

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 178

Representative Wagner

—

A BILL

To amend sections 9.41, 9.833, 9.90, 124.01, 124.11, 1
124.271, 124.34, 124.38, 124.40, 124.57, 3301.07, 2
3301.072, 3311.10, 3311.19, 3311.52, 3311.72, 3
3313.12, 3313.20, 3313.202, 3313.33, 3313.53, 4
3313.604, 3313.665, 3313.751, 3313.79, 3313.81, 5
3313.871, 3313.96, 3313.975, 3314.03, 3314.09, 6
3314.091, 3315.062, 3315.09, 3315.091, 3316.07, 7
3317.01, 3319.01, 3319.011, 3319.02, 3319.03, 8
3319.04, 3319.05, 3319.06, 3319.07, 3319.071, 9
3319.073, 3319.075, 3319.08, 3319.081, 3319.088, 10
3319.10, 3319.151, 3326.11, 3326.20, 3326.21, 11
3326.51, 3327.01, 3327.03, 3327.09, 3327.10, 12
3327.16, 4117.01, 4117.03, 4117.04, 4117.06, 13
4117.08, 4117.09, and 4117.10; and to repeal 14
sections 5.23, 9.901, 117.53, 124.011, 124.54, 15
3301.22, 3313.174, 3313.211, 3313.41, 3313.472, 16
3313.482, 3313.51, 3313.534, 3313.535, 3313.537, 17
3313.60, 3313.601, 3313.602, 3313.608, 3313.609, 18
3313.6011, 3313.6012, 3313.6013, 3313.6014, 19
3313.63, 3313.648, 3313.66, 3313.661, 3313.662, 20
3313.664, 3313.666, 3313.667, 3313.70, 3313.712, 21
3313.76, 3313.77, 3313.78, 3313.80, 3313.801, 22
3313.811, 3314.10, 3314.20, 3315.17, 3315.171, 23
3315.18, 3315.181, 3315.19, 3317.12, 3317.13, 24

3317.14, 3317.15, 3319.072, 3319.082, 3319.083, 25
3319.084, 3319.085, 3319.086, 3319.087, 3319.0810, 26
3319.0811, 3319.09, 3319.101, 3319.11, 3319.111, 27
3319.12, 3319.13, 3319.131, 3319.14, 3319.141, 28
3319.142, 3319.143, 3319.16, 3319.161, 3319.17, 29
3319.171, 3319.172, 3319.18, 3319.181, 3319.33, 30
3319.63, 3324.01, 3324.02, 3324.03, 3324.04, 31
3324.05, 3324.06, 3324.07, 3324.10, 3326.18, 32
3327.011, 3327.02, 3327.15, 4117.101, and 4117.102 33
of the Revised Code to eliminate certain 34
requirements and prohibitions applying to school 35
district boards of education. 36

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

Section 1. That sections 9.41, 9.833, 9.90, 124.01, 124.11, 37
124.271, 124.34, 124.38, 124.40, 124.57, 3301.07, 3301.072, 38
3311.10, 3311.19, 3311.52, 3311.72, 3313.12, 3313.20, 3313.202, 39
3313.33, 3313.53, 3313.604, 3313.665, 3313.751, 3313.79, 3313.81, 40
3313.871, 3313.96, 3313.975, 3314.03, 3314.09, 3314.091, 3315.062, 41
3315.09, 3315.091, 3316.07, 3317.01, 3319.01, 3319.011, 3319.02, 42
3319.03, 3319.04, 3319.05, 3319.06, 3319.07, 3319.071, 3319.073, 43
3319.075, 3319.08, 3319.081, 3319.088, 3319.10, 3319.151, 3326.11, 44
3326.20, 3326.21, 3326.51, 3327.01, 3327.03, 3327.09, 3327.10, 45
3327.16, 4117.01, 4117.03, 4117.04, 4117.06, 4117.08, 4117.09, and 46
4117.10 of the Revised Code be amended to read as follows: 47

Sec. 9.41. The director of budget and management or any 48
fiscal officer of any county, city, city health district, or 49
general health district, ~~or city school district~~ thereof, or civil 50
service township, shall not draw, sign, issue, or authorize the 51
drawing, signing, or issuing of any warrant on the treasurer of 52
state or other disbursing officer of the state, or the treasurer 53

or other disbursing officer of any county, city, ~~or city school~~ 54
~~district thereof~~, or civil service township, to pay any salary or 55
other compensation to any officer, clerk, employee, or other 56
person in the classified service unless an estimate, payroll, or 57
account for such salary or compensation containing the name of 58
each person to be paid, bears the certificate of the director of 59
administrative services, or in the case of the service of the city 60
or civil service township, the certificate of the civil service 61
commission of the city or civil service township, or in the case 62
of the service of the county, the certificate of the appointing 63
authority, that the persons named in the estimate, payroll, or 64
account have been appointed, promoted, reduced, suspended, or laid 65
off, or are being employed in pursuance of Chapter 124. of the 66
Revised Code and the rules adopted thereunder. 67

Where estimates, payrolls, or accounts are prepared by 68
electronic data processing equipment, the director of 69
administrative services or the municipal or civil service township 70
civil service commission may develop methods for controlling the 71
input or verifying the output of such equipment to ensure 72
compliance with Chapter 124. of the Revised Code and the rules 73
adopted thereunder. Any estimates, payrolls, or accounts prepared 74
by these methods shall be subject to special audit at any time. 75

Any sum paid contrary to this section may be recovered from 76
any officer making such payment in contravention of law and of the 77
rules made in pursuance of law, or from any officer signing, 78
countersigning, or authorizing the signing or countersigning of 79
any warrant for the payment of the same, or from the sureties on 80
the officer's official bond, in an action in the courts of the 81
state, maintained by a citizen resident therein. All moneys 82
recovered in any action brought under this section shall, when 83
collected, be paid into the state treasury or the treasury of the 84
appropriate civil division of the state, except that the plaintiff 85

in any action shall be entitled to recover the plaintiff's own 86
taxable costs of such action. 87

Sec. 9.833. (A) As used in this section, "political 88
subdivision" means a municipal corporation, township, county, 89
school district, or other body corporate and politic responsible 90
for governmental activities in a geographic area smaller than that 91
of the state, ~~and agencies and instrumentalities of these~~ 92
entities. 93

(B) Political subdivisions that provide health care benefits 94
for their officers or employees may do any of the following: 95

(1) Establish and maintain an individual self-insurance 96
program with public moneys to provide authorized health care 97
benefits, including but not limited to, health care, prescription 98
drugs, dental care, and vision care, in accordance with division 99
(C) of this section; 100

(2) Establish and maintain a health savings account program 101
whereby employees or officers may establish and maintain health 102
savings accounts in accordance with section 223 of the Internal 103
Revenue Code. Public moneys may be used to pay for or fund 104
federally qualified high deductible health plans that are linked 105
to health savings accounts or to make contributions to health 106
savings accounts. A health savings account program may be a part 107
of a self-insurance program. 108

(3) After establishing an individual self-insurance program, 109
agree with other political subdivisions that have established 110
individual self-insurance programs for health care benefits, that 111
their programs will be jointly administered in a manner specified 112
in the agreement; 113

(4) Pursuant to a written agreement and in accordance with 114
division (C) of this section, join in any combination with other 115

political subdivisions to establish and maintain a joint 116
self-insurance program to provide health care benefits; 117

(5) Pursuant to a written agreement, join in any combination 118
with other political subdivisions to procure or contract for 119
policies, contracts, or plans of insurance to provide health care 120
benefits, which may include a health savings account program, for 121
their officers and employees subject to the agreement; 122

(6) Use in any combination any of the policies, contracts, 123
plans, or programs authorized under this division. 124

(C) Except as otherwise provided in division (E) of this 125
section, the following apply to individual or joint self-insurance 126
programs established pursuant to this section: 127

(1) Such funds shall be reserved as are necessary, in the 128
exercise of sound and prudent actuarial judgment, to cover 129
potential cost of health care benefits for the officers and 130
employees of the political subdivision. A report of amounts so 131
reserved and disbursements made from such funds, together with a 132
written report of a member of the American academy of actuaries 133
certifying whether the amounts reserved conform to the 134
requirements of this division, are computed in accordance with 135
accepted loss reserving standards, and are fairly stated in 136
accordance with sound loss reserving principles, shall be prepared 137
and maintained, within ninety days after the last day of the 138
fiscal year of the entity for which the report is provided for 139
that fiscal year, in the office of the program administrator 140
described in division (C)(3) of this section. 141

The report required by division (C)(1) of this section shall 142
include, but not be limited to, disbursements made for the 143
administration of the program, including claims paid, costs of the 144
legal representation of political subdivisions and employees, and 145
fees paid to consultants. 146

The program administrator described in division (C)(3) of 147
this section shall make the report required by this division 148
available for inspection by any person at all reasonable times 149
during regular business hours, and, upon the request of such 150
person, shall make copies of the report available at cost within a 151
reasonable period of time. 152

(2) Each political subdivision shall reserve funds necessary 153
for an individual or joint self-insurance program in a special 154
fund that may be established for political subdivisions other than 155
an agency or instrumentality pursuant to an ordinance or 156
resolution of the political subdivision and not subject to section 157
5705.12 of the Revised Code. An agency or instrumentality shall 158
reserve the funds necessary for an individual or joint 159
self-insurance program in a special fund established pursuant to a 160
resolution duly adopted by the agency's or instrumentality's 161
governing board. The political subdivision may allocate the costs 162
of insurance or any self-insurance program, or both, among the 163
funds or accounts established under this division on the basis of 164
relative exposure and loss experience. 165

(3) A contract may be awarded, without the necessity of 166
competitive bidding, to any person, political subdivision, 167
nonprofit corporation organized under Chapter 1702. of the Revised 168
Code, or regional council of governments created under Chapter 169
167. of the Revised Code for purposes of administration of an 170
individual or joint self-insurance program. No such contract shall 171
be entered into without full, prior, public disclosure of all 172
terms and conditions. The disclosure shall include, at a minimum, 173
a statement listing all representations made in connection with 174
any possible savings and losses resulting from the contract, and 175
potential liability of any political subdivision or employee. The 176
proposed contract and statement shall be disclosed and presented 177
at a meeting of the political subdivision not less than one week 178

prior to the meeting at which the political subdivision authorizes 179
the contract. 180

A contract awarded to a nonprofit corporation or a regional 181
council of governments under this division may provide that all 182
employees of the nonprofit corporation or regional council of 183
governments and the employees of all entities related to the 184
nonprofit corporation or regional council of governments may be 185
covered by the individual or joint self-insurance program under 186
the terms and conditions set forth in the contract. 187

(4) The individual or joint self-insurance program shall 188
include a contract with a member of the American academy of 189
actuaries for the preparation of the written evaluation of the 190
reserve funds required under division (C)(1) of this section. 191

(5) A joint self-insurance program may allocate the costs of 192
funding the program among the funds or accounts established under 193
this division to the participating political subdivisions on the 194
basis of their relative exposure and loss experience. 195

(6) An individual self-insurance program may allocate the 196
costs of funding the program among the funds or accounts 197
established under this division to the political subdivision that 198
established the program. 199

(7) Two or more political subdivisions may also authorize the 200
establishment and maintenance of a joint health care cost 201
containment program, including, but not limited to, the employment 202
of risk managers, health care cost containment specialists, and 203
consultants, for the purpose of preventing and reducing health 204
care costs covered by insurance, individual self-insurance, or 205
joint self-insurance programs. 206

(8) A political subdivision is not liable under a joint 207
self-insurance program for any amount in excess of amounts payable 208
pursuant to the written agreement for the participation of the 209

political subdivision in the joint self-insurance program. Under a 210
joint self-insurance program agreement, a political subdivision 211
may, to the extent permitted under the written agreement, assume 212
the risks of any other political subdivision. A joint 213
self-insurance program established under this section is deemed a 214
separate legal entity for the public purpose of enabling the 215
members of the joint self-insurance program to obtain insurance or 216
to provide for a formalized, jointly administered self-insurance 217
fund for its members. An entity created pursuant to this section 218
is exempt from all state and local taxes. 219

(9) Any political subdivision, other than an agency or 220
instrumentality, may issue general obligation bonds, or special 221
obligation bonds that are not payable from real or personal 222
property taxes, and may also issue notes in anticipation of such 223
bonds, pursuant to an ordinance or resolution of its legislative 224
authority or other governing body for the purpose of providing 225
funds to pay expenses associated with the settlement of claims, 226
whether by way of a reserve or otherwise, and to pay the political 227
subdivision's portion of the cost of establishing and maintaining 228
an individual or joint self-insurance program or to provide for 229
the reserve in the special fund authorized by division (C)(2) of 230
this section. 231

In its ordinance or resolution authorizing bonds or notes 232
under this section, a political subdivision may elect to issue 233
such bonds or notes under the procedures set forth in Chapter 133. 234
of the Revised Code. In the event of such an election, 235
notwithstanding Chapter 133. of the Revised Code, the maturity of 236
the bonds may be for any period authorized in the ordinance or 237
resolution not exceeding twenty years, which period shall be the 238
maximum maturity of the bonds for purposes of section 133.22 of 239
the Revised Code. 240

Bonds and notes issued under this section shall not be 241

considered in calculating the net indebtedness of the political 242
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 243
the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 244
hereby made applicable to bonds or notes authorized under this 245
section. 246

(10) A joint self-insurance program is not an insurance 247
company. Its operation does not constitute doing an insurance 248
business and is not subject to the insurance laws of this state. 249

(D) A political subdivision may procure group life insurance 250
for its employees in conjunction with an individual or joint 251
self-insurance program authorized by this section, provided that 252
the policy of group life insurance is not self-insured. 253

(E) Divisions (C)(1), (2), and (4) of this section do not 254
apply to individual self-insurance programs in municipal 255
corporations, townships, or counties. 256

(F) A public official or employee of a political subdivision 257
who is or becomes a member of the governing body of the program 258
administrator of a joint self-insurance program in which the 259
political subdivision participates is not in violation of division 260
(D) or (E) of section 102.03, division (C) of section 102.04, or 261
section 2921.42 of the Revised Code as a result of either of the 262
following: 263

(1) The political subdivision's entering under this section 264
into the written agreement to participate in the joint 265
self-insurance program; 266

(2) The political subdivision's entering under this section 267
into any other contract with the joint self-insurance program. 268

Sec. 9.90. (A) The governing board of any public institution 269
of higher education, including without limitation state 270
universities and colleges, community college districts, university 271

branch districts, technical college districts, and municipal 272
universities, or the board of education of any school district, 273
may, in addition to all other powers provided in the Revised Code: 274

(1) Contract for, purchase, or otherwise procure from an 275
insurer or insurers licensed to do business by the state of Ohio 276
for or on behalf of such of its employees as it may determine, 277
life insurance, or sickness, accident, annuity, endowment, health, 278
medical, hospital, dental, or surgical coverage and benefits, or 279
any combination thereof, by means of insurance plans or other 280
types of coverage, family, group or otherwise, and may pay from 281
funds under its control and available for such purpose all or any 282
portion of the cost, premium, or charge for such insurance, 283
coverage, or benefits. However, the governing board, in addition 284
to or as an alternative to the authority otherwise granted by 285
division (A)(1) of this section, may elect to procure coverage for 286
health care services, for or on behalf of such of its employees as 287
it may determine, by means of policies, contracts, certificates, 288
or agreements issued by at least two health insuring corporations 289
holding a certificate of authority under Chapter 1751. of the 290
Revised Code and may pay from funds under the governing board's 291
control and available for such purpose all or any portion of the 292
cost of such coverage. 293

(2) Make payments to a custodial account for investment in 294
regulated investment company stock for the purpose of providing 295
retirement benefits as described in section 403(b)(7) of the 296
Internal Revenue Code of 1954, as amended. Such stock shall be 297
purchased only from persons authorized to sell such stock in this 298
state. 299

Any income of an employee deferred under divisions (A)(1) and 300
(2) of this section in a deferred compensation program eligible 301
for favorable tax treatment under the Internal Revenue Code of 302
1954, as amended, shall continue to be included as regular 303

compensation for the purpose of computing the contributions to and 304
benefits from the retirement system of such employee. Any sum so 305
deferred shall not be included in the computation of any federal 306
and state income taxes withheld on behalf of any such employee. 307

(B) All or any portion of the cost, premium, or charge 308
therefor may be paid in such other manner or combination of 309
manners as the governing board or school district board may 310
determine, including direct payment by the employee in cases under 311
division (A)(1) of this section, and, if authorized in writing by 312
the employee in cases under division (A)(1) or (2) of this 313
section, by such governing board or school district board with 314
moneys made available by deduction from or reduction in salary or 315
wages or by the foregoing of a salary or wage increase. Nothing in 316
section 3917.01 or section 3917.06 of the Revised Code shall 317
prohibit the issuance or purchase of group life insurance 318
authorized by this section by reason of payment of premiums 319
therefor by the governing board from its funds, and such group 320
life insurance may be so issued and purchased if otherwise 321
consistent with the provisions of sections 3917.01 to 3917.07 of 322
the Revised Code. 323

~~(C) The board of education of any school district may 324
exercise any of the powers granted to the governing boards of 325
public institutions of higher education under divisions (A) and 326
(B) of this section, except in relation to the provision of health 327
care benefits to employees. All health care benefits provided to 328
persons employed by the public schools of this state shall be 329
health care plans that contain best practices established by the 330
school employees health care board pursuant to section 9.901 of 331
the Revised Code. 332~~

Sec. 124.01. Except as otherwise provided in this chapter, as 333
used in this chapter: 334

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

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

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

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

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

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

(G) "Civil service township" means any township with a population of ten thousand or more persons residing within the township and outside any municipal corporation, which has a police or fire department of ten or more full-time paid employees and which has a civil service commission established under division (B) of section 124.40 of the Revised Code.

(H) "Flexible hours employee" means an employee who may work 366
more or less than eight hours on any given day so long as the 367
employee works forty hours in the same week. 368

(I) "Classification series" means any group of classification 369
titles that have the identical name but different numerical 370
designations, or identical titles except for designated levels of 371
supervision, except for those classification series established by 372
the director of administrative services in accordance with 373
division (A) of section 124.14 of the Revised Code. 374

(J) "Classification change" means a change in an employee's 375
classification in the job classification plan. 376

(K) "Service of the state" or "civil service of the state" 377
includes all offices and positions of trust or employment with the 378
government of the state. "Service of the state" and "civil service 379
of the state" do not include offices and positions of trust or 380
employment with state-supported colleges and universities, 381
counties, cities, city health districts, ~~city school districts,~~ 382
general health districts, and civil service townships of the 383
state. 384

Sec. 124.11. The civil service of the state and the several 385
counties, cities, civil service townships, city health districts, 386
and general health districts, ~~and city school districts~~ of the 387
state shall be divided into the unclassified service and the 388
classified service. 389

(A) The unclassified service shall comprise the following 390
positions, which shall not be included in the classified service, 391
and which shall be exempt from all examinations required by this 392
chapter: 393

(1) All officers elected by popular vote or persons appointed 394
to fill vacancies in those offices; 395

(2) All election officers as defined in section 3501.01 of the Revised Code;	396 397
(3)(a) The members of all boards and commissions, and heads of principal departments, boards, and commissions appointed by the governor or by and with the governor's consent;	398 399 400
(b) The heads of all departments appointed by a board of county commissioners;	401 402
(c) The members of all boards and commissions and all heads of departments appointed by the mayor, or, if there is no mayor, such other similar chief appointing authority of any city or city school district ;	403 404 405 406
Except as otherwise provided in division (A)(17) or (C) of this section, this chapter does not exempt the chiefs of police departments and chiefs of fire departments of cities or civil service townships from the competitive classified service.	407 408 409 410
(4) The members of county or district licensing boards or commissions and boards of revision, and not more than five deputy county auditors;	411 412 413
(5) All officers and employees elected or appointed by either or both branches of the general assembly, and employees of the city legislative authority engaged in legislative duties;	414 415 416
(6) All commissioned, warrant, and noncommissioned officers and enlisted persons in the Ohio organized militia, including military appointees in the adjutant general's department;	417 418 419
(7)(a) All presidents, business managers, administrative officers, superintendents, assistant superintendents, principals, deans, assistant deans, instructors, teachers, and such employees as are engaged in educational or research duties connected with the public school system, colleges, and universities, as determined by the governing body of the public school system,	420 421 422 423 424 425

colleges, and universities; 426

(b) Superintendents, assistant superintendents, principals, 427
teachers, and other research or educational service employees 428
employed by the department of education for service at the state 429
school for the deaf or the state school for the blind; 430

(c) The library staff of any library in the state supported 431
wholly or in part at public expense. 432

(8) Four clerical and administrative support employees for 433
each of the elective state officers, four clerical and 434
administrative support employees for each board of county 435
commissioners and one such employee for each county commissioner, 436
and four clerical and administrative support employees for other 437
elective officers and each of the principal appointive executive 438
officers, boards, or commissions, except for civil service 439
commissions, that are authorized to appoint such clerical and 440
administrative support employees; 441

(9) The deputies and assistants of state agencies authorized 442
to act for and on behalf of the agency, or holding a fiduciary or 443
administrative relation to that agency and those persons employed 444
by and directly responsible to elected county officials or a 445
county administrator and holding a fiduciary or administrative 446
relationship to such elected county officials or county 447
administrator, and the employees of such county officials whose 448
fitness would be impracticable to determine by competitive 449
examination, provided that division (A)(9) of this section shall 450
not affect those persons in county employment in the classified 451
service as of September 19, 1961. Nothing in division (A)(9) of 452
this section applies to any position in a county department of job 453
and family services created pursuant to Chapter 329. of the 454
Revised Code. 455

(10) Bailiffs, constables, official stenographers, and 456

commissioners of courts of record, deputies of clerks of the 457
courts of common pleas who supervise or who handle public moneys 458
or secured documents, and such officers and employees of courts of 459
record and such deputies of clerks of the courts of common pleas 460
as the director of administrative services finds it impracticable 461
to determine their fitness by competitive examination; 462

(11) Assistants to the attorney general, special counsel 463
appointed or employed by the attorney general, assistants to 464
county prosecuting attorneys, and assistants to city directors of 465
law; 466

(12) Such teachers and employees in the agricultural 467
experiment stations; such students in normal schools, colleges, 468
and universities of the state who are employed by the state or a 469
political subdivision of the state in student or intern 470
classifications; and such unskilled labor positions as the 471
director of administrative services or any municipal civil service 472
commission may find it impracticable to include in the competitive 473
classified service; provided such exemptions shall be by order of 474
the commission or the director, duly entered on the record of the 475
commission or the director with the reasons for each such 476
exemption; 477

(13) Any physician or dentist who is a full-time employee of 478
the department of mental health, the department of mental 479
retardation and developmental disabilities, or an institution 480
under the jurisdiction of either department; and physicians who 481
are in residency programs at the institutions; 482

(14) Up to twenty positions at each institution under the 483
jurisdiction of the department of mental health or the department 484
of mental retardation and developmental disabilities that the 485
department director determines to be primarily administrative or 486
managerial; and up to fifteen positions in any division of either 487
department, excluding administrative assistants to the director 488

and division chiefs, which are within the immediate staff of a 489
division chief and which the director determines to be primarily 490
and distinctively administrative and managerial; 491

(15) Noncitizens of the United States employed by the state, 492
or its counties or cities, as physicians or nurses who are duly 493
licensed to practice their respective professions under the laws 494
of this state, or medical assistants, in mental or chronic disease 495
hospitals, or institutions; 496

(16) Employees of the governor's office; 497

(17) Fire chiefs and chiefs of police in civil service 498
townships appointed by boards of township trustees under section 499
505.38 or 505.49 of the Revised Code; 500

(18) Executive directors, deputy directors, and program 501
directors employed by boards of alcohol, drug addiction, and 502
mental health services under Chapter 340. of the Revised Code, and 503
secretaries of the executive directors, deputy directors, and 504
program directors; 505

(19) Superintendents, and management employees as defined in 506
section 5126.20 of the Revised Code, of county boards of mental 507
retardation and developmental disabilities; 508

(20) Physicians, nurses, and other employees of a county 509
hospital who are appointed pursuant to sections 339.03 and 339.06 510
of the Revised Code; 511

(21) The executive director of the state medical board, who 512
is appointed pursuant to division (B) of section 4731.05 of the 513
Revised Code; 514

(22) County directors of job and family services as provided 515
in section 329.02 of the Revised Code and administrators appointed 516
under section 329.021 of the Revised Code; 517

(23) A director of economic development who is hired pursuant 518

to division (A) of section 307.07 of the Revised Code; 519

(24) Chiefs of construction and compliance, of operations and 520
maintenance, and of licensing and certification in the division of 521
industrial compliance in the department of commerce; 522

(25) The executive director of a county transit system 523
appointed under division (A) of section 306.04 of the Revised 524
Code; 525

(26) Up to five positions at each of the administrative 526
departments listed in section 121.02 of the Revised Code and at 527
the department of taxation, department of the adjutant general, 528
department of education, Ohio board of regents, bureau of workers' 529
compensation, industrial commission, state lottery commission, and 530
public utilities commission of Ohio that the head of that 531
administrative department or of that other state agency determines 532
to be involved in policy development and implementation. The head 533
of the administrative department or other state agency shall set 534
the compensation for employees in these positions at a rate that 535
is not less than the minimum compensation specified in pay range 536
41 but not more than the maximum compensation specified in pay 537
range 44 of salary schedule E-2 in section 124.152 of the Revised 538
Code. The authority to establish positions in the unclassified 539
service under division (A)(26) of this section is in addition to 540
and does not limit any other authority that an administrative 541
department or state agency has under the Revised Code to establish 542
positions, appoint employees, or set compensation. 543

(27) Employees of the department of agriculture employed 544
under section 901.09 of the Revised Code; 545

(28) For cities, counties, civil service townships, city 546
health districts, and general health districts, ~~and city school~~ 547
~~districts~~, the deputies and assistants of elective or principal 548
executive officers authorized to act for and in the place of their 549

principals or holding a fiduciary relation to their principals; 550

(29) Employees who receive intermittent or temporary 551
appointments under division (B) of section 124.30 of the Revised 552
Code; 553

(30) Employees appointed to administrative staff positions 554
for which an appointing authority is given specific statutory 555
authority to set compensation; 556

(31) Employees appointed to highway patrol cadet or highway 557
patrol cadet candidate classifications; 558

(32) Employees placed in the unclassified service by another 559
section of the Revised Code. 560

(B) The classified service shall comprise all persons in the 561
employ of the state and the several counties, cities, city health 562
districts, and general health districts, ~~and city school districts~~ 563
of the state, not specifically included in the unclassified 564
service. Upon the creation by the board of trustees of a civil 565
service township civil service commission, the classified service 566
shall also comprise, except as otherwise provided in division 567
(A)(17) or (C) of this section, all persons in the employ of a 568
civil service township police or fire department having ten or 569
more full-time paid employees. The classified service consists of 570
two classes, which shall be designated as the competitive class 571
and the unskilled labor class. 572

(1) The competitive class shall include all positions and 573
employments in the state and the counties, cities, city health 574
districts, and general health districts, ~~and city school districts~~ 575
of the state, and, upon the creation by the board of trustees of a 576
civil service township of a township civil service commission, all 577
positions in a civil service township police or fire department 578
having ten or more full-time paid employees, for which it is 579
practicable to determine the merit and fitness of applicants by 580

competitive examinations. Appointments shall be made to, or 581
employment shall be given in, all positions in the competitive 582
class that are not filled by promotion, reinstatement, transfer, 583
or reduction, as provided in this chapter, and the rules of the 584
director of administrative services, by appointment from those 585
certified to the appointing officer in accordance with this 586
chapter. 587

(2) The unskilled labor class shall include ordinary 588
unskilled laborers. Vacancies in the labor class for positions in 589
service of the state shall be filled by appointment from lists of 590
applicants registered by the director. Vacancies in the labor 591
class for all other positions shall be filled by appointment from 592
lists of applicants registered by a commission. The director or 593
the commission, as applicable, by rule, shall require an applicant 594
for registration in the labor class to furnish evidence or take 595
tests as the director or commission considers proper with respect 596
to age, residence, physical condition, ability to labor, honesty, 597
sobriety, industry, capacity, and experience in the work or 598
employment for which application is made. Laborers who fulfill the 599
requirements shall be placed on the eligible list for the kind of 600
labor or employment sought, and preference shall be given in 601
employment in accordance with the rating received from that 602
evidence or in those tests. Upon the request of an appointing 603
officer, stating the kind of labor needed, the pay and probable 604
length of employment, and the number to be employed, the director 605
or commission, as applicable, shall certify from the highest on 606
the list double the number to be employed; from this number, the 607
appointing officer shall appoint the number actually needed for 608
the particular work. If more than one applicant receives the same 609
rating, priority in time of application shall determine the order 610
in which their names shall be certified for appointment. 611

(C) A municipal or civil service township civil service 612

commission may place volunteer firefighters who are paid on a 613
fee-for-service basis in either the classified or the unclassified 614
civil service. 615

(D) This division does not apply to persons in the 616
unclassified service who have the right to resume positions in the 617
classified service under sections 4121.121, 5119.071, 5120.38, 618
5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the Revised 619
Code. 620

An appointing authority whose employees are paid directly by 621
warrant of the director of budget and management may appoint a 622
person who holds a certified position in the classified service 623
within the appointing authority's agency to a position in the 624
unclassified service within that agency. A person appointed 625
pursuant to this division to a position in the unclassified 626
service shall retain the right to resume the position and status 627
held by the person in the classified service immediately prior to 628
the person's appointment to the position in the unclassified 629
service, regardless of the number of positions the person held in 630
the unclassified service. An employee's right to resume a position 631
in the classified service may only be exercised when an appointing 632
authority demotes the employee to a pay range lower than the 633
employee's current pay range or revokes the employee's appointment 634
to the unclassified service. An employee forfeits the right to 635
resume a position in the classified service when the employee is 636
removed from the position in the unclassified service due to 637
incompetence, inefficiency, dishonesty, drunkenness, immoral 638
conduct, insubordination, discourteous treatment of the public, 639
neglect of duty, violation of this chapter or the rules of the 640
director of administrative services, any other failure of good 641
behavior, any other acts of misfeasance, malfeasance, or 642
nonfeasance in office, or conviction of a felony. An employee also 643
forfeits the right to resume a position in the classified service 644

upon transfer to a different agency. 645

Reinstatement to a position in the classified service shall 646
be to a position substantially equal to that position in the 647
classified service held previously, as certified by the director 648
of administrative services. If the position the person previously 649
held in the classified service has been placed in the unclassified 650
service or is otherwise unavailable, the person shall be appointed 651
to a position in the classified service within the appointing 652
authority's agency that the director of administrative services 653
certifies is comparable in compensation to the position the person 654
previously held in the classified service. Service in the position 655
in the unclassified service shall be counted as service in the 656
position in the classified service held by the person immediately 657
prior to the person's appointment to the position in the 658
unclassified service. When a person is reinstated to a position in 659
the classified service as provided in this division, the person is 660
entitled to all rights, status, and benefits accruing to the 661
position in the classified service during the person's time of 662
service in the position in the unclassified service. 663

Sec. 124.271. Any employee in the classified service of the 664
state or any county, city, city health district, or general health 665
district, ~~or city school district~~ who is appointed to a position 666
under section 124.30 of the Revised Code, and either demonstrates 667
merit and fitness for the position by successfully completing the 668
probationary period for the position or remains in the position 669
for a period of six months of continuous service, whichever period 670
is longer, shall become a permanent appointee in the classified 671
service at the conclusion of that period. 672

Sec. 124.34. (A) The tenure of every officer or employee in 673
the classified service of the state and the counties, civil 674
service townships, cities, city health districts, and general 675

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

An appointing authority may require an employee who is 692
suspended to report to work to serve the suspension. An employee 693
serving a suspension in this manner shall continue to be 694
compensated at the employee's regular rate of pay for hours 695
worked. The disciplinary action shall be recorded in the 696
employee's personnel file in the same manner as other disciplinary 697
actions and has the same effect as a suspension without pay for 698
the purpose of recording disciplinary actions. 699

A finding by the appropriate ethics commission, based upon a 700
preponderance of the evidence, that the facts alleged in a 701
complaint under section 102.06 of the Revised Code constitute a 702
violation of Chapter 102., section 2921.42, or section 2921.43 of 703
the Revised Code may constitute grounds for dismissal. Failure to 704
file a statement or falsely filing a statement required by section 705
102.02 of the Revised Code may also constitute grounds for 706
dismissal. The tenure of an employee in the career professional 707

service of the department of transportation is subject to section 708
5501.20 of the Revised Code. 709

Conviction of a felony is a separate basis for reducing in 710
pay or position, suspending, or removing an officer or employee, 711
even if the officer or employee has already been reduced in pay or 712
position, suspended, or removed for the same conduct that is the 713
basis of the felony. An officer or employee may not appeal to the 714
state personnel board of review or the commission any disciplinary 715
action taken by an appointing authority as a result of the 716
officer's or employee's conviction of a felony. If an officer or 717
employee removed under this section is reinstated as a result of 718
an appeal of the removal, any conviction of a felony that occurs 719
during the pendency of the appeal is a basis for further 720
disciplinary action under this section upon the officer's or 721
employee's reinstatement. 722

A person convicted of a felony immediately forfeits the 723
person's status as a classified employee in any public employment 724
on and after the date of the conviction for the felony. If an 725
officer or employee is removed under this section as a result of 726
being convicted of a felony or is subsequently convicted of a 727
felony that involves the same conduct that was the basis for the 728
removal, the officer or employee is barred from receiving any 729
compensation after the removal notwithstanding any modification or 730
disaffirmance of the removal, unless the conviction for the felony 731
is subsequently reversed or annulled. 732

Any person removed for conviction of a felony is entitled to 733
a cash payment for any accrued but unused sick, personal, and 734
vacation leave as authorized by law. If subsequently reemployed in 735
the public sector, the person shall qualify for and accrue these 736
forms of leave in the manner specified by law for a newly 737
appointed employee and shall not be credited with prior public 738
service for the purpose of receiving these forms of leave. 739

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

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

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

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

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

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

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

Within ten days following the date on which the order is served or, in the case of an employee in the career professional service of the department of transportation, within ten days following the filing of a removal order, the employee, except as otherwise provided in this section, may file an appeal of the order in writing with the state personnel board of review or the commission. For purposes of this section, the date on which an order is served is the date of hand delivery of the order or the

date of delivery of the order by certified United States mail, 771
whichever occurs first. If an appeal is filed, the board or 772
commission shall forthwith notify the appointing authority and 773
shall hear, or appoint a trial board to hear, the appeal within 774
thirty days from and after its filing with the board or 775
commission. The board, commission, or trial board may affirm, 776
disaffirm, or modify the judgment of the appointing authority. 777
However, in an appeal of a removal order based upon a violation of 778
a last chance agreement, the board, commission, or trial board may 779
only determine if the employee violated the agreement and thus 780
affirm or disaffirm the judgment of the appointing authority. 781

In cases of removal or reduction in pay for disciplinary 782
reasons, either the appointing authority or the officer or 783
employee may appeal from the decision of the state personnel board 784
of review or the commission, and any such appeal shall be to the 785
court of common pleas of the county in which the appointing 786
authority is located, or to the court of common pleas of Franklin 787
county, as provided by section 119.12 of the Revised Code. 788

(C) In the case of the suspension for any period of time, or 789
a fine, demotion, or removal, of a chief of police, a chief of a 790
fire department, or any member of the police or fire department of 791
a city or civil service township, who is in the classified civil 792
service, the appointing authority shall furnish the chief or 793
member with a copy of the order of suspension, fine, demotion, or 794
removal, which order shall state the reasons for the action. The 795
order shall be filed with the municipal or civil service township 796
civil service commission. Within ten days following the filing of 797
the order, the chief or member may file an appeal, in writing, 798
with the commission. If an appeal is filed, the commission shall 799
forthwith notify the appointing authority and shall hear, or 800
appoint a trial board to hear, the appeal within thirty days from 801
and after its filing with the commission, and it may affirm, 802

disaffirm, or modify the judgment of the appointing authority. An 803
appeal on questions of law and fact may be had from the decision 804
of the commission to the court of common pleas in the county in 805
which the city or civil service township is situated. The appeal 806
shall be taken within thirty days from the finding of the 807
commission. 808

~~(D) A violation of division (A)(7) of section 2907.03 of the 809
Revised Code is grounds for termination of employment of a 810
nonteaching employee under this section. 811~~

~~(E)~~ As used in this section, "last chance agreement" means an 812
agreement signed by both an appointing authority and an officer or 813
employee of the appointing authority that describes the type of 814
behavior or circumstances that, if it occurs, will automatically 815
lead to removal of the officer or employee without the right of 816
appeal to the state personnel board of review or the appropriate 817
commission. 818

Sec. 124.38. ~~Each~~ Both of the following shall be entitled for 819
each completed eighty hours of service to sick leave of four and 820
six-tenths hours with pay: 821

(A) Employees in the various offices of the county, 822
municipal, and civil service township service, other than 823
superintendents and management employees, as defined in section 824
5126.20 of the Revised Code, of county boards of mental 825
retardation and developmental disabilities; 826

(B) Employees of any state college or university; 827

~~(C) Employees of any board of education for whom sick leave 828
is not provided by section 3319.141 of the Revised Code. 829~~

Employees may use sick leave, upon approval of the 830
responsible administrative officer of the employing unit, for 831
absence due to personal illness, pregnancy, injury, exposure to 832

contagious disease that could be communicated to other employees, 833
and illness, injury, or death in the employee's immediate family. 834
Unused sick leave shall be cumulative without limit. When sick 835
leave is used, it shall be deducted from the employee's credit on 836
the basis of one hour for every one hour of absence from 837
previously scheduled work. 838

The previously accumulated sick leave of an employee who has 839
been separated from the public service shall be placed to the 840
employee's credit upon the employee's re-employment in the public 841
service, provided that the re-employment takes place within ten 842
years of the date on which the employee was last terminated from 843
public service. This ten-year period shall be tolled for any 844
period during which the employee holds elective public office, 845
whether by election or by appointment. 846

An employee who transfers from one public agency to another 847
shall be credited with the unused balance of the employee's 848
accumulated sick leave up to the maximum of the sick leave 849
accumulation permitted in the public agency to which the employee 850
transfers. 851

The appointing authorities of the various offices of the 852
county service may permit all or any part of a person's accrued 853
but unused sick leave acquired during service with any regional 854
council of government established in accordance with Chapter 167. 855
of the Revised Code to be credited to the employee upon a transfer 856
as if the employee were transferring from one public agency to 857
another under this section. 858

The appointing authority of each employing unit shall require 859
an employee to furnish a satisfactory written, signed statement to 860
justify the use of sick leave. If medical attention is required, a 861
certificate stating the nature of the illness from a licensed 862
physician shall be required to justify the use of sick leave. 863
Falsification of either a written, signed statement or a 864

physician's certificate shall be grounds for disciplinary action, 865
including dismissal. 866

This section does not interfere with existing unused sick 867
leave credit in any agency of government where attendance records 868
are maintained and credit has been given employees for unused sick 869
leave. 870

Notwithstanding this section or any other section of the 871
Revised Code, any appointing authority of a county office, 872
department, commission, board, or body may, upon notification to 873
the board of county commissioners, establish alternative schedules 874
of sick leave for employees of the appointing authority for whom 875
the state employment relations board has not established an 876
appropriate bargaining unit pursuant to section 4117.06 of the 877
Revised Code, as long as the alternative schedules are not 878
inconsistent with the provisions of at least one collective 879
bargaining agreement covering other employees of that appointing 880
authority, if such a collective bargaining agreement exists. If no 881
such collective bargaining agreement exists, an appointing 882
authority may, upon notification to the board of county 883
commissioners, establish an alternative schedule of sick leave for 884
its employees that does not diminish the sick leave benefits 885
granted by this section. 886

Sec. 124.40. (A) The mayor or other chief appointing 887
authority of each city in the state shall appoint three persons, 888
one for a term of two years, one for a term of four years, and one 889
for a term of six years, who shall constitute the municipal civil 890
service commission of that city and of the ~~city school district~~ 891
~~and~~ city health district in which that city is located. Each 892
alternate year thereafter the mayor or other chief appointing 893
authority shall appoint one person, as successor of the member 894
whose term expires, to serve six years. A vacancy shall be filled 895

by the mayor or other chief appointing authority for the unexpired 896
term. At the time of any appointment, not more than two 897
commissioners shall be adherents of the same political party. 898

The municipal civil service commission shall prescribe, 899
amend, and enforce rules not inconsistent with this chapter for 900
the classification of positions in the civil service of the city 901
~~and city school district,~~ and all the positions in the city health 902
district; for examinations for and resignations from those 903
positions; for appointments, promotions, removals, transfers, 904
layoffs, suspensions, reductions, and reinstatements with respect 905
to those positions; and for standardizing those positions and 906
maintaining efficiency in them. The commission's rules shall 907
authorize each appointing authority of a city, ~~city school~~ 908
~~district,~~ or city health district to develop and administer in a 909
manner it devises an evaluation system for the employees it 910
appoints. The commission shall exercise all other powers and 911
perform all other duties with respect to the civil service of the 912
city, ~~city school district,~~ and city health district, as 913
prescribed in this chapter and conferred upon the director of 914
administrative services and the state personnel board of review 915
with respect to the civil service of the state; and all authority 916
granted to the director and the board with respect to the service 917
under their jurisdiction shall, except as otherwise provided by 918
this chapter, be held to be granted to the commission with respect 919
to the service under its jurisdiction. The procedure applicable to 920
reductions, suspensions, and removals, as provided for in section 921
124.34 of the Revised Code, shall govern the civil service of 922
cities. 923

The expense and salaries of a municipal civil service 924
commission shall be determined by the legislative authority of the 925
city and a sufficient sum of money shall be appropriated each year 926
to carry out this chapter in the city. 927

All persons who are employed by a ~~city school district~~, city 928
health district, or city health department when a municipal civil 929
service commission having jurisdiction over them is appointed, or 930
when they become subject to civil service by extension of civil 931
service to include new classifications of employees, shall 932
continue to hold their positions until removed in accordance with 933
the civil service laws. 934

If the appointing authority of any city fails to appoint a 935
civil service commission or commissioner, as provided by law, 936
within sixty days after the appointing authority has the power to 937
so appoint, or after a vacancy exists, the state personnel board 938
of review shall make the appointment, and the appointee shall hold 939
office until the expiration of the term of the appointing 940
authority of the city. If any municipal civil service commission 941
fails to prepare and submit rules or regulations in accordance 942
with this chapter, the board shall forthwith make those rules or 943
regulations. This chapter shall in all respects, except as 944
provided in this section, be in full force in cities with a civil 945
service commission. 946

Each municipal civil service commission shall make reports 947
from time to time, as the board requires, of the manner in which 948
the law and the rules and regulations under it have been and are 949
being administered, and the results of their administration, in 950
the city, ~~city school district~~, and city health district. A copy 951
of the annual report of each municipal civil service commission 952
shall be filed in the office of the board as a public record. 953

Whenever the board has reason to believe that a municipal 954
civil service commission is violating or is failing to perform the 955
duties imposed upon it by law, or that any member of a municipal 956
civil service commission is willfully or through culpable 957
negligence violating the law or failing to perform official duties 958
as a member of the commission, it shall institute an 959

investigation, and if, in the judgment of the board, it finds any 960
such violation or failure to perform the duties imposed by law, it 961
shall make a report of the violation or failure in writing to the 962
chief executive authority of the city, which report shall be a 963
public record. 964

Upon the receipt of a report from the board charging the 965
municipal civil service commission with violating or failing to 966
perform the duties imposed upon it by law, or charging any member 967
of the commission with willfully or through culpable negligence 968
violating the law or failing to perform official duties as a 969
member of the commission, along with the evidence on which the 970
report is based, the chief executive authority of the city shall 971
forthwith remove the municipal civil service commissioner or 972
commissioners. In all cases of removal of a municipal civil 973
service commissioner by the chief executive authority of any city, 974
an appeal may be had to the court of common pleas, in the county 975
in which the city is situated, to determine the sufficiency of the 976
cause of removal. The appeal shall be taken within ten days from 977
the decision of the chief executive authority. If the court 978
disaffirms the judgment of the chief executive authority, the 979
commissioner shall be reinstated to the commissioner's former 980
position on the commission. 981

The chief executive authority of a city with a municipal 982
civil service commission may remove at any time any commissioner 983
for inefficiency, neglect of duty, or malfeasance in office, 984
having first given to the commissioner a copy of the charges and 985
an opportunity to be publicly heard in person or by counsel in 986
defense. 987

The mayor has the exclusive right to suspend the chief of the 988
police department or the chief of the fire department for 989
incompetence, gross neglect of duty, gross immorality, habitual 990
drunkenness, failure to obey orders given by the proper authority, 991

or any other reasonable and just cause. If either the chief of 992
police or the chief of the fire department is so suspended, the 993
mayor forthwith shall certify that fact, together with the cause 994
of the suspension, to the municipal civil service commission. 995
Within five days from the date of receipt of the notice, the 996
commission shall proceed to hear the charges and render judgment 997
on them. The judgment may affirm, disaffirm, or modify the 998
judgment of the mayor, and an appeal may be had from the decision 999
of the commission to the court of common pleas as provided in 1000
section 124.34 of the Revised Code to determine the sufficiency of 1001
the cause of removal. 1002

(B) The board of trustees of a township that has a population 1003
of ten thousand or more persons residing within the township and 1004
outside any municipal corporation and that has a police or fire 1005
department of ten or more full-time paid employees may appoint 1006
three persons to constitute the township civil service commission. 1007
Of the initial appointments made to the commission, one shall be 1008
for a term ending two years after the date of initial appointment, 1009
one shall be for a term ending four years after that date, and one 1010
shall be for a term ending six years after that date. Thereafter, 1011
terms of office shall be for six years, each term ending on the 1012
same day of the same month as did the term which it succeeds. Each 1013
member shall hold office from the date of appointment until the 1014
end of the term for which the member was appointed. Any member 1015
appointed to fill a vacancy occurring prior to the expiration of 1016
the term for which the member's predecessor was appointed shall 1017
hold office for the remainder of that term. Any member shall 1018
continue in office subsequent to the expiration date of the 1019
member's term until a successor takes office, or until a period of 1020
sixty days has elapsed, whichever occurs first. At the time of any 1021
appointment, not more than two commissioners shall be adherents of 1022
the same political party. 1023

The board of township trustees shall determine the 1024
compensation and expenses to be paid to the members of the 1025
township civil service commission. The powers and duties conferred 1026
on municipal civil service commissions and the supervisory 1027
authority of the state personnel board of review under division 1028
(A) of this section shall be applicable to the civil service 1029
commission of a civil service township. 1030

The board of township trustees has the exclusive right to 1031
suspend the chief of the police or fire department of the township 1032
in the same manner as provided in division (A) of this section for 1033
municipal chiefs. 1034

The jurisdiction of the township civil service commission is 1035
limited to employees of the township fire or police department and 1036
then only if the department has ten or more full-time paid 1037
employees, and it does not extend to any other township employees. 1038

Sec. 124.57. (A) No officer or employee in the classified 1039
service of the state, the several counties, and cities, ~~and city~~ 1040
~~school districts~~ of the state, or the civil service townships of 1041
the state shall directly or indirectly, orally or by letter, 1042
solicit or receive, or be in any manner concerned in soliciting or 1043
receiving, any assessment, subscription, or contribution for any 1044
political party or for any candidate for public office; nor shall 1045
any person solicit directly or indirectly, orally or by letter, or 1046
be in any manner concerned in soliciting, any such assessment, 1047
contribution, or payment from any officer or employee in the 1048
classified service of the state, the several counties, or cities, 1049
~~or city school districts~~ of the state, or the civil service 1050
townships of the state; nor shall any officer or employee in the 1051
classified service of the state, the several counties, and cities, 1052
~~and city school districts~~ of the state, or the civil service 1053
townships of the state be an officer in any political organization 1054

or take part in politics other than to vote as the officer or 1055
employee pleases and to express freely political opinions. 1056

(B)(1) Nothing in division (A) of this section prohibits an 1057
officer or employee described in that division from serving as a 1058
precinct election official under section 3501.22 of the Revised 1059
Code. 1060

(2) Nothing in division (A) of this section prohibits an 1061
employee of the Ohio cooperative extension service whose position 1062
is transferred from the unclassified civil service to the 1063
classified civil service and who also holds the office of 1064
president of a city legislative authority from completing the 1065
existing term of office as president. 1066

Sec. 3301.07. The state board of education shall exercise 1067
under the acts of the general assembly general supervision of the 1068
system of public education in the state. In addition to the powers 1069
otherwise imposed on the state board under the provisions of law, 1070
the board shall have the following powers: 1071

(A) Exercise policy forming, planning, and evaluative 1072
functions for the public schools of the state, and for adult 1073
education, except as otherwise provided by law; 1074

(B) Exercise leadership in the improvement of public 1075
education in this state, and administer the educational policies 1076
of this state relating to public schools, and relating to 1077
instruction and instructional material, building and equipment, 1078
transportation of pupils, administrative responsibilities of 1079
school officials and personnel, and finance and organization of 1080
school districts, educational service centers, and territory. 1081
Consultative and advisory services in such matters shall be 1082
provided by the board to school districts and educational service 1083
centers of this state. The board also shall develop a standard of 1084
financial reporting which shall be used by all school districts 1085

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

(C) Administer and supervise the allocation and distribution 1100
of all state and federal funds for public school education under 1101
the provisions of law, and may prescribe such systems of 1102
accounting as are necessary and proper to this function. It may 1103
require county auditors and treasurers, boards of education, 1104
educational service center governing boards, treasurers of such 1105
boards, teachers, and other school officers and employees, or 1106
other public officers or employees, to file with it such reports 1107
as it may prescribe relating to such funds, or to the management 1108
and condition of such funds. 1109

(D) Formulate and prescribe minimum standards to be applied 1110
to all elementary and secondary schools in this state for the 1111
purpose of ~~requiring promoting~~ a general education of high 1112
quality. ~~Such standards shall provide adequately for: the~~ 1113
~~licensing of teachers, administrators, and other professional~~ 1114
~~personnel and their assignment according to training and~~ 1115
~~qualifications; efficient and effective instructional materials~~ 1116
~~and equipment, including library facilities; the proper~~ 1117

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

In the formulation and administration of such standards for 1130
nonpublic schools the board shall also consider the particular 1131
needs, methods and objectives of those schools, provided they do 1132
not conflict with the provision of a general education of a high 1133
quality and provided that regular procedures shall be followed for 1134
promotion from grade to grade of pupils who have met the 1135
educational requirements prescribed. 1136

(E) May ~~require~~ promote as part of the health curriculum 1137
information developed under section 2108.34 of the Revised Code 1138
~~promoting~~ the donation of anatomical gifts pursuant to Chapter 1139
2108. of the Revised Code and may provide the information to high 1140
schools, educational service centers, and joint vocational school 1141
district boards of education; 1142

(F) Prepare and submit annually to the governor and the 1143
general assembly a report on the status, needs, and major problems 1144
of the public schools of the state, with recommendations for 1145
necessary legislative action and a ten-year projection of the 1146
state's public and nonpublic school enrollment, by year and by 1147
grade level; 1148

(G) Prepare and submit to the director of budget and 1149

management the biennial budgetary requests of the state board of 1150
education, for its agencies and for the public schools of the 1151
state; 1152

(H) Cooperate with federal, state, and local agencies 1153
concerned with the health and welfare of children and youth of the 1154
state; 1155

(I) Require such reports from school districts and 1156
educational service centers, school officers, and employees as are 1157
necessary ~~and desirable~~ to comply with requirements of this title. 1158
The superintendents and treasurers of school districts and 1159
educational service centers shall certify as to the accuracy of 1160
all reports required by law or state board or state department of 1161
education rules to be submitted by the district or educational 1162
service center and which contain information necessary for 1163
calculation of state funding. Any superintendent who knowingly 1164
falsifies such report shall be subject to license revocation 1165
pursuant to section 3319.31 of the Revised Code. 1166

(J) In accordance with Chapter 119. of the Revised Code, 1167
adopt procedures, standards, and guidelines for the education of 1168
children with disabilities pursuant to Chapter 3323. of the 1169
Revised Code, including procedures, standards, and guidelines 1170
governing programs and services operated by county boards of 1171
mental retardation and developmental disabilities pursuant to 1172
section 3323.09 of the Revised Code; 1173

(K) For the purpose of encouraging the development of special 1174
programs of education for academically gifted children, employ 1175
competent persons to analyze and publish data, promote research, 1176
advise and counsel with boards of education, and encourage the 1177
training of teachers in the special instruction of gifted 1178
children. The board may provide financial assistance out of any 1179
funds appropriated for this purpose to boards of education and 1180
educational service center governing boards for developing and 1181

conducting programs of education for academically gifted children. 1182

(L) ~~Require that all public schools emphasize~~ Emphasize and 1183
encourage, within existing units of study, the teaching of energy 1184
and resource conservation as recommended to each district board of 1185
education by leading business persons involved in energy 1186
production and conservation, beginning in the primary grades; 1187

(M) Formulate and prescribe minimum standards ~~requiring~~ 1188
promoting the use of phonics as a technique in the teaching of 1189
reading in grades kindergarten through three. In addition, the 1190
state board shall provide in-service training programs for 1191
teachers on the use of phonics as a technique in the teaching of 1192
reading in grades kindergarten through three. 1193

(N) Develop and modify as necessary a state plan for 1194
technology to encourage and promote the use of technological 1195
advancements in educational settings. 1196

The board may adopt rules necessary for carrying out any 1197
function imposed on it by law, and may provide rules as are 1198
necessary for its government and the government of its employees, 1199
and may delegate to the superintendent of public instruction the 1200
management and administration of any function imposed on it by 1201
law. It may provide for the appointment of board members to serve 1202
on temporary committees established by the board for such purposes 1203
as are necessary. Permanent or standing committees shall not be 1204
created. 1205

Sec. 3301.072. The state board of education shall establish 1206
continuing programs of in-service training in school district 1207
budget and finance for superintendents of schools or their 1208
designees, business managers, members of boards of education, and 1209
treasurers of boards of education for the purpose of enhancing 1210
their background and working knowledge of government accounting, 1211
state and federal laws relating to school district budgeting and 1212

financing, financial report preparation, rules of the auditor of 1213
state, and budget and accounting management. 1214

The manner and content of each training program shall be 1215
determined and provided by the state board of education after 1216
consultation with the department of taxation and the auditor of 1217
state. The state board may enter into contracts with the 1218
department and the auditor of state to supply, at cost, any 1219
assistance required to enable the board to perform its duties 1220
under this section. 1221

Each superintendent or ~~his~~ designee of a superintendent, 1222
treasurer or treasurer pro tempore, and business manager ~~shall~~ 1223
may, but shall not be required to, attend ~~one~~ a training program 1224
provided under this section ~~each year.~~ 1225

Sec. 3311.10. If an exempted village school district fails to 1226
contain within its territorial boundaries territory lying within 1227
the corporate limits of a village having a population, according 1228
to the latest federal census of two thousand or more, such 1229
exempted village school district shall become a local school 1230
district, subject to the supervision of the educational service 1231
center governing board for the school year commencing the first 1232
day of July following the publication by the secretary of state of 1233
such census, and thereafter. This section does not apply to any 1234
exempted village school district organized as such exempted 1235
village school district prior to June 1, 1943. 1236

The board of education of an exempted village school district 1237
that contains within its boundaries all or part of two or more 1238
municipal corporations, the aggregate population of which totals 1239
five thousand or more as determined by the preceding federal 1240
census, may, by a majority vote of the full membership of the 1241
board, propose that such district become a city school district. 1242
The proposal shall be filed with the state board of education. The 1243

state board of education shall either approve or disapprove the 1244
proposal and shall notify, in writing, the board of education of 1245
the district of its decision within ninety days of the day on 1246
which the proposal was received. 1247

A school district created by the state board of education 1248
under section 3311.37 of the Revised Code which includes any 1249
combination of two or more exempted village or local school 1250
districts may be designated as a city school district by the state 1251
board of education, provided the aggregate population of the newly 1252
created district totals five thousand or more as determined by the 1253
last federal or special census and provided there is contained 1254
within its boundaries all or part of a municipal corporation. 1255

When a governing board of an educational service center is 1256
dissolved pursuant to section 3311.37 of the Revised Code the 1257
employees shall be assured the opportunity of continued employment 1258
in the newly created school district in similar positions at no 1259
reduction in salary until the expiration of the existing 1260
contracts. ~~Nonteaching school employees of city school districts,~~ 1261
~~created pursuant to this section, shall not be employed pursuant~~ 1262
~~to Chapter 124. of the Revised Code, except that sick leave shall~~ 1263
~~be granted pursuant to section 124.38 of the Revised Code.~~ 1264

Sec. 3311.19. (A) The management and control of a joint 1265
vocational school district shall be vested in the joint vocational 1266
school district board of education. Where a joint vocational 1267
school district is composed only of two or more local school 1268
districts located in one county, or when all the participating 1269
districts are in one county and the boards of such participating 1270
districts so choose, the educational service center governing 1271
board of the county in which the joint vocational school district 1272
is located shall serve as the joint vocational school district 1273
board of education. Where a joint vocational school district is 1274

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

(B) Notwithstanding division (A) of this section, a governing 1294
board of an educational service center that has members of its 1295
governing board serving on a joint vocational school district 1296
board of education may make a request to the joint vocational 1297
district board that the joint vocational school district plan be 1298
revised to provide for one or more members of boards of education 1299
of local school districts that are within the territory of the 1300
educational service district and within the joint vocational 1301
school district to serve in the place of or in addition to its 1302
educational service center governing board members. If agreement 1303
is obtained among a majority of the boards of education and 1304
governing boards that have a member serving on the joint 1305
vocational school district board of education and among a majority 1306
of the local school district boards of education included in the 1307

district and located within the territory of the educational 1308
service center whose board requests the substitution or addition, 1309
the state board of education may revise the joint vocational 1310
school district plan to conform with such agreement. 1311

(C) If the board of education of any school district or 1312
educational service center governing board included within a joint 1313
vocational district that has had its board or governing board 1314
membership revised under division (B) of this section requests the 1315
joint vocational school district board to submit to the state 1316
board of education a revised plan under which one or more joint 1317
vocational board members chosen in accordance with a plan revised 1318
under such division would again be chosen in the manner prescribed 1319
by division (A) of this section, the joint vocational board shall 1320
submit the revised plan to the state board of education, provided 1321
the plan is agreed to by a majority of the boards of education 1322
represented on the joint vocational board, a majority of the local 1323
school district boards included within the joint vocational 1324
district, and each educational service center governing board 1325
affected by such plan. The state board of education may revise the 1326
joint vocational school district plan to conform with the revised 1327
plan. 1328

(D) The vocational schools in such joint vocational school 1329
district shall be available to all youth of school age within the 1330
joint vocational school district subject to the rules adopted by 1331
the joint vocational school district board of education in regard 1332
to the standards requisite to admission. A joint vocational school 1333
district board of education shall have the same powers, duties, 1334
and authority for the management and operation of such joint 1335
vocational school district as is granted by law, except by this 1336
chapter and Chapters ~~124.7~~ 3317., 3323., and 3331. of the Revised 1337
Code, to a board of education of a city school district, and shall 1338
be subject to all the provisions of law that apply to a city 1339

school district, except such provisions in this chapter and 1340
Chapters ~~124.7~~, 3317., 3323., and 3331. of the Revised Code. 1341

(E) Where a governing board of an educational service center 1342
has been designated to serve as the joint vocational school 1343
district board of education, the educational service center 1344
superintendent shall be the executive officer for the joint 1345
vocational school district, and the governing board may provide 1346
for additional compensation to be paid to the educational service 1347
center superintendent by the joint vocational school district, but 1348
the educational service center superintendent shall have no 1349
continuing tenure other than that of educational service center 1350
superintendent. The superintendent of schools of a joint 1351
vocational school district shall exercise the duties and authority 1352
vested by law in a superintendent of schools pertaining to the 1353
operation of a school district and the employment and supervision 1354
of its personnel. The joint vocational school district board of 1355
education shall appoint a treasurer of the joint vocational school 1356
district who shall be the fiscal officer for such district and who 1357
shall have all the powers, duties, and authority vested by law in 1358
a treasurer of a board of education. Where a governing board of an 1359
educational service center has been designated to serve as the 1360
joint vocational school district board of education, such board 1361
may appoint the educational service center superintendent as the 1362
treasurer of the joint vocational school district. 1363

(F) Each member of a joint vocational school district board 1364
of education may be paid such compensation as the board provides 1365
by resolution, but it shall not exceed one hundred twenty-five 1366
dollars per member for each meeting attended plus mileage, at the 1367
rate per mile provided by resolution of the board, to and from 1368
meetings of the board. 1369

The board may provide by resolution for the deduction of 1370
amounts payable for benefits ~~under section 3313.202 of the Revised~~ 1371

Code. No member of a board of a joint vocational school district 1372
who is purchasing any category of benefits offered by a city, 1373
local, or exempted village school board or educational service 1374
center governing board, shall purchase the same category of 1375
benefits as a member of the joint vocational school board. 1376

Each member of a joint vocational school district board may 1377
be paid such compensation as the board provides by resolution for 1378
attendance at an approved training program, provided that such 1379
compensation shall not exceed sixty dollars per day for attendance 1380
at a training program three hours or fewer in length and one 1381
hundred twenty-five dollars a day for attendance at a training 1382
program longer than three hours in length. However, no board 1383
member shall be compensated for the same training program under 1384
this section and section 3313.12 of the Revised Code. 1385

Sec. 3311.52. A cooperative education school district may be 1386
established pursuant to divisions (A) to (C) of this section or 1387
pursuant to section 3311.521 of the Revised Code. 1388

(A) A cooperative education school district may be 1389
established upon the adoption of identical resolutions within a 1390
sixty-day period by a majority of the members of the board of 1391
education of each city, local, and exempted village school 1392
district that is within the territory of a county school financing 1393
district. 1394

A copy of each resolution shall be filed with the board of 1395
education of the educational service center which created the 1396
county school financing district. Upon the filing of the last such 1397
resolution, the educational service center governing board shall 1398
immediately notify each board of education filing such a 1399
resolution of the date on which the last resolution was filed. 1400

Ten days after the date on which the last resolution is filed 1401
with the educational service center governing board or ten days 1402

after the last of any notices required under division (C) of this 1403
section is received by the educational service center governing 1404
board, whichever is later, the county school financing district 1405
shall be dissolved and the new cooperative education school 1406
district and the board of education of the cooperative education 1407
school district shall be established. 1408

On the date that any county school financing district is 1409
dissolved and a cooperative education school district is 1410
established under this section, each of the following shall apply: 1411

(1) The territory of the dissolved district becomes the 1412
territory of the new district. 1413

(2) Any outstanding tax levy in force in the dissolved 1414
district shall be spread over the territory of the new district 1415
and shall remain in force in the new district until the levy 1416
expires or is renewed. 1417

(3) Any funds of the dissolved district shall be paid over in 1418
full to the new district. 1419

(4) Any net indebtedness of the dissolved district shall be 1420
assumed in full by the new district. As used in division (A)(4) of 1421
this section, "net indebtedness" means the difference between the 1422
par value of the outstanding and unpaid bonds and notes of the 1423
dissolved district and the amount held in the sinking fund and 1424
other indebtedness retirement funds for their redemption. 1425

When a county school financing district is dissolved and a 1426
cooperative education school district is established under this 1427
section, the governing board of the educational service center 1428
that created the dissolved district shall give written notice of 1429
this fact to the county auditor and the board of elections of each 1430
county having any territory in the new district. 1431

(B) The resolutions adopted under division (A) of this 1432
section shall include all of the following provisions: 1433

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

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

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

(b) The selection of one person as the treasurer and another person as the superintendent of the cooperative district, which provision may require either one or both such persons to be treasurers or superintendents of any city, local, or exempted village school districts or educational service center within the territory of the cooperative district.

(3) A statement of the educational program the board of education of the cooperative education school district will

conduct, including but not necessarily limited to the type of 1466
educational program, the grade levels proposed for inclusion in 1467
the program, the timetable for commencing operation of the 1468
program, and the facilities proposed to be used or constructed to 1469
be used by the program; 1470

(4) A statement of the annual amount, or the method for 1471
determining that amount, of funds or services or facilities that 1472
each city, local, and exempted village school district within the 1473
territory of the cooperative district is required to pay to or 1474
provide for the use of the board of education of the cooperative 1475
education school district; 1476

(5) Provision for adopting amendments to the provisions of 1477
divisions (B)(2) to (4) of this section. 1478

(C) If the resolutions adopted under division (A) of this 1479
section provide for a board of education of the cooperative 1480
education school district that is not the governing board of the 1481
educational service center that created the county school 1482
financing district, each board of education of each city, local, 1483
or exempted village school district and the governing board of the 1484
educational service center within the territory of the cooperative 1485
district shall, within thirty days after the date on which the 1486
last resolution is filed with the educational service center 1487
governing board under division (A) of this section, select one or 1488
more members of the board of education of the cooperative district 1489
as provided in the resolutions filed with the educational service 1490
center governing board. Each such board shall immediately notify 1491
the educational ~~services~~ service center governing board of each 1492
such selection. 1493

(D) Except for the powers and duties in this chapter and 1494
Chapters ~~124.~~ 3317., 3318., 3323., and 3331. of the Revised Code, 1495
a cooperative education school district established pursuant to 1496
divisions (A) to (C) of this section or pursuant to section 1497

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

The treasurer and superintendent of a cooperative education 1508
school district shall have the same respective duties and powers 1509
as a treasurer and superintendent of a city school district, 1510
except for any powers and duties in this chapter and Chapters 1511
~~124.7~~ 3317., 3318., 3323., and 3331. of the Revised Code. 1512

(E) For purposes of this title, any student included in the 1513
formula ADM certified for any city, exempted village, or local 1514
school district under section 3317.03 of the Revised Code by 1515
virtue of being counted, in whole or in part, in the average daily 1516
membership of a cooperative education school district under 1517
division (A)(2)(f) of that section shall be construed to be 1518
enrolled both in that city, exempted village, or ~~village~~ local 1519
school district and in that cooperative education school district. 1520
This division shall not be construed to mean that any such 1521
individual student may be counted more than once for purposes of 1522
determining the average daily membership of any one school 1523
district. 1524

Sec. 3311.72. This section does not apply to any principal, 1525
assistant principal, or other administrator who is employed to 1526
perform administrative functions primarily within one school 1527
building. 1528

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

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

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

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

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

(4) An individual appointed to the position of chief executive officer under division (B)(1), (2), or (3) of this section shall have a contract with the school district that includes such terms and conditions of employment as are agreeable to the board and the appointee, except that each such contract shall contain a provision stating that, unless the individual chooses to terminate the contract at a prior time:

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

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

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

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

(d) Notwithstanding ~~Chapters 124.~~ and Chapter 3319. of the Revised Code, an individual appointed to an administrative position in a municipal school district by its chief executive officer shall have a contract with the school district that

includes such terms and conditions of employment as are agreeable 1592
to the chief executive officer and the appointee, except that each 1593
such contract shall contain a provision stating that, unless the 1594
appointee chooses to terminate the contract at a prior time, the 1595
appointee will serve at the pleasure of the chief executive 1596
officer. 1597

(E) The chief executive officer shall also contract for or 1598
employ such consultants, counsel, or other outside parties as in 1599
the chief executive officer's reasonable judgment shall be 1600
necessary to design, implement, or evaluate the plan required by 1601
section 3311.74 of the Revised Code and to properly operate the 1602
school district, subject to appropriations by the board. 1603

(F) Notwithstanding section 3301.074 and Chapter 3319. of the 1604
Revised Code, no person appointed under this section shall be 1605
required to hold any license, certificate, or permit. 1606

Sec. 3313.12. Each member of the educational service center 1607
governing board may be paid such compensation as the governing 1608
board provides by resolution, provided that any such compensation 1609
shall not exceed one hundred twenty-five dollars a day plus 1610
mileage both ways, at the rate per mile provided by resolution of 1611
the governing board, for attendance at any meeting of the board. 1612
Such compensation and the expenses of the educational service 1613
center superintendent, itemized and verified, shall be paid from 1614
the educational service center governing board fund upon vouchers 1615
signed by the president of the governing board. 1616

The board of education of any city, local, or exempted 1617
village school district may provide by resolution for compensation 1618
of its members, provided that such compensation shall not exceed 1619
one hundred twenty-five dollars per member for meetings attended. 1620
The board may provide by resolution for the deduction of amounts 1621
payable for benefits ~~under section 3313.202 of the Revised Code.~~ 1622

Each member of a district board or educational service center 1623
governing board may be paid such compensation as the respective 1624
board provides by resolution for attendance at an approved 1625
training program, provided that such compensation shall not exceed 1626
sixty dollars a day for attendance at a training program three 1627
hours or fewer in length and one hundred twenty-five dollars a day 1628
for attendance at a training program longer than three hours in 1629
length. 1630

Sec. 3313.20. (A) The board of education of a school district 1631
or the governing board of an educational service center ~~shall~~ may 1632
make any rules that are necessary for its government and the 1633
government of its employees, pupils of its schools, and all other 1634
persons entering upon its school grounds or premises. Rules 1635
regarding entry of persons other than students, staff, and faculty 1636
upon school grounds or premises ~~shall~~ may be posted conspicuously 1637
at or near the entrance to the school grounds or premises, or near 1638
the perimeter of the school grounds or premises, if there are no 1639
formal entrances, and at the main entrance to each school 1640
building. 1641

(B)(1) The board of education of each city, local, exempted 1642
village, or joint vocational school district may adopt a written 1643
policy that authorizes principals of public schools within the 1644
district or their designees to do one or both of the following: 1645

(a) Search any pupil's locker and the contents of the locker 1646
that is searched if the principal reasonably suspects that the 1647
locker or its contents contains evidence of a pupil's violation of 1648
a criminal statute or of a school rule; 1649

(b) Search any pupil's locker and the contents of any pupil's 1650
locker at any time if the board of education posts in a 1651
conspicuous place in each school building that has lockers 1652
available for use by pupils a notice that the lockers are the 1653

property of the board of education and that the lockers and the 1654
contents of all the lockers are subject to random search at any 1655
time without regard to whether there is a reasonable suspicion 1656
that any locker or its contents contains evidence of a violation 1657
of a criminal statute or a school rule. 1658

(2) A board of education's adoption of or failure to adopt a 1659
written policy pursuant to division (B)(1) of this section does 1660
not prevent the principal of any school from searching at any time 1661
the locker of any pupil and the contents of any locker of any 1662
pupil in the school if an emergency situation exists or appears to 1663
exist that immediately threatens the health or safety of any 1664
person, or threatens to damage or destroy any property, under the 1665
control of the board of education and if a search of lockers and 1666
the contents of the lockers is reasonably necessary to avert that 1667
threat or apparent threat. 1668

(C) Any employee may receive compensation and expenses for 1669
days on which ~~he~~ the employee is excused, in accordance with the 1670
policy statement of the board, by the superintendent of such board 1671
or by a responsible administrative official designated by the 1672
superintendent for the purpose of attending professional meetings 1673
as defined by the board policy, and the board may provide and pay 1674
the salary of a substitute for such days. The expenses thus 1675
incurred by an employee shall be paid by the board from the 1676
appropriate fund of the school district or the educational service 1677
center governing board fund provided that statements of expenses 1678
are furnished in accordance with the policy statement of the 1679
board. 1680

(D) Each city, local, and exempted village school district 1681
~~shall~~ may adopt a written policy governing the attendance of 1682
employees at professional meetings. 1683

Sec. 3313.202. ~~Any elected or appointed member of the board~~ 1684

~~of education of a school district and the dependent children and spouse of the member may be covered, at the option of the member, under any health care plan containing best practices prescribed by the school employees health care board under section 9.901 of the Revised Code. The member shall pay all premiums for that coverage. Payments for such coverage shall be made, in advance, in a manner prescribed by the school employees health care board. The member's exercise of an option to be covered under this section shall be in writing, announced at a regular public meeting of the board of education, and recorded as a public record in the minutes of the board.~~ (A) The board of education of a school district may procure and pay all or part of the cost of group term life, hospitalization, surgical care, or major medical insurance, disability, dental care, vision care, medical care, hearing aids, prescription drugs, sickness and accident insurance, group legal services, or a combination of any of the foregoing types of insurance or coverage, whether issued by an insurance company or a health insuring corporation duly licensed by this state, covering the teaching or nonteaching employees of the school district, or a combination of both, or the dependent children and spouses of such employees.

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

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

(B) Except as provided in division (C) of this section, no member of the board shall have, directly or indirectly, any pecuniary interest in any contract of the board or be employed in any manner for compensation by the board of which the person is a

member. No contract shall be binding upon any board unless it is 1716
made or authorized at a regular or special meeting of such board. 1717

(C) A member of the board may have a pecuniary interest in a 1718
contract of the board if all of the following apply: 1719

(1) The member's pecuniary interest in that contract is that 1720
the member is employed by a political subdivision, 1721
instrumentality, or agency of the state that is contracting with 1722
the board; 1723

(2) The member does not participate in any discussion or 1724
debate regarding the contract or vote on the contract; 1725

(3) The member files with the school district treasurer an 1726
affidavit stating the member's exact employment status with the 1727
political subdivision, instrumentality, or agency contracting with 1728
the board. 1729

(D) This section does not apply where a member of the board, 1730
being a shareholder of a corporation but not being an officer or 1731
director thereof, owns not in excess of five per cent of the stock 1732
of such corporation. If a stockholder desires to avail self of the 1733
exception, before entering upon such contract such person shall 1734
first file with the treasurer an affidavit stating the 1735
stockholder's exact status and connection with said corporation. 1736

~~This section does not apply where a member of the board 1737
elects to be covered by a health care plan under section 3313.202 1738
of the Revised Code. 1739~~

Sec. 3313.53. (A) As used in this section: 1740

(1) "Licensed individual" means an individual who holds a 1741
valid educator license, certificate, or permit issued by the state 1742
board of education under section 3319.22, 3319.26, 3319.27, 1743
3319.302, or 3319.304 of the Revised Code. 1744

(2) "Nonlicensed individual" means an individual who does not 1745

hold a valid educator license, certificate, or permit issued by 1746
the state board of education under section 3319.22, 3319.26, 1747
3319.27, 3319.302, or 3319.304 of the Revised Code. 1748

(B) The board of education of any city, exempted village, or 1749
local school district may establish and maintain in connection 1750
with the public school systems: 1751

(1) Manual training, industrial arts, domestic science, and 1752
commercial departments; 1753

(2) Agricultural, industrial, vocational, and trades schools. 1754

Such board may pay from the public school funds, as other 1755
school expenses are paid, the expenses of establishing and 1756
maintaining such departments and schools and of directing, 1757
supervising, and coaching the pupil-activity programs in music, 1758
language, arts, speech, government, athletics, and any others 1759
directly related to the curriculum. 1760

(C) The board of education of any city, exempted village, or 1761
local school district may employ a nonlicensed individual to 1762
direct, supervise, or coach a pupil-activity program as long as 1763
that individual holds a valid pupil-activity program permit issued 1764
by the state board of education under division (A) of section 1765
3319.303 of the Revised Code. 1766

~~(D)(1) Except as provided in division (D)(2) of this section,~~ 1767
~~a nonlicensed individual who holds a valid pupil activity program~~ 1768
~~permit may be employed under division (C) of this section only~~ 1769
~~after the school district's board of education adopts a resolution~~ 1770
~~stating that it has offered such position to those employees of~~ 1771
~~the district who are licensed individuals and no such employee~~ 1772
~~qualified to fill the position has accepted it, and has then~~ 1773
~~advertised the position as available to any licensed individual~~ 1774
~~who is qualified to fill it and who is not employed by the board,~~ 1775
~~and no such person has applied for and accepted the position.~~ 1776

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

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

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

If the state board suspends, revokes, or limits the pupil-activity program permit of a nonlicensed individual, the school district board may terminate or suspend the employment

~~contract of that individual. Otherwise, no contract issued under 1809
this section shall be terminated or suspended except pursuant to 1810
the procedure established by division (C) of section 3319.081 of 1811
the Revised Code. 1812~~

Sec. 3313.604. For purposes of this section, American sign 1813
language is hereby recognized as a foreign language, and any 1814
public or chartered nonpublic school may offer a course in 1815
American sign language. A student who successfully completes a 1816
course in American sign language ~~is entitled to receive~~ may be 1817
granted credit for that course toward satisfaction of a foreign 1818
language requirement of the public or chartered nonpublic school 1819
where the course is offered. 1820

Sec. 3313.665. In order to promote a safe and healthy school 1821
setting and enhance the educational environment, a code of conduct 1822
or discipline policy adopted by a board of education may include a 1823
reasonable dress code, or may establish a school uniform to be 1824
worn by the students attending one or more district schools. ~~Any 1825
such dress code or uniform policy shall be included in the code of 1826
conduct or discipline policy only if all of the following 1827
conditions are met:~~ 1828

~~(A) Any specific uniform selected for a school shall be 1829
determined by the district board after affording ample opportunity 1830
for principal, staff, and parents to offer suggestions and 1831
comments. 1832~~

~~(B) No specific uniform shall be required in any school until 1833
the parents of the students in the school have been given six 1834
months notice. 1835~~

~~(C) No specific uniform shall be required in any school 1836
unless the board includes in the policy adopted under this section 1837
a procedure to assist parents of economically disadvantaged 1838~~

~~students to obtain uniforms. This procedure may include using 1839
school district funds or funds from other sources to provide this 1840
assistance. 1841~~

~~(D) Any policy requiring uniforms shall provide exceptions 1842
for students participating in a nationally recognized youth 1843
organization that establishes its own uniforms, on those days that 1844
such organization has a scheduled function. 1845~~

Sec. 3313.751. (A) As used in this section: 1846

(1) "School district" means a city, local, exempted village, 1847
or joint vocational school district. 1848

(2) "Smoke" means to burn any substance containing tobacco, 1849
including a lighted cigarette, cigar, or pipe, or to burn a clove 1850
cigarette. 1851

(3) "Use tobacco" means to chew or maintain any substance 1852
containing tobacco, including smokeless tobacco, in the mouth to 1853
derive the effects of tobacco. 1854

(B) No pupil shall smoke or use tobacco or possess any 1855
substance containing tobacco in any area under the control of a 1856
school district or an educational service center or at any 1857
activity supervised by any school operated by a school district or 1858
an educational service center. 1859

~~(C) The board of education of each school district and the 1860
governing board of each educational service center shall adopt a 1861
policy providing for the enforcement of division (B) of this 1862
section and establishing disciplinary measures for a violation of 1863
division (B) of this section. 1864~~

Sec. 3313.79. Any organization or group of citizens permitted 1865
to use the properties ~~specified in section 3313.76 of the Revised 1866
Code~~ a school district or educational service center shall be 1867

responsible for any damage done them over and above the ordinary 1868
wear, and shall, if required, pay the actual expenses incurred for 1869
janitor service, light, and heat. 1870

Sec. 3313.81. The board of education of any city, exempted 1871
village, or local school district may establish food service, 1872
provide facilities and equipment, and pay operating costs in the 1873
schools under its control for the preparation and serving of 1874
lunches, and other meals or refreshments to the pupils, employees 1875
of the board of education employed therein, and to other persons 1876
taking part in or patronizing any activity in connection with the 1877
schools. A board of education that operates such a food service 1878
may also provide meals at cost to residents of the school district 1879
who are sixty years of age or older or may contract with public or 1880
private nonprofit organizations providing services to the elderly 1881
to provide nutritious meals for persons who are sixty years of age 1882
or older. Restrictions or limitations upon the privileges or use 1883
of facilities by any pupil, employee, person taking part in or 1884
patronizing a school-related activity, or elderly person must be 1885
applied equally to all pupils, all employees, all persons taking 1886
part in or patronizing a school-related activity, or elderly 1887
persons, respectively, except that a board may expend school funds 1888
other than funds from federally reimbursed moneys or student 1889
payments to provide meals at no charge to senior citizens 1890
performing volunteer services in the district's schools in 1891
accordance with a volunteer program approved by the board. 1892

~~Such facilities shall be under the management and control of 1893
the board and the operation of such facilities for school food 1894
service purposes or to provide meals for the elderly shall not be 1895
for profit. In the operation of such facilities for school food 1896
service purposes there shall be established a food service fund in 1897
the treasurer's cash journal, which shall be separate from all 1898
other funds of the board. All receipts and disbursements in 1899~~

~~connection with the operation of food service for school food 1900
service purposes and the maintenance, improvement, and purchase of 1901
equipment for school food service purposes shall be paid directly 1902
into and disbursed from the food service fund which shall be kept 1903
in a legally designated depository of the board. Revenues for the 1904
operation, maintenance, improvement, and purchase of equipment 1905
shall be provided by the food service fund, appropriations 1906
transferred from the general fund, federal funds, and from other 1907
proper sources. Records of receipts and disbursements resulting 1908
from the provision of meals for the elderly shall be separately 1909
maintained, in accordance with section 3313.29 of the Revised 1910
Code. 1911~~

The enforcement of this section shall be under jurisdiction 1912
of the state board of education. 1913

Sec. 3313.871. (A) By a majority vote of its members, a board 1914
of education may appropriate from the general fund an amount 1915
sufficient to pay annual membership dues and service fees to one 1916
or more accrediting associations that have the purpose of 1917
improving education. ~~Such annual membership dues and service fees 1918
shall not exceed in the aggregate five hundred dollars per public 1919
school evaluated for accreditation in the district. 1920~~

(B) In addition to the expenditures authorized under division 1921
(A) of this section, a board of education may pay the necessary 1922
and proper expenses associated with accreditation activities and 1923
school evaluations. A board of education may pay an employee the 1924
employee's regular salary during the employee's service as an 1925
evaluator of a school in another school district. 1926

Sec. 3313.96. (A) As used in this section, "minor," "missing 1927
child," and "missing children" have the same meanings as in 1928
section 2901.30 of the Revised Code. 1929

(B) Each board of education ~~shall~~ may develop within its 1930
district informational programs for students, parents, and 1931
community members relative to missing children issues and matters. 1932
Each of these boards may request copies of the informational 1933
materials acquired or prepared by the missing children 1934
clearinghouse pursuant to section 109.65 of the Revised Code and 1935
may request assistance from the clearinghouse in developing its 1936
programs. 1937

The principal or chief administrative officer of a nonpublic 1938
school in this state may develop within ~~his~~ the principal's or 1939
officer's school informational programs relative to missing 1940
children issues and matters for students, parents, and community 1941
members. The principal or officer may request copies of the 1942
informational materials acquired or prepared by the missing 1943
children clearinghouse and may request assistance from the 1944
clearinghouse in developing its programs. 1945

(C) Each board of education may develop a fingerprinting 1946
program for students and minors within the district. The principal 1947
or chief administrative officer of a nonpublic school in this 1948
state may develop a fingerprinting program for students of the 1949
school. If developed, the program shall be developed in 1950
conjunction with law enforcement agencies having jurisdiction 1951
within the school district or where the nonpublic school is 1952
located and, in the case of a local school district, in 1953
conjunction with the governing board of the educational service 1954
center. Such law enforcement agencies shall cooperate fully with 1955
the board or nonpublic school in the development of its 1956
fingerprinting program. 1957

If developed, the fingerprinting program shall be developed 1958
for the sole purpose of providing a means by which a missing child 1959
might be located or identified and shall be operated on the 1960
following basis: 1961

(1) No student or minor shall be required to participate in the program. 1962
1963

(2) In order for a student or minor to participate in the program, the parents, parent who is the residential parent and legal custodian, guardian, legal custodian, or other person responsible for the student or minor shall authorize the student's or minor's participation by signing a form that shall be developed by the board of education or by the principal or chief administrative officer of the nonpublic school, for the program. 1964
1965
1966
1967
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1969
1970

(3) The fingerprinting of students or minors shall be performed by members of the associated law enforcement agencies on fingerprint sheets provided to the school districts or nonpublic schools by the bureau of criminal identification and investigation pursuant to section 109.58 of the Revised Code or on fingerprint sheets or cards otherwise acquired. 1971
1972
1973
1974
1975
1976

(4) All fingerprint cards shall be given to the parents, parent who is the residential parent and legal custodian, guardian, legal custodian, or other person responsible for a student or minor after the fingerprinting of the student or minor. No copy of a fingerprinting shall be retained by a law enforcement agency, school, school district, or any other person except the student or minor's parent, guardian, or legal custodian. 1977
1978
1979
1980
1981
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1983

(5) The name, sex, hair and eye color, height, weight, and date and place of birth of the student or minor shall be indicated on the fingerprint sheet or card. 1984
1985
1986

(6) The fingerprinting program developed pursuant to this section shall be offered on a periodic basis. Parents, guardians, legal custodians, and residents of the districts or in the communities served by the schools shall be notified periodically of the program and its purpose. These notifications may be given by means of memoranda or letters sent to these persons, by 1987
1988
1989
1990
1991
1992

newspaper articles, or by other reasonable means. 1993

(D) This section does not affect any fingerprinting programs 1994
for minors that are provided by private organizations or 1995
governmental entities other than school districts. 1996

Sec. 3313.975. As used in this section and in sections 1997
3313.975 to 3313.979 of the Revised Code, "the pilot project 1998
school district" or "the district" means any school district 1999
included in the pilot project scholarship program pursuant to this 2000
section. 2001

(A) The superintendent of public instruction shall establish 2002
a pilot project scholarship program and shall include in such 2003
program any school districts that are or have ever been under 2004
federal court order requiring supervision and operational 2005
management of the district by the state superintendent. The 2006
program shall provide for a number of students residing in any 2007
such district to receive scholarships to attend alternative 2008
schools, and for an equal number of students to receive tutorial 2009
assistance grants while attending public school in any such 2010
district. 2011

(B) The state superintendent shall establish an application 2012
process and deadline for accepting applications from students 2013
residing in the district to participate in the scholarship 2014
program. In the initial year of the program students may only use 2015
a scholarship to attend school in grades kindergarten through 2016
third. 2017

The state superintendent shall award as many scholarships and 2018
tutorial assistance grants as can be funded given the amount 2019
appropriated for the program. In no case, however, shall more than 2020
fifty per cent of all scholarships awarded be used by students who 2021
were enrolled in a nonpublic school during the school year of 2022
application for a scholarship. 2023

(C)(1) The pilot project program shall continue in effect 2024
each year that the general assembly has appropriated sufficient 2025
money to fund scholarships and tutorial assistance grants. In each 2026
year the program continues, no new students may receive 2027
scholarships unless they are enrolled in grades kindergarten to 2028
eight. However, any student who has received a scholarship the 2029
preceding year may continue to receive one until the student has 2030
completed grade ten. Beginning in the 2005-2006 academic year, a 2031
student who previously has received a scholarship may receive a 2032
scholarship in grade eleven. Beginning in the 2006-2007 academic 2033
year, a student who previously has received a scholarship may 2034
receive a scholarship in grade twelve. 2035

(2) If the general assembly discontinues the scholarship 2036
program, all students who are attending an alternative school 2037
under the pilot project shall be entitled to continued admittance 2038
to that specific school through all grades that are provided in 2039
such school, under the same conditions as when they were 2040
participating in the pilot project. The state superintendent shall 2041
continue to make scholarship payments in accordance with division 2042
(A) or (B) of section 3313.979 of the Revised Code for students 2043
who remain enrolled in an alternative school under this provision 2044
in any year that funds have been appropriated for this purpose. 2045

If funds are not appropriated, the tuition charged to the 2046
parents of a student who remains enrolled in an alternative school 2047
under this provision shall not be increased beyond the amount 2048
equal to the amount of the scholarship plus any additional amount 2049
charged that student's parent in the most recent year of 2050
attendance as a participant in the pilot project, except that 2051
tuition for all the students enrolled in such school may be 2052
increased by the same percentage. 2053

(D) Notwithstanding ~~sections 124.39, section~~ 3307.54, ~~and~~ 2054
~~3319.17~~ of the Revised Code, if the pilot project school district 2055

experiences a decrease in enrollment due to participation in a 2056
state-sponsored scholarship program pursuant to sections 3313.974 2057
to 3313.979 of the Revised Code, the district board of education 2058
may enter into an agreement with any teacher it employs to provide 2059
to that teacher severance pay or early retirement incentives, or 2060
both, if the teacher agrees to terminate the employment contract 2061
with the district board, ~~provided any collective bargaining~~ 2062
~~agreement in force pursuant to Chapter 4117. of the Revised Code~~ 2063
~~does not prohibit such an agreement for termination of a teacher's~~ 2064
~~employment contract.~~ 2065

Sec. 3314.03. A copy of every contract entered into under 2066
this section shall be filed with the superintendent of public 2067
instruction. 2068

(A) Each contract entered into between a sponsor and the 2069
governing authority of a community school shall specify the 2070
following: 2071

(1) That the school shall be established as either of the 2072
following: 2073

(a) A nonprofit corporation established under Chapter 1702. 2074
of the Revised Code, if established prior to April 8, 2003; 2075

(b) A public benefit corporation established under Chapter 2076
1702. of the Revised Code, if established after April 8, 2003; 2077

(2) The education program of the school, including the 2078
school's mission, the characteristics of the students the school 2079
is expected to attract, the ages and grades of students, and the 2080
focus of the curriculum; 2081

(3) The academic goals to be achieved and the method of 2082
measurement that will be used to determine progress toward those 2083
goals, which shall include the statewide achievement tests; 2084

(4) Performance standards by which the success of the school 2085

will be evaluated by the sponsor;	2086
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	2087 2088
(6)(a) Dismissal procedures;	2089
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	2090 2091 2092 2093 2094 2095
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	2096 2097
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, and the audits shall be conducted in accordance with section 117.10 of the Revised Code.	2098 2099 2100 2101 2102 2103
(9) The facilities to be used and their locations;	2104
(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;	2105 2106 2107 2108 2109 2110
(11) That the school will comply with the following requirements:	2111 2112
(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.	2113 2114 2115

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

(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.

(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~~, 3319.321, 3319.39, 3319.391, 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 will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

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

(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of education. Beginning with students who enter ninth grade for the

first time on or after July 1, 2010, the requirement in sections 2148
3313.61 and 3313.611 of the Revised Code that a person must 2149
successfully complete the curriculum of a high school prior to 2150
receiving a high school diploma shall be met by completing the 2151
Ohio core curriculum prescribed in division (C) of section 2152
3313.603 of the Revised Code, unless the person qualifies under 2153
division (D) or (F) of that section. Each school shall comply with 2154
the plan for awarding high school credit based on demonstration of 2155
subject area competency, adopted by the state board of education 2156
under division (J) of section 3313.603 of the Revised Code. 2157

(g) The school governing authority will submit within four 2158
months after the end of each school year a report of its 2159
activities and progress in meeting the goals and standards of 2160
divisions (A)(3) and (4) of this section and its financial status 2161
to the sponsor and the parents of all students enrolled in the 2162
school. 2163

~~(h) The school, unless it is an internet or computer based 2164
community school, will comply with section 3313.801 of the Revised 2165
Code as if it were a school district. 2166~~

(12) Arrangements for providing any health and other benefits 2167
provided to employees; 2168

(13) The length of the contract, which shall begin at the 2169
beginning of an academic year. No contract shall exceed five years 2170
unless such contract has been renewed pursuant to division (E) of 2171
this section. 2172

(14) The governing authority of the school, which shall be 2173
responsible for carrying out the provisions of the contract; 2174

(15) A financial plan detailing an estimated school budget 2175
for each year of the period of the contract and specifying the 2176
total estimated per pupil expenditure amount for each such year. 2177
The plan shall specify for each year the base formula amount that 2178

will be used for purposes of funding calculations under section 2179
3314.08 of the Revised Code. This base formula amount for any year 2180
shall not exceed the formula amount defined under section 3317.02 2181
of the Revised Code. The plan may also specify for any year a 2182
percentage figure to be used for reducing the per pupil amount of 2183
the subsidy calculated pursuant to section 3317.029 of the Revised 2184
Code the school is to receive that year under section 3314.08 of 2185
the Revised Code. 2186

(16) Requirements and procedures regarding the disposition of 2187
employees of the school in the event the contract is terminated or 2188
not renewed pursuant to section 3314.07 of the Revised Code; 2189

(17) Whether the school is to be created by converting all or 2190
part of an existing public school or educational service center 2191
building or is to be a new start-up school, and if it is a 2192
converted public school or service center building, specification 2193
of any duties or responsibilities of an employer that the board of 2194
education or service center governing board that operated the 2195
school or building before conversion is delegating to the 2196
governing authority of the community school with respect to all or 2197
any specified group of employees provided the delegation is not 2198
prohibited by a collective bargaining agreement applicable to such 2199
employees; 2200

(18) Provisions establishing procedures for resolving 2201
disputes or differences of opinion between the sponsor and the 2202
governing authority of the community school; 2203

(19) A provision requiring the governing authority to adopt a 2204
policy regarding the admission of students who reside outside the 2205
district in which the school is located. That policy shall comply 2206
with the admissions procedures specified in sections 3314.06 and 2207
3314.061 of the Revised Code and, at the sole discretion of the 2208
authority, shall do one of the following: 2209

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	2210 2211
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	2212 2213
(c) Permit the enrollment of students who reside in any other district in the state.	2214 2215
(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;	2216 2217 2218 2219
(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;	2220 2221 2222
(22) A provision recognizing both of the following:	2223
(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;	2224 2225 2226 2227
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action;	2228 2229 2230 2231 2232 2233 2234
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (L)(2) of section 3314.08 of the Revised	2235 2236 2237 2238 2239

Code;	2240
(24) The school will comply with sections 3302.04 and	2241
3302.041 of the Revised Code, except that any action required to	2242
be taken by a school district pursuant to those sections shall be	2243
taken by the sponsor of the school. However, the sponsor shall not	2244
be required to take any action described in division (F) of	2245
section 3302.04 of the Revised Code.	2246
(25) Beginning in the 2006-2007 school year, the school will	2247
open for operation not later than the thirtieth day of September	2248
each school year, unless the mission of the school as specified	2249
under division (A)(2) of this section is solely to serve dropouts.	2250
In its initial year of operation, if the school fails to open by	2251
the thirtieth day of September, or within one year after the	2252
adoption of the contract pursuant to division (D) of section	2253
3314.02 of the Revised Code if the mission of the school is solely	2254
to serve dropouts, the contract shall be void.	2255
(B) The community school shall also submit to the sponsor a	2256
comprehensive plan for the school. The plan shall specify the	2257
following:	2258
(1) The process by which the governing authority of the	2259
school will be selected in the future;	2260
(2) The management and administration of the school;	2261
(3) If the community school is a currently existing public	2262
school or educational service center building, alternative	2263
arrangements for current public school students who choose not to	2264
attend the converted school and for teachers who choose not to	2265
teach in the school or building after conversion;	2266
(4) The instructional program and educational philosophy of	2267
the school;	2268
(5) Internal financial controls.	2269

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(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:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;

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

(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract

of the school pursuant to section 3314.07 of the Revised Code as 2301
determined necessary by the sponsor; 2302

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

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

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

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

(B) ~~Except as provided in section 3314.091 of the Revised~~ 2331

~~Code, the~~ The board of education of each city, local, and exempted 2332
village school district ~~shall~~ may provide transportation to and 2333
from school for its district's native students ~~in accordance with~~ 2334
~~section 3327.01 of the Revised Code.~~ 2335

Sec. 3314.091. (A) A school district ~~is not required to~~ 2336
~~provide transportation for any native student enrolled in a~~ 2337
~~community school if the district~~ board of education ~~has entered~~ 2338
may enter into an agreement with ~~the~~ a community school's 2339
governing authority that designates the community school as 2340
responsible for providing or arranging for the transportation of 2341
the district's native students to and from the community school. 2342
~~For any such agreement to be effective, it must be certified by~~ 2343
~~the superintendent of public instruction as having met all of the~~ 2344
~~following requirements:~~ 2345

~~(1) It is submitted to the department of education by a~~ 2346
~~deadline which shall be established by the department.~~ 2347

~~(2) In accordance with divisions (C)(1) and (2) of this~~ 2348
~~section, it specifies qualifications, such as residing a minimum~~ 2349
~~distance from the school, for students to have their~~ 2350
~~transportation provided or arranged.~~ 2351

~~(3) The transportation provided by the community school is~~ 2352
~~subject to all provisions of the Revised Code and all rules~~ 2353
~~adopted under the Revised Code pertaining to pupil transportation.~~ 2354

~~(4) The sponsor of the community school also has signed the~~ 2355
~~agreement.~~ 2356

(B) ~~(1) For the school year that begins on July 1, 2007, a~~ 2357
~~school district is not required to provide transportation for any~~ 2358
~~native student enrolled in a community school, if the community~~ 2359
~~school during the previous school year transported the students~~ 2360
~~enrolled in the school or arranged for the students'~~ 2361

~~transportation, even if that arrangement consisted of having 2362
parents transport their children to and from the school, but did 2363
not enter into an agreement to transport or arrange for 2364
transportation for those students under division (A) of this 2365
section, and if the governing authority of the community school by 2366
July 15, 2007, submits written notification to the district board 2367
of education stating that the governing authority is accepting 2368
responsibility for providing or arranging for the transportation 2369
of the district's native students to and from the community 2370
school. 2371~~

~~(2) For any school year subsequent to the school year that 2372
begins on July 1, 2007, a school district is not required to 2373
provide transportation for any native student enrolled in a 2374
community school if the governing authority of the community 2375
school, by the thirty first day of January of the previous school 2376
year, submits written notification to the district board of 2377
education stating that the governing authority is accepting 2378
responsibility for providing or arranging for the transportation 2379
of the district's native students to and from the community 2380
school. If the governing authority of the community school has 2381
previously accepted responsibility for providing or arranging for 2382
the transportation of a district's native students to and from the 2383
community school, under division (B)(1) or (2) of this section, 2384
and has since relinquished that responsibility under division 2385
(B)(3) of this section, the governing authority shall not accept 2386
that responsibility again unless the district board consents to 2387
the governing authority's acceptance of that responsibility. 2388~~

~~(3) A governing authority's acceptance of responsibility 2389
under division (B)(1) or (2) of this section shall cover an entire 2390
school year, and shall remain in effect for subsequent school 2391
years unless the governing authority submits written notification 2392
to the district board that the governing authority is 2393~~

~~relinquishing the responsibility. However, a governing authority 2394
shall not relinquish responsibility for transportation before the 2395
end of a school year, and shall submit the notice relinquishing 2396
responsibility by the thirty first day of January, in order to 2397
allow the school district reasonable time to prepare 2398
transportation for its native students enrolled in the school. 2399~~

~~(C)~~(1) A community school governing authority that enters 2400
into an agreement under division (A) of this section, ~~or that 2401
accepts responsibility under division (B) of this section,~~ shall 2402
provide or arrange transportation free of any charge for each of 2403
its enrolled students who is required to be transported under 2404
section 3327.01 of the Revised Code or who would otherwise be 2405
transported by the school district under the district's 2406
transportation policy. The governing authority shall report to the 2407
department of education the number of students transported or for 2408
whom transportation is arranged under this section in accordance 2409
with rules adopted by the state board of education. 2410

(2) The governing authority may provide or arrange 2411
transportation for any other enrolled student who is not eligible 2412
for transportation in accordance with division ~~(C)~~(B)(1) of this 2413
section and may charge a fee for such service up to the actual 2414
cost of the service. 2415

(3) Notwithstanding anything to the contrary in division 2416
~~(C)~~(B)(1) or (2) of this section, a community school governing 2417
authority shall provide or arrange transportation free of any 2418
charge for any disabled student enrolled in the school for whom 2419
the student's individualized education program developed under 2420
Chapter 3323. of the Revised Code specifies transportation. 2421

~~(D)~~(C)(1) If a school district board and a community school 2422
governing authority elect to enter into an agreement under 2423
division (A) of this section, the department of education shall 2424
make payments to the community school according to the terms of 2425

the agreement for each student actually transported under division 2426
~~(C)(B)(1)~~ of this section. 2427

~~If a community school governing authority accepts 2428
transportation responsibility under division (B) of this section, 2429
the department shall make payments to the community school for 2430
each student actually transported or for whom transportation is 2431
arranged by the community school under division (C)(1) of this 2432
section, calculated as follows: 2433~~

~~(a) For any fiscal year which the general assembly has 2434
specified that transportation payments to school districts be 2435
based on an across the board percentage of the district's payment 2436
for the previous school year, the per pupil payment to the 2437
community school shall be the following quotient: 2438~~

~~(i) The total amount calculated for the school district in 2439
which the child is entitled to attend school for student 2440
transportation other than transportation of children with 2441
disabilities; divided by 2442~~

~~(ii) The number of students included in the district's 2443
transportation ADM for the current fiscal year, as reported under 2444
division (B)(13) of section 3317.03 of the Revised Code, plus the 2445
number of students enrolled in the community school not counted in 2446
the district's transportation ADM who are transported under 2447
division (B)(1) or (2) of this section. 2448~~

~~(b) For any fiscal year which the general assembly has 2449
specified that the transportation payments to school districts be 2450
calculated in accordance with division (D) of section 3317.022 of 2451
the Revised Code and any rules of the state board of education 2452
implementing that division, the payment to the community school 2453
shall be the amount so calculated that otherwise would be paid to 2454
the school district in which the student is entitled to attend 2455
school by the method of transportation the district would have 2456~~

used. The community school, however, is not required to use the same method to transport that student. 2457
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~~As used in this division "entitled to attend school" means entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.~~ 2459
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(2) The department shall deduct the payment under division ~~(D)~~(C)(1) of this section from the state education aid, as defined in section 3314.08 of the Revised Code, and, if necessary, the payment under sections 321.14 and 323.156 of the Revised Code, that is otherwise paid to the school district in which the student enrolled in the community school is entitled to attend school. The department shall include the number of the district's native students for whom payment is made to a community school under division ~~(D)~~(C)(1) of this section in the calculation of the district's transportation payment under division ~~(D)~~(C) of section 3317.022 of the Revised Code and the operating appropriations act. 2462
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(3) A community school shall be paid under division ~~(D)~~(C)(1) of this section only for students who are eligible as specified in ~~section 3327.01 of the Revised Code and division (C)(B)(1) of this section~~, and whose transportation to and from school is actually provided, who actually utilized transportation arranged, or for whom a payment in lieu of transportation is made by the community school's governing authority. To qualify for the payments, the community school shall report to the department, in the form and manner required by the department, data on the number of students transported or whose transportation is arranged, the number of miles traveled, cost to transport, and any other information requested by the department. 2474
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(4) A community school shall use payments received under this section solely to pay the costs of providing or arranging for the 2486
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transportation of students who are eligible as specified in 2489
section 3327.01 of the Revised Code and division ~~(C)~~(B)(1) of this 2490
section, which may include payments to a parent, guardian, or 2491
other person in charge of a child in lieu of transportation. 2492

~~(E) Except when arranged through payment to a parent, 2493
guardian, or person in charge of a child, transportation provided 2494
or arranged for by a community school pursuant to an agreement 2495
under this section is subject to all provisions of the Revised 2496
Code, and all rules adopted under the Revised Code, pertaining to 2497
the construction, design, equipment, and operation of school buses 2498
and other vehicles transporting students to and from school. The 2499
drivers and mechanics of the vehicles are subject to all 2500
provisions of the Revised Code, and all rules adopted under the 2501
Revised Code, pertaining to drivers and mechanics of such 2502
vehicles. The community school also shall comply with sections 2503
3313.201, 3327.09, and 3327.10 of the Revised Code, division ~~(B)~~ 2504
of section 3327.16 of the Revised Code and, subject to division 2505
~~(C)~~(1) of this section, sections 3327.01 and 3327.02 of the 2506
Revised Code, as if it were a school district. 2507~~

Sec. 3315.062. (A) The board of education of any school 2508
district may expend moneys from its general revenue fund for the 2509
operation of such student activity programs included in the 2510
program of each school district as authorized by its board of 2511
education. ~~Such expenditure shall not exceed five tenths of one 2512
per cent of the board's annual operating budget. 2513~~

(B) If more than fifty dollars a year is received through a 2514
student activity program, the moneys from such program ~~shall~~ may 2515
be paid into an activity fund established by the board of 2516
education of the school district. The board ~~shall~~ may adopt 2517
regulations governing the establishment and maintenance of such 2518
fund, including a system of accounting to separate and verify each 2519

transaction and to show the sources from which the fund revenue is 2520
received, the amount collected from each source, and the amount 2521
expended for each purpose. Expenditures from the fund ~~shall~~ may be 2522
subject to approval of the board. 2523

(C) The board of education of any school district may 2524
purchase accident insurance for pupils participating in school 2525
athletic programs for which the school district is authorized to 2526
expend public money. The board also may, to the extent it 2527
considers necessary, establish a self-insurance plan for the 2528
protection of such pupils against loss or expense resulting from 2529
bodily injury or death by accident, or for the payment of any 2530
deductible under a policy of accident insurance procured pursuant 2531
to this division. 2532

Sec. 3315.09. The boards of education of any city, exempted 2533
village, local, or joint vocational school districts or the 2534
governing boards of educational service centers may enter into 2535
contracts ~~for a term not exceeding one year,~~ upon such terms as 2536
each board deems expedient, with each other, or with the trustees 2537
or other authorized officials of any college or university, 2538
legally organized, for the purpose of obtaining in such school 2539
district or educational service center instruction in the special, 2540
technical, professional, or other advanced studies which may be 2541
pursued in such college or university beyond the scope of the 2542
public high school. In like manner such boards may contract ~~for a~~ 2543
~~term, not exceeding one year,~~ with each other or with a private 2544
corporation or association not for profit, maintaining and 2545
furnishing a museum of art, science, or history, or providing 2546
musical instruction, for the purpose of obtaining in such school 2547
district or educational service center such instruction or other 2548
educational services as can be rendered to the schools by such 2549
private corporation or association. 2550

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

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

(1) To review or to assume responsibility for the development of all tax budgets, tax levy and bond and note resolutions, appropriation measures, and certificates of estimated resources of the school district in order to ensure that such are consistent with the financial recovery plan and a balanced appropriation budget for the current fiscal year, and to request and review any supporting information upon which the financial recovery plan and balanced appropriation budget may be developed and based, and to determine whether revenue estimates and estimates of expenditures and appropriations will result in a balanced budget;

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

(3) To inspect and secure copies of any document, instrument, certification, records of proceedings, or other worksheet or records of the county budget commission, county auditor, or other

official or employee of the school district or of any other	2581
political subdivision or agency of government of the state;	2582
(4) To review, revise, and approve determinations and	2583
certifications affecting the school district made by the county	2584
budget commission or county auditor pursuant to Chapter 5705. of	2585
the Revised Code to ensure that such determinations and	2586
certifications are consistent with the laws of the state;	2587
(5) To bring civil actions, including mandamus, to enforce	2588
this chapter;	2589
(6) After consultation with the officials of the school	2590
district and the auditor of state, to implement or require	2591
implementation of any necessary or appropriate steps to bring the	2592
books of account, accounting systems, and financial procedures and	2593
reports of the school district into compliance with requirements	2594
prescribed by the auditor of state, and to assume responsibility	2595
for achieving such compliance and for making any desirable	2596
modifications and supplementary systems and procedures pertinent	2597
to the school district;	2598
(7) To assist or provide assistance to the school district or	2599
to assume the total responsibility for the structuring or the	2600
terms of, and the placement for sale of, debt obligations of the	2601
school district;	2602
(8) To perform all other powers, duties, and functions as	2603
provided under this chapter;	2604
(9) To make and enter into all contracts and agreements	2605
necessary or incidental to the performance of its duties and the	2606
exercise of its powers under this chapter;	2607
(10) To consult with officials of the school district and	2608
make recommendations or assume the responsibility for implementing	2609
cost reductions and revenue increases to achieve balanced budgets	2610
and carry out the financial recovery plan in accordance with this	2611

chapter; 2612

(11) To make reductions in force to bring the school 2613
district's budget into balance, notwithstanding section 3319.081 2614
and divisions (A) and (B) of section 3319.17 of the Revised Code, 2615
notwithstanding any provision of a policy adopted under section 2616
3319.171 of the Revised Code, and notwithstanding any provision to 2617
the contrary in section 4117.08 or 4117.10 of the Revised Code or 2618
in any collective bargaining agreement entered into on or after 2619
November 21, 1997. 2620

In making reductions in force, the commission shall first 2621
consider reasonable reductions among the administrative and 2622
~~non-teaching~~ nonteaching employees of the school district giving 2623
due regard to ensuring the district's ability to maintain the 2624
personnel, programs, and services essential to the provision of an 2625
adequate educational program. 2626

~~In making these reductions in non-teaching employees in 2627
districts where Chapter 124. of the Revised Code controls such 2628
reductions, the reductions shall be made in accordance with 2629
sections 124.321 to 124.327 of the Revised Code. In making these 2630
reductions in non-teaching employees in districts where Chapter 2631
124. of the Revised Code does not control these reductions, within 2632
each category of non-teaching employees, the commission shall give 2633
preference to those employees with continuing contracts or 2634
non-probationary status and who have greater seniority. 2635~~

~~If revenues and expenditures cannot be balanced by reasonable 2636
reductions in administrative and non-teaching employees, the 2637
commission may also make reasonable reductions in the number of 2638
teaching contracts. If the commission finds it necessary to 2639
suspend teaching contracts, it shall suspend them in accordance 2640
with division (C) of section 3319.17 of the Revised Code but shall 2641
consider a reduction in non-classroom teachers before classroom 2642
teachers. 2643~~

(B) During the fiscal emergency period, the commission shall, 2644
in addition to other powers: 2645

(1) With respect to the appropriation measure in effect at 2646
the commencement of the fiscal emergency period of the school 2647
district if that period commenced more than three months prior to 2648
the end of the current fiscal year, and otherwise with respect to 2649
the appropriation measure for the next fiscal year: 2650

(a) Review and determine the adequacy of all revenues to meet 2651
all expenditures for such fiscal year; 2652

(b) Review and determine the extent of any deficiency of 2653
revenues to meet such expenditures; 2654

(c) Require the school district board or superintendent to 2655
provide justification documents to substantiate, to the extent and 2656
in the manner considered necessary, any item of revenue or 2657
appropriation; 2658

(d) Not later than sixty days after taking office or after 2659
receiving the appropriation measure for the next fiscal year, 2660
issue a public report regarding its review pursuant to division 2661
(B)(1) of this section. 2662

(2) Require the school district board, by resolution, to 2663
establish monthly levels of expenditures and encumbrances 2664
consistent with the financial recovery plan and the commission's 2665
review pursuant to divisions (B)(1)(a) and (b) of this section, or 2666
establish such levels itself. If the commission permits the 2667
district board to make expenditures, the commission shall monitor 2668
the monthly levels of expenditures and encumbrances and require 2669
justification documents to substantiate any departure from any 2670
approved level. No district board shall make any expenditure apart 2671
from the approved level without the written approval of the 2672
commission. 2673

(C) In making any determination pursuant to division (B) of 2674

this section, the commission may rely on any information 2675
considered in its judgment reliable or material and shall not be 2676
restricted by any tax budget or certificate or any other document 2677
the school district may have adopted or received from any other 2678
governmental agency. 2679

(D) County, state, and school district officers or employees 2680
shall assist the commission diligently and promptly in the 2681
prosecution of its duties, including the furnishing of any 2682
materials, including justification documents, required. 2683

(E) Annually on or before the first day of April during the 2684
fiscal emergency period, the commission shall make reports and 2685
recommendations to the speaker of the house of representatives and 2686
the president of the senate concerning progress of the school 2687
district to eliminate fiscal emergency conditions, failures of the 2688
school district to comply with this chapter, and recommendations 2689
for further actions to attain the objectives of this chapter, 2690
including any legislative action needed to make provisions of law 2691
more effective for their purposes, or to enhance revenue raising 2692
or financing capabilities of school districts. The commission may 2693
make such interim reports as it considers appropriate for such 2694
purposes and shall make such additional reports as may be 2695
requested by either house of the general assembly. 2696

Sec. 3317.01. As used in this section and section 3317.011 of 2697
the Revised Code, "school district," unless otherwise specified, 2698
means any city, local, exempted village, joint vocational, or 2699
cooperative education school district and any educational service 2700
center. 2701

This chapter shall be administered by the state board of 2702
education. The superintendent of public instruction shall 2703
calculate the amounts payable to each school district and shall 2704
certify the amounts payable to each eligible district to the 2705

treasurer of the district as provided by this chapter. As soon as 2706
possible after such amounts are calculated, the superintendent 2707
shall certify to the treasurer of each school district the 2708
district's adjusted charge-off increase, as defined in section 2709
5705.211 of the Revised Code. No moneys shall be distributed 2710
pursuant to this chapter without the approval of the controlling 2711
board. 2712

The state board of education shall, in accordance with 2713
appropriations made by the general assembly, meet the financial 2714
obligations of this chapter. 2715

Annually, the department of education shall calculate and 2716
report to each school district the district's total state and 2717
local funds for providing an adequate basic education to the 2718
district's nondisabled students, utilizing the determination in 2719
section 3317.012 of the Revised Code. In addition, the department 2720
shall calculate and report separately for each school district the 2721
district's total state and local funds for providing an adequate 2722
education for its students with disabilities, utilizing the 2723
determinations in both sections 3317.012 and 3317.013 of the 2724
Revised Code. 2725

Not later than the thirty-first day of August of each fiscal 2726
year, the department of education shall provide to each school 2727
district and county MR/DD board a preliminary estimate of the 2728
amount of funding that the department calculates the district will 2729
receive under each of divisions (C)(1) and (4) of section 3317.022 2730
of the Revised Code. No later than the first day of December of 2731
each fiscal year, the department shall update that preliminary 2732
estimate. 2733

Moneys distributed pursuant to this chapter shall be 2734
calculated and paid on a fiscal year basis, beginning with the 2735
first day of July and extending through the thirtieth day of June. 2736
The moneys appropriated for each fiscal year shall be distributed 2737

at least monthly to each school district unless otherwise provided 2738
for. The state board shall submit a yearly distribution plan to 2739
the controlling board at its first meeting in July. The state 2740
board shall submit any proposed midyear revision of the plan to 2741
the controlling board in January. Any year-end revision of the 2742
plan shall be submitted to the controlling board in June. If 2743
moneys appropriated for each fiscal year are distributed other 2744
than monthly, such distribution shall be on the same basis for 2745
each school district. 2746

The total amounts paid each month shall constitute, as nearly 2747
as possible, one-twelfth of the total amount payable for the 2748
entire year. 2749

Until fiscal year 2007, payments made during the first six 2750
months of the fiscal year may be based on an estimate of the 2751
amounts payable for the entire year. Payments made in the last six 2752
months shall be based on the final calculation of the amounts 2753
payable to each school district for that fiscal year. Payments 2754
made in the last six months may be adjusted, if necessary, to 2755
correct the amounts distributed in the first six months, and to 2756
reflect enrollment increases when such are at least three per 2757
cent. 2758

Beginning in fiscal year 2007, payments shall be calculated 2759
to reflect the biannual reporting of average daily membership. In 2760
fiscal year 2007 and in each fiscal year thereafter, annualized 2761
periodic payments for each school district shall be based on the 2762
district's final student counts verified by the superintendent of 2763
public instruction based on reports under section 3317.03 of the 2764
Revised Code, as adjusted, if so ordered, under division (K) of 2765
that section, as follows: 2766

the sum of one-half of the number of students verified 2767
and adjusted for the first full week in October 2768
plus one-half of the average of the numbers 2769

verified and adjusted for the first full week	2770
in October and for the first full week in February	2771
Except as otherwise provided, payments under this chapter	2772
shall be made only to those school districts in which:	2773
(A) The school district, except for any educational service	2774
center and any joint vocational or cooperative education school	2775
district, levies for current operating expenses at least twenty	2776
mills. Levies for joint vocational or cooperative education school	2777
districts or county school financing districts, limited to or to	2778
the extent apportioned to current expenses, shall be included in	2779
this qualification requirement. School district income tax levies	2780
under Chapter 5748. of the Revised Code, limited to or to the	2781
extent apportioned to current operating expenses, shall be	2782
included in this qualification requirement to the extent	2783
determined by the tax commissioner under division (D) of section	2784
3317.021 of the Revised Code.	2785
(B) The school year next preceding the fiscal year for which	2786
such payments are authorized meets the requirement of section	2787
3313.48 or 3313.481 of the Revised Code, with regard to the	2788
minimum number of days or hours school must be open for	2789
instruction with pupils in attendance, for individualized	2790
parent-teacher conference and reporting periods, and for	2791
professional meetings of teachers. This requirement shall be	2792
waived by the superintendent of public instruction if it had been	2793
necessary for a school to be closed because of disease epidemic,	2794
hazardous weather conditions, inoperability of school buses or	2795
other equipment necessary to the school's operation, damage to a	2796
school building, or other temporary circumstances due to utility	2797
failure rendering the school building unfit for school use,	2798
provided that for those school districts operating pursuant to	2799
section 3313.48 of the Revised Code the number of days the school	2800
was actually open for instruction with pupils in attendance and	2801

for individualized parent-teacher conference and reporting periods 2802
is not less than one hundred seventy-five, or for those school 2803
districts operating on a trimester plan the number of days the 2804
school was actually open for instruction with pupils in attendance 2805
not less than seventy-nine days in any trimester, for those school 2806
districts operating on a quarterly plan the number of days the 2807
school was actually open for instruction with pupils in attendance 2808
not less than fifty-nine days in any quarter, or for those school 2809
districts operating on a pentamester plan the number of days the 2810
school was actually open for instruction with pupils in attendance 2811
not less than forty-four days in any pentamester. 2812

A school district shall not be considered to have failed to 2813
comply with this division or section 3313.481 of the Revised Code 2814
because schools were open for instruction but either twelfth grade 2815
students were excused from attendance for up to three days or only 2816
a portion of the kindergarten students were in attendance for up 2817
to three days in order to allow for the gradual orientation to 2818
school of such students. 2819

The superintendent of public instruction shall waive the 2820
requirements of this section with reference to the minimum number 2821
of days or hours school must be in session with pupils in 2822
attendance for the school year succeeding the school year in which 2823
a board of education initiates a plan of operation pursuant to 2824
section 3313.481 of the Revised Code. The minimum requirements of 2825
this section shall again be applicable to such a district 2826
beginning with the school year commencing the second July 2827
succeeding the initiation of one such plan, and for each school 2828
year thereafter. 2829

A school district shall not be considered to have failed to 2830
comply with this division or section 3313.48 or 3313.481 of the 2831
Revised Code because schools were open for instruction but the 2832
length of the regularly scheduled school day, for any number of 2833

days during the school year, was reduced by not more than two 2834
hours due to hazardous weather conditions. 2835

~~(C) The school district has on file, and is paying in 2836
accordance with, a teachers' salary schedule which complies with 2837
section 3317.13 of the Revised Code. 2838~~

A board of education or governing board of an educational 2839
service center which has not conformed with other law and the 2840
rules pursuant thereto, shall not participate in the distribution 2841
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 2842
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 2843
and sufficient reason established to the satisfaction of the state 2844
board of education and the state controlling board. 2845

All funds allocated to school districts under this chapter, 2846
except those specifically allocated for other purposes, shall be 2847
used to pay current operating expenses only. 2848

Sec. 3319.01. Except in an island school district, where the 2849
superintendent of an educational service center otherwise may 2850
serve as superintendent of the district and except as otherwise 2851
provided for any cooperative education school district pursuant to 2852
division (B)(2) of section 3311.52 or division (B)(3) of section 2853
3311.521 of the Revised Code, the board of education in each 2854
school district and the governing board of each service center 2855
shall, at a regular or special meeting held not later than the 2856
first day of May of the calendar year in which the term of the 2857
superintendent expires, appoint a person ~~possessed of the 2858
qualifications provided in this section to act as superintendent, 2859
for a term not longer than five years beginning the first day of 2860
August and ending on the thirty first day of July. Such 2861
superintendent is, at the expiration of a current term of 2862
employment, deemed reemployed for a term of one year at the same 2863
salary plus any increments that may be authorized by the board, 2864~~

~~unless such board, on or before the first day of March of the year 2865
in which the contract of employment expires, either reemploys the 2866
superintendent for a succeeding term as provided in this section 2867
or gives to the superintendent written notice of its intention not 2868
to reemploy the superintendent. A superintendent may not be 2869
transferred to any other position during the term of the 2870
superintendent's employment or reemployment except by mutual 2871
agreement by the superintendent and the board. If a vacancy occurs 2872
in the office of superintendent, the board shall appoint a 2873
superintendent for a term not to exceed five years from the next 2874
preceding first day of August. 2875~~

~~A board may at any regular or special meeting held during the 2876
period beginning on the first day of January of the calendar year 2877
immediately preceding the year the contract of employment of a 2878
superintendent expires and ending on the first day of March of the 2879
year it expires, reemploy such superintendent for a succeeding 2880
term for not longer than five years, beginning on the first day of 2881
August immediately following the expiration of the 2882
superintendent's current term of employment and ending on the 2883
thirty first day of July of the year in which such succeeding term 2884
expires. No person shall be appointed to the office of 2885
superintendent of a city, or exempted village school district or a 2886
service center who does not hold a license designated for being a 2887
superintendent issued under section 3319.22 of the Revised Code, 2888
unless such person had been employed as a county, city, or 2889
exempted village superintendent prior to August 1, 1939. No person 2890
shall be appointed to the office of local superintendent who does 2891
not hold a license designated for being a superintendent issued 2892
under section 3319.22 of the Revised Code, unless such person held 2893
or was qualified to hold the position of executive head of a local 2894
school district on September 16, 1957. At the time of making such 2895
appointment or designation of term, such board shall fix the 2896
compensation of the superintendent, which may be increased or 2897~~

~~decreased during such term, provided such decrease is a part of a~~ 2898
~~uniform plan affecting salaries of all employees of the district,~~ 2899
~~and shall execute a written contract of employment with such~~ 2900
~~superintendent.~~ 2901

Each board ~~shall~~ may adopt procedures for the evaluation of 2902
its superintendent and ~~shall~~ may evaluate its superintendent in 2903
accordance with those procedures. ~~An evaluation based upon such~~ 2904
~~procedures shall be considered by the board in deciding whether to~~ 2905
~~renew the superintendent's contract.~~ The establishment of an 2906
evaluation procedure shall not create an expectancy of continued 2907
employment. Nothing in this section shall prevent a board from 2908
making the final determination regarding the renewal or failure to 2909
renew of a superintendent's contract. 2910

~~Termination of a superintendent's contract shall be pursuant~~ 2911
~~to section 3319.16 of the Revised Code.~~ 2912

A board may establish vacation leave for its superintendent. 2913
Upon the superintendent's separation from employment a board that 2914
has such leave may provide compensation at the superintendent's 2915
current rate of pay for all lawfully accrued and unused vacation 2916
leave to the superintendent's credit at the time of separation, 2917
not to exceed the amount accrued within three years before the 2918
date of separation. In case of the death of a superintendent, such 2919
unused vacation leave as the board would have paid to this 2920
superintendent upon separation shall be paid in accordance with 2921
section 2113.04 of the Revised Code, or to the superintendent's 2922
estate. 2923

Notwithstanding section 9.481 of the Revised Code, the board 2924
of a city, local, exempted village, or joint vocational school 2925
district may require its superintendent, as a condition of 2926
employment, to reside within the boundaries of the district. 2927

The superintendent shall be the executive officer for the 2928

board. Subject to section 3319.40 of the Revised Code, the 2929
superintendent shall direct and assign teachers and other 2930
employees of the district or service center, except as provided in 2931
division (B) of section 3313.31 ~~and section 3319.04~~ of the Revised 2932
Code. The superintendent shall assign the pupils to the proper 2933
schools and grades, provided that the assignment of a pupil to a 2934
school outside of the pupil's district of residence is approved by 2935
the board of the district of residence of such pupil. The 2936
superintendent shall perform such other duties as the board 2937
determines. 2938

The board of education of any school district may contract 2939
with the governing board of the educational service center from 2940
which it otherwise receives services to conduct searches and 2941
recruitment of candidates for the superintendent position 2942
authorized under this section. 2943

Sec. 3319.011. If a board of education determines the 2944
superintendent is incapacitated in such a manner that ~~he~~ the 2945
superintendent is unable to perform the duties of the office of 2946
superintendent, the board may, by a majority vote of the members 2947
of the board, appoint a person to serve in ~~his~~ the 2948
superintendent's place pro tempore. ~~Each board of education shall~~ 2949
~~adopt a written policy establishing standards for determining~~ 2950
~~whether the superintendent is incapacitated, and shall provide~~ 2951
~~that during~~ During any period in which the superintendent is 2952
incapacitated, ~~he~~ the superintendent may be placed on sick leave 2953
or on leave of absence and may be returned to active duty status 2954
from sick leave or leave of absence. The superintendent may 2955
request a hearing before the board on any action taken under this 2956
section, ~~and he shall have the same rights in any such hearing as~~ 2957
~~are granted to a teacher in a board hearing under section 3319.16~~ 2958
~~of the Revised Code.~~ The superintendent pro tempore shall perform 2959
all of the duties and functions of the superintendent and shall 2960

serve until the board by majority vote determines the 2961
superintendent's incapacity is removed or until the expiration of 2962
the superintendent's contract or term of office, whichever is 2963
sooner. The superintendent pro tempore may be removed at any time 2964
for cause by a ~~two-thirds~~ vote of the ~~members of the~~ board. The 2965
board shall fix the compensation of the superintendent pro tempore 2966
~~in accordance with section 3319.01 of the Revised Code.~~ 2967

Sec. 3319.02. (A)(1) As used in this section, "other 2968
administrator" means any of the following: 2969

(a) Except as provided in division (A)(2) of this section, 2970
any employee in a position for which a board of education requires 2971
a license designated by rule of the department of education for 2972
being an administrator issued under section 3319.22 of the Revised 2973
Code, including a professional pupil services employee or 2974
administrative specialist or an equivalent of either one who is 2975
not employed as a school counselor and spends less than fifty per 2976
cent of the time employed teaching or working with students; 2977

(b) Any nonlicensed employee whose job duties would enable 2978
such employee to be considered as either a "supervisor" or a 2979
"management level employee," as defined in section 4117.01 of the 2980
Revised Code; 2981

(c) A business manager appointed under section 3319.03 of the 2982
Revised Code. 2983

(2) As used in this section, "other administrator" does not 2984
include a superintendent, assistant superintendent, principal, or 2985
assistant principal. 2986

(B) The board of education of each school district and the 2987
governing board of an educational service center may appoint one 2988
or more assistant superintendents and such other administrators as 2989
are necessary. An assistant educational service center 2990

superintendent or service center supervisor employed on a 2991
part-time basis may also be employed by a local board as a 2992
teacher. ~~The board of each city, exempted village, and local 2993~~
~~school district shall employ principals for all high schools and 2994~~
~~for such other schools as the board designates, and those boards 2995~~
~~may appoint assistant principals for any school that they 2996~~
~~designate. 2997~~

~~(C) In educational service centers and in city, exempted 2998~~
~~village, and local school districts, assistant superintendents, 2999~~
~~principals, assistant principals, and other administrators shall 3000~~
~~only be employed or reemployed in accordance with nominations of 3001~~
~~the superintendent, except that a board of education of a school 3002~~
~~district or the governing board of a service center, by a 3003~~
~~three fourths vote of its full membership, may reemploy any 3004~~
~~assistant superintendent, principal, assistant principal, or other 3005~~
~~administrator whom the superintendent refuses to nominate. 3006~~

~~The board of education or governing board shall execute a 3007~~
~~written contract of employment with each assistant superintendent, 3008~~
~~principal, assistant principal, and other administrator it employs 3009~~
~~or reemploys. The term of such contract shall not exceed three 3010~~
~~years except that in the case of a person who has been employed as 3011~~
~~an assistant superintendent, principal, assistant principal, or 3012~~
~~other administrator in the district or center for three years or 3013~~
~~more, the term of the contract shall be for not more than five 3014~~
~~years and, unless the superintendent of the district recommends 3015~~
~~otherwise, not less than two years. If the superintendent so 3016~~
~~recommends, the term of the contract of a person who has been 3017~~
~~employed by the district or service center as an assistant 3018~~
~~superintendent, principal, assistant principal, or other 3019~~
~~administrator for three years or more may be one year, but all 3020~~
~~subsequent contracts granted such person shall be for a term of 3021~~
~~not less than two years and not more than five years. When a 3022~~

~~teacher with continuing service status becomes an assistant 3023
superintendent, principal, assistant principal, or other 3024
administrator with the district or service center with which the 3025
teacher holds continuing service status, the teacher retains such 3026
status in the teacher's nonadministrative position as provided in 3027
sections 3319.08 and 3319.09 of the Revised Code. 3028~~

~~A board of education or governing board may reemploy an 3029
assistant superintendent, principal, assistant principal, or other 3030
administrator at any regular or special meeting held during the 3031
period beginning on the first day of January of the calendar year 3032
immediately preceding the year of expiration of the employment 3033
contract and ending on the last day of March of the year the 3034
employment contract expires. 3035~~

~~Except by mutual agreement of the parties thereto, no 3036
assistant superintendent, principal, assistant principal, or other 3037
administrator shall be transferred during the life of a contract 3038
to a position of lesser responsibility. No contract may be 3039
terminated by a board except pursuant to section 3319.16 of the 3040
Revised Code. No contract may be suspended except pursuant to 3041
section 3319.17 or 3319.171 of the Revised Code. The salaries and 3042
compensation prescribed by such contracts shall not be reduced by 3043
a board unless such reduction is a part of a uniform plan 3044
affecting the entire district or center. The contract shall 3045
specify the employee's administrative position and duties as 3046
included in the job description adopted under division (D) of this 3047
section, the salary and other compensation to be paid for 3048
performance of duties, the number of days to be worked, the number 3049
of days of vacation leave, if any, and any paid holidays in the 3050
contractual year. 3051~~

~~An assistant superintendent, principal, assistant principal, 3052
or other administrator is, at the expiration of the current term 3053
of employment, deemed reemployed at the same salary plus any 3054~~

~~increments that may be authorized by the board, unless such 3055
employee notifies the board in writing to the contrary on or 3056
before the first day of June, or unless such board, on or before 3057
the last day of March of the year in which the contract of 3058
employment expires, either reemploys such employee for a 3059
succeeding term or gives written notice of its intention not to 3060
reemploy the employee. The term of reemployment of a person 3061
reemployed under this paragraph shall be one year, except that if 3062
such person has been employed by the school district or service 3063
center as an assistant superintendent, principal, assistant 3064
principal, or other administrator for three years or more, the 3065
term of reemployment shall be two years. 3066~~

~~(D)(1) Each board shall adopt procedures for the evaluation 3067
of all assistant superintendents, principals, assistant 3068
principals, and other administrators and shall evaluate such 3069
employees in accordance with those procedures. The evaluation 3070
based upon such procedures shall be considered by the board in 3071
deciding whether to renew the contract of employment of an 3072
assistant superintendent, principal, assistant principal, or other 3073
administrator. 3074~~

~~(2) The evaluation shall measure each assistant 3075
superintendent's, principal's, assistant principal's, and other 3076
administrator's effectiveness in performing the duties included in 3077
the job description and the evaluation procedures shall provide 3078
for, but not be limited to, the following: 3079~~

~~(a) Each assistant superintendent, principal, assistant 3080
principal, and other administrator shall be evaluated annually 3081
through a written evaluation process. 3082~~

~~(b) The evaluation shall be conducted by the superintendent 3083
or designee. 3084~~

~~(c) In order to provide time to show progress in correcting 3085~~

~~the deficiencies identified in the evaluation process, the 3086
evaluation process shall be completed as follows: 3087~~

~~(i) In any school year that the employee's contract of 3088
employment is not due to expire, at least one evaluation shall be 3089
completed in that year. A written copy of the evaluation shall be 3090
provided to the employee no later than the end of the employee's 3091
contract year as defined by the employee's annual salary notice. 3092~~

~~(ii) In any school year that the employee's contract of 3093
employment is due to expire, at least a preliminary evaluation and 3094
at least a final evaluation shall be completed in that year. A 3095
written copy of the preliminary evaluation shall be provided to 3096
the employee at least sixty days prior to any action by the board 3097
on the employee's contract of employment. The final evaluation 3098
shall indicate the superintendent's intended recommendation to the 3099
board regarding a contract of employment for the employee. A 3100
written copy of the evaluation shall be provided to the employee 3101
at least five days prior to the board's acting to renew or not 3102
renew the contract. 3103~~

~~(3) Termination of an assistant superintendent, principal, 3104
assistant principal, or other administrator's contract shall be 3105
pursuant to section 3319.16 of the Revised Code. Suspension of any 3106
such employee shall be pursuant to section 3319.17 or 3319.171 of 3107
the Revised Code. 3108~~

~~(4) Before taking action to renew or nonrenew the contract of 3109
an assistant superintendent, principal, assistant principal, or 3110
other administrator under this section and prior to the last day 3111
of March of the year in which such employee's contract expires, 3112
the board shall notify each such employee of the date that the 3113
contract expires and that the employee may request a meeting with 3114
the board. Upon request by such an employee, the board shall grant 3115
the employee a meeting in executive session. In that meeting, the 3116
board shall discuss its reasons for considering renewal or 3117~~

~~nonrenewal of the contract. The employee shall be permitted to have a representative, chosen by the employee, present at the meeting.~~

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

~~(E) On nomination of the superintendent of a service center a governing board may employ supervisors who shall be employed under written contracts of employment for terms not to exceed five years each. Such contracts may be terminated by a governing board pursuant to section 3319.16 of the Revised Code. Any supervisor employed pursuant to this division may terminate the contract of employment at the end of any school year after giving the board at least thirty days' written notice prior to such termination. On the recommendation of the superintendent the contract or contracts of any supervisor employed pursuant to this division may be suspended for the remainder of the term of any such contract pursuant to section 3319.17 or 3319.171 of the Revised Code.~~

~~(F)(C)~~ A board may establish vacation leave for any

individuals employed under this section. Upon such an individual's 3150
separation from employment, a board that has such leave may 3151
compensate such an individual at the individual's current rate of 3152
pay for all lawfully accrued and unused vacation leave credited at 3153
the time of separation, not to exceed the amount accrued within 3154
three years before the date of separation. In case of the death of 3155
an individual employed under this section, such unused vacation 3156
leave as the board would have paid to the individual upon 3157
separation under this section shall be paid in accordance with 3158
section 2113.04 of the Revised Code, or to the estate. 3159

~~(G)~~(D) The board of education of any school district may 3160
contract with the governing board of the educational service 3161
center from which it otherwise receives services to conduct 3162
searches and recruitment of candidates for assistant 3163
superintendent, principal, assistant principal, and other 3164
administrator positions authorized under this section. 3165

Sec. 3319.03. The board of education of each city, exempted 3166
village, and local school district may create the position of 3167
business manager. ~~The board shall appoint such business manager~~ 3168
~~who shall serve pursuant to a contract in accordance with section~~ 3169
~~3319.02 of the Revised Code.~~ In the discharge of all official 3170
duties, the business manager may be directly responsible to the 3171
board, or to the superintendent of schools, as the board directs 3172
at the time of appointment to the position. ~~Where such business~~ 3173
~~manager is responsible to the superintendent the business manager~~ 3174
~~shall be appointed by the superintendent and confirmed by the~~ 3175
~~board.~~ 3176

~~No board of education shall appoint or confirm as business~~ 3177
~~manager any person who does not hold a valid business manager's~~ 3178
~~license issued under section 3301.074 of the Revised Code. If the~~ 3179
~~business manager fails to maintain a valid license, the business~~ 3180

~~manager shall be removed by the board.~~ 3181

Sec. 3319.04. The business manager ~~shall~~ may have the care 3182
and custody of all property of the school district, real or 3183
personal, except moneys, supervise the construction of buildings 3184
in the process of erection, and the maintenance, operation, and 3185
repairs thereof, advertise for bids, and purchase and have custody 3186
of all supplies and equipment authorized by the board. The 3187
business manager ~~shall~~ may assist in the preparation of the annual 3188
appropriation resolution; ~~shall~~ may appoint and may discharge, 3189
subject to confirmation by the board, noneducational employees, 3190
except as provided in division (B) of section 3313.31 of the 3191
Revised Code; and ~~shall~~ may prepare and execute all contracts 3192
necessary in carrying out this section. 3193

Sec. 3319.05. The business manager shall receive such 3194
compensation as is fixed by the board of education before ~~his~~ 3195
~~election, which shall not be decreased during his term of office.~~ 3196
~~He~~ The business manager shall give such bond as prescribed by the 3197
board for the faithful discharge of ~~his~~ official duties. 3198

Sec. 3319.06. ~~(A)~~ The board of education of each city, 3199
~~exempted village, or local school district may create the position~~ 3200
~~of internal auditor. Any person employed by the board as an~~ 3201
~~internal auditor shall hold a valid permit issued under section~~ 3202
~~4701.10 of the Revised Code to practice as a certified public~~ 3203
~~accountant or a public accountant.~~ 3204

~~(B) The board shall execute a written contract of employment~~ 3205
~~with each internal auditor it employs. The contract shall specify~~ 3206
~~the internal auditor's duties, the salary and other compensation~~ 3207
~~to be paid for performance of those duties, the number of days to~~ 3208
~~be worked, the number of days of vacation leave, if any, and any~~ 3209
~~paid holidays in the contractual year. The salary and other~~ 3210

~~compensation prescribed by the contract may be increased by the 3211
board during the term of the contract but shall not be reduced 3212
during that term unless such reduction is part of a uniform plan 3213
affecting employees of the entire district. The term of the 3214
initial contract shall not exceed three years. Any renewal of the 3215
contract shall be for a term of not less than two years and not 3216
more than five years. 3217~~

~~The internal auditor shall be directly responsible to the 3218
board for the performance of all duties outlined in the contract. 3219
If the board does not intend to renew the contract upon its 3220
expiration, the board shall provide written notice to the internal 3221
auditor of its intention not to renew the contract not later than 3222
the last day of March of the year in which the contract expires. 3223
If the board does not provide such notice by that date, the 3224
internal auditor shall be deemed reemployed for a term of one year 3225
at the same salary plus any increments that may be authorized by 3226
the board. Termination of an internal auditor's contract shall be 3227
pursuant to section 3319.16 of the Revised Code. 3228~~

~~(C) Each board that employs an internal auditor shall adopt 3229
procedures for the evaluation of the internal auditor and shall 3230
evaluate the internal auditor in accordance with those procedures. 3231
The evaluation based upon the procedures shall be considered by 3232
the board in deciding whether to renew the internal auditor's 3233
contract of employment. The establishment of an evaluation 3234
procedure shall not create an expectancy of continued employment. 3235
Nothing in this section shall prevent the board from making the 3236
final determination regarding the renewal or nonrenewal of the 3237
contract of an internal auditor. 3238~~

Sec. 3319.07. (A) The board of education of each city, 3239
exempted village, local, and joint vocational school district 3240
shall may employ the teachers of the public schools of their 3241

respective districts. 3242

The governing board of each educational service center may 3243
employ special instruction teachers, special education teachers, 3244
and teachers of academic courses in which there are too few 3245
students in each of the constituent local school districts or in 3246
city or exempted village school districts entering into agreements 3247
pursuant to section 3313.843 of the Revised Code to warrant each 3248
district's employing teachers for those courses. 3249

~~When any board makes appointments of teachers, the teachers 3250
in the employ of the board shall be considered before new teachers 3251
are chosen in their stead. In all school districts and in service 3252
centers no teacher shall be employed unless such person is 3253
nominated by the superintendent of such district or center. Such 3254
board, by a three fourths vote of its full membership, may 3255
re-employ any teacher whom the superintendent refuses to appoint. 3256~~

(B) The board of education of any school district may 3257
contract with the governing board of the educational service 3258
center from which it otherwise receives services to conduct 3259
searches and recruitment of candidates for teacher positions. 3260

Sec. 3319.071. The board of education of any school district 3261
may, by resolution, establish a professional development program 3262
for teachers in accordance with which it may reimburse teachers 3263
employed by the district for all or any part of the cost incurred 3264
by the teacher in the successful completion of a course or 3265
training program in which the teacher enrolled as part of the 3266
development program. The terms and conditions for participation 3267
shall be determined by the board and shall be included in the 3268
resolution establishing the program. 3269

~~No teacher shall be required to participate in a professional 3270
development program under this section. When a teacher is 3271
participating in such a program, such participation does not 3272~~

~~constitute the performance of duties by such teacher in addition 3273
to the teacher's regular teaching duties and is not subject to 3274
section 3319.08 of the Revised Code. 3275~~

~~As used in this section, "teacher" has the meaning contained 3276
in division (A) of section 3319.09 of the Revised Code. 3277~~

Sec. 3319.073. The board of education of each city and 3278
exempted village school district and the governing board of each 3279
educational service center ~~shall~~ may develop, in consultation with 3280
public or private agencies or persons involved in child abuse 3281
prevention or intervention programs, a program of in-service 3282
training for persons employed by any school district or service 3283
center to work in an elementary school as a nurse, teacher, 3284
counselor, school psychologist, or administrator. ~~Each person 3285
employed by any school district or service center to work in an 3286
elementary school as a nurse, teacher, counselor, school 3287
psychologist, or administrator shall complete at least four hours 3288
of in-service training in the prevention of child abuse, violence, 3289
and substance abuse and the promotion of positive youth 3290
development within two years of commencing employment with the 3291
district or center, and every five years thereafter. A person who 3292
is employed by any school district or service center to work in an 3293
elementary school as a nurse, teacher, counselor, school 3294
psychologist, or administrator on the effective date of this 3295
amendment shall complete at least four hours of the in-service 3296
training required by this section within two years of the 3297
effective date of this amendment and every five years thereafter. 3298~~

Sec. 3319.075. Once the state board of education adopts 3299
professional development standards pursuant to section 3319.61 of 3300
the Revised Code, the board of education of each school district 3301
~~shall~~ may use the standards for any of the following purposes: 3302

(A) To guide the design of teacher education programs serving 3303
both teacher candidates and experienced teachers; 3304

(B) To guide school-based professional development that is 3305
aligned with student achievement; 3306

(C) To determine what types of professional development the 3307
school district and the schools within the district should 3308
provide; 3309

(D) To guide how state and federal funding for professional 3310
development should be spent; 3311

(E) To develop criteria for decision making by the local 3312
professional development committees established under section 3313
3319.22 of the Revised Code; 3314

(F) To guide the school district in the hiring of third-party 3315
providers of instructional services who use or meet the 3316
professional development standards; 3317

(G) To guide all licensed school personnel in developing 3318
their own plans for professional growth. 3319

Sec. 3319.08. The board of education of each city, exempted 3320
village, local, and joint vocational school district and the 3321
governing board of each educational service center ~~shall~~ may enter 3322
into written contracts for the employment and reemployment of all 3323
teachers. The board of each such school district or service center 3324
that authorizes compensation ~~in addition to the base salary stated~~ 3325
~~in the teachers' salary schedule~~ for the performance of duties by 3326
a teacher that are in addition to the teacher's regular teaching 3327
duties, ~~shall~~ may enter into a supplemental written contract with 3328
each teacher who is to perform additional duties. ~~Such~~ 3329
~~supplemental written contracts shall be limited contracts.~~ Such 3330
written contracts and supplemental written contracts ~~shall~~ may set 3331
forth the teacher's duties and ~~shall~~ may specify the salaries and 3332

compensation to be paid for regular teaching duties and additional 3333
teaching duties, respectively, either or both of which may be 3334
increased ~~but not~~ or diminished during the term for which the 3335
contract is made, ~~except as provided in section 3319.12 of the~~ 3336
~~Revised Code.~~ 3337

~~If a board adopts a motion or resolution to employ a teacher 3338
under a limited or continuing contract and the teacher accepts 3339
such employment, the failure of such parties to execute a written 3340
contract shall not void such employment contract.~~ 3341

Teachers ~~must~~ may be paid for ~~all~~ time lost when the schools 3342
in which they are employed are closed due to an epidemic or other 3343
public calamity, and for time lost due to illness or otherwise ~~for~~ 3344
~~not less than five days annually~~ as authorized by regulations 3345
which each board ~~shall~~ may adopt. 3346

~~Contracts for the employment of teachers shall be of two 3347
types, limited contracts and continuing contracts.~~ 3348

~~(A) A limited contract is:~~ 3349

~~(1) For a superintendent, a contract for such term as 3350
authorized by section 3319.01 of the Revised Code;~~ 3351

~~(2) For an assistant superintendent, principal, assistant 3352
principal, or other administrator, a contract for such term as 3353
authorized by section 3319.02 of the Revised Code;~~ 3354

~~(3) For all other teachers, a contract for a term not to 3355
exceed five years.~~ 3356

~~(B) A continuing contract is a contract that remains in 3357
effect until the teacher resigns, elects to retire, or is retired 3358
pursuant to former section 3307.37 of the Revised Code, or until 3359
it is terminated or suspended and shall be granted only to the 3360
following:~~ 3361

~~(1) Any teacher holding a professional, permanent, or life 3362~~

~~teacher's certificate;~~ 3363

~~(2) Any teacher holding a professional educator license who
has completed the applicable one of the following:~~ 3364
3365

~~(a) If the teacher did not hold a masters degree at the time
of initially receiving a teacher's certificate under former law or
an educator license, thirty semester hours of coursework in the
area of licensure or in an area related to the teaching field
since the initial issuance of such certificate or license, as
specified in rules which the state board of education shall adopt;~~ 3366
3367
3368
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3371

~~(b) If the teacher held a masters degree at the time of
initially receiving a teacher's certificate under former law or an
educator license, six semester hours of graduate coursework in the
area of licensure or in an area related to the teaching field
since the initial issuance of such certificate or license, as
specified in rules which the state board of education shall adopt.~~ 3372
3373
3374
3375
3376
3377

~~This section applies only to contracts entered into after
August 18, 1969.~~ 3378
3379

After the effective date of this amendment, the board of
education of a school district or the governing board of an
educational service center is not required to enter into a
contract with any teacher that is valid until the teacher resigns;
however, a board shall honor any such contract that the board
entered into prior to that date. 3380
3381
3382
3383
3384
3385

Sec. 3319.081. Except as otherwise provided in division 3386
~~(G)(E)~~ of this section, in all school districts ~~wherein the~~ 3387
~~provisions of Chapter 124. of the Revised Code do not apply,~~ the 3388
following employment contract system shall control for employees 3389
whose contracts of employment are not otherwise provided by law: 3390

(A) Newly hired regular nonteaching school employees, 3391
including regular hourly rate and per diem employees, ~~shall~~ may 3392

enter into written contracts for their employment ~~which shall be~~ 3393
~~for a period of not more than one year. If such employees are~~ 3394
~~rehired, their subsequent contract shall be for a period of two~~ 3395
~~years.~~ 3396

(B) ~~After the termination of the two year contract provided~~ 3397
~~in division (A) of this section, if the contract of a nonteaching~~ 3398
~~employee is renewed, the employee shall be continued in~~ 3399
~~employment, and the salary provided in the contract may be~~ 3400
~~increased but not reduced unless such reduction is a part of a~~ 3401
~~uniform plan affecting the nonteaching employees of the entire~~ 3402
~~district.~~ 3403

(C) The contracts as provided for in this section may be 3404
terminated by a majority vote of the board of education. ~~Except as~~ 3405
~~provided in sections 3319.0810 and 3319.172 of the Revised Code,~~ 3406
~~the contracts may be terminated only for violation of written~~ 3407
~~rules and regulations as set forth by the board of education or~~ 3408
~~for incompetency, inefficiency, dishonesty, drunkenness, immoral~~ 3409
~~conduct, insubordination, discourteous treatment of the public,~~ 3410
~~neglect of duty, or any other acts of misfeasance, malfeasance, or~~ 3411
~~nonfeasance. In addition to the right of the board of education to~~ 3412
~~terminate the contract of an employee, the board may suspend an~~ 3413
~~employee for a definite period of time or demote the employee for~~ 3414
~~the reasons set forth in this division. The action of the board of~~ 3415
~~education terminating the contract of an employee or suspending or~~ 3416
~~demoting the employee shall be served upon the employee by~~ 3417
~~certified mail. Within ten days following the receipt of such~~ 3418
~~notice by the employee, the employee may file an appeal, in~~ 3419
~~writing, with the court of common pleas of the county in which~~ 3420
~~such school board is situated. After hearing the appeal the common~~ 3421
~~pleas court may affirm, disaffirm, or modify the action of the~~ 3422
~~school board.~~ 3423

A violation of division (A)(7) of section 2907.03 of the 3424

Revised Code is grounds for termination of employment of a 3425
nonteaching employee under this division. 3426

~~(D) All employees who have been employed by a school district 3427
where the provisions of Chapter 124. of the Revised Code do not 3428
apply, for a period of at least three years on November 24, 1967, 3429
shall hold continuing contracts of employment pursuant to this 3430
section. 3431~~

~~(E)~~(C) Any nonteaching school employee may terminate the 3432
nonteaching school employee's contract of employment thirty days 3433
subsequent to the filing of a written notice of such termination 3434
with the treasurer of the board. 3435

~~(F)~~(D) A person hired exclusively for the purpose of 3436
replacing a nonteaching school employee while such employee is on 3437
leave of absence granted under section 3319.13 of the Revised Code 3438
is not a regular nonteaching school employee under this section. 3439

~~(G)~~(E) All nonteaching employees ~~employed pursuant to this 3440
section and Chapter 124. of the Revised Code shall~~ may be paid for 3441
~~all~~ time lost when the schools in which they are employed are 3442
closed owing to an epidemic or other public calamity. Nothing in 3443
this division shall be construed as requiring payment in excess of 3444
an employee's regular wage rate or salary for any time worked 3445
while the school in which the employee is employed is officially 3446
closed for the reasons set forth in this division. 3447

Sec. 3319.088. As used in this section, "educational 3448
assistant" means any nonteaching employee in a school district who 3449
directly assists a teacher as defined in section 3319.09 of the 3450
Revised Code, by performing duties for which a license issued 3451
pursuant to sections 3319.22 to 3319.30 of the Revised Code is not 3452
required. 3453

(A) The state board of education shall issue educational aide 3454

permits and educational paraprofessional licenses for educational 3455
assistants and shall adopt rules for the issuance and renewal of 3456
such permits and licenses which shall be consistent with the 3457
provisions of this section. Educational aide permits and 3458
educational paraprofessional licenses may be of several types and 3459
the rules shall prescribe the minimum qualifications of education, 3460
health, and character for the service to be authorized under each 3461
type. The prescribed minimum qualifications may require special 3462
training or educational courses designed to qualify a person to 3463
perform effectively the duties authorized under an educational 3464
aide permit or educational paraprofessional license. 3465

(B)(1) Any application for a permit or license, or a renewal 3466
or duplicate of a permit or license, under this section shall be 3467
accompanied by the payment of a fee in the amount established 3468
under division (A) of section 3319.51 of the Revised Code. Any 3469
fees received under this division shall be paid into the state 3470
treasury to the credit of the state board of education licensure 3471
fund established under division (B) of section 3319.51 of the 3472
Revised Code. 3473

(2) Any person applying for or holding a permit or license 3474
pursuant to this section is subject to sections 3123.41 to 3123.50 3475
of the Revised Code and any applicable rules adopted under section 3476
3123.63 of the Revised Code and sections 3319.31 and 3319.311 of 3477
the Revised Code. 3478

(C) Educational assistants shall at all times while in the 3479
performance of their duties be under the supervision and direction 3480
of a teacher ~~as defined in section 3319.09 of the Revised Code.~~ 3481
Educational assistants may assist a teacher to whom assigned in 3482
the supervision of pupils, in assisting with instructional tasks, 3483
and in the performance of duties which, in the judgment of the 3484
teacher to whom the assistant is assigned, may be performed by a 3485
person not licensed pursuant to sections 3319.22 to 3319.30 of the 3486

Revised Code and for which a teaching license, issued pursuant to 3487
sections 3319.22 to 3319.30 of the Revised Code is not required. 3488
The duties of an educational assistant shall not include the 3489
assignment of grades to pupils. The duties of an educational 3490
~~assistants~~ assistant need not be performed in the physical 3491
presence of the teacher to whom assigned, but the activity of an 3492
educational assistant shall at all times be under the direction of 3493
the teacher to whom assigned. The assignment of an educational 3494
assistant need not be limited to assisting a single teacher. In 3495
the event an educational assistant is assigned to assist more than 3496
one teacher the assignments shall be clearly delineated and so 3497
arranged that the educational assistant shall never be subject to 3498
simultaneous supervision or direction by more than one teacher. 3499

Educational assistants assigned to supervise children shall, 3500
when the teacher to whom assigned is not physically present, 3501
maintain the degree of control and discipline which would be 3502
maintained by the teacher, but an educational assistant may not 3503
render corporal punishment. 3504

~~Except when expressly permitted solely for the purposes of 3505
section 3317.029 of the Revised Code, educational assistants may 3506
not be used in place of classroom teachers or other employees and 3507
any payment of compensation by boards of education to educational 3508
assistants for such services is prohibited. The ratio between the 3509
number of licensed teachers and the pupils in a school district 3510
may not be decreased by utilization of educational assistants and 3511
no grouping, or other organization of pupils, for utilization of 3512
educational assistants shall be established which is inconsistent 3513
with sound educational practices and procedures. A school district 3514
may employ up to one full time equivalent educational assistant 3515
for each six full time equivalent licensed employees of the 3516
district. Educational assistants shall not be counted as licensed 3517
employees for purposes of state support in the school foundation 3518~~

program and no grouping or regrouping of pupils with educational 3519
assistants may be counted as a class or unit for school foundation 3520
program purposes. Neither special courses required by the 3521
regulations of the state board of education, prescribing minimum 3522
qualifications of education for an educational assistant, nor 3523
years of service as an educational assistant shall be counted in 3524
any way toward qualifying for a teacher license, for a teacher 3525
contract of any type, or for determining placement on a salary 3526
schedule in a school district as a teacher. 3527

~~(D) Educational assistants employed by a board of education 3528
shall have all rights, benefits, and legal protection available to 3529
other nonteaching employees in the school district, except that 3530
provisions of Chapter 124. of the Revised Code shall not apply to 3531
any person employed as an educational assistant, and shall be 3532
members of the school employees retirement system. Educational 3533
assistants shall be compensated according to a salary plan adopted 3534
annually by the board. 3535~~

~~Except as provided in this section nonteaching employees 3536
shall not serve as educational assistants without first obtaining 3537
an appropriate educational aide permit or educational 3538
paraprofessional license from the state board of education. A 3539
nonteaching employee who is the holder of a valid educational aide 3540
permit or educational paraprofessional license shall neither 3541
render nor be required to render services inconsistent with the 3542
type of services authorized by the permit or license held. No 3543
person shall receive compensation from a board of education for 3544
services rendered as an educational assistant in violation of this 3545
provision. 3546~~

~~Nonteaching employees whose functions are solely 3547
secretarial clerical and who do not perform any other duties as 3548
educational assistants, even though they assist a teacher and work 3549
under the direction of a teacher shall not be required to hold a 3550~~

~~permit or license issued pursuant to this section. Students 3551
preparing to become licensed teachers or educational assistants 3552
shall not be required to hold an educational aide permit or 3553
paraprofessional license for such periods of time as such students 3554
are assigned, as part of their training program, to work with a 3555
teacher in a school district. Such students shall not be 3556
compensated for such services. 3557~~

~~Following the determination of the assignment and general job 3558
description of an educational assistant and subject to supervision 3559
by the teacher's immediate administrative officer, a teacher to 3560
whom an educational assistant is assigned shall make all final 3561
determinations of the duties to be assigned to such assistant. 3562
Teachers shall not be required to hold a license designated for 3563
being a supervisor or administrator in order to perform the 3564
necessary supervision of educational assistants. 3565~~

~~(E) No person who is, or who has been employed as an 3566
educational assistant shall divulge, except to the teacher to whom 3567
assigned, or the administrator of the school in the absence of the 3568
teacher to whom assigned, or when required to testify in a court 3569
or proceedings, any personal information concerning any pupil in 3570
the school district which was obtained or obtainable by the 3571
educational assistant while so employed. Violation of this 3572
provision is grounds for disciplinary action or dismissal, or 3573
both. 3574~~

Sec. 3319.10. Teachers may be employed as substitute teachers 3575
~~for terms not to exceed one year for assignment as services are 3576
needed to take the place of regular teachers absent on account of 3577
illness or on leaves of absence or to fill temporarily positions 3578
created by emergencies; such assignment to be subject to 3579
termination when such services no longer are needed. 3580~~

A teacher employed as a substitute with an assignment to one 3581

specific teaching position ~~shall~~ may after sixty days of service 3582
be granted sick leave, visiting days, and other local privileges 3583
granted to regular teachers including a salary not less than the 3584
minimum salary on the current adopted salary schedule. 3585

A teacher employed as a substitute for one hundred twenty 3586
days or more during a school year and re-employed for or assigned 3587
to a specific teaching position for the succeeding year ~~shall~~ may 3588
receive a contract as a regular teacher if the substitute meets 3589
the local educational requirements for the employment of regular 3590
teachers. 3591

~~Teachers employed as substitutes on a casual or day to day~~ 3592
~~basis shall not be entitled to the notice of nonre-employment~~ 3593
~~prescribed in section 3319.11 of the Revised Code, but boards~~ 3594
Boards of education may grant ~~such~~ substitute teachers employed on 3595
a casual or day-to-day basis sick leave and other local privileges 3596
and cumulate ~~such~~ service in determining seniority. 3597

~~For purposes of determining in any school year the days of~~ 3598
~~service of a substitute teacher under this section, any teacher's~~ 3599
~~days of service in that school year while conditionally employed~~ 3600
~~as a substitute teacher under section 3319.101 of the Revised Code~~ 3601
~~shall count as days of service as a substitute teacher under this~~ 3602
~~section.~~ 3603

Sec. 3319.151. (A) No person shall reveal to any student any 3604
specific question that the person knows is part of a test to be 3605
administered under section 3301.0711 of the Revised Code or in any 3606
other way assist a pupil to cheat on such a test. 3607

(B) On a finding by the state board of education, after 3608
investigation, that a school employee who holds a license issued 3609
under sections 3319.22 to 3319.31 of the Revised Code has violated 3610
division (A) of this section, the license of such teacher shall be 3611
suspended for one year. Prior to commencing an investigation, the 3612

board shall give the teacher notice of the allegation and an 3613
opportunity to respond and present a defense. 3614

(C)(1) Violation of division (A) of this section is grounds 3615
for termination of employment of a nonteaching employee under 3616
~~division (C) of section 3319.081 or section 124.34~~ of the Revised 3617
Code. 3618

(2) Violation of division (A) of this section is grounds for 3619
termination of a teacher contract under section 3319.16 of the 3620
Revised Code. 3621

Sec. 3326.11. Each science, technology, engineering, and 3622
mathematics school established under this chapter and its 3623
governing body shall comply with sections 9.90, 9.91, 109.65, 3624
121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, 3625
3301.0712, 3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3626
3313.18, 3313.201, 3313.26, ~~3313.472~~, 3313.48, 3313.481, ~~3313.482~~, 3627
3313.50, 3313.536, ~~3313.608~~, ~~3313.6012~~, ~~3313.6013~~, ~~3313.6014~~, 3628
3313.61, 3313.611, 3313.614, 3313.615, 3313.643, ~~3313.648~~, 3629
~~3313.66~~, ~~3313.661~~, ~~3313.662~~, ~~3313.666~~, ~~3313.667~~, 3313.67, 3630
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3631
3313.718, ~~3313.80~~, ~~3313.801~~, 3313.96, ~~3319.073~~, 3319.21, 3319.32, 3632
3319.321, 3319.35, 3319.39, 3319.391, 3319.45, 3321.01, 3321.13, 3633
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 3634
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 3635
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the 3636
Revised Code as if it were a school district. 3637

Sec. 3326.20. (A) As used in this section, "native student" 3638
means a student entitled to attend school in the school district 3639
under section 3313.64 or 3313.65 of the Revised Code. 3640

(B) Unless the proposal for the establishment of a science, 3641
technology, engineering, and mathematics school, as it was 3642

approved by the STEM subcommittee of the partnership for continued 3643
learning under section 3326.03 of the Revised Code, otherwise 3644
provides for the transportation of students to and from the STEM 3645
school, the board of education of each city, local, and exempted 3646
village school district ~~shall~~ may provide transportation to and 3647
from school for its district's native students enrolled in the 3648
STEM school ~~in the same manner that section 3327.01 of the Revised~~ 3649
~~Code requires for its native students enrolled in nonpublic~~ 3650
~~schools.~~ 3651

Sec. 3326.21. (A) Each science, technology, engineering, and 3652
mathematics school shall have a treasurer who is licensed under 3653
section 3301.074 of the Revised Code. The governing body of the 3654
school and the treasurer shall comply with sections 3301.072, 3655
3313.22 to 3313.32, ~~3313.51~~, and 3315.08 of the Revised Code in 3656
the same manner as a school district board of education and a 3657
district treasurer. 3658

(B) Financial records of each STEM school shall be maintained 3659
in the same manner as are financial records of school districts, 3660
pursuant to rules of the auditor of state. 3661

Sec. 3326.51. (A) As used in this section: 3662

(1) "Resident district" has the same meaning as in section 3663
3326.31 of the Revised Code. 3664

(2) "STEM school sponsoring district" means a municipal, 3665
city, local, exempted village, or joint vocational school district 3666
that governs and controls a STEM school pursuant to this section. 3667

(B) Notwithstanding any other provision of this chapter to 3668
the contrary: 3669

(1) If a proposal for a STEM school submitted under section 3670
3326.03 of the Revised Code proposes that the governing body of 3671
the school be the board of education of a municipal, city, local, 3672

exempted village, or joint vocational school district that is one 3673
of the partners submitting the proposal, and the partnership for 3674
continued learning approves that proposal, that school district 3675
board shall govern and control the STEM school as one of the 3676
schools of its district. 3677

(2) The STEM school sponsoring district shall maintain a 3678
separate accounting for the STEM school as a separate and distinct 3679
operational unit within the district's finances. The auditor of 3680
state, in the course of an annual or biennial audit of the school 3681
district serving as the STEM school sponsoring district, shall 3682
audit that school district for compliance with the financing 3683
requirements of this section. 3684

(3) With respect to students enrolled in a STEM school whose 3685
resident district is the STEM school sponsoring district: 3686

(a) The department of education shall make no deductions 3687
under section 3326.33 of the Revised Code from the STEM school 3688
sponsoring district's state payments. 3689

(b) The STEM school sponsoring district shall ensure that it 3690
allocates to the STEM school funds equal to or exceeding the 3691
amount that would be calculated pursuant to division (B) of 3692
section 3313.981 of the Revised Code for the students attending 3693
the school whose resident district is the STEM school sponsoring 3694
district. 3695

(c) The STEM school sponsoring district is responsible for 3696
providing children with disabilities with a free appropriate 3697
public education under Chapter 3323. of the Revised Code. 3698

(d) The STEM school sponsoring district shall provide student 3699
transportation in accordance with laws and policies generally 3700
applicable to the district. 3701

(4) With respect to students enrolled in the STEM school 3702
whose resident district is another school district, the department 3703

shall make no payments or deductions under sections 3326.31 to 3704
3326.49 of the Revised Code. Instead, the students shall be 3705
considered as open enrollment students and the department shall 3706
make payments and deductions in accordance with section 3313.981 3707
of the Revised Code. The STEM school sponsoring district shall 3708
allocate the payments to the STEM school. The STEM school 3709
sponsoring district may enter into financial agreements with the 3710
students' resident districts, which agreements may provide 3711
financial support in addition to the funds received from the open 3712
enrollment calculation. The STEM school sponsoring district shall 3713
allocate all such additional funds to the STEM school. 3714

(5) Where the department is required to make, deny, reduce, 3715
or adjust payments to a STEM school sponsoring district pursuant 3716
to this section, it shall do so in such a manner that the STEM 3717
school sponsoring district may allocate that action to the STEM 3718
school. 3719

(6) A STEM school sponsoring district and its board may 3720
assign its district employees to the STEM school, ~~in which case~~ 3721
~~section 3326.18 of the Revised Code shall not apply.~~ The district 3722
and board may apply any other resources of the district to the 3723
STEM school in the same manner that it applies district resources 3724
to other district schools. 3725

(7) Provisions of this chapter requiring a STEM school and 3726
its governing body to comply with specified laws as if it were a 3727
school district and in the same manner as a board of education 3728
shall instead require such compliance by the STEM school 3729
sponsoring district and its board of education, respectively, with 3730
respect to the STEM school. Where a STEM school or its governing 3731
body is required to perform a specific duty or permitted to take a 3732
specific action under this chapter, that duty is required to be 3733
performed or that action is permitted to be taken by the STEM 3734
school sponsoring district or its board of education, 3735

respectively, with respect to the STEM school. 3736

(8) No provision of this chapter limits the authority, as 3737
provided otherwise by law, of a school district and its board of 3738
education to levy taxes and issue bonds secured by tax revenues. 3739

(9) The treasurer of the STEM school sponsoring district or, 3740
if the STEM school sponsoring district is a municipal school 3741
district, the chief financial officer of the district, shall have 3742
all of the respective rights, authority, exemptions, and duties 3743
otherwise conferred upon the treasurer or chief financial officer 3744
by the Revised Code. 3745

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 3746
and division (D) of section 3311.52 of the Revised Code, this 3747
section and sections ~~3327.011~~, 3327.012, and 3327.02 of the 3748
Revised Code do not apply to any joint vocational or cooperative 3749
education school district. 3750

~~In all city, local, and exempted village school districts 3751
where resident school pupils in grades kindergarten through eight 3752
live more than two miles from the school for which the state board 3753
of education prescribes minimum standards pursuant to division (D) 3754
of section 3301.07 of the Revised Code and to which they are 3755
assigned by the board of education of the district of residence or 3756
to and from the nonpublic or community school which they attend 3757
the board of education shall provide transportation for such 3758
pupils to and from such school except as provided in section 3759
3327.02 of the Revised Code. 3760~~

~~In all city, local, and exempted village school districts 3761
where pupil transportation is required under a career technical 3762
plan approved by the state board of education under section 3763
3313.90 of the Revised Code, for any student attending a 3764
career technical program operated by another school district, 3765
including a joint vocational school district, as prescribed under 3766~~

~~that section, the board of education of the student's district of residence shall provide transportation from the public high school operated by that district to which the student is assigned to the career technical program.~~

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

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

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

In all city, local, and exempted village school districts the board shall provide transportation for all children who are so disabled that they are unable to walk to and from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and which they attend. In case of dispute whether the child is able to walk to and from the school, the health commissioner shall be the judge of such ability. In all city, exempted village, and local school districts the board shall provide transportation to

and from school or special education classes for educable mentally 3799
retarded children in accordance with standards adopted by the 3800
state board of education. 3801

~~When transportation of pupils is provided the conveyance 3802
shall be run on a time schedule that shall be adopted and put in 3803
force by the board not later than ten days after the beginning of 3804
the school term. 3805~~

In all city, local, and exempted village school districts 3806
where pupil transportation is required under a career-technical 3807
plan approved by the state board of education under section 3808
3313.90 of the Revised Code, for any student attending a 3809
career-technical program operated by another school district, 3810
including a joint vocational school district, as prescribed under 3811
that section, the board of education of the student's district of 3812
residence shall provide transportation from the public high school 3813
operated by that district to which the student is assigned to the 3814
career-technical program. 3815

The cost of any transportation service authorized by this 3816
section shall be paid first out of federal funds, if any, 3817
available for the purpose of pupil transportation, and secondly 3818
out of state appropriations, in accordance with regulations 3819
adopted by the state board of education. 3820

No transportation of any pupils shall be provided by any 3821
board of education to or from any school which in the selection of 3822
pupils, faculty members, or employees, practices discrimination 3823
against any person on the grounds of race, color, religion, or 3824
national origin. 3825

Sec. 3327.03. Notwithstanding division (D) of section 3311.19 3826
and division (D) of section 3311.52 of the Revised Code, this 3827
section does not apply to any joint vocational or cooperative 3828
education school district. 3829

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

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

The board of education of each school district may procure accident insurance covering all pupils and other authorized passengers transported under the authority of such board. ~~such~~ Such accident insurance ~~shall~~ may provide compensation for injury or death to any pupil or other authorized passenger caused by any accident arising out of or in connection with the operation of such school bus, motor van, or other vehicle used in the transportation of school children or other authorized passengers, in such amounts and upon such terms as may be agreed upon by the board and the insurance company. ~~The insurance procured pursuant to this section shall be from one or more recognized insurance companies authorized to do business in this state.~~

Sec. 3327.10. (A) No person shall be employed as driver of a 3862
school bus or motor van, owned and operated by any school district 3863
or educational service center or privately owned and operated 3864
under contract with any school district or service center in this 3865
state, who has not received a certificate from the educational 3866
service center governing board in case such person is employed by 3867
a service center or by a local school district under the 3868
supervision of the service center governing board, or by the 3869
superintendent of schools, in case such person is employed by the 3870
board of a city or exempted village school district, certifying 3871
that such person is at least eighteen years of age and is of good 3872
moral character and is qualified physically and otherwise for such 3873
position. The service center governing board or the 3874
superintendent, as the case may be, shall provide for an annual 3875
physical examination that conforms with rules adopted by the state 3876
board of education of each driver to ascertain the driver's 3877
physical fitness for such employment. Any certificate may be 3878
revoked by the authority granting the same on proof that the 3879
holder has been guilty of failing to comply with division (D)(1) 3880
of this section, or upon a conviction or a guilty plea for a 3881
violation, or any other action, that results in a loss or 3882
suspension of driving rights. Failure to comply with such division 3883
may be cause for disciplinary action or termination of employment 3884
under ~~division (C) of section 3319.081, or section 124.34~~ of the 3885
Revised Code. 3886

(B) No person shall be employed as driver of a school bus or 3887
motor van not subject to the rules of the department of education 3888
pursuant to division (A) of this section who has not received a 3889
certificate from the school administrator or contractor certifying 3890
that such person is at least eighteen years of age, is of good 3891
moral character, and is qualified physically and otherwise for 3892
such position. Each driver shall have an annual physical 3893

examination which conforms to the state highway patrol rules, 3894
ascertaining the driver's physical fitness for such employment. 3895
The examination shall be performed by one of the following: 3896

(1) A person licensed under Chapter 4731. of the Revised Code 3897
or by another state to practice medicine and surgery or 3898
osteopathic medicine and surgery; 3899

(2) A physician assistant; 3900

(3) A certified nurse practitioner; 3901

(4) A clinical nurse specialist; 3902

(5) A certified nurse-midwife. 3903

Any written documentation of the physical examination shall 3904
be completed by the individual who performed the examination. 3905

Any certificate may be revoked by the authority granting the 3906
same on proof that the holder has been guilty of failing to comply 3907
with division (D)(2) of this section. 3908

(C) Any person who drives a school bus or motor van must give 3909
satisfactory and sufficient bond except a driver who is an 3910
employee of a school district and who drives a bus or motor van 3911
owned by the school district. 3912

(D) No person employed as driver of a school bus or motor van 3913
under this section who is convicted of a traffic violation or who 3914
has had the person's commercial driver's license suspended shall 3915
drive a school bus or motor van until the person has filed a 3916
written notice of the conviction or suspension, as follows: 3917

(1) If the person is employed under division (A) of this 3918
section, the person shall file the notice with the superintendent, 3919
or a person designated by the superintendent, of the school 3920
district for which the person drives a school bus or motor van as 3921
an employee or drives a privately owned and operated school bus or 3922
motor van under contract. 3923

(2) If employed under division (B) of this section, the 3924
person shall file the notice with the employing school 3925
administrator or contractor, or a person designated by the 3926
administrator or contractor. 3927

(E) In addition to resulting in possible revocation of a 3928
certificate as authorized by divisions (A) and (B) of this 3929
section, violation of division (D) of this section is a minor 3930
misdemeanor. 3931

(F)(1) Not later than thirty days after June 30, 2007, each 3932
owner of a school bus or motor van shall obtain the complete 3933
driving record for each person who is currently employed or 3934
otherwise authorized to drive the school bus or motor van. An 3935
owner of a school bus or motor van shall not permit a person to 3936
operate the school bus or motor van for the first time before the 3937
owner has obtained the person's complete driving record. 3938
Thereafter, the owner of a school bus or motor van shall obtain 3939
the person's driving record not less frequently than semiannually 3940
if the person remains employed or otherwise authorized to drive 3941
the school bus or motor van. An owner of a school bus or motor van 3942
shall not permit a person to resume operating a school bus or 3943
motor van, after an interruption of one year or longer, before the 3944
owner has obtained the person's complete driving record. 3945

(2) The owner of a school bus or motor van shall not permit a 3946
person to operate the school bus or motor van for six years after 3947
the date on which the person pleads guilty to or is convicted of a 3948
violation of section 4511.19 of the Revised Code or a 3949
substantially equivalent municipal ordinance. 3950

(3) An owner of a school bus or motor van shall not permit 3951
any person to operate such a vehicle unless the person meets all 3952
other requirements contained in rules adopted by the state board 3953
of education prescribing qualifications of drivers of school buses 3954
and other student transportation. 3955

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

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

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

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

(I) For qualified drivers who, on July 1, 2007, are employed by the owner of a school bus or motor van to drive the school bus or motor van, any instance in which the driver was convicted of or pleaded guilty to a violation of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance prior to two years prior to July 1, 2007, shall not be considered a disqualifying event with respect to division (F) of this section.

(J)(1) This division applies to persons hired by a school

district, educational service center, community school, chartered 3987
nonpublic school, or science, technology, engineering, and 3988
mathematics school established under Chapter 3326. of the Revised 3989
Code to operate a vehicle used for pupil transportation. 3990

For each person to whom this division applies who is hired on 3991
or after November 14, 2007, the employer shall request a criminal 3992
records check in accordance with section 3319.39 of the Revised 3993
Code and every six years thereafter. For each person to whom this 3994
division applies who is hired prior to that date, the employer 3995
shall request a criminal records check by a date prescribed by the 3996
department of education and every six years thereafter. 3997

3998

(2) This division applies to persons hired by a public or 3999
private employer not described in division (J)(1) of this section 4000
to operate a vehicle used for pupil transportation. 4001

For each person to whom this division applies who is hired on 4002
or after November 14, 2007, the employer shall request a criminal 4003
records check prior to the person's hiring and every six years 4004
thereafter. For each person to whom this division applies who is 4005
hired prior to that date, the employer shall request a criminal 4006
records check by a date prescribed by the department and every six 4007
years thereafter. 4008

(3) Each request for a criminal records check under division 4009
(J) of this section shall be made to the superintendent of the 4010
bureau of criminal identification and investigation in the manner 4011
prescribed in section 3319.39 of the Revised Code. Upon receipt of 4012
a request, the bureau shall conduct the criminal records check in 4013
accordance with section 109.572 of the Revised Code as if the 4014
request had been made under section 3319.39 of the Revised Code. 4015

(K) Any person who is the subject of a criminal records check 4016
under division (J) of this section and has been convicted of or 4017

pleaded guilty to any offense described in division (C) of section 4018
3319.31 of the Revised Code shall not be hired or shall be 4019
released from employment. 4020

Sec. 3327.16. Notwithstanding division (D) of section 3311.19 4021
and division (D) of section 3311.52 of the Revised Code, this 4022
section does not apply to any joint vocational or cooperative 4023
education school district or its superintendent. 4024

~~(A)~~ The superintendent of each school district may establish 4025
a volunteer bus rider assistance program, under which qualified 4026
adults or responsible older pupils, as determined by the 4027
superintendent, may be authorized to ride on school buses with 4028
pupils during such periods of time that the buses are being used 4029
to transport pupils to and from schools. Volunteers shall not be 4030
compensated for their services, but older pupils may be excused 4031
early from school to participate in the program. 4032

Volunteers may be assigned duties or responsibilities by the 4033
superintendent, including but not limited to, assisting younger 4034
pupils in embarking and disembarking from buses and in crossing 4035
streets where necessary to ensure the safety of the pupil, aiding 4036
the driver of the bus to maintain order on buses, assisting pupils 4037
with disabilities, and such other activities as the superintendent 4038
determines will aid in the safe and efficient transportation of 4039
pupils. 4040

Volunteers serving under this section are not employees for 4041
purposes of Chapter 4117. or 4123. of the Revised Code. Nothing in 4042
this section shall authorize a board of education to adversely 4043
affect the employment of any employee of the board. 4044

~~(B) The board of education of each city, local, or exempted 4045
village school district shall present a program to all pupils in 4046
kindergarten through third grade who are offered school bus 4047
transportation and who have not previously attended such program. 4048~~

~~The program shall consist of instruction in bus rider behavior, 4049
school bus safety, and the potential problems and hazards 4050
associated with school bus ridership. The department of education 4051
shall prescribe the content and length of such program, which 4052
shall be presented within two weeks after the commencement of 4053
classes each school year. 4054~~

Sec. 4117.01. As used in this chapter: 4055

(A) "Person," in addition to those included in division (C) 4056
of section 1.59 of the Revised Code, includes employee 4057
organizations, public employees, and public employers. 4058

(B) "Public employer" means the state or any political 4059
subdivision of the state located entirely within the state, 4060
including, without limitation, any municipal corporation with a 4061
population of at least five thousand according to the most recent 4062
federal decennial census; county; township with a population of at 4063
least five thousand in the unincorporated area of the township 4064
according to the most recent federal decennial census; ~~school 4065
district; governing authority of a community school established 4066
under Chapter 3314. of the Revised Code;~~ state institution of 4067
higher learning; public or special district; state agency, 4068
authority, commission, or board; or other branch of public 4069
employment. 4070

(C) "Public employee" means any person holding a position by 4071
appointment or employment in the service of a public employer, 4072
including any person working pursuant to a contract between a 4073
public employer and a private employer and over whom the national 4074
labor relations board has declined jurisdiction on the basis that 4075
the involved employees are employees of a public employer, except: 4076

(1) Persons holding elective office; 4077

(2) Employees of the general assembly and employees of any 4078

other legislative body of the public employer whose principal	4079
duties are directly related to the legislative functions of the	4080
body;	4081
(3) Employees on the staff of the governor or the chief	4082
executive of the public employer whose principal duties are	4083
directly related to the performance of the executive functions of	4084
the governor or the chief executive;	4085
(4) Persons who are members of the Ohio organized militia,	4086
while training or performing duty under section 5919.29 or 5923.12	4087
of the Revised Code;	4088
(5) Employees of the state employment relations board;	4089
(6) Confidential employees;	4090
(7) Management level employees;	4091
(8) Employees and officers of the courts, assistants to the	4092
attorney general, assistant prosecuting attorneys, and employees	4093
of the clerks of courts who perform a judicial function;	4094
(9) Employees of a public official who act in a fiduciary	4095
capacity, appointed pursuant to section 124.11 of the Revised	4096
Code;	4097
(10) Supervisors;	4098
(11) Students whose primary purpose is educational training,	4099
including graduate assistants or associates, residents, interns,	4100
or other students working as part-time public employees less than	4101
fifty per cent of the normal year in the employee's bargaining	4102
unit;	4103
(12) Employees of county boards of election;	4104
(13) Seasonal and casual employees as determined by the state	4105
employment relations board;	4106
(14) Part-time faculty members of an institution of higher	4107

education;	4108
(15) Employees of the state personnel board of review;	4109
(16) Participants in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code who perform a service for a public employer that the public employer needs but is not performed by an employee of the public employer if the participant is not engaged in paid employment or subsidized employment pursuant to the activity;	4110 4111 4112 4113 4114 4115
(17) Employees included in the career professional service of the department of transportation under section 5501.20 of the Revised Code;	4116 4117 4118
(18) Employees of community-based correctional facilities and district community-based correctional facilities created under sections 2301.51 to 2301.58 of the Revised Code who are not subject to a collective bargaining agreement on June 1, 2005.	4119 4120 4121 4122
(D) "Employee organization" means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment.	4123 4124 4125 4126 4127
(E) "Exclusive representative" means the employee organization certified or recognized as an exclusive representative under section 4117.05 of the Revised Code.	4128 4129 4130
(F) "Supervisor" means any individual who has authority, in the interest of the public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees; to responsibly direct them; to adjust their grievances; or to effectively recommend such action, if the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment, provided that:	4131 4132 4133 4134 4135 4136 4137 4138

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

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

(3) With respect to faculty members of a state institution of higher education, heads of departments or divisions are supervisors; however, no other faculty member or group of faculty members is a supervisor solely because the faculty member or group of faculty members participate in decisions with respect to courses, curriculum, personnel, or other matters of academic policy.

~~(4) No teacher as defined in section 3319.09 of the Revised Code shall be designated as a supervisor or a management level employee unless the teacher is employed under a contract governed by section 3319.01, 3319.011, or 3319.02 of the Revised Code and is assigned to a position for which a license deemed to be for administrators under state board rules is required pursuant to section 3319.22 of the Revised Code.~~

(G) "To bargain collectively" means to perform the mutual

obligation of the public employer, by its representatives, and the 4171
representatives of its employees to negotiate in good faith at 4172
reasonable times and places with respect to wages, hours, terms, 4173
and other conditions of employment and the continuation, 4174
modification, or deletion of an existing provision of a collective 4175
bargaining agreement, with the intention of reaching an agreement, 4176
or to resolve questions arising under the agreement. "To bargain 4177
collectively" includes executing a written contract incorporating 4178
the terms of any agreement reached. The obligation to bargain 4179
collectively does not mean that either party is compelled to agree 4180
to a proposal nor does it require the making of a concession. 4181

(H) "Strike" means continuous concerted action in failing to 4182
report to duty; willful absence from one's position; or stoppage 4183
of work in whole from the full, faithful, and proper performance 4184
of the duties of employment, for the purpose of inducing, 4185
influencing, or coercing a change in wages, hours, terms, and 4186
other conditions of employment. "Strike" does not include a 4187
stoppage of work by employees in good faith because of dangerous 4188
or unhealthful working conditions at the place of employment that 4189
are abnormal to the place of employment. 4190

(I) "Unauthorized strike" includes, but is not limited to, 4191
concerted action during the term or extended term of a collective 4192
bargaining agreement or during the pendency of the settlement 4193
procedures set forth in section 4117.14 of the Revised Code in 4194
failing to report to duty; willful absence from one's position; 4195
stoppage of work; slowdown, or abstinence in whole or in part from 4196
the full, faithful, and proper performance of the duties of 4197
employment for the purpose of inducing, influencing, or coercing a 4198
change in wages, hours, terms, and other conditions of employment. 4199
"Unauthorized strike" includes any such action, absence, stoppage, 4200
slowdown, or abstinence when done partially or intermittently, 4201
whether during or after the expiration of the term or extended 4202

term of a collective bargaining agreement or during or after the 4203
pendency of the settlement procedures set forth in section 4117.14 4204
of the Revised Code. 4205

(J) "Professional employee" means any employee engaged in 4206
work that is predominantly intellectual, involving the consistent 4207
exercise of discretion and judgment in its performance and 4208
requiring knowledge of an advanced type in a field of science or 4209
learning customarily acquired by a prolonged course in an 4210
institution of higher learning or a hospital, as distinguished 4211
from a general academic education or from an apprenticeship; or an 4212
employee who has completed the courses of specialized intellectual 4213
instruction and is performing related work under the supervision 4214
of a professional person to become qualified as a professional 4215
employee. 4216

(K) "Confidential employee" means any employee who works in 4217
the personnel offices of a public employer and deals with 4218
information to be used by the public employer in collective 4219
bargaining; or any employee who works in a close continuing 4220
relationship with public officers or representatives directly 4221
participating in collective bargaining on behalf of the employer. 4222

(L) "Management level employee" means an individual who 4223
formulates policy on behalf of the public employer, who 4224
responsibly directs the implementation of policy, or who may 4225
reasonably be required on behalf of the public employer to assist 4226
in the preparation for the conduct of collective negotiations, 4227
administer collectively negotiated agreements, or have a major 4228
role in personnel administration. ~~Assistant superintendents,~~ 4229
~~principals, and assistant principals whose employment is governed~~ 4230
~~by section 3319.02 of the Revised Code are management level~~ 4231
~~employees.~~ With respect to members of a faculty of a state 4232
institution of higher education, no person is a management level 4233
employee because of the person's involvement in the formulation or 4234

implementation of academic or institution policy. 4235

(M) "Wages" means hourly rates of pay, salaries, or other 4236
forms of compensation for services rendered. 4237

(N) "Member of a police department" means a person who is in 4238
the employ of a police department of a municipal corporation as a 4239
full-time regular police officer as the result of an appointment 4240
from a duly established civil service eligibility list or under 4241
section 737.15 or 737.16 of the Revised Code, a full-time deputy 4242
sheriff appointed under section 311.04 of the Revised Code, a 4243
township constable appointed under section 509.01 of the Revised 4244
Code, or a member of a township police district police department 4245
appointed under section 505.49 of the Revised Code. 4246

(O) "Members of the state highway patrol" means highway 4247
patrol troopers and radio operators appointed under section 4248
5503.01 of the Revised Code. 4249

(P) "Member of a fire department" means a person who is in 4250
the employ of a fire department of a municipal corporation or a 4251
township as a fire cadet, full-time regular firefighter, or 4252
promoted rank as the result of an appointment from a duly 4253
established civil service eligibility list or under section 4254
505.38, 709.012, or 737.22 of the Revised Code. 4255

(Q) "Day" means calendar day. 4256

Sec. 4117.03. (A) Public employees have the right to: 4257

(1) Form, join, assist, or participate in, or refrain from 4258
forming, joining, assisting, or participating in, except as 4259
otherwise provided in Chapter 4117. of the Revised Code, any 4260
employee organization of their own choosing; 4261

(2) Engage in other concerted activities for the purpose of 4262
collective bargaining or other mutual aid and protection; 4263

(3) Representation by an employee organization; 4264

(4) Bargain collectively with their public employers to 4265
determine wages, hours, terms and other conditions of employment 4266
and the continuation, modification, or deletion of an existing 4267
provision of a collective bargaining agreement, and enter into 4268
collective bargaining agreements; 4269

(5) Present grievances and have them adjusted, without the 4270
intervention of the bargaining representative, as long as the 4271
adjustment is not inconsistent with the terms of the collective 4272
bargaining agreement then in effect and as long as the bargaining 4273
representatives have the opportunity to be present at the 4274
adjustment. 4275

(B) Persons on active duty or acting in any capacity as 4276
members of the organized militia do not have collective bargaining 4277
rights. 4278

(C) Except as provided in division (D) of this section, 4279
nothing in Chapter 4117. of the Revised Code prohibits public 4280
employers from electing to engage in collective bargaining, to 4281
meet and confer, to hold discussions, or to engage in any other 4282
form of collective negotiations with public employees who are not 4283
subject to Chapter 4117. of the Revised Code pursuant to division 4284
(C) of section 4117.01 of the Revised Code. 4285

After the effective date of this amendment, the board of 4286
education of a school district, the governing board of an 4287
educational service center, or the governing authority of a 4288
community school is not required to collectively bargain with its 4289
employees, but may do so at the discretion of the board of 4290
education, governing board, or governing authority in accordance 4291
with this division. The provisions of any collective bargaining 4292
agreement entered into by a board of education, governing board, 4293
or governing authority prior to that date are enforceable and are 4294
subject to Chapter 4117. of the Revised Code as it existed prior 4295
to that date; however, no board of education, governing board, or 4296

governing authority is required to extend, renew, or modify any 4297
collective bargaining agreement in force on that date. 4298

(D) A public employer shall not engage in collective 4299
bargaining or other forms of collective negotiations with the 4300
employees of county boards of elections referred to in division 4301
(C)(12) of section 4117.01 of the Revised Code. 4302

~~(E) Employees of public schools may bargain collectively for 4303
health care benefits; however, all health care benefits shall 4304
include best practices prescribed by the school employees health 4305
care board, in accordance with section 9.901 of the Revised Code.~~ 4306

Sec. 4117.04. (A) Public employers shall extend to an 4307
exclusive representative designated under section 4117.05 of the 4308
Revised Code, the right to represent exclusively the employees in 4309
the appropriate bargaining unit and the right to unchallenged and 4310
exclusive representation for a period of not less than twelve 4311
months following the date of certification and thereafter, if the 4312
public employer and the employee organization enter into an 4313
agreement, for a period of not more than three years from the date 4314
of signing the agreement. For the purposes of this section, 4315
extensions of agreements shall not be construed to affect the 4316
expiration date of the original agreement. 4317

(B) A public employer shall bargain collectively with an 4318
exclusive representative designated under section 4117.05 of the 4319
Revised Code for purposes of Chapter 4117. of the Revised Code. 4320

When the state employment relations board notifies a public 4321
employer that it has certified an employee organization as 4322
exclusive representative for a unit of its employees, the public 4323
employer shall designate an employer representative and promptly 4324
notify the board and the employee organization of his the employer 4325
representative's identity and address. On certification, the 4326
employee organization shall designate an employee representative 4327

and promptly notify the board and the public employer of ~~his~~ the 4328
employee representative's identity and address. The board or any 4329
party shall address to the appropriate designated representative 4330
all communications concerned with collective relationships under 4331
Chapter 4117. of the Revised Code. In the case of municipal 4332
corporations, counties, ~~school districts, educational service~~ 4333
~~centers,~~ villages, and townships, the designation of the employer 4334
representative is as provided in division (C) of section 4117.10 4335
of the Revised Code. The designated representative of a party may 4336
sign agreements resulting from collective bargaining on behalf of 4337
~~his~~ the representative's designator; but the agreements are 4338
subject to the procedures set forth in Chapter 4117. of the 4339
Revised Code. 4340

Sec. 4117.06. (A) The state employment relations board shall 4341
decide in each case the unit appropriate for the purposes of 4342
collective bargaining. The determination is final and conclusive 4343
and not appealable to the court. 4344

(B) The board shall determine the appropriateness of each 4345
bargaining unit and shall consider among other relevant factors: 4346
the desires of the employees; the community of interest; wages, 4347
hours, and other working conditions of the public employees; the 4348
effect of over-fragmentation; the efficiency of operations of the 4349
public employer; the administrative structure of the public 4350
employer; and the history of collective bargaining. 4351

(C) The board may determine a unit to be the appropriate unit 4352
in a particular case, even though some other unit might also be 4353
appropriate. 4354

(D) In addition, in determining the appropriate unit, the 4355
board shall not: 4356

(1) Decide that any unit is appropriate if the unit includes 4357
both professional and nonprofessional employees, unless a majority 4358

of the professional employees and a majority of the 4359
nonprofessional employees first vote for inclusion in the unit; 4360

(2) Include guards or correction officers at correctional or 4361
mental institutions, special police officers appointed in 4362
accordance with sections 5119.14 and 5123.13 of the Revised Code, 4363
psychiatric attendants employed at mental health forensic 4364
facilities, youth leaders employed at juvenile correction 4365
facilities, or any public employee employed as a guard to enforce 4366
against other employees rules to protect property of the employer 4367
or to protect the safety of persons on the employer's premises in 4368
a unit with other employees; 4369

(3) Include members of a police or fire department or members 4370
of the state highway patrol in a unit with other classifications 4371
of public employees of the department; 4372

(4) Designate as appropriate a bargaining unit that contains 4373
more than one institution of higher education; nor shall it within 4374
any such institution of higher education designate as appropriate 4375
a unit where such designation would be inconsistent with the 4376
accreditation standards or interpretations of such standards, 4377
governing such institution of higher education or any department, 4378
school, or college thereof. For the purposes of this division, any 4379
branch or regional campus of a public institution of higher 4380
education is part of that institution of higher education. 4381

(5) Designate as appropriate a bargaining unit that contains 4382
employees within the jurisdiction of more than one elected county 4383
office holder, unless the county-elected office holder and the 4384
board of county commissioners agree to such other designation; 4385

(6) With respect to members of a police department, designate 4386
as appropriate a unit that includes rank and file members of the 4387
department with members who are of the rank of sergeant or above; 4388

~~(7) Except as otherwise provided by division (A)(3) of 4389~~

~~section 3314.10 or division (B) of section 3326.18 of the Revised Code, designate as appropriate a bargaining unit that contains employees from multiple community schools established under Chapter 3314. or multiple science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code. For purposes of this division, more than one unit may be designated within a single community school or science, technology, engineering, and mathematics school.~~

This section shall not be deemed to prohibit multiunit bargaining.

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

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

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

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

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

(3) Maintain and improve the efficiency and effectiveness of governmental operations;	4420 4421
(4) Determine the overall methods, process, means, or personnel by which governmental operations are to be conducted;	4422 4423
(5) Suspend, discipline, demote, or discharge for just cause, or lay off, transfer, assign, schedule, promote, or retain employees;	4424 4425 4426
(6) Determine the adequacy of the work force;	4427
(7) Determine the overall mission of the employer as a unit of government;	4428 4429
(8) Effectively manage the work force;	4430
(9) Take actions to carry out the mission of the public employer as a governmental unit.	4431 4432
The employer is not required to bargain on subjects reserved to the management and direction of the governmental unit except as affect wages, hours, terms and conditions of employment, and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement. A public employee or exclusive representative may raise a legitimate complaint or file a grievance based on the collective bargaining agreement.	4433 4434 4435 4436 4437 4438 4439
Sec. 4117.09. (A) The parties to any collective bargaining agreement shall reduce the agreement to writing and both execute it.	4440 4441 4442
(B) The agreement shall contain a provision that:	4443
(1) Provides for a grievance procedure which may culminate with final and binding arbitration of unresolved grievances, and disputed interpretations of agreements, and which is valid and enforceable under its terms when entered into in accordance with this chapter. No publication thereof is required to make it	4444 4445 4446 4447 4448

effective. A party to the agreement may bring suits for violation 4449
of agreements or the enforcement of an award by an arbitrator in 4450
the court of common pleas of any county wherein a party resides or 4451
transacts business. 4452

(2) Authorizes the public employer to deduct the periodic 4453
dues, initiation fees, and assessments of members of the exclusive 4454
representative upon presentation of a written deduction 4455
authorization by the employee. 4456

(C) The agreement may contain a provision that requires as a 4457
condition of employment, on or after a mutually agreed upon 4458
probationary period or sixty days following the beginning of 4459
employment, whichever is less, or the effective date of a 4460
collective bargaining agreement, whichever is later, that the 4461
employees in the unit who are not members of the employee 4462
organization pay to the employee organization a fair share fee. 4463
The arrangement does not require any employee to become a member 4464
of the employee organization, nor shall fair share fees exceed 4465
dues paid by members of the employee organization who are in the 4466
same bargaining unit. Any public employee organization 4467
representing public employees pursuant to this chapter shall 4468
prescribe an internal procedure to determine a rebate, if any, for 4469
nonmembers which conforms to federal law, provided a nonmember 4470
makes a timely demand on the employee organization. Absent 4471
arbitrary and capricious action, such determination is conclusive 4472
on the parties except that a challenge to the determination may be 4473
filed with the state employment relations board within thirty days 4474
of the determination date specifying the arbitrary or capricious 4475
nature of the determination and the board shall review the rebate 4476
determination and decide whether it was arbitrary or capricious. 4477
The deduction of a fair share fee by the public employer from the 4478
payroll check of the employee and its payment to the employee 4479
organization is automatic and does not require the written 4480

authorization of the employee. 4481

The internal rebate procedure shall provide for a rebate of 4482
expenditures in support of partisan politics or ideological causes 4483
not ~~germaine~~ germane to the work of employee organizations in the 4484
realm of collective bargaining. 4485

Any public employee who is a member of and adheres to 4486
established and traditional tenets or teachings of a bona fide 4487
religion or religious body which has historically held 4488
conscientious objections to joining or financially supporting an 4489
employee organization and which is exempt from taxation under the 4490
provisions of the Internal Revenue Code shall not be required to 4491
join or financially support any employee organization as a 4492
condition of employment. Upon submission of proper proof of 4493
religious conviction to the board, the board shall declare the 4494
employee exempt from becoming a member of or financially 4495
supporting an employee organization. The employee shall be 4496
required, in lieu of the fair share fee, to pay an amount of money 4497
equal to the fair share fee to a nonreligious charitable fund 4498
exempt from taxation under section 501(c)(3) of the Internal 4499
Revenue Code mutually agreed upon by the employee and the 4500
representative of the employee organization to which the employee 4501
would otherwise be required to pay the fair share fee. The 4502
employee shall furnish to the employee organization written 4503
receipts evidencing such payment, and failure to make the payment 4504
or furnish the receipts shall subject the employee to the same 4505
sanctions as would nonpayment of dues under the applicable 4506
collective bargaining agreement. 4507

No public employer shall agree to a provision requiring that 4508
a public employee become a member of an employee organization as a 4509
condition for securing or retaining employment. 4510

~~(D) As used in this division, "teacher" means any employee of 4511
a school district certified to teach in the public schools of this 4512~~

~~state.~~ 4513

~~The agreement may contain a provision that provides for a 4514
peer review plan under which teachers in a bargaining unit or 4515
representatives of an employee organization representing teachers 4516
may, for other teachers of the same bargaining unit or teachers 4517
whom the employee organization represents, participate in 4518
assisting, instructing, reviewing, evaluating, or appraising and 4519
make recommendations or participate in decisions with respect to 4520
the retention, discharge, renewal, or nonrenewal of, the teachers 4521
covered by a peer review plan.~~ 4522

~~The participation of teachers or their employee organization 4523
representative in a peer review plan permitted under this division 4524
shall not be construed as an unfair labor practice under this 4525
chapter or as a violation of any other provision of law or rule 4526
adopted pursuant thereto.~~ 4527

~~(E) No agreement shall contain an expiration date that is 4528
later than three years from the date of execution. The parties may 4529
extend any agreement, but the extensions do not affect the 4530
expiration date of the original agreement.~~ 4531

Sec. 4117.10. (A) An agreement between a public employer and 4532
an exclusive representative entered into pursuant to this chapter 4533
governs the wages, hours, and terms and conditions of public 4534
employment covered by the agreement. If the agreement provides for 4535
a final and binding arbitration of grievances, public employers, 4536
employees, and employee organizations are subject solely to that 4537
grievance procedure and the state personnel board of review or 4538
civil service commissions have no jurisdiction to receive and 4539
determine any appeals relating to matters that were the subject of 4540
a final and binding grievance procedure. Where no agreement exists 4541
or where an agreement makes no specification about a matter, the 4542
public employer and public employees are subject to all applicable 4543

state or local laws or ordinances pertaining to the wages, hours, 4544
and terms and conditions of employment for public employees. Laws 4545
pertaining to civil rights, affirmative action, unemployment 4546
compensation, workers' compensation, the retirement of public 4547
employees, and residency requirements, ~~the minimum educational~~ 4548
~~requirements contained in the Revised Code pertaining to public~~ 4549
~~education including the requirement of a certificate by the fiscal~~ 4550
~~officer of a school district pursuant to section 5705.41 of the~~ 4551
~~Revised Code, and~~ the provisions of division (A) of section 124.34 4552
of the Revised Code governing the disciplining of officers and 4553
employees who have been convicted of a felony, ~~and the minimum~~ 4554
~~standards promulgated by the state board of education pursuant to~~ 4555
~~division (D) of section 3301.07 of the Revised Code prevail over~~ 4556
conflicting provisions of agreements between employee 4557
organizations and public employers. The law pertaining to the 4558
leave of absence and compensation provided under section 5923.05 4559
of the Revised Code prevails over any conflicting provisions of 4560
such agreements if the terms of the agreement contain benefits 4561
which are less than those contained in that section or the 4562
agreement contains no such terms and the public authority is the 4563
state or any agency, authority, commission, or board of the state 4564
or if the public authority is another entity listed in division 4565
(B) of section 4117.01 of the Revised Code that elects to provide 4566
leave of absence and compensation as provided in section 5923.05 4567
of the Revised Code. Except for sections 306.08, 306.12, 306.35, 4568
and 4981.22 of the Revised Code and arrangements entered into 4569
thereunder, and section 4981.21 of the Revised Code as necessary 4570
to comply with section 13(c) of the "Urban Mass Transportation Act 4571
of 1964," 87 Stat. 295, 49 U.S.C.A. 1609(c), as amended, and 4572
arrangements entered into thereunder, this chapter prevails over 4573
any and all other conflicting laws, resolutions, provisions, 4574
present or future, except as otherwise specified in this chapter 4575
or as otherwise specified by the general assembly. Nothing in this 4576

section prohibits or shall be construed to invalidate the 4577
provisions of an agreement establishing supplemental workers' 4578
compensation or unemployment compensation benefits ~~or exceeding~~ 4579
~~minimum requirements contained in the Revised Code pertaining to~~ 4580
~~public education or the minimum standards promulgated by the state~~ 4581
~~board of education pursuant to division (D) of section 3301.07 of~~ 4582
~~the Revised Code.~~ 4583

(B) The public employer shall submit a request for funds 4584
necessary to implement an agreement and for approval of any other 4585
matter requiring the approval of the appropriate legislative body 4586
to the legislative body within fourteen days of the date on which 4587
the parties finalize the agreement, unless otherwise specified, 4588
but if the appropriate legislative body is not in session at the 4589
time, then within fourteen days after it convenes. The legislative 4590
body must approve or reject the submission as a whole, and the 4591
submission is deemed approved if the legislative body fails to act 4592
within thirty days after the public employer submits the 4593
agreement. The parties may specify that those provisions of the 4594
agreement not requiring action by a legislative body are effective 4595
and operative in accordance with the terms of the agreement, 4596
provided there has been compliance with division (C) of this 4597
section. If the legislative body rejects the submission of the 4598
public employer, either party may reopen all or part of the entire 4599
agreement. 4600

As used in this section, "legislative body" includes the 4601
governing board of a municipal corporation, ~~school district,~~ 4602
college or university, village, township, or board of county 4603
commissioners or any other body that has authority to approve the 4604
budget of their public jurisdiction and, with regard to the state, 4605
"legislative body" means the controlling board. 4606

(C) The chief executive officer, or the chief executive 4607
officer's representative, of each municipal corporation, the 4608

designated representative of ~~the board of education of each school~~ 4609
~~district~~, college or university, or any other body that has 4610
authority to approve the budget of their public jurisdiction, the 4611
designated representative of the board of county commissioners and 4612
of each elected officeholder of the county whose employees are 4613
covered by the collective negotiations, and the designated 4614
representative of the village or the board of township trustees of 4615
each township is responsible for negotiations in the collective 4616
bargaining process; except that the legislative body may accept or 4617
reject a proposed collective bargaining agreement. When the 4618
matters about which there is agreement are reduced to writing and 4619
approved by the employee organization and the legislative body, 4620
the agreement is binding upon the legislative body, the employer, 4621
and the employee organization and employees covered by the 4622
agreement. 4623

(D) There is hereby established an office of collective 4624
bargaining in the department of administrative services for the 4625
purpose of negotiating with and entering into written agreements 4626
between state agencies, departments, boards, and commissions and 4627
the exclusive representative on matters of wages, hours, terms and 4628
other conditions of employment and the continuation, modification, 4629
or deletion of an existing provision of a collective bargaining 4630
agreement. Nothing in any provision of law to the contrary shall 4631
be interpreted as excluding the bureau of workers' compensation 4632
and the industrial commission from the preceding sentence. This 4633
office shall not negotiate on behalf of other statewide elected 4634
officials or boards of trustees of state institutions of higher 4635
education who shall be considered as separate public employers for 4636
the purposes of this chapter; however, the office may negotiate on 4637
behalf of these officials or trustees where authorized by the 4638
officials or trustees. The staff of the office of collective 4639
bargaining are in the unclassified service. The director of 4640
administrative services shall fix the compensation of the staff. 4641

The office of collective bargaining shall:	4642
(1) Assist the director in formulating management's philosophy for public collective bargaining as well as planning bargaining strategies;	4643 4644 4645
(2) Conduct negotiations with the exclusive representatives of each employee organization;	4646 4647
(3) Coordinate the state's resources in all mediation, fact-finding, and arbitration cases as well as in all labor disputes;	4648 4649 4650
(4) Conduct systematic reviews of collective bargaining agreements for the purpose of contract negotiations;	4651 4652
(5) Coordinate the systematic compilation of data by all agencies that is required for negotiating purposes;	4653 4654
(6) Prepare and submit an annual report and other reports as requested to the governor and the general assembly on the implementation of this chapter and its impact upon state government.	4655 4656 4657 4658
Section 2. That existing sections 9.41, 9.833, 9.90, 124.01, 124.11, 124.271, 124.34, 124.38, 124.40, 124.57, 3301.07, 3301.072, 3311.10, 3311.19, 3311.52, 3311.72, 3313.12, 3313.20, 3313.202, 3313.33, 3313.53, 3313.604, 3313.665, 3313.751, 3313.79, 3313.81, 3313.871, 3313.96, 3313.975, 3314.03, 3314.09, 3314.091, 3315.062, 3315.09, 3315.091, 3316.07, 3317.01, 3319.01, 3319.011, 3319.02, 3319.03, 3319.04, 3319.05, 3319.06, 3319.07, 3319.071, 3319.073, 3319.075, 3319.08, 3319.081, 3319.088, 3319.10, 3319.151, 3326.11, 3326.20, 3326.21, 3326.51, 3327.01, 3327.03, 3327.09, 3327.10, 3327.16, 4117.01, 4117.03, 4117.04, 4117.06, 4117.08, 4117.09, and 4117.10 and sections 5.23, 9.901, 117.53, 124.011, 124.54, 3301.22, 3313.174, 3313.211, 3313.41, 3313.472, 3313.482, 3313.51, 3313.534, 3313.535, 3313.537, 3313.60,	4659 4660 4661 4662 4663 4664 4665 4666 4667 4668 4669 4670 4671

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3326.18, 3327.011, 3327.02, 3327.15, 4117.101, and 4117.102 of the 4683
Revised Code are hereby repealed. 4684