 1980
owner of a school bus or motor van shall obtain the complete 1981
driving record for each person who is currently employed or 1982
otherwise authorized to drive the school bus or motor van. An 1983
owner of a school bus or motor van shall not permit a person to 1984
operate the school bus or motor van for the first time before the 1985
owner has obtained the person's complete driving record. 1986
Thereafter, the owner of a school bus or motor van shall obtain 1987
the person's driving record not less frequently than semiannually 1988
if the person remains employed or otherwise authorized to drive 1989
the school bus or motor van. An owner of a school bus or motor van 1990
shall not permit a person to resume operating a school bus or 1991
motor van, after an interruption of one year or longer, before the 1992
owner has obtained the person's complete driving record. 1993

(2) The owner of a school bus or motor van shall not permit a 1994
person to operate the school bus or motor van for six years after 1995

the date on which the person pleads guilty to or is convicted of a 1996
violation of section 4511.19 of the Revised Code or a 1997
substantially equivalent municipal ordinance. 1998

(3) An owner of a school bus or motor van shall not permit 1999
any person to operate such a vehicle unless the person meets all 2000
other requirements contained in rules adopted by the state board 2001
of education prescribing qualifications of drivers of school buses 2002
and other student transportation. 2003

(G) No superintendent of a school district, educational 2004
service center, community school, or public or private employer 2005
shall permit the operation of a vehicle used for pupil 2006
transportation within this state by an individual unless both of 2007
the following apply: 2008

(1) Information pertaining to that driver has been submitted 2009
to the department of education, pursuant to procedures adopted by 2010
that department. Information to be reported shall include the name 2011
of the employer or school district, name of the driver, driver 2012
license number, date of birth, date of hire, status of physical 2013
evaluation, and status of training. 2014

(2) ~~A~~ The most recent criminal records check required by 2015
division (J) of this section, including information from the 2016
federal bureau of investigation, has been completed and received 2017
by the superintendent or public or private employer. 2018

(H) A person, school district, educational service center, 2019
community school, nonpublic school, or other public or nonpublic 2020
entity that owns a school bus or motor van, or that contracts with 2021
another entity to operate a school bus or motor van, may impose 2022
more stringent restrictions on drivers than those prescribed in 2023
this section, in any other section of the Revised Code, and in 2024
rules adopted by the state board. 2025

(I) For qualified drivers who, on ~~the effective date of this~~ 2026

~~amendment~~ July 1, 2007, are employed by the owner of a school bus 2027
or motor van to drive the school bus or motor van, any instance in 2028
which the driver was convicted of or pleaded guilty to a violation 2029
of section 4511.19 of the Revised Code or a substantially 2030
equivalent municipal ordinance prior to two years prior to ~~the~~ 2031
~~effective date of this amendment~~ July 1, 2007, shall not be 2032
considered a disqualifying event with respect to division (F) of 2033
this section. 2034

(J)(1) This division applies to persons hired by a school 2035
district, educational service center, community school, chartered 2036
nonpublic school, or science, technology, engineering, and 2037
mathematics school established under Chapter 3326. of the Revised 2038
Code to operate a vehicle used for pupil transportation. 2039

For each person to whom this division applies who is hired on 2040
or after the effective date of this amendment, the employer shall 2041
request a criminal records check in accordance with section 2042
3319.39 of the Revised Code and every six years thereafter. For 2043
each person to whom this division applies who is hired prior to 2044
that date, the employer shall request a criminal records check by 2045
a date prescribed by the department of education and every six 2046
years thereafter. 2047

(2) This division applies to persons hired by a public or 2048
private employer not described in division (J)(1) of this section 2049
to operate a vehicle used for pupil transportation. 2050

For each person to whom this division applies who is hired on 2051
or after the effective date of this amendment, the employer shall 2052
request a criminal records check prior to the person's hiring and 2053
every six years thereafter. For each person to whom this division 2054
applies who is hired prior to that date, the employer shall 2055
request a criminal records check by a date prescribed by the 2056
department and every six years thereafter. 2057

(3) Each request for a criminal records check under division (J) of this section shall be made to the superintendent of the bureau of criminal identification and investigation in the manner prescribed in section 3319.39 of the Revised Code. Upon receipt of a request, the bureau shall conduct the criminal records check in accordance with section 109.572 of the Revised Code as if the request had been made under section 3319.39 of the Revised Code.

(K) Any person who is the subject of a criminal records check under division (J) of this section and has been convicted of or pleaded guilty to any offense described in division (B)(1) of section 3319.39 of the Revised Code shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards adopted by the department under division (E) of that section.

Section 2. That existing sections 109.57, 121.40, 3301.0710, 3301.0711, 3314.03, 3314.19, 3319.089, 3319.291, 3319.31, 3319.39, 3321.01, 3326.11, 3326.23, and 3327.10 of the Revised Code are hereby repealed.

Section 3. Not later than thirty days after the effective date of this section, the Superintendent of Public Instruction, upon the request of the superintendent of a joint vocational school district, may grant the district a waiver from the requirements of sections 3313.48 and 3313.481 of the Revised Code for the 2006-2007 school year if all of the following conditions applied to the district in that school year:

(A) The school district was participating in the Vocational School Facilities Assistance Program established under sections 3318.40 to 3318.45 of the Revised Code and the Executive Director of the Ohio School Facilities Commission certified to the Superintendent of Public Instruction that the district's project

under that program experienced delays due to unanticipated 2088
structural conditions. 2089

(B) The project delays caused the district to be open for 2090
instruction with pupils in attendance for fewer days or hours than 2091
required by sections 3313.48, 3313.481, and 3317.01 of the Revised 2092
Code. 2093

(C) The district required its students to engage in 2094
activities outside of school that were relevant to the subject 2095
areas in which they were missing instruction to offset the 2096
reduction in instructional time. 2097

No waiver shall be granted under this section to a district 2098
that was closed for more than eleven days in excess of the days it 2099
is permitted to be closed for a public calamity under division (B) 2100
of section 3317.01 of the Revised Code. No district that receives 2101
a waiver under this section shall be considered to have failed to 2102
comply with division (B) of section 3317.01 of the Revised Code if 2103
it otherwise meets the requirements of that division. 2104
2105

Section 4. The amendments to section 3321.01 of the Revised 2106
Code by this act are intended to clarify the General Assembly's 2107
original intent related to a school district's authority to charge 2108
fees or tuition for students enrolled in all-day kindergarten as 2109
it existed prior to the effective date of this section, are 2110
remedial in nature, and are not intended to create any new 2111
authority. 2112

Section 5. That Section 8 of Am. Sub. S.B. 311 of the 126th 2113
General Assembly be amended to read as follows: 2114

Sec. 8. (A) There is hereby established a public-private 2115
collaborative commission to issue recommendations for promoting 2116

greater incidence of student success in conjunction with the Ohio 2117
Core curriculum. The commission shall consist of the following 2118
members: 2119

(1) A school district superintendent, appointed by the 2120
Governor; 2121

(2) A business or civic leader, appointed by the Governor; 2122

(3) Two public members, appointed by the Speaker of the House 2123
of Representatives in consultation with the Minority Leader of the 2124
House of Representatives; 2125

(4) Two public members, appointed by the President of the 2126
Senate in consultation with the Minority Leader of the Senate; 2127

(5) One member, appointed by the Superintendent of Public 2128
Instruction; 2129

(6) One member, appointed by the Chancellor of the Ohio Board 2130
of Regents. 2131

(B) The school district superintendent and the business or 2132
civic leader appointed by the Governor shall be co-chairpersons of 2133
the commission. 2134

(C) The commission's recommendations shall address methods of 2135
encouraging students and their families to develop a greater 2136
vision for their successful future in Ohio, including 2137
consideration of career opportunities afforded by pursuing higher 2138
education and the use of mentorships, internships, and other 2139
programs to provide guidance to students and their families toward 2140
pursuing higher education and career opportunities. 2141

(D) The commission shall issue its recommendations by 2142
~~December 31, 2007~~ July 1, 2008. The recommendations shall be 2143
provided to the Governor, the Speaker and Minority Leader of the 2144
House of Representatives, the President and Minority Leader of the 2145
Senate, the chairpersons and ranking minority members of the 2146

committees that consider education in the House of Representatives 2147
and Senate, the State Board of Education, the Board of Regents, 2148
and the Partnership for Continued Learning. 2149

Section 6. That existing Section 8 of Am. Sub. S.B. 311 of 2150
the 126th General Assembly is hereby repealed. 2151

Section 7. (A) The Department of Education shall conduct a 2152
survey of each city, exempted village, local, and joint vocational 2153
school district to determine the following: 2154

(1) Whether the district charges fees for any of the 2155
following: 2156

(a) Classes or programs that are offered during the regular 2157
school day or after school and for which students earn credit or 2158
are assigned grades; 2159

(b) Instructional materials; 2160

(c) Summer school. 2161

(2) The amount of the fees charged; 2162

(3) The grade levels to which the fees apply; 2163

(4) Whether the district utilizes a sliding fee scale based 2164
on family income; 2165

(5) Whether the district waives the fees or otherwise 2166
provides for their payment for students whose parents or guardians 2167
are unable to pay the fees; 2168

(6) Any other information deemed relevant by the Department. 2169

(B) Each district shall report to the Department, in the 2170
manner prescribed by the Department, the information described in 2171
divisions (A)(1) to (6) of this section. 2172

(C) The Department shall issue a report on the results of the 2173
survey not later than April 30, 2008, and shall post the report on 2174

its web site. 2175

Section 8. Not later than December 31, 2007, the Department 2176
of Education shall recommend to the General Assembly penalties for 2177
failure to report to the Department or the State Board of 2178
Education information about persons licensed by the State Board 2179
who have committed an act that is unbecoming to the teaching 2180
profession or that may make the person a threat to the safety of 2181
students. The Department shall provide copies of the 2182
recommendations to the President and Minority Leader of the 2183
Senate, the Speaker and Minority Leader of the House of 2184
Representatives, and the chairpersons and ranking minority members 2185
of the standing committees on education of the Senate and House of 2186
Representatives. 2187

Section 9. Not later than three months after the effective 2188
date of this section, the Educator Standards Board established 2189
under section 3319.60 of the Revised Code shall recommend to the 2190
State Board of Education a code of conduct for educators. The code 2191
of conduct shall address persons who are licensed by the State 2192
Board and recommendations shall include both of the following: 2193

(A) Descriptions of conduct that is inappropriate for 2194
educators; 2195

(B) Disciplinary actions that should be taken against 2196
educators who engage in each type of misconduct, including the 2197
refusal, suspension, limiting, or revocation of a license under 2198
section 3319.31 of the Revised Code. 2199

Section 10. Section 3314.03 of the Revised Code is presented 2200
in this act as a composite of the section as amended by Am. Sub. 2201
H.B. 79, Am. Sub. H.B. 137, Sub. H.B. 184, Am. Sub. H.B. 276, Sub. 2202
H.B. 422, Am. Sub. H.B. 530, Sub. S.B. 164, and Am. Sub. S.B. 311 2203
of the 126th General Assembly. The General Assembly, applying the 2204

principle stated in division (B) of section 1.52 of the Revised 2205
Code that amendments are to be harmonized if reasonably capable of 2206
simultaneous operation, finds that the composite is the resulting 2207
version of the section in effect prior to the effective date of 2208
the section as presented in this act. 2209

2210

Section 11. This act is hereby declared to be an emergency 2211
measure necessary for the immediate preservation of the public 2212
peace, health, and safety. The reason for such necessity is that 2213
school districts need clarification of their authority to charge 2214
fees or tuition for all-day kindergarten to ensure that students 2215
enrolled in kindergarten on a fee or tuition basis continue to 2216
receive educational services. Therefore, this act shall go into 2217
immediate effect. 2218