

As Introduced

**129th General Assembly
Regular Session
2011-2012**

S. B. No. 316

**Senator Lehner
(by request)**

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A B I L L

To amend sections 3301.079, 3301.0711, 3301.0712, 1
3301.0714, 3301.0715, 3301.0723, 3301.52, 3301.53, 2
3301.58, 3301.90, 3302.01, 3302.03, 3302.04, 3
3302.042, 3302.05, 3302.10, 3302.12, 3302.20, 4
3302.21, 3302.25, 3310.03, 3310.06, 3310.08, 5
3310.15, 3313.37, 3313.411, 3313.473, 3313.608, 6
3313.609, 3313.6013, 3313.816, 3313.845, 3313.978, 7
3314.012, 3314.015, 3314.016, 3314.02, 3314.028, 8
3314.03, 3314.05, 3314.08, 3314.17, 3314.35, 9
3314.37, 3317.01, 3318.023, 3318.034, 3318.36, 10
3318.37, 3318.371, 3319.02, 3319.111, 3319.112, 11
3319.58, 3321.01, 3323.011, 3333.0411, 3333.391, 12
4139.01, 4139.03, 4139.04, 4139.05, 5104.01, 13
5104.011, 5104.02, 5104.21, 5104.30, 5104.31, 14
5104.34, 5104.38, 5751.20, 6301.01, 6301.02, 15
6301.03, 6301.04, 6301.07, 6301.08, and 6301.10; 16
to enact sections 3301.941, 3302.022, 3302.033, 17
3302.41, 3318.364, 3319.031, 4123.391, 5104.031, 18
5104.032, 5104.033, and 5123.022; and to repeal 19
sections 3314.36 and 3319.19 of the Revised Code; 20
to amend Sections 267.10.90, 267.30.56, and 733.10 21
of Am. Sub. H.B. 153 of the 129th General 22
Assembly; and to repeal Section 267.60.23 of Am. 23

Sub. H.B. 153 of the 129th General Assembly and 24
Section 265.20.15 of Am. Sub. H.B. 1 of the 128th 25
General Assembly to revise authorizations and 26
conditions with respect to education, workforce 27
development, and early childhood care; and to 28
amend sections 109.57, 2151.011, 2919.227, 29
2923.124, 2923.126, 2923.1212, 2950.11, 2950.13, 30
3109.051, 3701.63, 3737.22, 3742.01, 3797.06, 31
4511.81, 5101.29, 5103.03, 5104.01, 5104.011, 32
5104.012, 5104.013, 5104.015, 5104.022, 5104.03, 33
5104.04, 5104.041, 5104.052, 5104.053, 5104.054, 34
5104.06, 5104.08, 5104.09, 5104.13, 5104.30, 35
5104.31, 5104.32, 5104.35, 5104.36, 5104.38, 36
5107.60, and 5153.175, to amend, for the purpose 37
of adopting new section numbers as indicated in 38
parentheses, sections 5104.011 (5104.015), 39
5104.015 (5104.25), 5104.031 (5104.035), 5104.032 40
(5104.036), and 5104.033 (5104.037), to enact new 41
sections 5104.032 and 5104.033 and sections 42
5104.016, 5104.017, 5104.018, 5104.019, 5104.0110, 43
5104.0111, 5104.0112, 5104.034, 5104.038, 44
5104.039, and 5104.14, and to repeal sections 45
5104.014 and 5104.11 of the Revised Code to revise 46
the law governing type B family day-care homes on 47
January 1, 2014. 48

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

Section 101.01. That sections 3301.079, 3301.0711, 3301.0712, 49
3301.0714, 3301.0715, 3301.0723, 3301.52, 3301.53, 3301.58, 50
3301.90, 3302.01, 3302.03, 3302.04, 3302.042, 3302.05, 3302.10, 51
3302.12, 3302.20, 3302.21, 3302.25, 3310.03, 3310.06, 3310.08, 52
3310.15, 3313.37, 3313.411, 3313.473, 3313.608, 3313.609, 53

3313.6013, 3313.816, 3313.845, 3313.978, 3314.012, 3314.015, 54
3314.016, 3314.02, 3314.028, 3314.03, 3314.05, 3314.08, 3314.17, 55
3314.35, 3314.37, 3317.01, 3318.023, 3318.034, 3318.36, 3318.37, 56
3318.371, 3319.02, 3319.111, 3319.112, 3319.58, 3321.01, 3323.011, 57
3333.0411, 3333.391, 4139.01, 4139.03, 4139.04, 4139.05, 5104.01, 58
5104.011, 5104.02, 5104.21, 5104.30, 5104.31, 5104.34, 5104.38, 59
5751.20, 6301.01, 6301.02, 6301.03, 6301.04, 6301.07, 6301.08, and 60
6301.10 be amended; and sections 3301.941, 3302.022, 3302.033, 61
3302.41, 3318.364, 3319.031, 4123.391, 5104.031, 5104.032, 62
5104.033, and 5123.022 of the Revised Code be enacted to read as 63
follows: 64

Sec. 3301.079. (A)(1) ~~Not later than June 30, 2010, and~~ 65
~~periodically thereafter, the~~ The state board of education shall 66
periodically adopt statewide academic standards with emphasis on 67
coherence, focus, and rigor for each of grades kindergarten 68
through twelve in English language arts, mathematics, science, and 69
social studies. 70

The standards shall specify the following: 71

(a) The core academic content and skills that students are 72
expected to know and be able to do at each grade level that will 73
allow each student to be prepared for postsecondary instruction 74
and the workplace for success in the twenty-first century; 75

(b) The development of skill sets that promote information, 76
media, and technological literacy; 77

(c) Interdisciplinary, project-based, real-world learning 78
opportunities. 79

(2) After completing the standards required by division 80
(A)(1) of this section, the state board shall adopt standards and 81
model curricula for instruction in technology, financial literacy 82
and entrepreneurship, fine arts, and foreign language for grades 83

kindergarten through twelve. The standards shall meet the same 84
requirements prescribed in divisions (A)(1)(a) to (c) of this 85
section. 86

(3) The state board shall adopt the most recent standards 87
developed by the national association for sport and physical 88
education for physical education in grades kindergarten through 89
twelve or shall adopt its own standards for physical education in 90
those grades and revise and update them periodically. 91

The department of education shall employ a full-time physical 92
education coordinator to provide guidance and technical assistance 93
to districts, community schools, and STEM schools in implementing 94
the physical education standards adopted under this division. The 95
superintendent of public instruction shall determine that the 96
person employed as coordinator is qualified for the position, as 97
demonstrated by possessing an adequate combination of education, 98
license, and experience. 99

(4) When academic standards have been completed for any 100
subject area required by this section, the state board shall 101
inform all school districts, all community schools established 102
under Chapter 3314. of the Revised Code, all STEM schools 103
established under Chapter 3326. of the Revised Code, and all 104
nonpublic schools required to administer the assessments 105
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 106
of the content of those standards. 107

(B) ~~Not later than March 31, 2011, the~~ (1) The state board 108
shall adopt a model curriculum for instruction in each subject 109
area for which updated academic standards are required by division 110
(A)(1) of this section and for each of grades kindergarten through 111
twelve that is sufficient to meet the needs of students in every 112
community. The model curriculum shall be aligned with the 113
standards, to ensure that the academic content and skills 114
specified for each grade level are taught to students, and shall 115

demonstrate vertical articulation and emphasize coherence, focus, 116
and rigor. When any model curriculum has been completed, the state 117
board shall inform all school districts, community schools, and 118
STEM schools of the content of that model curriculum. 119

(2) Not later than June 30, 2013, the state board, in 120
consultation with any office housed in the governor's office that 121
deals with workforce development, shall adopt model curricula for 122
grades kindergarten through twelve that embed career connection 123
learning strategies into regular classroom instruction. 124

(3) All school districts, community schools, and STEM schools 125
may utilize the state standards and the model curriculum 126
established by the state board, together with other relevant 127
resources, examples, or models to ensure that students have the 128
opportunity to attain the academic standards. Upon request, the 129
department ~~of education~~ shall provide technical assistance to any 130
district, community school, or STEM school in implementing the 131
model curriculum. 132

Nothing in this section requires any school district to 133
utilize all or any part of a model curriculum developed under this 134
~~division section~~. 135

(C) The state board shall develop achievement assessments 136
aligned with the academic standards and model curriculum for each 137
of the subject areas and grade levels required by divisions (A)(1) 138
and (B)(1) of section 3301.0710 of the Revised Code. 139

When any achievement assessment has been completed, the state 140
board shall inform all school districts, community schools, STEM 141
schools, and nonpublic schools required to administer the 142
assessment of its completion, and the department ~~of education~~ 143
shall make the achievement assessment available to the districts 144
and schools. 145

(D)(1) The state board shall adopt a diagnostic assessment 146

aligned with the academic standards and model curriculum for each 147
of grades kindergarten through two in English language arts and 148
mathematics and for grade three in English language arts. The 149
diagnostic assessment shall be designed to measure student 150
comprehension of academic content and mastery of related skills 151
for the relevant subject area and grade level. Any diagnostic 152
assessment shall not include components to identify gifted 153
students. Blank copies of diagnostic assessments shall not be 154
public records. 155

(2) When each diagnostic assessment has been completed, the 156
state board shall inform all school districts of its completion 157
and the department ~~of education~~ shall make the diagnostic 158
assessment available to the districts at no cost to the district. 159
School districts shall administer the diagnostic assessment 160
pursuant to section 3301.0715 of the Revised Code beginning the 161
first school year following the development of the assessment. 162

(E) The state board shall not adopt a diagnostic or 163
achievement assessment for any grade level or subject area other 164
than those specified in this section. 165

(F) Whenever the state board or the department ~~of education~~ 166
consults with persons for the purpose of drafting or reviewing any 167
standards, diagnostic assessments, achievement assessments, or 168
model curriculum required under this section, the state board or 169
the department shall first consult with parents of students in 170
kindergarten through twelfth grade and with active Ohio classroom 171
teachers, other school personnel, and administrators with 172
expertise in the appropriate subject area. Whenever practicable, 173
the state board and department shall consult with teachers 174
recognized as outstanding in their fields. 175

If the department contracts with more than one outside entity 176
for the development of the achievement assessments required by 177
this section, the department shall ensure the interchangeability 178

of those assessments. 179

(G) Whenever the state board adopts standards or model 180
curricula under this section, the department also shall provide 181
information on the use of blended or digital learning in the 182
delivery of the standards or curricula to students in accordance 183
with division (A)(4) of this section. 184

(H) The fairness sensitivity review committee, established by 185
rule of the state board of education, shall not allow any question 186
on any achievement or diagnostic assessment developed under this 187
section or any proficiency test prescribed by former section 188
3301.0710 of the Revised Code, as it existed prior to September 189
11, 2001, to include, be written to promote, or inquire as to 190
individual moral or social values or beliefs. The decision of the 191
committee shall be final. This section does not create a private 192
cause of action. 193

~~(H)~~(I) Not later than forty-five days prior to the initial 194
deadline established adoption by the state board of updated 195
academic standards under division (A)(1) of this section ~~and the~~ 196
~~deadline established~~ or updated model curricula under division 197
(B)(1) of this section, the superintendent of public instruction 198
shall present the academic standards or model curricula, as 199
applicable, to the respective committees of the house of 200
representatives and senate that consider education legislation. 201

~~(I)~~(J) As used in this section: 202

(1) "Blended learning" means the delivery of instruction in a 203
combination of time in a supervised physical location away from 204
home and online delivery whereby the student has some element of 205
control over time, place, path, or pace of learning. 206

(2) "Coherence" means a reflection of the structure of the 207
discipline being taught. 208

~~(2)~~(3) "Digital learning" means learning facilitated by 209

technology that gives students some element of control over time, 210
place, path, or pace of their learning. 211

(4) "Focus" means limiting the number of items included in a 212
curriculum to allow for deeper exploration of the subject matter. 213

~~(3)~~(5) "Rigor" means more challenging and demanding when 214
compared to international standards. 215

~~(4)~~(6) "Vertical articulation" means key academic concepts 216
and skills associated with mastery in particular content areas 217
should be articulated and reinforced in a developmentally 218
appropriate manner at each grade level so that over time students 219
acquire a depth of knowledge and understanding in the core 220
academic disciplines. 221

Sec. 3301.0711. (A) The department of education shall: 222

(1) Annually furnish to, grade, and score all assessments 223
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 224
the Revised Code to be administered by city, local, exempted 225
village, and joint vocational school districts, except that each 226
district shall score any assessment administered pursuant to 227
division (B)(10) of this section. Each assessment so furnished 228
shall include the data verification code of the student to whom 229
the assessment will be administered, as assigned pursuant to 230
division (D)(2) of section 3301.0714 of the Revised Code. In 231
furnishing the practice versions of Ohio graduation tests 232
prescribed by division (D) of section 3301.0710 of the Revised 233
Code, the department shall make the tests available on its web 234
site for reproduction by districts. In awarding contracts for 235
grading assessments, the department shall give preference to 236
Ohio-based entities employing Ohio residents. 237

(2) Adopt rules for the ethical use of assessments and 238
prescribing the manner in which the assessments prescribed by 239

section 3301.0710 of the Revised Code shall be administered to students.	240 241
(B) Except as provided in divisions (C) and (J) of this section, the board of education of each city, local, and exempted village school district shall, in accordance with rules adopted under division (A) of this section:	242 243 244 245
(1) Administer the English language arts assessments prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code twice annually to all students in the third grade who have not attained the score designated for that assessment under division (A)(2)(b) of section 3301.0710 of the Revised Code.	246 247 248 249 250
(2) Administer the mathematics assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code at least once annually to all students in the third grade.	251 252 253
(3) Administer the assessments prescribed under division (A)(1)(b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.	254 255 256
(4) Administer the assessments prescribed under division (A)(1)(c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.	257 258 259
(5) Administer the assessments prescribed under division (A)(1)(d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.	260 261 262
(6) Administer the assessments prescribed under division (A)(1)(e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.	263 264 265
(7) Administer the assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.	266 267 268
(8) Except as provided in division (B)(9) of this section,	269

administer any assessment prescribed under division (B)(1) of 270
section 3301.0710 of the Revised Code as follows: 271

(a) At least once annually to all tenth grade students and at 272
least twice annually to all students in eleventh or twelfth grade 273
who have not yet attained the score on that assessment designated 274
under that division; 275

(b) To any person who has successfully completed the 276
curriculum in any high school or the individualized education 277
program developed for the person by any high school pursuant to 278
section 3323.08 of the Revised Code but has not received a high 279
school diploma and who requests to take such assessment, at any 280
time such assessment is administered in the district. 281

(9) In lieu of the board of education of any city, local, or 282
exempted village school district in which the student is also 283
enrolled, the board of a joint vocational school district shall 284
administer any assessment prescribed under division (B)(1) of 285
section 3301.0710 of the Revised Code at least twice annually to 286
any student enrolled in the joint vocational school district who 287
has not yet attained the score on that assessment designated under 288
that division. A board of a joint vocational school district may 289
also administer such an assessment to any student described in 290
division (B)(8)(b) of this section. 291

(10) If the district has been ~~declared to be under an~~ 292
~~academic watch or in a state of academic emergency~~ rated "D" or 293
"F" pursuant to section 3302.03 of the Revised Code or has a 294
three-year average graduation rate of not more than seventy-five 295
per cent, administer each assessment prescribed by division (D) of 296
section 3301.0710 of the Revised Code in September to all ninth 297
grade students, ~~beginning in the school year that starts July 1,~~ 298
~~2005.~~ 299

Except as provided in section 3313.614 of the Revised Code 300

for administration of an assessment to a person who has fulfilled 301
the curriculum requirement for a high school diploma but has not 302
passed one or more of the required assessments, the assessments 303
prescribed under division (B)(1) of section 3301.0710 of the 304
Revised Code and the practice assessments prescribed under 305
division (D) of that section and required to be administered under 306
divisions (B)(8), (9), and (10) of this section shall not be 307
administered after the assessment system prescribed by division 308
(B)(2) of section 3301.0710 and section 3301.0712 of the Revised 309
Code is implemented under rule of the state board adopted under 310
division (D)(1) of section 3301.0712 of the Revised Code. 311

(11) Administer the assessments prescribed by division (B)(2) 312
of section 3301.0710 and section 3301.0712 of the Revised Code in 313
accordance with the timeline and plan for implementation of those 314
assessments prescribed by rule of the state board adopted under 315
division (D)(1) of section 3301.0712 of the Revised Code. 316

(C)(1)(a) In the case of a student receiving special 317
education services under Chapter 3323. of the Revised Code, the 318
individualized education program developed for the student under 319
that chapter shall specify the manner in which the student will 320
participate in the assessments administered under this section. 321
The individualized education program may excuse the student from 322
taking any particular assessment required to be administered under 323
this section if it instead specifies an alternate assessment 324
method approved by the department of education as conforming to 325
requirements of federal law for receipt of federal funds for 326
disadvantaged pupils. To the extent possible, the individualized 327
education program shall not excuse the student from taking an 328
assessment unless no reasonable accommodation can be made to 329
enable the student to take the assessment. 330

(b) Any alternate assessment approved by the department for a 331
student under this division shall produce measurable results 332

comparable to those produced by the assessment it replaces in 333
order to allow for the student's results to be included in the 334
data compiled for a school district or building under section 335
3302.03 of the Revised Code. 336

(c) Any student enrolled in a chartered nonpublic school who 337
has been identified, based on an evaluation conducted in 338
accordance with section 3323.03 of the Revised Code or section 504 339
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 340
794, as amended, as a child with a disability shall be excused 341
from taking any particular assessment required to be administered 342
under this section if a plan developed for the student pursuant to 343
rules adopted by the state board excuses the student from taking 344
that assessment. In the case of any student so excused from taking 345
an assessment, the chartered nonpublic school shall not prohibit 346
the student from taking the assessment. 347

(2) A district board may, for medical reasons or other good 348
cause, excuse a student from taking an assessment administered 349
under this section on the date scheduled, but that assessment 350
shall be administered to the excused student not later than nine 351
days following the scheduled date. The district board shall 352
annually report the number of students who have not taken one or 353
more of the assessments required by this section to the state 354
board of education not later than the thirtieth day of June. 355

(3) As used in this division, "limited English proficient 356
student" has the same meaning as in 20 U.S.C. 7801. 357

No school district board shall excuse any limited English 358
proficient student from taking any particular assessment required 359
to be administered under this section, except that any limited 360
English proficient student who has been enrolled in United States 361
schools for less than one full school year shall not be required 362
to take any reading, writing, or English language arts assessment. 363
However, no board shall prohibit a limited English proficient 364

student who is not required to take an assessment under this 365
division from taking the assessment. A board may permit any 366
limited English proficient student to take an assessment required 367
to be administered under this section with appropriate 368
accommodations, as determined by the department. For each limited 369
English proficient student, each school district shall annually 370
assess that student's progress in learning English, in accordance 371
with procedures approved by the department. 372

The governing authority of a chartered nonpublic school may 373
excuse a limited English proficient student from taking any 374
assessment administered under this section. However, no governing 375
authority shall prohibit a limited English proficient student from 376
taking the assessment. 377

(D)(1) In the school year next succeeding the school year in 378
which the assessments prescribed by division (A)(1) or (B)(1) of 379
section 3301.0710 of the Revised Code or former division (A)(1), 380
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 381
existed prior to September 11, 2001, are administered to any 382
student, the board of education of any school district in which 383
the student is enrolled in that year shall provide to the student 384
intervention services commensurate with the student's performance, 385
including any intensive intervention required under section 386
3313.608 of the Revised Code, in any skill in which the student 387
failed to demonstrate at least a score at the proficient level on 388
the assessment. 389

(2) Following any administration of the assessments 390
prescribed by division (D) of section 3301.0710 of the Revised 391
Code to ninth grade students, each school district that has a 392
three-year average graduation rate of not more than seventy-five 393
per cent shall determine for each high school in the district 394
whether the school shall be required to provide intervention 395
services to any students who took the assessments. In determining 396

which high schools shall provide intervention services based on 397
the resources available, the district shall consider each school's 398
graduation rate and scores on the practice assessments. The 399
district also shall consider the scores received by ninth grade 400
students on the English language arts and mathematics assessments 401
prescribed under division (A)(1)(f) of section 3301.0710 of the 402
Revised Code in the eighth grade in determining which high schools 403
shall provide intervention services. 404

Each high school selected to provide intervention services 405
under this division shall provide intervention services to any 406
student whose results indicate that the student is failing to make 407
satisfactory progress toward being able to attain scores at the 408
proficient level on the Ohio graduation tests. Intervention 409
services shall be provided in any skill in which a student 410
demonstrates unsatisfactory progress and shall be commensurate 411
with the student's performance. Schools shall provide the 412
intervention services prior to the end of the school year, during 413
the summer following the ninth grade, in the next succeeding 414
school year, or at any combination of those times. 415

(E) Except as provided in section 3313.608 of the Revised 416
Code and division (M) of this section, no school district board of 417
education shall utilize any student's failure to attain a 418
specified score on an assessment administered under this section 419
as a factor in any decision to deny the student promotion to a 420
higher grade level. However, a district board may choose not to 421
promote to the next grade level any student who does not take an 422
assessment administered under this section or make up an 423
assessment as provided by division (C)(2) of this section and who 424
is not exempt from the requirement to take the assessment under 425
division (C)(3) of this section. 426

(F) No person shall be charged a fee for taking any 427
assessment administered under this section. 428

(G)(1) Each school district board shall designate one 429
location for the collection of assessments administered in the 430
spring under division (B)(1) of this section and those 431
administered under divisions (B)(2) to (7) of this section. Each 432
district board shall submit the assessments to the entity with 433
which the department contracts for the scoring of the assessments 434
as follows: 435

(a) If the district's total enrollment in grades kindergarten 436
through twelve during the first full school week of October was 437
less than two thousand five hundred, not later than the Friday 438
after all of the assessments have been administered; 439

(b) If the district's total enrollment in grades kindergarten 440
through twelve during the first full school week of October was 441
two thousand five hundred or more, but less than seven thousand, 442
not later than the Monday after all of the assessments have been 443
administered; 444

(c) If the district's total enrollment in grades kindergarten 445
through twelve during the first full school week of October was 446
seven thousand or more, not later than the Tuesday after all of 447
the assessments have been administered. 448

However, any assessment that a student takes during the 449
make-up period described in division (C)(2) of this section shall 450
be submitted not later than the Friday following the day the 451
student takes the assessment. 452

(2) The department or an entity with which the department 453
contracts for the scoring of the assessment shall send to each 454
school district board a list of the individual scores of all 455
persons taking an assessment prescribed by division (A)(1) or 456
(B)(1) of section 3301.0710 of the Revised Code within sixty days 457
after its administration, but in no case shall the scores be 458
returned later than the fifteenth day of June following the 459

administration. For assessments administered under this section by 460
a joint vocational school district, the department or entity shall 461
also send to each city, local, or exempted village school district 462
a list of the individual scores of any students of such city, 463
local, or exempted village school district who are attending 464
school in the joint vocational school district. 465

(H) Individual scores on any assessments administered under 466
this section shall be released by a district board only in 467
accordance with section 3319.321 of the Revised Code and the rules 468
adopted under division (A) of this section. No district board or 469
its employees shall utilize individual or aggregate results in any 470
manner that conflicts with rules for the ethical use of 471
assessments adopted pursuant to division (A) of this section. 472

(I) Except as provided in division (G) of this section, the 473
department or an entity with which the department contracts for 474
the scoring of the assessment shall not release any individual 475
scores on any assessment administered under this section. The 476
state board of education shall adopt rules to ensure the 477
protection of student confidentiality at all times. The rules may 478
require the use of the data verification codes assigned to 479
students pursuant to division (D)(2) of section 3301.0714 of the 480
Revised Code to protect the confidentiality of student scores. 481

(J) Notwithstanding division (D) of section 3311.52 of the 482
Revised Code, this section does not apply to the board of 483
education of any cooperative education school district except as 484
provided under rules adopted pursuant to this division. 485

(1) In accordance with rules that the state board of 486
education shall adopt, the board of education of any city, 487
exempted village, or local school district with territory in a 488
cooperative education school district established pursuant to 489
divisions (A) to (C) of section 3311.52 of the Revised Code may 490
enter into an agreement with the board of education of the 491

cooperative education school district for administering any 492
assessment prescribed under this section to students of the city, 493
exempted village, or local school district who are attending 494
school in the cooperative education school district. 495

(2) In accordance with rules that the state board of 496
education shall adopt, the board of education of any city, 497
exempted village, or local school district with territory in a 498
cooperative education school district established pursuant to 499
section 3311.521 of the Revised Code shall enter into an agreement 500
with the cooperative district that provides for the administration 501
of any assessment prescribed under this section to both of the 502
following: 503

(a) Students who are attending school in the cooperative 504
district and who, if the cooperative district were not 505
established, would be entitled to attend school in the city, 506
local, or exempted village school district pursuant to section 507
3313.64 or 3313.65 of the Revised Code; 508

(b) Persons described in division (B)(8)(b) of this section. 509

Any assessment of students pursuant to such an agreement 510
shall be in lieu of any assessment of such students or persons 511
pursuant to this section. 512

(K)(1) As a condition of compliance with section 3313.612 of 513
the Revised Code, each chartered nonpublic school that educates 514
students in grades nine through twelve shall administer the 515
assessments prescribed by divisions (B)(1) and (2) of section 516
3301.0710 of the Revised Code. Any chartered nonpublic school may 517
participate in the assessment program by administering any of the 518
assessments prescribed by division (A) of section 3301.0710 of the 519
Revised Code. The chief administrator of the school shall specify 520
which assessments the school will administer. Such specification 521
shall be made in writing to the superintendent of public 522

instruction prior to the first day of August of any school year in 523
which assessments are administered and shall include a pledge that 524
the nonpublic school will administer the specified assessments in 525
the same manner as public schools are required to do under this 526
section and rules adopted by the department. 527

(2) The department of education shall furnish the assessments 528
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 529
to each chartered nonpublic school that participates under this 530
division. 531

(L)(1) The superintendent of the state school for the blind 532
and the superintendent of the state school for the deaf shall 533
administer the assessments described by sections 3301.0710 and 534
3301.0712 of the Revised Code. Each superintendent shall 535
administer the assessments in the same manner as district boards 536
are required to do under this section and rules adopted by the 537
department of education and in conformity with division (C)(1)(a) 538
of this section. 539

(2) The department of education shall furnish the assessments 540
described by sections 3301.0710 and 3301.0712 of the Revised Code 541
to each superintendent. 542

(M) Notwithstanding division (E) of this section, a school 543
district may use a student's failure to attain a score in at least 544
the proficient range on the mathematics assessment described by 545
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 546
an assessment described by division (A)(1)(b), (c), (d), (e), or 547
(f) of section 3301.0710 of the Revised Code as a factor in 548
retaining that student in the current grade level. 549

(N)(1) In the manner specified in divisions (N)(3) and (4) of 550
this section, the assessments required by division (A)(1) of 551
section 3301.0710 of the Revised Code shall become public records 552
pursuant to section 149.43 of the Revised Code on the first day of 553

July following the school year that the assessments were 554
administered. 555

(2) The department may field test proposed questions with 556
samples of students to determine the validity, reliability, or 557
appropriateness of questions for possible inclusion in a future 558
year's assessment. The department also may use anchor questions on 559
assessments to ensure that different versions of the same 560
assessment are of comparable difficulty. 561

Field test questions and anchor questions shall not be 562
considered in computing scores for individual students. Field test 563
questions and anchor questions may be included as part of the 564
administration of any assessment required by division (A)(1) or 565
(B)(1) of section 3301.0710 of the Revised Code. 566

(3) Any field test question or anchor question administered 567
under division (N)(2) of this section shall not be a public 568
record. Such field test questions and anchor questions shall be 569
redacted from any assessments which are released as a public 570
record pursuant to division (N)(1) of this section. 571

(4) This division applies to the assessments prescribed by 572
division (A) of section 3301.0710 of the Revised Code. 573

(a) The first administration of each assessment, as specified 574
in former section 3301.0712 of the Revised Code, shall be a public 575
record. 576

(b) For subsequent administrations of each assessment prior 577
to the 2011-2012 school year, not less than forty per cent of the 578
questions on the assessment that are used to compute a student's 579
score shall be a public record. The department shall determine 580
which questions will be needed for reuse on a future assessment 581
and those questions shall not be public records and shall be 582
redacted from the assessment prior to its release as a public 583
record. However, for each redacted question, the department shall 584

inform each city, local, and exempted village school district of 585
the statewide academic standard adopted by the state board of 586
education under section 3301.079 of the Revised Code and the 587
corresponding benchmark to which the question relates. The 588
preceding sentence does not apply to field test questions that are 589
redacted under division (N)(3) of this section. 590

(c) The administrations of each assessment in the 2011-2012 591
school year and later shall not be a public record. 592

(5) Each assessment prescribed by division (B)(1) of section 593
3301.0710 of the Revised Code shall not be a public record. 594

(O) As used in this section: 595

(1) "Three-year average" means the average of the most recent 596
consecutive three school years of data. 597

(2) "Dropout" means a student who withdraws from school 598
before completing course requirements for graduation and who is 599
not enrolled in an education program approved by the state board 600
of education or an education program outside the state. "Dropout" 601
does not include a student who has departed the country. 602

(3) "Graduation rate" means the ratio of students receiving a 603
diploma to the number of students who entered ninth grade four 604
years earlier. Students who transfer into the district are added 605
to the calculation. Students who transfer out of the district for 606
reasons other than dropout are subtracted from the calculation. If 607
a student who was a dropout in any previous year returns to the 608
same school district, that student shall be entered into the 609
calculation as if the student had entered ninth grade four years 610
before the graduation year of the graduating class that the 611
student joins. 612

Sec. 3301.0712. (A) The state board of education, the 613
superintendent of public instruction, and the chancellor of the 614

Ohio board of regents shall develop a system of college and work 615
ready assessments as described in divisions (B)(1) and (2) of this 616
section to assess whether each student upon graduating from high 617
school is ready to enter college or the workforce. The system 618
shall replace the Ohio graduation tests prescribed in division 619
(B)(1) of section 3301.0710 of the Revised Code as a measure of 620
student academic performance and a prerequisite for eligibility 621
for a high school diploma in the manner prescribed by rule of the 622
state board adopted under division (D) of this section. 623

(B) The college and work ready assessment system shall 624
consist of the following: 625

(1) A nationally standardized assessment that measures 626
college and career readiness selected jointly by the state 627
superintendent and the chancellor. 628

(2) A series of end-of-course examinations in the areas of 629
science, mathematics, English language arts, and social studies 630
selected jointly by the state superintendent and the chancellor in 631
consultation with faculty in the appropriate subject areas at 632
institutions of higher education of the university system of Ohio. 633
For each subject area, the state superintendent and chancellor 634
shall select multiple assessments that school districts, public 635
schools, and chartered nonpublic schools may use as end-of-course 636
examinations. Those assessments shall include nationally 637
recognized subject area assessments, such as advanced placement 638
examinations, SAT subject tests, international baccalaureate 639
examinations, and other assessments of college and work readiness. 640

(C) ~~Not later than thirty days after the state board adopts~~ 641
~~the model curricula required by division (B) of section 3301.079~~ 642
~~of the Revised Code, the~~ The state board shall convene a group of 643
national experts, state experts, and local practitioners to 644
provide advice, guidance, and recommendations for the alignment of 645

standards and model curricula to the assessments and in the design of the end-of-course examinations prescribed by this section.

(D) Upon completion of the development of the assessment system, the state board shall adopt rules prescribing all of the following:

(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the state board determines such a phase-in is warranted;

(2) The date after which a person entering ninth grade shall meet the requirements of the entire assessment system as a prerequisite for a high school diploma under section 3313.61, 3313.612, or 3325.08 of the Revised Code;

(3) The date after which a person shall meet the requirements of the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code;

(4) Whether and the extent to which a person may be excused from a social studies end-of-course examination under division (H) of section 3313.61 and division (B)(2) of section 3313.612 of the Revised Code;

(5) The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall meet the requirements of the entire assessment system as a prerequisite for a high school diploma under division (B) of section 3313.614 of the Revised Code;

(6) The extent to which the assessment system applies to students enrolled in a dropout recovery and prevention program for purposes of division (F) of section 3313.603 ~~and section 3314.36~~ of the Revised Code.

No rule adopted under this division shall be effective 676
earlier than one year after the date the rule is filed in final 677
form pursuant to Chapter 119. of the Revised Code. 678

(E) Not later than forty-five days prior to the state board's 679
adoption of a resolution directing the department of education to 680
file the rules prescribed by division (D) of this section in final 681
form under section 119.04 of the Revised Code, the superintendent 682
of public instruction shall present the assessment system 683
developed under this section to the respective committees of the 684
house of representatives and senate that consider education 685
legislation. 686

Sec. 3301.0714. (A) The state board of education shall adopt 687
rules for a statewide education management information system. The 688
rules shall require the state board to establish guidelines for 689
the establishment and maintenance of the system in accordance with 690
this section and the rules adopted under this section. The 691
guidelines shall include: 692

(1) Standards identifying and defining the types of data in 693
the system in accordance with divisions (B) and (C) of this 694
section; 695

(2) Procedures for annually collecting and reporting the data 696
to the state board in accordance with division (D) of this 697
section; 698

(3) Procedures for annually compiling the data in accordance 699
with division (G) of this section; 700

(4) Procedures for annually reporting the data to the public 701
in accordance with division (H) of this section. 702

(B) The guidelines adopted under this section shall require 703
the data maintained in the education management information system 704
to include at least the following: 705

(1) Student participation and performance data, for each 706
grade in each school district as a whole and for each grade in 707
each school building in each school district, that includes: 708

(a) The numbers of students receiving each category of 709
instructional service offered by the school district, such as 710
regular education instruction, vocational education instruction, 711
specialized instruction programs or enrichment instruction that is 712
part of the educational curriculum, instruction for gifted 713
students, instruction for students with disabilities, and remedial 714
instruction. The guidelines shall require instructional services 715
under this division to be divided into discrete categories if an 716
instructional service is limited to a specific subject, a specific 717
type of student, or both, such as regular instructional services 718
in mathematics, remedial reading instructional services, 719
instructional services specifically for students gifted in 720
mathematics or some other subject area, or instructional services 721
for students with a specific type of disability. The categories of 722
instructional services required by the guidelines under this 723
division shall be the same as the categories of instructional 724
services used in determining cost units pursuant to division 725
(C)(3) of this section. 726

(b) The numbers of students receiving support or 727
extracurricular services for each of the support services or 728
extracurricular programs offered by the school district, such as 729
counseling services, health services, and extracurricular sports 730
and fine arts programs. The categories of services required by the 731
guidelines under this division shall be the same as the categories 732
of services used in determining cost units pursuant to division 733
(C)(4)(a) of this section. 734

(c) Average student grades in each subject in grades nine 735
through twelve; 736

(d) Academic achievement levels as assessed under sections 737

3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	738
(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	739 740 741
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	742 743 744
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	745 746 747 748
(h) Expulsion rates;	749
(i) Suspension rates;	750
(j) Dropout rates;	751
(k) Rates of retention in grade;	752
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	753 754 755
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	756 757 758 759 760
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.	761 762 763 764 765 766 767

(2) Personnel and classroom enrollment data for each school district, including: 768
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(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building. 770
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(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building. 780
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(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district. 792
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(d) The number of lead teachers employed by each school district and each school building. 797
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(3)(a) Student demographic data for each school district, 799
including information regarding the gender ratio of the school 800
district's pupils, the racial make-up of the school district's 801
pupils, the number of limited English proficient students in the 802
district, and an appropriate measure of the number of the school 803
district's pupils who reside in economically disadvantaged 804
households. The demographic data shall be collected in a manner to 805
allow correlation with data collected under division (B)(1) of 806
this section. Categories for data collected pursuant to division 807
(B)(3) of this section shall conform, where appropriate, to 808
standard practices of agencies of the federal government. 809

(b) With respect to each student entering kindergarten, 810
whether the student previously participated in a public preschool 811
program, a private preschool program, or a head start program, and 812
the number of years the student participated in each of these 813
programs. 814

(4) Any data required to be collected pursuant to federal 815
law. 816

(C) The education management information system shall include 817
cost accounting data for each district as a whole and for each 818
school building in each school district. The guidelines adopted 819
under this section shall require the cost data for each school 820
district to be maintained in a system of mutually exclusive cost 821
units and shall require all of the costs of each school district 822
to be divided among the cost units. The guidelines shall require 823
the system of mutually exclusive cost units to include at least 824
the following: 825

(1) Administrative costs for the school district as a whole. 826
The guidelines shall require the cost units under this division 827
(C)(1) to be designed so that each of them may be compiled and 828
reported in terms of average expenditure per pupil in formula ADM 829
in the school district, as determined pursuant to section 3317.03 830

of the Revised Code. 831

(2) Administrative costs for each school building in the 832
school district. The guidelines shall require the cost units under 833
this division (C)(2) to be designed so that each of them may be 834
compiled and reported in terms of average expenditure per 835
full-time equivalent pupil receiving instructional or support 836
services in each building. 837

(3) Instructional services costs for each category of 838
instructional service provided directly to students and required 839
by guidelines adopted pursuant to division (B)(1)(a) of this 840
section. The guidelines shall require the cost units under 841
division (C)(3) of this section to be designed so that each of 842
them may be compiled and reported in terms of average expenditure 843
per pupil receiving the service in the school district as a whole 844
and average expenditure per pupil receiving the service in each 845
building in the school district and in terms of a total cost for 846
each category of service and, as a breakdown of the total cost, a 847
cost for each of the following components: 848

(a) The cost of each instructional services category required 849
by guidelines adopted under division (B)(1)(a) of this section 850
that is provided directly to students by a classroom teacher; 851

(b) The cost of the instructional support services, such as 852
services provided by a speech-language pathologist, classroom 853
aide, multimedia aide, or librarian, provided directly to students 854
in conjunction with each instructional services category; 855

(c) The cost of the administrative support services related 856
to each instructional services category, such as the cost of 857
personnel that develop the curriculum for the instructional 858
services category and the cost of personnel supervising or 859
coordinating the delivery of the instructional services category. 860

(4) Support or extracurricular services costs for each 861

category of service directly provided to students and required by 862
guidelines adopted pursuant to division (B)(1)(b) of this section. 863
The guidelines shall require the cost units under division (C)(4) 864
of this section to be designed so that each of them may be 865
compiled and reported in terms of average expenditure per pupil 866
receiving the service in the school district as a whole and 867
average expenditure per pupil receiving the service in each 868
building in the school district and in terms of a total cost for 869
each category of service and, as a breakdown of the total cost, a 870
cost for each of the following components: 871

(a) The cost of each support or extracurricular services 872
category required by guidelines adopted under division (B)(1)(b) 873
of this section that is provided directly to students by a 874
licensed employee, such as services provided by a guidance 875
counselor or any services provided by a licensed employee under a 876
supplemental contract; 877

(b) The cost of each such services category provided directly 878
to students by a nonlicensed employee, such as janitorial 879
services, cafeteria services, or services of a sports trainer; 880

(c) The cost of the administrative services related to each 881
services category in division (C)(4)(a) or (b) of this section, 882
such as the cost of any licensed or nonlicensed employees that 883
develop, supervise, coordinate, or otherwise are involved in 884
administering or aiding the delivery of each services category. 885

(D)(1) The guidelines adopted under this section shall 886
require school districts to collect information about individual 887
students, staff members, or both in connection with any data 888
required by division (B) or (C) of this section or other reporting 889
requirements established in the Revised Code. The guidelines may 890
also require school districts to report information about 891
individual staff members in connection with any data required by 892
division (B) or (C) of this section or other reporting 893

requirements established in the Revised Code. The guidelines shall 894
not authorize school districts to request social security numbers 895
of individual students. The guidelines shall prohibit the 896
reporting under this section of a student's name, address, and 897
social security number to the state board of education or the 898
department of education. The guidelines shall also prohibit the 899
reporting under this section of any personally identifiable 900
information about any student, except for the purpose of assigning 901
the data verification code required by division (D)(2) of this 902
section, to any other person unless such person is employed by the 903
school district or the information technology center operated 904
under section 3301.075 of the Revised Code and is authorized by 905
the district or technology center to have access to such 906
information or is employed by an entity with which the department 907
contracts for the scoring of assessments administered under 908
section 3301.0711 of the Revised Code. The guidelines may require 909
school districts to provide the social security numbers of 910
individual staff members. 911

(2)(a) The guidelines shall provide for each school district 912
or community school to assign a data verification code that is 913
unique on a statewide basis over time to each student whose 914
initial Ohio enrollment is in that district or school and to 915
report all required individual student data for that student 916
utilizing such code. The guidelines shall also provide for 917
assigning data verification codes to all students enrolled in 918
districts or community schools on the effective date of the 919
guidelines established under this section. The assignment of data 920
verification codes for other entities, as described in division 921
(D)(2)(c) of this section, the use of those codes, and the 922
reporting and use of associated individual student data shall be 923
coordinated by the department in accordance with state and federal 924
law. 925

~~Individual~~ School districts shall report individual student 926
data ~~shall be reported~~ to the department through the information 927
technology centers utilizing the code ~~but, except.~~ The entities 928
described in division (D)(2)(c) of this section shall report 929
individual student data to the department in the manner prescribed 930
by the department. 931

Except as provided in sections 3301.941, 3310.11, 3310.42, 932
3310.63, 3313.978, ~~3310.63~~, and 3317.20 of the Revised Code, at no 933
time shall the state board or the department have access to 934
information that would enable any data verification code to be 935
matched to personally identifiable student data. 936

(b) Each school district and community school shall ensure 937
that the data verification code is included in the student's 938
records reported to any subsequent school district, community 939
school, or state institution of higher education, as defined in 940
section 3345.011 of the Revised Code, in which the student 941
enrolls. Any such subsequent district or school shall utilize the 942
same identifier in its reporting of data under this section. 943

(c) The director of any state agency that administers a 944
publicly funded program providing services to children who are 945
younger than compulsory school age, as defined in section 3321.01 946
of the Revised Code, including the directors of health, job and 947
family services, mental health, and developmental disabilities, 948
shall request and receive, pursuant to sections 3301.0723 and 949
3701.62 of the Revised Code, a data verification code for a child 950
who is receiving those services ~~under division (A)(2) of section~~ 951
~~3701.61 of the Revised Code.~~ 952

(E) The guidelines adopted under this section may require 953
school districts to collect and report data, information, or 954
reports other than that described in divisions (A), (B), and (C) 955
of this section for the purpose of complying with other reporting 956
requirements established in the Revised Code. The other data, 957

information, or reports may be maintained in the education 958
management information system but are not required to be compiled 959
as part of the profile formats required under division (G) of this 960
section or the annual statewide report required under division (H) 961
of this section. 962

(F) Beginning with the school year that begins July 1, 1991, 963
the board of education of each school district shall annually 964
collect and report to the state board, in accordance with the 965
guidelines established by the board, the data required pursuant to 966
this section. A school district may collect and report these data 967
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 968

(G) The state board shall, in accordance with the procedures 969
it adopts, annually compile the data reported by each school 970
district pursuant to division (D) of this section. The state board 971
shall design formats for profiling each school district as a whole 972
and each school building within each district and shall compile 973
the data in accordance with these formats. These profile formats 974
shall: 975

(1) Include all of the data gathered under this section in a 976
manner that facilitates comparison among school districts and 977
among school buildings within each school district; 978

(2) Present the data on academic achievement levels as 979
assessed by the testing of student achievement maintained pursuant 980
to division (B)(1)(d) of this section. 981

(H)(1) The state board shall, in accordance with the 982
procedures it adopts, annually prepare a statewide report for all 983
school districts and the general public that includes the profile 984
of each of the school districts developed pursuant to division (G) 985
of this section. Copies of the report shall be sent to each school 986
district. 987

(2) The state board shall, in accordance with the procedures 988

it adopts, annually prepare an individual report for each school 989
district and the general public that includes the profiles of each 990
of the school buildings in that school district developed pursuant 991
to division (G) of this section. Copies of the report shall be 992
sent to the superintendent of the district and to each member of 993
the district board of education. 994

(3) Copies of the reports received from the state board under 995
divisions (H)(1) and (2) of this section shall be made available 996
to the general public at each school district's offices. Each 997
district board of education shall make copies of each report 998
available to any person upon request and payment of a reasonable 999
fee for the cost of reproducing the report. The board shall 1000
annually publish in a newspaper of general circulation in the 1001
school district, at least twice during the two weeks prior to the 1002
week in which the reports will first be available, a notice 1003
containing the address where the reports are available and the 1004
date on which the reports will be available. 1005

(I) Any data that is collected or maintained pursuant to this 1006
section and that identifies an individual pupil is not a public 1007
record for the purposes of section 149.43 of the Revised Code. 1008

(J) As used in this section: 1009

(1) "School district" means any city, local, exempted 1010
village, or joint vocational school district and, in accordance 1011
with section 3314.17 of the Revised Code, any community school. As 1012
used in division (L) of this section, "school district" also 1013
includes any educational service center or other educational 1014
entity required to submit data using the system established under 1015
this section. 1016

(2) "Cost" means any expenditure for operating expenses made 1017
by a school district excluding any expenditures for debt 1018
retirement except for payments made to any commercial lending 1019

institution for any loan approved pursuant to section 3313.483 of 1020
the Revised Code. 1021

(K) Any person who removes data from the information system 1022
established under this section for the purpose of releasing it to 1023
any person not entitled under law to have access to such 1024
information is subject to section 2913.42 of the Revised Code 1025
prohibiting tampering with data. 1026

(L)(1) In accordance with division (L)(2) of this section and 1027
the rules adopted under division (L)(10) of this section, the 1028
department of education may sanction any school district that 1029
reports incomplete or inaccurate data, reports data that does not 1030
conform to data requirements and descriptions published by the 1031
department, fails to report data in a timely manner, or otherwise 1032
does not make a good faith effort to report data as required by 1033
this section. 1034

(2) If the department decides to sanction a school district 1035
under this division, the department shall take the following 1036
sequential actions: 1037

(a) Notify the district in writing that the department has 1038
determined that data has not been reported as required under this 1039
section and require the district to review its data submission and 1040
submit corrected data by a deadline established by the department. 1041
The department also may require the district to develop a 1042
corrective action plan, which shall include provisions for the 1043
district to provide mandatory staff training on data reporting 1044
procedures. 1045

(b) Withhold up to ten per cent of the total amount of state 1046
funds due to the district for the current fiscal year and, if not 1047
previously required under division (L)(2)(a) of this section, 1048
require the district to develop a corrective action plan in 1049
accordance with that division; 1050

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year; 1051
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(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions: 1054
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(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity; 1058
1059

(ii) Conduct a site visit and evaluation of the district; 1060

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year; 1061
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(iv) Continue monitoring the district's data reporting; 1064

(v) Assign department staff to supervise the district's data management system; 1065
1066

(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section; 1067
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(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section; 1070
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(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district; 1074
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(ix) Any other action designed to correct the district's data reporting problems. 1079
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(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.

(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld funding under division (L)(2)(d) of this section, the department shall not release the funds withheld under division (L)(2)(b) or (c) of this section.

(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside entity to conduct an audit of a school district's data reporting practices any time the department has reason to believe the district has not made a good faith effort to report data as required by this section. If any audit conducted by an outside entity under division (L)(2)(d)(i) or (5) of this section confirms that a district has not made a good faith effort to report data as required by this section, the district shall reimburse the department for the full cost of the audit. The department may withhold state funds due to the district for this purpose.

(6) Prior to issuing a revised report card for a school district under division (L)(2)(d)(viii) of this section, the department may hold a hearing to provide the district with an

opportunity to demonstrate that it made a good faith effort to 1113
report data as required by this section. The hearing shall be 1114
conducted by a referee appointed by the department. Based on the 1115
information provided in the hearing, the referee shall recommend 1116
whether the department should issue a revised report card for the 1117
district. If the referee affirms the department's contention that 1118
the district did not make a good faith effort to report data as 1119
required by this section, the district shall bear the full cost of 1120
conducting the hearing and of issuing any revised report card. 1121

(7) If the department determines that any inaccurate data 1122
reported under this section caused a school district to receive 1123
excess state funds in any fiscal year, the district shall 1124
reimburse the department an amount equal to the excess funds, in 1125
accordance with a payment schedule determined by the department. 1126
The department may withhold state funds due to the district for 1127
this purpose. 1128

(8) Any school district that has funds withheld under 1129
division (L)(2) of this section may appeal the withholding in 1130
accordance with Chapter 119. of the Revised Code. 1131

(9) In all cases of a disagreement between the department and 1132
a school district regarding the appropriateness of an action taken 1133
under division (L)(2) of this section, the burden of proof shall 1134
be on the district to demonstrate that it made a good faith effort 1135
to report data as required by this section. 1136

(10) The state board of education shall adopt rules under 1137
Chapter 119. of the Revised Code to implement division (L) of this 1138
section. 1139

(M) No information technology center or school district shall 1140
acquire, change, or update its student administration software 1141
package to manage and report data required to be reported to the 1142
department unless it converts to a student software package that 1143

is certified by the department. 1144

(N) The state board of education, in accordance with sections 1145
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 1146
license as defined under division (A) of section 3319.31 of the 1147
Revised Code that has been issued to any school district employee 1148
found to have willfully reported erroneous, inaccurate, or 1149
incomplete data to the education management information system. 1150

(O) No person shall release or maintain any information about 1151
any student in violation of this section. Whoever violates this 1152
division is guilty of a misdemeanor of the fourth degree. 1153

(P) The department shall disaggregate the data collected 1154
under division (B)(1)(n) of this section according to the race and 1155
socioeconomic status of the students assessed. No data collected 1156
under that division shall be included on the report cards required 1157
by section 3302.03 of the Revised Code. 1158

(Q) If the department cannot compile any of the information 1159
required by division (C)~~(5)~~(4) of section 3302.03 of the Revised 1160
Code based upon the data collected under this section, the 1161
department shall develop a plan and a reasonable timeline for the 1162
collection of any data necessary to comply with that division. 1163

Sec. 3301.0715. (A) Except as ~~provided in division (E) of~~ 1164
~~this section~~ otherwise required under division (B)(1) of section 1165
3313.608 of the Revised Code, the board of education of each city, 1166
local, and exempted village school district shall administer each 1167
applicable diagnostic assessment developed and provided to the 1168
district in accordance with section 3301.079 of the Revised Code 1169
to the following: 1170

(1) Each student enrolled in a building that has failed to 1171
make adequate yearly progress for two or more consecutive school 1172
years; 1173

(2) Any student who transfers into the district or to a different school within the district if each applicable diagnostic assessment was not administered by the district or school the student previously attended in the current school year, within thirty days after the date of transfer. If the district or school into which the student transfers cannot determine whether the student has taken any applicable diagnostic assessment in the current school year, the district or school may administer the diagnostic assessment to the student.

(3) Each kindergarten student, not earlier than four weeks prior to the first day of school and not later than the first day of October. For the purpose of division (A)(3) of this section, the district shall administer the kindergarten readiness assessment provided by the department of education. In no case shall the results of the readiness assessment be used to prohibit a student from enrolling in kindergarten.

(4) Each student enrolled in first or second grade.

(B) Each district board shall administer each diagnostic assessment as the board deems appropriate, provided the administration complies with section 3313.608 of the Revised Code. However, the board shall administer any diagnostic assessment at least once annually to all students in the appropriate grade level. A district board may administer any diagnostic assessment in the fall and spring of a school year to measure the amount of academic growth attributable to the instruction received by students during that school year.

(C) Each district board shall utilize and score any diagnostic assessment administered under division (A) of this section in accordance with rules established by the department. ~~Except as required by division (B)(1)(n) of section 3301.0714 of the Revised Code, neither the state board of education nor the department shall require school districts to report the results of~~

~~diagnostic assessments for any students to the department or to 1206
make any such results available in any form to the public. After 1207
the administration of any diagnostic assessment, each district 1208
shall provide a student's completed diagnostic assessment, the 1209
results of such assessment, and any other accompanying documents 1210
used during the administration of the assessment to the parent of 1211
that student upon the parent's request, and shall include all such 1212
documents and information in any plan developed for the student 1213
under division (C) of section 3313.608 of the Revised Code. 1214~~

(D) Each district board shall provide intervention services 1215
to students whose diagnostic assessments show that they are 1216
failing to make satisfactory progress toward attaining the 1217
academic standards for their grade level. 1218

~~(E) Any district that made adequate yearly progress in the 1219
immediately preceding school year may assess student progress in 1220
grades one through three using a diagnostic assessment other than 1221
the diagnostic assessment required by division (A) of this 1222
section. 1223~~

~~(F) A district board may administer the third grade English 1224
language arts diagnostic assessment provided to the district in 1225
accordance with section 3301.079 of the Revised Code to any 1226
student enrolled in a building that is not subject to division 1227
(A)(1) of this section. Any district electing to administer the 1228
diagnostic assessment to students under this division shall 1229
provide intervention services to any such student whose diagnostic 1230
assessment shows unsatisfactory progress toward attaining the 1231
academic standards for the student's grade level. 1232~~

~~(G) As used in this section, "adequate yearly progress" has 1233
the same meaning as in section 3302.01 of the Revised Code. 1234~~

Sec. 3301.0723. (A) The independent contractor engaged by the 1235
department of education to create and maintain for school 1236

districts and community schools the student data verification 1237
codes required by division (D)(2) of section 3301.0714 of the 1238
Revised Code ~~shall~~, upon request of the director of any state 1239
agency that administers a publicly funded program providing 1240
services to children who are younger than compulsory school age, 1241
as defined in section 3321.01 of the Revised Code, including the 1242
directors of health under section 3701.62 of the Revised Code, job 1243
and family services, mental health, and developmental 1244
disabilities, shall assign a data verification code to a child who 1245
is receiving such services ~~under division (A)(2) of section~~ 1246
~~3701.61 of the Revised Code. The contractor and~~ shall provide that 1247
code to the director, ~~who shall submit it, as specified in section~~ 1248
~~3701.62 of the Revised Code, to the public school in which the~~ 1249
~~child will be enrolled for special education and related services~~ 1250
~~under Chapter 3323. of the Revised Code. The contractor also shall~~ 1251
provide that code to the department of education. 1252

(B) The director of a state agency that receives a child's 1253
data verification code under division (A) of this section shall 1254
use that code to submit personally identifiable information for 1255
that child to the department of education in accordance with 1256
section 3301.0714 of the Revised Code. 1257

(C) A public school that receives a from the independent 1258
contractor the data verification code for a child ~~from the~~ 1259
~~director of health assigned under division (A) of this section~~ 1260
shall not request or assign to that child another data 1261
verification code under division (D)(2) of section 3301.0714 of 1262
the Revised Code. That school and any other public school in which 1263
the child subsequently enrolls shall use the data verification 1264
code ~~provided by the director~~ assigned under division (A) of this 1265
section to report data relative to that student ~~that is~~ required 1266
under section 3301.0714 of the Revised Code. 1267

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the Revised Code:	1268 1269
(A) "Preschool program" means either of the following:	1270
(1) A child care program for preschool children that is operated by a school district board of education or an eligible nonpublic school.	1271 1272 1273
(2) A child care program for preschool children age three or older that is operated by a county DD board.	1274 1275
(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.	1276 1277
(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.	1278 1279 1280
(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of an eligible nonpublic school.	1281 1282 1283
(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.	1284 1285 1286
(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.	1287 1288 1289
(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.	1290 1291 1292 1293
(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B)(8) of section 5104.02 of the Revised Code or chartered by the state board of education for	1294 1295 1296

any combination of grades one through twelve, regardless of 1297
whether it also offers kindergarten. 1298

(I) "County DD board" means a county board of developmental 1299
disabilities. 1300

(J) "School child program" means a child care program for 1301
only school children that is operated by a school district board 1302
of education, county DD board, or eligible nonpublic school. 1303

(K) "School child" ~~and "child care" have the same meanings as~~ 1304
~~in section 5104.01 of the Revised Code~~ means a child who is 1305
enrolled in or is eligible to be enrolled in a grade of 1306
kindergarten or above but is less than fifteen years old. 1307

(L) "School child program staff member" means an employee 1308
whose primary responsibility is the care, teaching, or supervision 1309
of children in a school child program. 1310

(M) "Child care" means administering to the needs of infants, 1311
toddlers, preschool children, and school children outside of 1312
school hours by persons other than their parents or guardians, 1313
custodians, or relatives by blood, marriage, or adoption for any 1314
part of the twenty-four-hour day in a place or residence other 1315
than a child's own home. 1316

(N) "Child day-care center," "publicly funded child care," 1317
and "school-age child care center" have the same meanings as in 1318
section 5104.01 of the Revised Code. 1319

Sec. 3301.53. (A) The state board of education, in 1320
consultation with the director of job and family services, shall 1321
formulate and prescribe by rule adopted under Chapter 119. of the 1322
Revised Code minimum standards to be applied to preschool programs 1323
operated by school district boards of education, county DD boards, 1324
or eligible nonpublic schools. The rules shall include the 1325
following: 1326

(1) Standards ensuring that the preschool program is located 1327
in a safe and convenient facility that accommodates the enrollment 1328
of the program, is of the quality to support the growth and 1329
development of the children according to the program objectives, 1330
and meets the requirements of section 3301.55 of the Revised Code; 1331

(2) Standards ensuring that supervision, discipline, and 1332
programs will be administered according to established objectives 1333
and procedures; 1334

(3) Standards ensuring that preschool staff members and 1335
nonteaching employees are recruited, employed, assigned, 1336
evaluated, and provided inservice education without discrimination 1337
on the basis of age, color, national origin, race, or sex; and 1338
that preschool staff members and nonteaching employees are 1339
assigned responsibilities in accordance with written position 1340
descriptions commensurate with their training and experience; 1341

(4) A requirement that boards of education intending to 1342
establish a preschool program demonstrate a need for a preschool 1343
program prior to establishing the program; 1344

(5) Requirements that children participating in preschool 1345
programs have been immunized to the extent considered appropriate 1346
by the state board to prevent the spread of communicable disease; 1347

(6) Requirements that the parents of preschool children 1348
complete the emergency medical authorization form specified in 1349
section 3313.712 of the Revised Code. 1350

(B) The state board of education in consultation with the 1351
director of job and family services shall ensure that the rules 1352
adopted by the state board under sections 3301.52 to 3301.58 of 1353
the Revised Code are consistent with and meet or exceed the 1354
requirements of Chapter 5104. of the Revised Code with regard to 1355
child day-care centers. The state board and the director of job 1356
and family services shall review all such rules at least once 1357

every five years. 1358

(C) The state board of education, in consultation with the 1359
director of job and family services, shall adopt rules for school 1360
child programs that are consistent with and meet or exceed the 1361
requirements of the rules adopted for ~~school~~ school-age child 1362
~~day-care~~ care centers under Chapter 5104. of the Revised Code. 1363

Sec. 3301.58. (A) The department of education is responsible 1364
for the licensing of preschool programs and school child programs 1365
and for the enforcement of sections 3301.52 to 3301.59 of the 1366
Revised Code and of any rules adopted under those sections. No 1367
school district board of education, county DD board, or eligible 1368
nonpublic school shall operate, establish, manage, conduct, or 1369
maintain a preschool program without a license issued under this 1370
section. A school district board of education, county DD board, or 1371
eligible nonpublic school may obtain a license under this section 1372
for a school child program. The school district board of 1373
education, county DD board, or eligible nonpublic school shall 1374
post the ~~current~~ license for each preschool program and licensed 1375
school child program it operates, establishes, manages, conducts, 1376
or maintains in a conspicuous place in the preschool program or 1377
licensed school child program that is accessible to parents, 1378
custodians, or guardians and employees and staff members of the 1379
program at all times when the program is in operation. 1380

(B) Any school district board of education, county DD board, 1381
or eligible nonpublic school that desires to operate, establish, 1382
manage, conduct, or maintain a preschool program shall apply to 1383
the department of education for a license on a form that the 1384
department shall prescribe by rule. Any school district board of 1385
education, county DD board, or eligible nonpublic school that 1386
desires to obtain a license for a school child program shall apply 1387
to the department for a license on a form that the department 1388

shall prescribe by rule. The department shall provide at no charge 1389
to each applicant for a license under this section a copy of the 1390
requirements under sections 3301.52 to 3301.59 of the Revised Code 1391
and any rules adopted under those sections. ~~The department shall~~ 1392
~~mail application forms for the renewal of a license at least one~~ 1393
~~hundred twenty days prior to the date of the expiration of the~~ 1394
~~license, and the application for renewal of a license shall be~~ 1395
~~filed with the department at least sixty days before the date of~~ 1396
~~the expiration of the existing license.~~ The department may 1397
establish application fees by rule adopted under Chapter 119. of 1398
the Revised Code, and all applicants for a license shall pay any 1399
fee established by the department at the time of making an 1400
application for a license. All fees collected pursuant to this 1401
section shall be paid into the state treasury to the credit of the 1402
general revenue fund. 1403

(C) Upon the filing of an application for a license, the 1404
department of education shall investigate and inspect the 1405
preschool program or school child program to determine the license 1406
capacity for each age category of children of the program and to 1407
determine whether the program complies with sections 3301.52 to 1408
3301.59 of the Revised Code and any rules adopted under those 1409
sections. When, after investigation and inspection, the department 1410
of education is satisfied that sections 3301.52 to 3301.59 of the 1411
Revised Code and any rules adopted under those sections are 1412
complied with by the applicant, the department of education shall 1413
issue the program a provisional license as soon as practicable in 1414
the form and manner prescribed by the rules of the department. The 1415
provisional license shall be valid for ~~six months~~ one year from 1416
the date of issuance unless revoked. 1417

(D) The department of education shall investigate and inspect 1418
a preschool program or school child program that has been issued a 1419
provisional license at least once during operation under the 1420

provisional license. If, after the investigation and inspection, 1421
the department of education determines that the requirements of 1422
sections 3301.52 to 3301.59 of the Revised Code and any rules 1423
adopted under those sections are met by the provisional licensee, 1424
the department of education shall issue the program a license ~~that~~ 1425
~~is effective for two years from the date of the issuance of the~~ 1426
~~provisional license. The license shall remain valid unless revoked~~ 1427
~~or the program ceases operations.~~ 1428

(E) ~~Upon the filing of an application for the renewal of a~~ 1429
~~license by a preschool program or school child program, the~~ The 1430
department of education annually shall investigate and inspect ~~the~~ 1431
each preschool program or school child program. ~~If the department~~ 1432
~~of education determines that~~ licensed under division (D) of this 1433
section to determine if the requirements of sections 3301.52 to 1434
3301.59 of the Revised Code and any rules adopted under those 1435
sections are met by the applicant, ~~the department of education~~ 1436
~~shall renew the license for two years from the date of the~~ 1437
~~expiration date of the previous license~~ program, and shall notify 1438
the program of the results. 1439

(F) The license or provisional license shall state the name 1440
of the school district board of education, county DD board, or 1441
eligible nonpublic school that operates the preschool program or 1442
school child program and the license capacity of the program. ~~The~~ 1443
~~license shall include any other information required by section~~ 1444
~~5104.03 of the Revised Code for the license of a child day care~~ 1445
~~center.~~ 1446

(G) The department of education may revoke the license of any 1447
preschool program or school child program that is not in 1448
compliance with the requirements of sections 3301.52 to 3301.59 of 1449
the Revised Code and any rules adopted under those sections. 1450

(H) If the department of education revokes a license ~~or~~ 1451
~~refuses to renew a license to a program,~~ the department shall not 1452

issue a license to the program within two years from the date of 1453
the revocation ~~or refusal~~. All actions of the department with 1454
respect to licensing preschool programs and school child programs 1455
shall be in accordance with Chapter 119. of the Revised Code. 1456

Sec. 3301.90. The governor shall create the early childhood 1457
advisory council in accordance with 42 U.S.C. 9837b(b)(1) and 1458
shall appoint one of its members to serve as chairperson of the 1459
council. The council shall serve as the state advisory council on 1460
early childhood education and care, as described in 42 U.S.C. 1461
9837b(b)(1). In addition to the duties specified in 42 U.S.C. 1462
9837b(b)(1), the council ~~shall advise the state regarding the~~ 1463
~~creation and duties of the center for early childhood development~~ 1464
~~and~~ shall promote family-centered programs and services that 1465
acknowledge and support the social, emotional, cognitive, 1466
intellectual, and physical development of children and the vital 1467
role of families in ensuring the well-being and success of 1468
children. 1469

Sec. 3301.941. As used in this section, "early childhood 1470
program" means any publicly funded program providing services to 1471
children younger than compulsory school age, as defined in section 1472
3321.01 of the Revised Code. 1473

Student level data records collected and maintained for 1474
purposes of administering early childhood programs shall be 1475
assigned a unique student data verification code in accordance 1476
with division (D)(2) of section 3301.0714 of the Revised Code and 1477
shall be included in the combined data repository authorized by 1478
section 3301.94 of the Revised Code. The department may require 1479
certain personally identifiable student data, including student 1480
names, to be reported to the department for purposes of 1481
administering early childhood programs but not be included in the 1482
combined data repository. The department and each school or center 1483

providing services through an early childhood program that 1484
receives a student level data record, a data verification code, or 1485
other personally identifiable information shall not release that 1486
record, code, or other information to any person except as 1487
provided by section 3319.321 of the Revised Code or the "Family 1488
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 1489
U.S.C. 1232g. Any document relative to an early childhood program 1490
that the department holds in its files that contains a student's 1491
name, data verification code, or other personally identifiable 1492
information shall not be a public record under section 149.43 of 1493
the Revised Code. 1494

Any state agency that administers an early childhood program 1495
may use student data contained in the combined data repository to 1496
conduct research and analysis designed to evaluate the 1497
effectiveness of and investments in that program, in compliance 1498
with the Family Educational Rights and Privacy Act and regulations 1499
promulgated under that act. 1500

Sec. 3302.01. As used in this chapter: 1501

(A) "Performance index score" means the average of the totals 1502
derived from calculations for each subject area of English 1503
language arts, mathematics, science, and social studies of the 1504
weighted proportion of untested students and students scoring at 1505
each level of skill described in division (A)(2) of section 1506
3301.0710 of the Revised Code on the assessments prescribed by 1507
divisions (A) and (B)(1) of that section. The department of 1508
education shall assign weights such that students who do not take 1509
an assessment receive a weight of zero and students who take an 1510
assessment receive progressively larger weights dependent upon the 1511
level of skill attained on the assessment. ~~The department shall~~ 1512
~~also determine the performance index score a school district or~~ 1513
~~building needs to achieve for the purpose of the performance~~ 1514

~~ratings assigned pursuant to section 3302.03 of the Revised Code.~~ 1515

Students shall be included in the "performance index score" 1516
in accordance with division (D)(2) of section 3302.03 of the 1517
Revised Code. 1518

(B) "Subgroup" means a subset of the entire student 1519
population of the state, a school district, or a school building 1520
and includes each of the following: 1521

(1) Major racial and ethnic groups; 1522

(2) Students with disabilities; 1523

(3) Economically disadvantaged students; 1524

(4) Limited English proficient students. 1525

(C) "No Child Left Behind Act of 2001" includes the statutes 1526
codified at 20 U.S.C. 6301 et seq. and any amendments thereto, 1527
rules and regulations promulgated pursuant to those statutes, 1528
guidance documents, and any other policy directives regarding 1529
implementation of that act issued by the United States department 1530
of education. 1531

(D) "Adequate yearly progress" means a measure of annual 1532
academic performance as calculated in accordance with the "No 1533
Child Left Behind Act of 2001." 1534

(E) "Supplemental educational services" means additional 1535
academic assistance, such as tutoring, remediation, or other 1536
educational enrichment activities, that is conducted outside of 1537
the regular school day by a provider approved by the department in 1538
accordance with the "No Child Left Behind Act of 2001." 1539

(F) "Value-added progress dimension" means a measure of 1540
academic gain for a student or group of students over a specific 1541
period of time that is calculated by applying a statistical 1542
methodology to individual student achievement data derived from 1543
the achievement assessments prescribed by section 3301.0710 of the 1544

Revised Code. The "value-added progress dimension" shall be 1545
developed and implemented in accordance with section 3302.021 of 1546
the Revised Code. 1547

Sec. 3302.022. Not later than March 31, 2013, the state board 1548
of education shall adopt performance indicators for dropout 1549
prevention and recovery programs operated by school districts or 1550
community schools for the purposes of the report cards required 1551
under sections 3302.03 and 3314.012 of the Revised Code. The 1552
performance indicators shall measure all of the following: 1553

(A) The extent to which the district's or school's program 1554
meets each of the applicable performance indicators established 1555
under section 3302.02 of the Revised Code and the number of 1556
applicable performance indicators that have been achieved; 1557

(B) The performance index score of the district's or school's 1558
program; 1559

(C) Student academic growth in English language arts, 1560
mathematics, science, and social studies measured using nationally 1561
normed tests, the assessments prescribed by section 3301.0710 of 1562
the Revised Code, or other assessments approved by the department 1563
of education; 1564

(D) Graduation rate for both of the following student 1565
cohorts: 1566

(1) Percentage of students currently enrolled in a school who 1567
entered ninth grade for the first time five years prior to the 1568
current school year and earned a high school diploma by the 1569
completion of the current school year; 1570

(2) Percentage of students currently enrolled in a school who 1571
entered ninth grade for the first time six years prior to the 1572
current school year and earned a high school diploma by the 1573
completion of the current school year. 1574

~~Sec. 3302.03. (A) Annually the department of education shall~~ 1575
~~report for each school district and each school building in a~~ 1576
~~district all of the following:~~ 1577

~~(1) The extent to which the school district or building meets~~ 1578
~~each of the applicable performance indicators created by the state~~ 1579
~~board of education under section 3302.02 of the Revised Code and~~ 1580
~~the number of applicable performance indicators that have been~~ 1581
~~achieved;~~ 1582

~~(2) The performance index score of the school district or~~ 1583
~~building;~~ 1584

~~(3) Whether the school district or building has made adequate~~ 1585
~~yearly progress;~~ 1586

~~(4) Whether the school district or building is excellent,~~ 1587
~~effective, needs continuous improvement, is under an academic~~ 1588
~~watch, or is in a state of academic emergency~~ Beginning with the 1589
2011-2012 school year, the department of education annually shall 1590
assign a grade of overall academic performance for each city, 1591
local, and exempted village school district and each school 1592
building in a district. The letter grades assigned to a district 1593
or building, determined in accordance with division (B) of this 1594
section, shall be as follows: 1595

(1) "A" for a district or school making excellent progress; 1596

(2) "B" for a district or school making above average 1597
progress; 1598

(3) "C" for a district or school making satisfactory 1599
progress; 1600

(4) "D" for a district or school making less than 1601
satisfactory progress; 1602

(5) "F" for a district or school failing to make satisfactory 1603
progress. 1604

~~(B) Except as otherwise provided in division (B)(6) of this section:~~ 1605
1606

~~(1) A school district or building shall be declared excellent if it meets at least ninety four per cent of the applicable state performance indicators or has a performance index score established by the department, except that if it does not make adequate yearly progress for two or more of the same subgroups for three or more consecutive years, it shall be declared effective.~~ 1607
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~~(2) A school district or building shall be declared effective if it meets at least seventy five per cent but less than ninety four per cent of the applicable state performance indicators or has a performance index score established by the department, except that if it does not make adequate yearly progress for two or more of the same subgroups for three or more consecutive years, it shall be declared in need of continuous improvement.~~ 1613
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~~(3) A school district or building shall be declared to be in need of continuous improvement if it fulfills one of the following requirements:~~ 1621
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~~(a) It makes adequate yearly progress, meets less than seventy five per cent of the applicable state performance indicators, and has a performance index score established by the department.~~ 1624
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~~(b) It does not make adequate yearly progress and either meets at least fifty per cent but less than seventy five per cent of the applicable state performance indicators or has a performance index score established by the department.~~ 1628
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~~(4) A school district or building shall be declared to be under an academic watch if it does not make adequate yearly progress and either meets at least thirty one per cent but less than fifty per cent of the applicable state performance indicators~~ 1632
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~~or has a performance index score established by the department.~~ 1636

~~(5) A school district or building shall be declared to be in
a state of academic emergency if it does not make adequate yearly
progress, does not meet at least thirty one per cent of the
applicable state performance indicators, and has a performance
index score established by the department.~~ 1637
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~~(6) Division (B)(6) of this section does not apply to any
community school established under Chapter 3314. of the Revised
Code in which a majority of the students are enrolled in a dropout
prevention and recovery program.~~ 1642
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~~A school district or building shall not be assigned a higher
performance rating than in need of continuous improvement if at
least ten per cent but not more than fifteen per cent of the
enrolled students do not take all achievement assessments
prescribed for their grade level under division (A)(1) or (B)(1)
of section 3301.0710 of the Revised Code from which they are not
excused pursuant to division (C)(1) or (3) of section 3301.0711 of
the Revised Code. A school district or building shall not be
assigned a higher performance rating than under an academic watch
if more than fifteen per cent but not more than twenty per cent of
the enrolled students do not take all achievement assessments
prescribed for their grade level under division (A)(1) or (B)(1)
of section 3301.0710 of the Revised Code from which they are not
excused pursuant to division (C)(1) or (3) of section 3301.0711 of
the Revised Code. A school district or building shall not be
assigned a higher performance rating than in a state of academic
emergency if more than twenty per cent of the enrolled students do
not take all achievement assessments prescribed for their grade
level under division (A)(1) or (B)(1) of section 3301.0710 of the
Revised Code from which they are not excused pursuant to division
(C)(1) or (3) of section 3301.0711 of the Revised Code (1) Each
school district and each building shall receive a grade of overall~~ 1646
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performance based on the combination of grades assigned pursuant 1668
to each of the following: 1669

(a) The extent to which the school district or building meets 1670
each of the applicable performance indicators created by the state 1671
board of education under section 3302.02 of the Revised Code and 1672
the percentage of applicable performance indicators that have been 1673
achieved. Grades shall be awarded as follows: (i) for ninety per 1674
cent or greater, the district or building shall receive an "A"; 1675
(ii) for at least eighty per cent but less than ninety per cent, 1676
the district or building shall receive a "B"; (iii) for at least 1677
seventy per cent but less than eighty per cent, the district or 1678
building shall receive a "C"; (iv) for at least sixty per cent but 1679
less than seventy per cent, the district or building shall receive 1680
a "D"; and (v) for less than sixty per cent, the district or 1681
building shall receive an "F." 1682

(b) The performance index score of the school district or 1683
building. Grades shall be awarded as a percentage of the total 1684
possible points on the performance index system as created by the 1685
department. Grades shall be awarded as follows: (i) for ninety per 1686
cent or greater, the district or building shall receive an "A"; 1687
(ii) for at least eighty per cent but less than ninety per cent, 1688
the district or building shall receive a "B"; (iii) for at least 1689
seventy per cent but less than eighty per cent, the district or 1690
building shall receive a "C"; (iv) for at least sixty per cent but 1691
less than seventy per cent, the district or building shall receive 1692
a "D"; and (v) for less than sixty per cent, the district or 1693
building shall receive an "F." 1694

(c) Whether the school district or building has made adequate 1695
yearly progress. A grade of "A," "B," "C," "D," or "F" shall be 1696
assigned to each district or building in accordance with a method 1697
prescribed by the department that takes into consideration the 1698
number of student subgroups assessed for adequate yearly progress 1699

and the manner in which the school or district achieves its 1700
adequate yearly progress goal for each subgroup. 1701

(d) The value-added progress dimension. A grade of "A," "B," 1702
"C," "D," or "F" shall be assigned to each district or building in 1703
accordance with a method prescribed by the department that takes 1704
into consideration at least two years of value-added data, as 1705
available, for each school or district. 1706

(2) The department shall aggregate the letter grade assigned 1707
to a school district or building for each metric prescribed by 1708
division (B)(1) of this section on a multi-point scale of values 1709
for the letter grades prescribed by the department. The department 1710
shall compute an average value for each district or school from 1711
all of the values that apply to that district or school, and then 1712
shall assign a letter grade for overall performance in accordance 1713
with minimum values determined by the department for each rating 1714
category prescribed by division (A) of this section. 1715

(C)(1) The department shall issue annual report cards for 1716
each city, local, and exempted village school district, each 1717
building within each district, and for the state as a whole 1718
reflecting performance on the indicators created by the state 1719
board under section 3302.02 of the Revised Code, the performance 1720
index score, and adequate yearly progress metrics and the scoring 1721
system described in divisions (A) and (B) of this section. 1722

(2) The department shall include on the report card for each 1723
district information pertaining to any change from the previous 1724
year made by the school district or school buildings within the 1725
district on any performance indicator. 1726

(3) When reporting data on student performance, the 1727
department shall disaggregate that data according to the following 1728
categories: 1729

(a) Performance of students by age group; 1730

(b) Performance of students by race and ethnic group;	1731
(c) Performance of students by gender;	1732
(d) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	1733 1734
(e) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	1735 1736 1737
(f) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	1738 1739
(g) Performance of students grouped by those who are economically disadvantaged;	1740 1741
(h) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	1742 1743 1744
(i) Performance of students grouped by those who are classified as limited English proficient;	1745 1746
(j) Performance of students grouped by those who have disabilities;	1747 1748
(k) Performance of students grouped by those who are classified as migrants;	1749 1750
(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.	1751 1752 1753
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (C) (3) <u>(2)</u> (a) to (l) of this section that it deems relevant.	1754 1755 1756 1757 1758 1759

In reporting data pursuant to division (C)~~(3)~~(2) of this 1760
section, the department shall not include in the report cards any 1761
data statistical in nature that is statistically unreliable or 1762
that could result in the identification of individual students. 1763
For this purpose, the department shall not report student 1764
performance data for any group identified in division (C)~~(3)~~(2) of 1765
this section that contains less than ten students. 1766

~~(4)~~(3) The department may include with the report cards any 1767
additional education and fiscal performance data it deems 1768
valuable. 1769

~~(5)~~(4) The department shall include on each report card a 1770
list of additional information collected by the department that is 1771
available regarding the district or building for which the report 1772
card is issued. When available, such additional information shall 1773
include student mobility data disaggregated by race and 1774
socioeconomic status, college enrollment data, and the reports 1775
prepared under section 3302.031 of the Revised Code. 1776

The department shall maintain a site on the world wide web. 1777
The report card shall include the address of the site and shall 1778
specify that such additional information is available to the 1779
public at that site. The department shall also provide a copy of 1780
each item on the list to the superintendent of each school 1781
district. The district superintendent shall provide a copy of any 1782
item on the list to anyone who requests it. 1783

~~(6)~~(5)(a) This division does not apply to conversion 1784
community schools that primarily enroll students between sixteen 1785
and twenty-two years of age who dropped out of high school or are 1786
at risk of dropping out of high school due to poor attendance, 1787
disciplinary problems, or suspensions. 1788

For any city, local, exempted village, or joint vocational 1789
school district that sponsors a conversion community school under 1790

Chapter 3314. of the Revised Code, the department shall combine 1791
data regarding the academic performance of students enrolled in 1792
the community school with comparable data from the schools of the 1793
district for the purpose of calculating the performance of the 1794
district as a whole on the report card issued for the district 1795
under this section or section 3302.033 of the Revised Code. 1796

(b) Any city, local, exempted village, or joint vocational 1797
school district that leases a building to a community school 1798
located in the district or that enters into an agreement with a 1799
community school located in the district whereby the district and 1800
the school endorse each other's programs may elect to have data 1801
regarding the academic performance of students enrolled in the 1802
community school combined with comparable data from the schools of 1803
the district for the purpose of calculating the performance of the 1804
district as a whole on the district report card. Any district that 1805
so elects shall annually file a copy of the lease or agreement 1806
with the department. 1807

~~(7)~~(6) The department shall include on each report card the 1808
percentage of teachers in the district or building who are highly 1809
qualified, as defined by the "No Child Left Behind Act of 2001," 1810
and a comparison of that percentage with the percentages of such 1811
teachers in similar districts and buildings. 1812

~~(8)~~(7) The department shall include on the report card the 1813
number of lead teachers employed by each district and each 1814
building once the data is available from the education management 1815
information system established under section 3301.0714 of the 1816
Revised Code. 1817

(D)(1) In calculating English language arts, mathematics, 1818
social studies, or science assessment passage rates used to 1819
determine school district or building performance under this 1820
section, the department shall include all students taking an 1821
assessment with accommodation or to whom an alternate assessment 1822

is administered pursuant to division (C)(1) or (3) of section 1823
3301.0711 of the Revised Code. 1824

(2) In calculating performance index scores, rates of 1825
achievement on the performance indicators established by the state 1826
board under section 3302.02 of the Revised Code, and adequate 1827
yearly progress for school districts and buildings under this 1828
section, the department shall do all of the following: 1829

(a) Include for each district or building only those students 1830
who are included in the ADM certified for the first full school 1831
week of October and are continuously enrolled in the district or 1832
building through the time of the spring administration of any 1833
assessment prescribed by division (A)(1) or (B)(1) of section 1834
3301.0710 of the Revised Code that is administered to the 1835
student's grade level; 1836

(b) Include cumulative totals from both the fall and spring 1837
administrations of the third grade English language arts 1838
achievement assessment; 1839

(c) Except as required by the "No Child Left Behind Act of 1840
2001" for the calculation of adequate yearly progress, exclude for 1841
each district or building any limited English proficient student 1842
who has been enrolled in United States schools for less than one 1843
full school year. 1844

Sec. 3302.033. Not later than December 31, 2012, the state 1845
board of education, in consultation with the chancellor of the 1846
Ohio board of regents and any office within the office of the 1847
governor concerning workforce development, shall approve a report 1848
card for joint vocational school districts. The state board also 1849
shall submit by that date details of the approved report card to 1850
the governor, the speaker of the house of representatives, the 1851
president of the senate, and the chairpersons of the standing 1852
committees of the house of representatives and the senate 1853

principally responsible for education policy. The department of 1854
education annually shall issue a report card for each joint 1855
vocational school district, beginning with report cards for the 1856
2012-2013 school year to be published not later than September 1, 1857
2013. 1858

Sec. 3302.04. As used in divisions (A), (C), and (D) of this 1859
section, for the 2011-2012 school year and each school year 1860
thereafter, when a provision refers to a district or building in a 1861
state of academic emergency, it shall mean a district or building 1862
rated "F"; when a provision refers to a district or building under 1863
an academic watch, it shall mean a district or building rated "D"; 1864
and when a provision refers to a district or building in need of 1865
continuous improvement, it shall mean a district or building rated 1866
"C" as those letter grade ratings for overall performance are 1867
assigned under section 3302.03 of the Revised Code, as it exists 1868
on or after the effective date of this amendment. 1869

(A) The department of education shall establish a system of 1870
intensive, ongoing support for the improvement of school districts 1871
and school buildings. In accordance with the model of 1872
differentiated accountability described in section 3302.041 of the 1873
Revised Code, the system shall give priority to districts and 1874
buildings that have been declared to be under an academic watch or 1875
in a state of academic emergency under section 3302.03 of the 1876
Revised Code and shall include services provided to districts and 1877
buildings through regional service providers, such as educational 1878
service centers. 1879

(B) This division does not apply to any school district after 1880
June 30, 2008. 1881

When a school district has been notified by the department 1882
pursuant to division (A) of section 3302.03 of the Revised Code 1883

that the district or a building within the district has failed to 1884
make adequate yearly progress for two consecutive school years, 1885
the district shall develop a three-year continuous improvement 1886
plan for the district or building containing each of the 1887
following: 1888

(1) An analysis of the reasons for the failure of the 1889
district or building to meet any of the applicable performance 1890
indicators established under section 3302.02 of the Revised Code 1891
that it did not meet and an analysis of the reasons for its 1892
failure to make adequate yearly progress; 1893

(2) Specific strategies that the district or building will 1894
use to address the problems in academic achievement identified in 1895
division (B)(1) of this section; 1896

(3) Identification of the resources that the district will 1897
allocate toward improving the academic achievement of the district 1898
or building; 1899

(4) A description of any progress that the district or 1900
building made in the preceding year toward improving its academic 1901
achievement; 1902

(5) An analysis of how the district is utilizing the 1903
professional development standards adopted by the state board 1904
pursuant to section 3319.61 of the Revised Code; 1905

(6) Strategies that the district or building will use to 1906
improve the cultural competency, as defined pursuant to section 1907
3319.61 of the Revised Code, of teachers and other educators. 1908

No three-year continuous improvement plan shall be developed 1909
or adopted pursuant to this division unless at least one public 1910
hearing is held within the affected school district or building 1911
concerning the final draft of the plan. Notice of the hearing 1912
shall be given two weeks prior to the hearing by publication in 1913
one newspaper of general circulation within the territory of the 1914

affected school district or building. Copies of the plan shall be 1915
made available to the public. 1916

(C) When a school district or building has been notified by 1917
the department pursuant to division (A) of section 3302.03 of the 1918
Revised Code that the district or building is under an academic 1919
watch or in a state of academic emergency, the district or 1920
building shall be subject to any rules establishing intervention 1921
in academic watch or emergency school districts or buildings. 1922

(D)(1) Within one hundred twenty days after any school 1923
district or building is declared to be in a state of academic 1924
emergency under section 3302.03 of the Revised Code, the 1925
department may initiate a site evaluation of the building or 1926
school district. 1927

(2) Division (D)(2) of this section does not apply to any 1928
school district after June 30, 2008. 1929

If any school district that is declared to be in a state of 1930
academic emergency or in a state of academic watch under section 1931
3302.03 of the Revised Code or encompasses a building that is 1932
declared to be in a state of academic emergency or in a state of 1933
academic watch fails to demonstrate to the department satisfactory 1934
improvement of the district or applicable buildings or fails to 1935
submit to the department any information required under rules 1936
established by the state board of education, prior to approving a 1937
three-year continuous improvement plan under rules established by 1938
the state board of education, the department shall conduct a site 1939
evaluation of the school district or applicable buildings to 1940
determine whether the school district is in compliance with 1941
minimum standards established by law or rule. 1942

(3) Site evaluations conducted under divisions (D)(1) and (2) 1943
of this section shall include, but not be limited to, the 1944
following: 1945

(a) Determining whether teachers are assigned to subject areas for which they are licensed or certified;	1946 1947
(b) Determining pupil-teacher ratios;	1948
(c) Examination of compliance with minimum instruction time requirements for each school day and for each school year;	1949 1950
(d) Determining whether materials and equipment necessary to implement the curriculum approved by the school district board are available;	1951 1952 1953
(e) Examination of whether the teacher and principal evaluation systems comply with sections 3319.02 and 3319.111 of the Revised Code;	1954 1955 1956
(f) Examination of the adequacy of efforts to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.	1957 1958 1959
(E) This division applies only to school districts that operate a school building that fails to make adequate yearly progress for two or more consecutive school years. It does not apply to any such district after June 30, 2008, except as provided in division (D)(2) of section 3313.97 of the Revised Code.	1960 1961 1962 1963 1964
(1) For any school building that fails to make adequate yearly progress for two consecutive school years, the district shall do all of the following:	1965 1966 1967
(a) Provide written notification of the academic issues that resulted in the building's failure to make adequate yearly progress to the parent or guardian of each student enrolled in the building. The notification shall also describe the actions being taken by the district or building to improve the academic performance of the building and any progress achieved toward that goal in the immediately preceding school year.	1968 1969 1970 1971 1972 1973 1974
(b) If the building receives funds under Title 1, Part A of	1975

the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 1976
6311 to 6339, from the district, in accordance with section 1977
3313.97 of the Revised Code, offer all students enrolled in the 1978
building the opportunity to enroll in an alternative building 1979
within the district that is not in school improvement status as 1980
defined by the "No Child Left Behind Act of 2001." Notwithstanding 1981
Chapter 3327. of the Revised Code, the district shall spend an 1982
amount equal to twenty per cent of the funds it receives under 1983
Title I, Part A of the "Elementary and Secondary Education Act of 1984
1965," 20 U.S.C. 6311 to 6339, to provide transportation for 1985
students who enroll in alternative buildings under this division, 1986
unless the district can satisfy all demand for transportation with 1987
a lesser amount. If an amount equal to twenty per cent of the 1988
funds the district receives under Title I, Part A of the 1989
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 1990
to 6339, is insufficient to satisfy all demand for transportation, 1991
the district shall grant priority over all other students to the 1992
lowest achieving students among the subgroup described in division 1993
(B)(3) of section 3302.01 of the Revised Code in providing 1994
transportation. Any district that does not receive funds under 1995
Title I, Part A of the "Elementary and Secondary Education Act of 1996
1965," 20 U.S.C. 6311 to 6339, shall not be required to provide 1997
transportation to any student who enrolls in an alternative 1998
building under this division. 1999

(2) For any school building that fails to make adequate 2000
yearly progress for three consecutive school years, the district 2001
shall do both of the following: 2002

(a) If the building receives funds under Title 1, Part A of 2003
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 2004
6311 to 6339, from the district, in accordance with section 2005
3313.97 of the Revised Code, provide all students enrolled in the 2006
building the opportunity to enroll in an alternative building 2007

within the district that is not in school improvement status as 2008
defined by the "No Child Left Behind Act of 2001." Notwithstanding 2009
Chapter 3327. of the Revised Code, the district shall provide 2010
transportation for students who enroll in alternative buildings 2011
under this division to the extent required under division (E)(2) 2012
of this section. 2013

(b) If the building receives funds under Title 1, Part A of 2014
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 2015
6311 to 6339, from the district, offer supplemental educational 2016
services to students who are enrolled in the building and who are 2017
in the subgroup described in division (B)(3) of section 3302.01 of 2018
the Revised Code. 2019

The district shall spend a combined total of an amount equal 2020
to twenty per cent of the funds it receives under Title I, Part A 2021
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 2022
6311 to 6339, to provide transportation for students who enroll in 2023
alternative buildings under division (E)(1)(b) or (E)(2)(a) of 2024
this section and to pay the costs of the supplemental educational 2025
services provided to students under division (E)(2)(b) of this 2026
section, unless the district can satisfy all demand for 2027
transportation and pay the costs of supplemental educational 2028
services for those students who request them with a lesser amount. 2029
In allocating funds between the requirements of divisions 2030
(E)(1)(b) and (E)(2)(a) and (b) of this section, the district 2031
shall spend at least an amount equal to five per cent of the funds 2032
it receives under Title I, Part A of the "Elementary and Secondary 2033
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 2034
transportation for students who enroll in alternative buildings 2035
under division (E)(1)(b) or (E)(2)(a) of this section, unless the 2036
district can satisfy all demand for transportation with a lesser 2037
amount, and at least an amount equal to five per cent of the funds 2038
it receives under Title I, Part A of the "Elementary and Secondary 2039

Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs 2040
of the supplemental educational services provided to students 2041
under division (E)(2)(b) of this section, unless the district can 2042
pay the costs of such services for all students requesting them 2043
with a lesser amount. If an amount equal to twenty per cent of the 2044
funds the district receives under Title I, Part A of the 2045
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 2046
to 6339, is insufficient to satisfy all demand for transportation 2047
under divisions (E)(1)(b) and (E)(2)(a) of this section and to pay 2048
the costs of all of the supplemental educational services provided 2049
to students under division (E)(2)(b) of this section, the district 2050
shall grant priority over all other students in providing 2051
transportation and in paying the costs of supplemental educational 2052
services to the lowest achieving students among the subgroup 2053
described in division (B)(3) of section 3302.01 of the Revised 2054
Code. 2055

Any district that does not receive funds under Title I, Part 2056
A of the "Elementary and Secondary Education Act of 1965," 20 2057
U.S.C. 6311 to 6339, shall not be required to provide 2058
transportation to any student who enrolls in an alternative 2059
building under division (E)(2)(a) of this section or to pay the 2060
costs of supplemental educational services provided to any student 2061
under division (E)(2)(b) of this section. 2062

No student who enrolls in an alternative building under 2063
division (E)(2)(a) of this section shall be eligible for 2064
supplemental educational services under division (E)(2)(b) of this 2065
section. 2066

(3) For any school building that fails to make adequate 2067
yearly progress for four consecutive school years, the district 2068
shall continue to comply with division (E)(2) of this section and 2069
shall implement at least one of the following options with respect 2070
to the building: 2071

(a) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code;	2072 2073 2074
(b) Decrease the degree of authority the building has to manage its internal operations;	2075 2076
(c) Appoint an outside expert to make recommendations for improving the academic performance of the building. The district may request the department to establish a state intervention team for this purpose pursuant to division (G) of this section.	2077 2078 2079 2080
(d) Extend the length of the school day or year;	2081
(e) Replace the building principal or other key personnel;	2082
(f) Reorganize the administrative structure of the building.	2083
(4) For any school building that fails to make adequate yearly progress for five consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall develop a plan during the next succeeding school year to improve the academic performance of the building, which shall include at least one of the following options:	2084 2085 2086 2087 2088 2089
(a) Reopen the school as a community school under Chapter 3314. of the Revised Code;	2090 2091
(b) Replace personnel;	2092
(c) Contract with a nonprofit or for-profit entity to operate the building;	2093 2094
(d) Turn operation of the building over to the department;	2095
(e) Other significant restructuring of the building's governance.	2096 2097
(5) For any school building that fails to make adequate yearly progress for six consecutive school years, the district shall continue to comply with division (E)(2) of this section and	2098 2099 2100

shall implement the plan developed pursuant to division (E)(4) of 2101
this section. 2102

(6) A district shall continue to comply with division 2103
(E)(1)(b) or (E)(2) of this section, whichever was most recently 2104
applicable, with respect to any building formerly subject to one 2105
of those divisions until the building makes adequate yearly 2106
progress for two consecutive school years. 2107

(F) This division applies only to school districts that have 2108
been identified for improvement by the department pursuant to the 2109
"No Child Left Behind Act of 2001." It does not apply to any such 2110
district after June 30, 2008. 2111

(1) If a school district has been identified for improvement 2112
for one school year, the district shall provide a written 2113
description of the continuous improvement plan developed by the 2114
district pursuant to division (B) of this section to the parent or 2115
guardian of each student enrolled in the district. If the district 2116
does not have a continuous improvement plan, the district shall 2117
develop such a plan in accordance with division (B) of this 2118
section and provide a written description of the plan to the 2119
parent or guardian of each student enrolled in the district. 2120

(2) If a school district has been identified for improvement 2121
for two consecutive school years, the district shall continue to 2122
implement the continuous improvement plan developed by the 2123
district pursuant to division (B) or (F)(1) of this section. 2124

(3) If a school district has been identified for improvement 2125
for three consecutive school years, the department shall take at 2126
least one of the following corrective actions with respect to the 2127
district: 2128

(a) Withhold a portion of the funds the district is entitled 2129
to receive under Title I, Part A of the "Elementary and Secondary 2130
Education Act of 1965," 20 U.S.C. 6311 to 6339; 2131

(b) Direct the district to replace key district personnel;	2132
(c) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code;	2133 2134 2135
(d) Establish alternative forms of governance for individual school buildings within the district;	2136 2137
(e) Appoint a trustee to manage the district in place of the district superintendent and board of education.	2138 2139
The department shall conduct individual audits of a sampling of districts subject to this division to determine compliance with the corrective actions taken by the department.	2140 2141 2142
(4) If a school district has been identified for improvement for four consecutive school years, the department shall continue to monitor implementation of the corrective action taken under division (F)(3) of this section with respect to the district.	2143 2144 2145 2146
(5) If a school district has been identified for improvement for five consecutive school years, the department shall take at least one of the corrective actions identified in division (F)(3) of this section with respect to the district, provided that the corrective action the department takes is different from the corrective action previously taken under division (F)(3) of this section with respect to the district.	2147 2148 2149 2150 2151 2152 2153
(G) The department may establish a state intervention team to evaluate all aspects of a school district or building, including management, curriculum, instructional methods, resource allocation, and scheduling. Any such intervention team shall be appointed by the department and shall include teachers and administrators recognized as outstanding in their fields. The intervention team shall make recommendations regarding methods for improving the performance of the district or building.	2154 2155 2156 2157 2158 2159 2160 2161

The department shall not approve a district's request for an intervention team under division (E)(3) of this section if the department cannot adequately fund the work of the team, unless the district agrees to pay for the expenses of the team.

(H) The department shall conduct individual audits of a sampling of community schools established under Chapter 3314. of the Revised Code to determine compliance with this section.

(I) The state board shall adopt rules for implementing this section.

Sec. 3302.042. (A) This section shall operate as a pilot project that applies to any school that has been ranked according to performance index score under section 3302.21 of the Revised Code in the lowest five per cent of all public school buildings statewide for three or more consecutive school years and is operated by the Columbus city school district. The pilot project shall commence once the department of education establishes implementation guidelines for the pilot project in consultation with the Columbus city school district.

(B) Except as provided in division (D), (E), or (F) of this section, if the parents or guardians of at least fifty per cent of the students enrolled in a school to which this section applies, or if the parents or guardians of at least fifty per cent of the total number of students enrolled in that school and the schools of lower grade levels whose students typically matriculate into that school, by the thirty-first day of December of any school year in which the school is subject to this section, sign and file with the school district treasurer a petition requesting the district board of education to implement one of the following reforms in the school, and if the validity and sufficiency of the petition is certified in accordance with division (C) of this section, the board shall implement the requested reform in the

next school year:	2193
(1) Reopen the school as a community school under Chapter 3314. of the Revised Code;	2194 2195
(2) Replace at least seventy per cent of the school's personnel who are related to the school's poor academic performance or, at the request of the petitioners, retain not more than thirty per cent of the personnel;	2196 2197 2198 2199
(3) Contract with another school district or a nonprofit or for-profit entity with a demonstrated record of effectiveness to operate the school;	2200 2201 2202
(4) Turn operation of the school over to the department;	2203
(5) Any other major restructuring of the school that makes fundamental reforms in the school's staffing or governance.	2204 2205
(C) Not later than thirty days after receipt of a petition under division (B) of this section, the district treasurer shall verify the validity and sufficiency of the signatures on the petition and certify to the district board whether the petition contains the necessary number of valid signatures to require the board to implement the reform requested by the petitioners. If the treasurer certifies to the district board that the petition does not contain the necessary number of valid signatures, any person who signed the petition may file an appeal with the county auditor within ten days after the certification. Not later than thirty days after the filing of an appeal, the county auditor shall conduct an independent verification of the validity and sufficiency of the signatures on the petition and certify to the district board whether the petition contains the necessary number of valid signatures to require the board to implement the requested reform. If the treasurer or county auditor certifies that the petition contains the necessary number of valid signatures, the district board shall notify the superintendent of	2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223

public instruction and the state board of education of the 2224
certification. 2225

(D) The district board shall not implement the reform 2226
requested by the petitioners in any of the following 2227
circumstances: 2228

(1) The district board has determined that the request is for 2229
reasons other than improving student academic achievement or 2230
student safety. 2231

(2) The state superintendent has determined that 2232
implementation of the requested reform would not comply with the 2233
model of differentiated accountability described in section 2234
3302.041 of the Revised Code. 2235

(3) The petitioners have requested the district board to 2236
implement the reform described in division (B)(4) of this section 2237
and the department has not agreed to take over the school's 2238
operation. 2239

(4) When all of the following have occurred: 2240

(a) After a public hearing on the matter, the district board 2241
issued a written statement explaining the reasons that it is 2242
unable to implement the requested reform and agreeing to implement 2243
one of the other reforms described in division (B) of this 2244
section. 2245

(b) The district board submitted its written statement to the 2246
state superintendent and the state board along with evidence 2247
showing how the alternative reform the district board has agreed 2248
to implement will enable the school to improve its academic 2249
performance. 2250

(c) Both the state superintendent and the state board have 2251
approved implementation of the alternative reform. 2252

(E) If the provisions of this section conflict in any way 2253

with the requirements of federal law, federal law shall prevail 2254
over the provisions of this section. 2255

(F) If a school is restructured under this section, section 2256
3302.10 or 3302.12 of the Revised Code, or federal law, the school 2257
shall not be required to restructure again under state law for 2258
three consecutive years after the implementation of that prior 2259
restructuring. 2260

(G) Beginning not later than six months after the first 2261
petition under this section has been resolved, the department of 2262
education shall annually evaluate the pilot program and submit a 2263
report to the general assembly under section 101.68 of the Revised 2264
Code. Such reports shall contain its recommendations to the 2265
general assembly with respect to the continuation of the pilot 2266
program, its expansion to other school districts, or the enactment 2267
of further legislation establishing the program statewide under 2268
permanent law. 2269

Sec. 3302.05. The state board of education shall adopt rules 2270
freeing school districts declared to be excellent ~~under division~~ 2271
~~(B)(1)~~ or effective or rated "A" or "B" under ~~division (B)(2)~~ of 2272
section 3302.03 of the Revised Code from specified state mandates. 2273
Any mandates included in the rules shall be only those statutes or 2274
rules pertaining to state education requirements. The rules shall 2275
not exempt districts from any operating standard adopted under 2276
division (D)(3) of section 3301.07 of the Revised Code. 2277

Sec. 3302.10. (A) Beginning July 1, 2007, the superintendent 2278
of public instruction shall establish an academic distress 2279
commission for each school district that has been declared to be 2280
in a state of academic emergency or has been rated "F" pursuant to 2281
section 3302.03 of the Revised Code and has failed to make 2282
adequate yearly progress for four or more consecutive school 2283

years. Each commission shall assist the district for which it was 2284
established in improving the district's academic performance. 2285

Each commission is a body both corporate and politic, 2286
constituting an agency and instrumentality of the state and 2287
performing essential governmental functions of the state. A 2288
commission shall be known as the "academic distress commission for 2289
..... (name of school district)," and, in that name, may 2290
exercise all authority vested in such a commission by this 2291
section. A separate commission shall be established for each 2292
school district to which this division applies. 2293

(B) Each academic distress commission shall consist of five 2294
voting members, three of whom shall be appointed by the 2295
superintendent of public instruction and two of whom shall be 2296
residents of the applicable school district appointed by the 2297
president of the district board of education. When a school 2298
district becomes subject to this section, the superintendent of 2299
public instruction shall provide written notification of that fact 2300
to the district board of education and shall request the president 2301
of the district board to submit to the superintendent of public 2302
instruction, in writing, the names of the president's appointees 2303
to the commission. The superintendent of public instruction and 2304
the president of the district board shall make appointments to the 2305
commission within thirty days after the district is notified that 2306
it is subject to this section. 2307

Members of the commission shall serve at the pleasure of 2308
their appointing authority during the life of the commission. In 2309
the event of the death, resignation, incapacity, removal, or 2310
ineligibility to serve of a member, the appointing authority shall 2311
appoint a successor within fifteen days after the vacancy occurs. 2312
Members shall serve without compensation, but shall be paid by the 2313
commission their necessary and actual expenses incurred while 2314
engaged in the business of the commission. 2315

(C) Immediately after appointment of the initial members of 2316
an academic distress commission, the superintendent of public 2317
instruction shall call the first meeting of the commission and 2318
shall cause written notice of the time, date, and place of that 2319
meeting to be given to each member of the commission at least 2320
forty-eight hours in advance of the meeting. The first meeting 2321
shall include an overview of the commission's roles and 2322
responsibilities, the requirements of section 2921.42 and Chapter 2323
102. of the Revised Code as they pertain to commission members, 2324
the requirements of section 121.22 of the Revised Code, and the 2325
provisions of division (F) of this section. At its first meeting, 2326
the commission shall adopt temporary bylaws in accordance with 2327
division (D) of this section to govern its operations until the 2328
adoption of permanent bylaws. 2329

The superintendent of public instruction shall designate a 2330
chairperson for the commission from among the members appointed by 2331
the superintendent. The chairperson shall call and conduct 2332
meetings, set meeting agendas, and serve as a liaison between the 2333
commission and the district board of education. The chairperson 2334
also shall appoint a secretary, who shall not be a member of the 2335
commission. 2336

The department of education shall provide administrative 2337
support for the commission, provide data requested by the 2338
commission, and inform the commission of available state resources 2339
that could assist the commission in its work. 2340

(D) Each academic distress commission may adopt and alter 2341
bylaws and rules, which shall not be subject to section 111.15 or 2342
Chapter 119. of the Revised Code, for the conduct of its affairs 2343
and for the manner, subject to this section, in which its powers 2344
and functions shall be exercised and embodied. 2345

(E) Three members of an academic distress commission 2346
constitute a quorum of the commission. The affirmative vote of 2347

three members of the commission is necessary for any action taken 2348
by vote of the commission. No vacancy in the membership of the 2349
commission shall impair the rights of a quorum by such vote to 2350
exercise all the rights and perform all the duties of the 2351
commission. Members of the commission are not disqualified from 2352
voting by reason of the functions of any other office they hold 2353
and are not disqualified from exercising the functions of the 2354
other office with respect to the school district, its officers, or 2355
the commission. 2356

(F) The members of an academic distress commission, the 2357
superintendent of public instruction, and any person authorized to 2358
act on behalf of or assist them shall not be personally liable or 2359
subject to any suit, judgment, or claim for damages resulting from 2360
the exercise of or failure to exercise the powers, duties, and 2361
functions granted to them in regard to their functioning under 2362
this section, but the commission, superintendent of public 2363
instruction, and such other persons shall be subject to mandamus 2364
proceedings to compel performance of their duties under this 2365
section. 2366

(G) Each member of an academic distress commission shall file 2367
the statement described in section 102.02 of the Revised Code with 2368
the Ohio ethics commission. The statement shall be confidential, 2369
subject to review, as described in division (B) of that section. 2370

(H) Meetings of each academic distress commission shall be 2371
subject to section 121.22 of the Revised Code. 2372

(I)(1) Within one hundred twenty days after the first meeting 2373
of an academic distress commission, the commission shall adopt an 2374
academic recovery plan to improve academic performance in the 2375
school district. The plan shall address academic problems at both 2376
the district and school levels. The plan shall include the 2377
following: 2378

(a) Short-term and long-term actions to be taken to improve the district's academic performance, including any actions required by section 3302.04 or 3302.041 of the Revised Code;	2379 2380 2381
(b) The sequence and timing of the actions described in division (I)(1)(a) of this section and the persons responsible for implementing the actions;	2382 2383 2384
(c) Resources that will be applied toward improvement efforts;	2385 2386
(d) Procedures for monitoring and evaluating improvement efforts;	2387 2388
(e) Requirements for reporting to the commission and the district board of education on the status of improvement efforts.	2389 2390
(2) The commission may amend the academic recovery plan subsequent to adoption. The commission shall update the plan at least annually.	2391 2392 2393
(3) The commission shall submit the academic recovery plan it adopts or updates to the superintendent of public instruction for approval immediately following its adoption or updating. The superintendent shall evaluate the plan and either approve or disapprove it within thirty days after its submission. If the plan is disapproved, the superintendent shall recommend modifications that will render it acceptable. No academic distress commission shall implement an academic recovery plan unless the superintendent has approved it.	2394 2395 2396 2397 2398 2399 2400 2401 2402
(4) County, state, and school district officers and employees shall assist the commission diligently and promptly in the implementation of the academic recovery plan.	2403 2404 2405
(J) Each academic distress commission shall seek input from the district board of education regarding ways to improve the district's academic performance, but any decision of the	2406 2407 2408

commission related to any authority granted to the commission 2409
under this section shall be final. 2410

The commission may do any of the following: 2411

(1) Appoint school building administrators and reassign 2412
administrative personnel; 2413

(2) Terminate the contracts of administrators or 2414
administrative personnel. The commission shall not be required to 2415
comply with section 3319.16 of the Revised Code with respect to 2416
any contract terminated under this division. 2417

(3) Contract with a private entity to perform school or 2418
district management functions; 2419

(4) Establish a budget for the district and approve district 2420
appropriations and expenditures, unless a financial planning and 2421
supervision commission has been established for the district 2422
pursuant to section 3316.05 of the Revised Code. 2423

(K) If the board of education of a district for which an 2424
academic distress commission has been established under this 2425
section renews any collective bargaining agreement under Chapter 2426
4117. of the Revised Code during the existence of the commission, 2427
the district board shall not enter into any agreement that would 2428
render any decision of the commission unenforceable. Section 2429
3302.08 of the Revised Code does not apply to this division. 2430

Notwithstanding any provision to the contrary in Chapter 2431
4117. of the Revised Code, if the board of education has entered 2432
into a collective bargaining agreement after September 29, 2005, 2433
that contains stipulations relinquishing one or more of the rights 2434
or responsibilities listed in division (C) of section 4117.08 of 2435
the Revised Code, those stipulations are not enforceable and the 2436
district board shall resume holding those rights or 2437
responsibilities as if it had not relinquished them in that 2438
agreement until such time as both the academic distress commission 2439

ceases to exist and the district board agrees to relinquish those 2440
rights or responsibilities in a new collective bargaining 2441
agreement. The provisions of this paragraph apply to a collective 2442
bargaining agreement entered into after September 29, 2005, and 2443
those provisions are deemed to be part of that agreement 2444
regardless of whether the district satisfied the conditions 2445
prescribed in division (A) of this section at the time the 2446
district entered into that agreement. 2447

(L) An academic distress commission shall cease to exist when 2448
the district for which it was established receives a performance 2449
rating under section 3302.03 of the Revised Code of ~~in need of~~ 2450
~~continuous improvement~~ "C" or better for two of the three prior 2451
school years; however, the superintendent of public instruction 2452
may dissolve the commission earlier if the superintendent 2453
determines that the district can perform adequately without the 2454
supervision of the commission. Upon termination of the commission, 2455
the department of education shall compile a final report of the 2456
commission's activities to assist other academic distress 2457
commissions in the conduct of their functions. 2458

Sec. 3302.12. (A) ~~For~~ Except as provided in divisions (C) and 2459
(D) of this section, for any school building that is ranked 2460
according to performance index score under section 3302.21 of the 2461
Revised Code in the lowest five per cent of all public school 2462
buildings statewide for three consecutive years and is declared to 2463
be under an academic watch or in a state of academic emergency or 2464
is rated "D" or "F" under section 3302.03 of the Revised Code, the 2465
district board of education shall do one of the following at the 2466
conclusion of the school year in which the building first becomes 2467
subject to this division: 2468

(1) Close the school and direct the district superintendent 2469
to reassign the students enrolled in the school to other school 2470

buildings that demonstrate higher academic achievement; 2471

(2) Contract with another school district or a nonprofit or 2472
for-profit entity with a demonstrated record of effectiveness to 2473
operate the school; 2474

(3) Replace the principal and all teaching staff of the 2475
school and, upon request from the new principal, exempt the school 2476
from all requested policies and regulations of the board regarding 2477
curriculum and instruction. The board also shall distribute 2478
funding to the school in an amount that is at least equal to the 2479
product of the per pupil amount of state and local revenues 2480
received by the district multiplied by the student population of 2481
the school. 2482

(4) Reopen the school as a conversion community school under 2483
Chapter 3314. of the Revised Code. 2484

(B) If an action taken by the board under division (A) of 2485
this section causes the district to no longer maintain all grades 2486
kindergarten through twelve, as required by section 3311.29 of the 2487
Revised Code, the board shall enter into a contract with another 2488
school district pursuant to section 3327.04 of the Revised Code 2489
for enrollment of students in the schools of that other district 2490
to the extent necessary to comply with the requirement of section 2491
3311.29 of the Revised Code. Notwithstanding any provision of the 2492
Revised Code to the contrary, if the board enters into and 2493
maintains a contract under section 3327.04 of the Revised Code, 2494
the district shall not be considered to have failed to comply with 2495
the requirement of section 3311.29 of the Revised Code. If, 2496
however, the district board fails to or is unable to enter into or 2497
maintain such a contract, the state board of education shall take 2498
all necessary actions to dissolve the district as provided in 2499
division (A) of section 3311.29 of the Revised Code. 2500

(C) If a particular school is required to restructure under 2501

this section and a petition with respect to that same school has 2502
been filed and verified under divisions (B) and (C) of section 2503
3302.042 of the Revised Code, the provisions of that section and 2504
the petition filed and verified under it shall prevail over the 2505
provisions of this section and the school shall be restructured 2506
under that section. However, if division (D)(1), (2), or (3) of 2507
section 3302.042 of the Revised Code also applies to the school, 2508
the school shall be subject to restructuring under this section 2509
and not section 3302.042 of the Revised Code. 2510

If the provisions of this section conflict in any way with 2511
the requirements of federal law, federal law shall prevail over 2512
the provisions of this section. 2513

(D) If a school is restructured under this section, section 2514
3302.042 or 3302.10 of the Revised Code, or federal law, the 2515
school shall not be required to restructure again under state law 2516
for three consecutive years after the implementation of that prior 2517
restructuring. 2518

Sec. 3302.20. (A) The department of education shall develop 2519
standards for determining, from the existing data reported in 2520
accordance with sections 3301.0714 and 3314.17 of the Revised 2521
Code, the amount of annual operating expenditures for classroom 2522
instructional purposes and for nonclassroom purposes for each 2523
city, exempted village, local, and joint vocational school 2524
district, each community school established under Chapter 3314. 2525
that is not an internet- or computer-based community school, each 2526
internet- or computer-based community school, and each STEM school 2527
established under Chapter 3326. of the Revised Code. Not later 2528
than January 1, ~~2012~~ 2013, the department shall present those 2529
standards to the state board of education for consideration. In 2530
developing the standards, the department shall adapt existing 2531
standards used by professional organizations, research 2532

organizations, and other state governments. The department also 2533
shall align the expenditure categories required for reporting 2534
under the standards with the categories that are required for 2535
reporting to the United States department of education under 2536
federal law. 2537

The state board shall consider the proposed standards and 2538
adopt a final set of standards not later than July 1, ~~2012~~ 2013. 2539

(B)(1) The department shall categorize all city, exempted 2540
village, and local school districts into not less than three nor 2541
more than five groups based primarily on average daily student 2542
enrollment as reported on the most recent report card issued for 2543
each district under section 3302.03 of the Revised Code. 2544

(2) The department shall categorize all joint vocational 2545
school districts into not less than three nor more than five 2546
groups based primarily on average daily membership as reported 2547
under division (D) of section 3317.03 of the Revised Code rounded 2548
to the nearest whole number. 2549

(3) The department shall categorize all community schools 2550
that are not internet- or computer-based community schools into 2551
not less than three nor more than five groups based primarily on 2552
average daily student enrollment as reported on the most recent 2553
report card issued for each community school under sections 2554
3302.03 and 3314.012 of the Revised Code. 2555

(4) The department shall categorize all internet- or 2556
computer-based community schools into a single category. 2557

(5) The department shall categorize all STEM schools into a 2558
single category. 2559

(C) Using the standards adopted under division (A) of this 2560
section and the data reported under sections 3301.0714 and 3314.17 2561
of the Revised Code, the department shall compute, ~~for fiscal~~ 2562

years 2008 through 2012, and annually for each fiscal year	2563
thereafter, the following:	2564
(1) The percentage of each district's, community school's, or STEM school's total operating budget spent for classroom instructional purposes;	2565 2566 2567
(2) The statewide average percentage for all districts, community schools, and STEM schools combined spent for classroom instructional purposes;	2568 2569 2570
(3) The average percentage for each of the categories of districts and schools established under division (B) of this section spent for classroom instructional purposes;	2571 2572 2573
(4) The ranking of each district, community school, or STEM school within its respective category established under division (B) of this section according to the following:	2574 2575 2576
(a) From highest to lowest percentage spent for classroom instructional purposes;	2577 2578
(b) From lowest to highest percentage spent for noninstructional purposes.	2579 2580
(D) In its display of rankings within each category under division (C)(4) of this section, the department shall make the following notations:	2581 2582 2583
(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is:	2584 2585 2586
(a) Among the twenty per cent of all city, exempted village, and local school districts statewide with the lowest total operating expenditures per pupil;	2587 2588 2589
(b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest performance index scores.	2590 2591 2592

(2) Within each category of joint vocational school districts, the department shall denote each district that is:	2593 2594
(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditures per pupil;	2595 2596 2597
(b) Among the twenty per cent of all joint vocational school districts statewide with the highest performance measures required for career technical education under 20 U.S.C. 2323, as ranked report card scores under division (A)(3) of section 3302.21 <u>3302.033</u> of the Revised Code.	2598 2599 2600 2601 2602
(3) Within each category of community schools that are not internet- or computer-based community schools, the department shall denote each school that is:	2603 2604 2605
(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditures per pupil;	2606 2607
(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores.	2608 2609
(4) Within the category of internet- or computer-based community schools, the department shall denote each school that is:	2610 2611 2612
(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditures per pupil;	2613 2614
(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores.	2615 2616
(5) Within the category of STEM schools, the department shall denote each school that is:	2617 2618
(a) Among the twenty per cent of all STEM schools statewide with the lowest total operating expenditures per pupil;	2619 2620
(b) Among the twenty per cent of all STEM schools statewide with the highest performance index scores.	2621 2622

(E) The department shall post in a prominent location on its web site the information prescribed by divisions (C) and (D) of this section. The department also shall include on each district's, community school's, and STEM school's annual report card issued under section 3302.03 of the Revised Code the respective information computed for the district or school under divisions (C)(1) and (4) of this section, the statewide information computed under division (C)(2) of this section, and the information computed for the district's or school's category under division (C)(3) of this section.

(F) As used in this section:

(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(2) A school district's, community school's, or STEM school's performance index score rank is its performance index score rank as computed under section 3302.21 of the Revised Code.

Sec. 3302.21. (A) The department of education shall develop a system to rank order all city, exempted village, and local, ~~and joint vocational~~ school districts, community schools established under Chapter 3314., and STEM schools established under Chapter 3326. of the Revised Code according to the following measures:

(1) Performance index score for each school district, community school, and STEM school and for each separate building of a district, community school, or STEM school. For districts, schools, or buildings to which the performance index score does not apply, the superintendent of public instruction shall develop another measure of student academic performance and use that measure to include those buildings in the ranking so that all districts, schools, and buildings may be reliably compared to each other.

(2) Student performance growth from year to year, using the value-added progress dimension, if applicable, and other measures of student performance growth designated by the superintendent of public instruction for subjects and grades not covered by the value-added progress dimension;

~~(3) Performance measures required for career technical education under 20 U.S.C. 2323, if applicable. If a school district is a "VEPD" or "lead district" as those terms are defined in section 3317.023 of the Revised Code, the district's ranking shall be based on the performance of career technical students from that district and all other districts served by that district, and such fact, including the identity of the other districts served by that district, shall be noted on the report required by division (B) of this section.~~

~~(4)~~ Current operating expenditures per pupil as determined under standards adopted by the state board of education under section 3302.20 of the Revised Code;

~~(5)~~(4) Of total current operating expenditures, percentage spent for classroom instruction as determined under standards adopted by the state board of education under section 3302.20 of the Revised Code;

~~(6)~~(5) Performance of, and opportunities provided to, students identified as gifted using value-added progress dimensions, if applicable, and other relevant measures as designated by the superintendent of public instruction.

The department shall rank each district, community school, and STEM school annually in accordance with the system developed under this section.

(B) In addition to the reports required by sections 3302.03 and 3302.031 of the Revised Code, not later than the first day of September each year, the department shall issue a report for each

city, exempted village, and local, ~~and joint vocational~~ school 2684
district, each community school, and each STEM school indicating 2685
the district's or school's rank on each measure described in 2686
divisions (A)(1) to ~~(5)~~(4) of this section, including each 2687
separate building's rank among all public school buildings 2688
according to performance index score under division (A)(1) of this 2689
section. 2690

Sec. 3302.25. (A) In accordance with standards prescribed by 2691
the state board of education for categorization of school district 2692
expenditures adopted under division (A) of section 3302.20 of the 2693
Revised Code, the department of education annually shall determine 2694
all of the following for the previous fiscal year: 2695

(1) For each school district, the ratio of the district's 2696
operating expenditures for classroom instructional purposes 2697
compared to its operating expenditures for ~~administrative~~ 2698
nonclassroom purposes; 2699

(2) For each school district, the per pupil amount of the 2700
district's expenditures for classroom instructional purposes; 2701

(3) For each school district, the per pupil amount of the 2702
district's operating expenditures for ~~administrative~~ nonclassroom 2703
purposes; 2704

(4) For each school district, the percentage of the 2705
district's operating expenditures attributable to school district 2706
funds; 2707

(5) The statewide average among all school districts for each 2708
of the items described in divisions (A)(1) to (4) of this section. 2709

(B) The department annually shall submit a report to each 2710
school district indicating the district's information for each of 2711
the items described in divisions (A)(1) to (4) of this section and 2712
the statewide averages described in division (A)(5) of this 2713

section. 2714

(C) Each school district, upon receipt of the report 2715
prescribed by division (B) of this section, shall publish the 2716
information contained in that report in a prominent location on 2717
the district's web site and publish the report in another fashion 2718
so that it is available to all parents of students enrolled in the 2719
district and to taxpayers of the district. 2720

Sec. 3302.41. As used in this section, "blended learning" has 2721
the same meaning as in section 3301.079 of the Revised Code. 2722

(A) Any local, city, exempted village, or joint vocational 2723
school district, community school established under Chapter 3314. 2724
of the Revised Code, STEM school established under Chapter 3326. 2725
of the Revised Code, or college-preparatory boarding school 2726
established under Chapter 3328. of the Revised Code may operate 2727
all or part of a school using a blended learning model. If a 2728
school is operated using a blended learning model or is to cease 2729
operating using a blended learning model, the superintendent of 2730
the school or district or director of the school shall notify the 2731
department of education of that fact not later than the first day 2732
of July of the school year for which the change is effective. If 2733
any school is already operated using a blended learning model on 2734
the effective date of this section, the superintendent of the 2735
school or district may notify the department within ninety days 2736
after the effective date of this section of that fact and request 2737
that the school be classified as a blended learning school. 2738

(B) The state board of education shall adopt standards for 2739
the operation of blended learning classrooms under this section 2740
that provide for all of the following: 2741

(1) Student-to-teacher ratios whereby no school or classroom 2742
is required to have more than one teacher for every one hundred 2743
twenty-five students in blended learning classrooms; 2744

(2) The extent to which the school is or is not obligated to provide students with access to digital learning tools; 2745
2746

(3) The ability of all students, at any grade level, to earn credits or advance grade levels upon demonstrating mastery of knowledge or skills through competency-based learning models. Credits or grade level advancement shall not be based on a minimum number of days or hours in a classroom. 2747
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(4) An exemption from minimum school year or school day requirements in sections 3313.48 and 3313.481 of the Revised Code; 2752
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(5) Adequate provisions for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; buildings, grounds, and health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will ensure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary. 2754
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(C) An internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, is not a blended learning school authorized under this section. Nor does this section affect any provisions for the operation of and payments to an internet- or computer-based community school prescribed in Chapter 3314. of the Revised Code. 2768
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Sec. 3310.03. A student is an "eligible student" for purposes of the educational choice scholarship pilot program if the 2774
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student's resident district is not a school district in which the 2776
pilot project scholarship program is operating under sections 2777
3313.974 to 3313.979 of the Revised Code and the student satisfies 2778
one of the conditions in division (A) or (B) of this section: 2779

(A)(1) The student is enrolled in a school building that is 2780
operated by the student's resident district and to which both of 2781
the following apply: 2782

(a) ~~The building was declared, in~~ In at least two of the 2783
three most recent ratings of school buildings published prior to 2784
the first day of July of the school year for which a scholarship 2785
is sought, the building was declared to be in a state of academic 2786
emergency or academic watch or was rated "F" or "D" under section 2787
3302.03 of the Revised Code; 2788

(b) The building was not declared to be excellent or 2789
effective or was not rated "A" or "B" under that section in the 2790
most recent rating published prior to the first day of July of the 2791
school year for which a scholarship is sought. 2792

(2) The student is eligible to enroll in kindergarten in the 2793
school year for which a scholarship is sought and otherwise would 2794
be assigned under section 3319.01 of the Revised Code to a school 2795
building described in division (A)(1) of this section. 2796

(3) The student is enrolled in a community school established 2797
under Chapter 3314. of the Revised Code but otherwise would be 2798
assigned under section 3319.01 of the Revised Code to a building 2799
described in division (A)(1) of this section. 2800

(4) The student is enrolled in a school building that is 2801
operated by the student's resident district or in a community 2802
school established under Chapter 3314. of the Revised Code and 2803
otherwise would be assigned under section 3319.01 of the Revised 2804
Code to a school building described in division (A)(1) of this 2805

section in the school year for which the scholarship is sought. 2806

(5) The student is eligible to enroll in kindergarten in the 2807
school year for which a scholarship is sought, or is enrolled in a 2808
community school established under Chapter 3314. of the Revised 2809
Code, and all of the following apply to the student's resident 2810
district: 2811

(a) The district has in force an intradistrict open 2812
enrollment policy under which no student in kindergarten or the 2813
community school student's grade level, respectively, is 2814
automatically assigned to a particular school building; 2815

(b) In at least two of the three most recent ratings of 2816
school districts published prior to the first day of July of the 2817
school year for which a scholarship is sought, the district was 2818
declared to be in a state of academic emergency or was rated "F" 2819
under section 3302.03 of the Revised Code; 2820

(c) The district was not declared to be excellent or 2821
effective or was not rated "A" or "B" under that section in the 2822
most recent rating published prior to the first day of July of the 2823
school year for which a scholarship is sought. 2824

(B)(1) The student is enrolled in a school building that is 2825
operated by the student's resident district and to which both of 2826
the following apply: 2827

(a) The building was ranked, for at least two of the three 2828
most recent rankings published under section 3302.21 of the 2829
Revised Code prior to the first day of July of the school year for 2830
which a scholarship is sought, in the lowest ten per cent of all 2831
public school buildings according to performance index score under 2832
section 3302.21 of the Revised Code. 2833

(b) The building was not declared to be excellent or 2834
effective or was not rated "A" or "B" under section 3302.03 of the 2835
Revised Code in the most recent rating published prior to the 2836

first day of July of the school year for which a scholarship is 2837
sought. 2838

(2) The student is eligible to enroll in kindergarten in the 2839
school year for which a scholarship is sought and otherwise would 2840
be assigned under section 3319.01 of the Revised Code to a school 2841
building described in division (B)(1) of this section. 2842

(3) The student is enrolled in a community school established 2843
under Chapter 3314. of the Revised Code but otherwise would be 2844
assigned under section 3319.01 of the Revised Code to a building 2845
described in division (B)(1) of this section. 2846

(4) The student is enrolled in a school building that is 2847
operated by the student's resident district or in a community 2848
school established under Chapter 3314. of the Revised Code and 2849
otherwise would be assigned under section 3319.01 of the Revised 2850
Code to a school building described in division (B)(1) of this 2851
section in the school year for which the scholarship is sought. 2852

(C) A student who receives a scholarship under the 2853
educational choice scholarship pilot program remains an eligible 2854
student and may continue to receive scholarships in subsequent 2855
school years until the student completes grade twelve, so long as 2856
all of the following apply: 2857

(1) The student's resident district remains the same, or the 2858
student transfers to a new resident district and otherwise would 2859
be assigned in the new resident district to a school building 2860
described in division (A)(1) or (B)(1) of this section; 2861

(2) The student takes each assessment prescribed for the 2862
student's grade level under section 3301.0710 or 3301.0712 of the 2863
Revised Code while enrolled in a chartered nonpublic school; 2864

(3) In each school year that the student is enrolled in a 2865
chartered nonpublic school, the student is absent from school for 2866
not more than twenty days that the school is open for instruction, 2867

not including excused absences. 2868

(D)(1) The department shall cease awarding first-time 2869
scholarships pursuant to divisions (A)(1) to (4) of this section 2870
with respect to a school building that, in the most recent ratings 2871
of school buildings published under section 3302.03 of the Revised 2872
Code prior to the first day of July of the school year, ceases to 2873
meet the criteria in division (A)(1) of this section. The 2874
department shall cease awarding first-time scholarships pursuant 2875
to division (A)(5) of this section with respect to a school 2876
district that, in the most recent ratings of school districts 2877
published under section 3302.03 of the Revised Code prior to the 2878
first day of July of the school year, ceases to meet the criteria 2879
in division (A)(5) of this section. 2880

(2) The department shall cease awarding first-time 2881
scholarships pursuant to divisions (B)(1) to (4) of this section 2882
with respect to a school building that, in the most recent ratings 2883
of school buildings under section 3302.03 of the Revised Code 2884
prior to the first day of July of the school year, ceases to meet 2885
the criteria in division (B)(1) of this section. 2886

(3) However, students who have received scholarships in the 2887
prior school year remain eligible students pursuant to division 2888
(C) of this section. 2889

(E) The state board of education shall adopt rules defining 2890
excused absences for purposes of division (C)(3) of this section. 2891

Sec. 3310.06. It is the policy adopted by the general 2892
assembly that the educational choice scholarship pilot program 2893
shall be construed as one of several educational options available 2894
for students enrolled in academic emergency or academic watch 2895
school buildings or buildings that are rated "F" or "D." Students 2896
may be enrolled in the schools of the student's resident district, 2897
in a community school established under Chapter 3314. of the 2898

Revised Code, in the schools of another school district pursuant 2899
to an open enrollment policy adopted under section 3313.98 of the 2900
Revised Code, in a chartered nonpublic school with or without a 2901
scholarship under the educational choice scholarship pilot 2902
program, or in other schools as the law may provide. 2903

Sec. 3310.08. (A) The amount paid for an eligible student 2904
under the educational choice scholarship pilot program shall be 2905
the lesser of the tuition of the chartered nonpublic school in 2906
which the student is enrolled or the maximum amount prescribed in 2907
section 3310.09 of the Revised Code. 2908

(B)(1) The department of education shall pay to the parent of 2909
each eligible student for whom a scholarship is awarded under the 2910
program, or to the student if at least eighteen years of age, 2911
periodic partial payments of the scholarship. 2912

(2) The department shall proportionately reduce or terminate 2913
the payments for any student who withdraws from a chartered 2914
nonpublic school prior to the end of the school year. 2915

(C)(1) The department shall deduct from the payments made to 2916
each school district under Chapter 3317., and if necessary, 2917
sections 321.24 and 323.156 of the Revised Code, the amount paid 2918
under division (B) of this section for each eligible student 2919
awarded a scholarship under the program who is entitled under 2920
section 3313.64 or 3313.65 of the Revised Code to attend school in 2921
the district. In the case of a student entitled to attend school 2922
in a school district under division (B)(2)(a) of section 3313.64 2923
or division (C) of section 3313.65 of the Revised Code, the 2924
department shall deduct the payments from the school district that 2925
includes the student in its average daily membership as reported 2926
to the department under section 3317.03 of the Revised Code, as 2927
determined by the department. 2928

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

Sec. 3310.15. (A) The department of education annually shall compile the scores attained by scholarship students to whom an assessment is administered under section 3310.14 of the Revised Code. The scores shall be aggregated as follows:

(1) By state, which shall include all students awarded a scholarship under the educational choice scholarship pilot program and who were required to take an assessment under section 3310.14 of the Revised Code;

(2) By school district, which shall include all scholarship students who were required to take an assessment under section 3310.14 of the Revised Code and for whom the district is the student's resident district;

(3) By chartered nonpublic school, which shall include all scholarship students enrolled in that school who were required to take an assessment under section 3310.14 of the Revised Code.

(B) The department shall disaggregate the student performance data described in division (A) of this section according to the following categories:

(1) Age Grade level;

(2) Race and ethnicity;

(3) Gender;

(4) Students who have participated in the scholarship program

for three or more years;	2959
(5) Students who have participated in the scholarship program for more than one year and less than three years;	2960 2961
(6) Students who have participated in the scholarship program for one year or less;	2962 2963
(7) Economically disadvantaged students.	2964
(C) The department shall post the student performance data required under divisions (A) and (B) of this section on its web site and, by the first day of February each year, shall distribute that data to the parent of each eligible student. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report performance data for any group that contains less than ten students.	2965 2966 2967 2968 2969 2970 2971 2972 2973
(D) The department shall provide the parent of each scholarship student with information comparing the student's performance on the assessments administered under section 3310.14 of the Revised Code with the average performance of similar students enrolled in the building operated by the student's resident district that the scholarship student would otherwise attend. In calculating the performance of similar students, the department shall consider age, grade, race and ethnicity, gender, and socioeconomic status.	2974 2975 2976 2977 2978 2979 2980 2981 2982
Sec. 3313.37. (A)(1) The board of education of any city, local, or exempted village school district may build, enlarge, repair, and furnish the necessary schoolhouses, purchase or lease sites therefor, or rights-of-way thereto, or purchase or lease real estate to be used as playgrounds for children or rent suitable schoolrooms, either within or without the district, and	2983 2984 2985 2986 2987 2988

provide the necessary apparatus and make all other necessary 2989
provisions for the schools under its control. 2990

(2) A governing board of an educational service center may 2991
acquire, lease or lease-purchase, or enter into a contract to 2992
purchase, lease or lease-purchase, or sell real and personal 2993
property and may construct, enlarge, repair, renovate, furnish, or 2994
equip facilities, buildings, or structures for the educational 2995
service center's purposes. The board may enter into loan 2996
agreements, including mortgages, for the acquisition of such 2997
property. ~~If a governing board exercises any of these powers to 2998
acquire office or classroom space, the board of county 2999
commissioners has no obligation to provide and equip offices and 3000
to provide heat, light, water, and janitorial services for the use 3001
of the service center pursuant to section 3319.19 of the Revised 3002
Code, unless there is a contract as provided by division (D) of 3003
that section. 3004~~

(3) A board of county commissioners may issue securities of 3005
the county pursuant to Chapter 133. of the Revised Code for the 3006
acquisition of real and personal property or for the construction, 3007
enlargement, repair, or renovation of facilities, buildings, or 3008
structures by an educational service center, but only if the 3009
county has a contract ~~under division (D) of section 3319.19 of the 3010
Revised Code~~ with the educational service center whereby the 3011
educational service center agrees to pay the county an amount 3012
equal to the debt charges on the issued securities on or before 3013
the date those charges fall due. For the purposes of this section, 3014
"debt charges" and "securities" have the same meanings as in 3015
section 133.01 of the Revised Code. 3016

(B)(1) Boards of education of city, local, and exempted 3017
village school districts may acquire land by gift or devise, by 3018
purchase, or by appropriation. Lands purchased may be purchased 3019
for cash, by installment payments, with or without a mortgage, by 3020

entering into lease-purchase agreements, or by lease with an 3021
option to purchase, provided that if the purchase price is to be 3022
paid over a period of time, such payments shall not extend for a 3023
period of more than five years. A special tax levy may be 3024
authorized by the voters of the school district in accordance with 3025
section 5705.21 of the Revised Code to provide a special fund to 3026
meet the future time payments. 3027

(2) For the purposes of section 5705.21 of the Revised Code, 3028
acquisition of land under the provisions of this division shall be 3029
considered a necessary requirement of the school district. 3030

(3) Boards of education of city, local, and exempted village 3031
school districts may acquire federal land at a discount by a 3032
lease-purchase agreement for use as a site for the construction of 3033
educational facilities or for other related purposes. External 3034
administrative and other costs pertaining to the acquisition of 3035
federal land at a discount may be paid from funds available to the 3036
school district for operating purposes. Such boards of education 3037
may also acquire federal land by lease-purchase agreements, by 3038
negotiation, or otherwise. 3039

(4) As used in this division: 3040

(a) "Office equipment" includes but is not limited to 3041
typewriters, copying and duplicating equipment, and computer and 3042
data processing equipment. 3043

(b) "Software for instructional purposes" includes computer 3044
programs usable for computer assisted instruction, computer 3045
managed instruction, drill and practice, and problem simulations. 3046

A board of education or governing board of an educational 3047
service center may acquire the necessary office equipment, and 3048
computer hardware and software for instructional purposes, for the 3049
schools under its control by purchase, by lease, by installment 3050
payments, by entering into lease-purchase agreements, or by lease 3051

with an option to purchase. In the case of a city, exempted 3052
village, or local school district, if the purchase price is to be 3053
paid over a period of time, the contract setting forth the terms 3054
of such purchase shall be considered a continuing contract 3055
pursuant to section 5705.41 of the Revised Code. Payments shall 3056
not extend for a period of more than five years. Costs relating to 3057
the acquisition of necessary apparatus may be paid from funds 3058
available to the school district or educational service center for 3059
operating purposes. 3060

(5) A board of education or governing board of an educational 3061
service center may acquire the necessary equipment for the 3062
maintenance or physical upkeep of facilities and land under its 3063
control by entering into lease-purchase agreements. If payments 3064
under the lease-purchase agreement are to be made over a period of 3065
time, the agreement shall be considered a continuing contract 3066
pursuant to section 5705.41 of the Revised Code, and such payments 3067
shall not extend for a period of more than five years. 3068

Sec. 3313.411. (A) As used in this section, ~~"unused:~~ 3069

(1) "Community school" means a community school established 3070
under Chapter 3314. of the Revised Code. 3071

(2) "Unused school facilities" means any real property that 3072
has been used by a school district for school operations, 3073
including, but not limited to, academic instruction or 3074
administration, since July 1, 1998, but has not been used in that 3075
capacity for two years. 3076

(B) (1) On and after the effective date of this section June 3077
30, 2011, any school district board of education shall offer any 3078
unused school facilities it owns in its corporate capacity for 3079
lease or sale to the governing authorities of community schools 3080
~~established under Chapter 3314. of the Revised Code~~ that are 3081
located within the territory of the ~~school~~ district. 3082

(2) At the same time that a district board makes the offer 3083
required under division (B)(1) of this section, the board also 3084
may, but shall not be required to, offer that property for sale or 3085
lease to both of the following: 3086

(a) The governing authorities of community schools with 3087
plans, stipulated in their contracts entered into under section 3088
3314.03 of the Revised Code, either to relocate their operations 3089
to the territory of the district or to add facilities, as 3090
authorized by division (B)(3) or (4) of section 3314.05 of the 3091
Revised Code, to be located within the territory of the district; 3092

(b) Persons or groups of individuals holding valid 3093
preliminary agreements under section 3314.02 of the Revised Code 3094
proposing the establishment of a community school within the 3095
territory of the district. 3096

(C)(1) If, not later than sixty days after the district board 3097
makes the offer, the governing authority of one community school 3098
located within the territory of the school district, or the 3099
governing authority of one community school described in division 3100
(B)(2)(a) of this section or one person or one group of 3101
individuals described in division (B)(2)(b) of this section if 3102
applicable, notifies the district treasurer in writing of ~~its~~ the 3103
intention to purchase the property, the district board shall sell 3104
the property to ~~the~~ that community school or person or group of 3105
individuals for the appraised fair market value of the property. 3106

(2) If, not later than sixty days after the district board 3107
makes the offer, the governing authorities of two or more 3108
community schools located within the territory of the school 3109
district, or the governing authorities of two or more community 3110
schools described in division (B)(2)(a) of this section or two or 3111
more persons or groups of individuals described in division 3112
(B)(2)(b) of this section if applicable, notify the district 3113
treasurer in writing of ~~their~~ the intention to purchase the 3114

property, the board shall conduct a public auction in the manner 3115
required for auctions of district property under division (A) of 3116
section 3313.41 of the Revised Code. Only the governing 3117
authorities of ~~all~~ community schools ~~located within the territory~~ 3118
~~of the school district, and the persons or groups of individuals~~ 3119
proposing the establishment of community schools, notifying the 3120
district treasurer of the intention to purchase the property are 3121
eligible to bid at the auction. The district board is not 3122
obligated to accept any bid for the property that is lower than 3123
the appraised fair market value of the property. 3124

(3) If the governing authorities of two or more community 3125
schools located within the territory of the school district, or 3126
the governing authorities of two or more community schools 3127
described in division (B)(2)(a) of this section or two or more 3128
persons or groups of individuals described in division (B)(2)(b) 3129
of this section if applicable, notify the district treasurer in 3130
writing of ~~their~~ the intention to lease the property, the district 3131
board shall conduct a lottery to select from among those parties 3132
the community school to which the district board shall lease the 3133
property. 3134

(4) The lease price offered by a district board to ~~the~~ 3135
~~governing authority of~~ a community school under this section shall 3136
not be higher than the fair market value for such a leasehold. 3137

(5) If no community school governing authority or person or 3138
group of individuals, as applicable, accepts the offer to lease or 3139
buy the property within sixty days after the offer is made, the 3140
district board may offer the property to any other entity in 3141
accordance with divisions (A) to (F) of section 3313.41 of the 3142
Revised Code. 3143

~~(C)~~(D) Notwithstanding division (B) of this section, a school 3144
district board may renew any agreement it originally entered into 3145
prior to ~~the effective date of this section~~ June 30, 2011, to 3146

lease real property to an entity other than a community school. 3147
Nothing in this section shall affect the leasehold arrangements 3148
between the district board and that other entity. 3149

Sec. 3313.473. This section does not apply to any school 3150
district ~~declared to be excellent or effective~~ that is rated "A" 3151
or "B" pursuant to ~~division (B)(1) or (2) of~~ section 3302.03 of 3152
the Revised Code. 3153

(A) The state board of education shall adopt rules requiring 3154
school districts with a total student count of over five thousand, 3155
as determined pursuant to section 3317.03 of the Revised Code, to 3156
designate one school building to be operated by a site-based 3157
management council. The rules shall specify the composition of the 3158
council and the manner in which members of the council are to be 3159
selected and removed. 3160

(B) The rules adopted under division (A) of this section 3161
shall specify those powers, duties, functions, and 3162
responsibilities that shall be vested in the management council 3163
and that would otherwise be exercised by the district board of 3164
education. The rules shall also establish a mechanism for 3165
resolving any differences between the council and the district 3166
board if there is disagreement as to their respective powers, 3167
duties, functions, and responsibilities. 3168

(C) The board of education of any school district described 3169
by division (A) of this section may, in lieu of complying with the 3170
rules adopted under this section, file with the department of 3171
education an alternative structure for a district site-based 3172
management program in at least one of its school buildings. The 3173
proposal shall specify the composition of the council, which shall 3174
include an equal number of parents and teachers and the building 3175
principal, and the method of selection and removal of the council 3176
members. The proposal shall also clearly delineate the respective 3177

powers, duties, functions, and responsibilities of the district 3178
board and the council. The district's proposal shall comply 3179
substantially with the rules adopted under division (A) of this 3180
section. 3181

Sec. 3313.608. (A)(1) Beginning with students who enter third 3182
grade in the 2012-2013 school year ~~that starts July 1, 2009~~, for 3183
any student who attains a score in the range designated under 3184
division (A)(2)(c) of section 3301.0710 of the Revised Code on the 3185
assessment prescribed under that section to measure skill in 3186
English language arts expected at the end of third grade, each 3187
school district, in accordance with the policy adopted under 3188
section 3313.609 of the Revised Code, shall do one of the 3189
following: 3190

~~(1)~~(a) Promote the student to fourth grade if the student's 3191
principal and reading teacher agree that other evaluations of the 3192
student's skill in reading demonstrate that the student is 3193
academically prepared to be promoted to fourth grade, except that 3194
a student who has been on a reading improvement and monitoring 3195
plan under division (C) of this section for two or more years 3196
shall not be promoted; 3197

~~(2)~~(b) Promote the student to fourth grade but provide the 3198
student with intensive intervention services in fourth grade, 3199
except that a student who has been on a reading improvement and 3200
monitoring plan under division (C) of this section for two or more 3201
years shall not be promoted; 3202

~~(3)~~(c) Retain the student in third grade. 3203

(2) No limited English proficient student who has had less 3204
than two years of instruction in an English as a second language 3205
program shall be retained under division (A)(1) of this section. 3206

(3) If the individualized education program of a student 3207

receiving special education and related services under Chapter 3208
3323. of the Revised Code requires the student to take the 3209
assessments prescribed by section 3301.0710 of the Revised Code, 3210
the district shall base the decision of whether to retain the 3211
student on the student's ability to meet the academic goals 3212
specified in the individualized education program. 3213

(B)(1) To assist students in meeting ~~this~~ the third grade 3214
guarantee established by this section, each school district shall 3215
adopt policies and procedures with which it ~~shall~~ annually shall 3216
assess the reading skills of each student ~~at the end of first and 3217~~
~~second~~ enrolled in kindergarten to third grade by the thirty-first 3218
day of October and shall identify students who are reading below 3219
their grade level by the end of the school year. ~~If~~ Each district 3220
shall use the diagnostic assessment to measure English language 3221
arts ability for the appropriate grade level ~~has been developed in 3222~~
~~accordance with division (D)(1) of~~ adopted under section 3301.079 3223
of the Revised Code, ~~each school district shall use such 3224~~
~~diagnostic assessment, or a comparable tool approved by the 3225~~
department of education, to identify such students, except that 3226
~~any district to which division (E) of section 3301.0715 of the 3227~~
~~Revised Code applies may use another assessment to identify such 3228~~
~~students~~. The policies and procedures shall require the students' 3229
classroom teachers to be involved in the assessment and the 3230
identification of students reading below grade level. The district 3231
shall notify the parent or guardian of each student whose reading 3232
skills are below grade level and, in accordance with division (C) 3233
of this section, provide intervention services to each student 3234
reading below grade level. Such intervention services shall 3235
include instruction ~~in intensive, systematic phonetics pursuant to 3236~~
~~rules adopted by the state board of education~~ targeted at the 3237
student's identified reading deficiencies. 3238

(2)(a) For each student entering second grade after July 1, 3239

2012, who is reading below grade level by the end of second grade, 3240
the district shall provide intense remediation services during the 3241
summer before third grade. 3242

(b) For each student entering third grade after July 1, 2009 3243
2012, who does not attain by the end of the third grade at least a 3244
score in the range designated under division (A)(2)(b) of section 3245
3301.0710 of the Revised Code on the assessment prescribed under 3246
that section to measure skill in English language arts expected at 3247
the end of third grade, the district ~~also shall offer~~ provide 3248
intense remediation services ~~during the summer following third~~ 3249
~~grade~~ until the student is able to read at grade level. The 3250
remediation services shall include instruction targeted at the 3251
student's identified reading deficiencies. The district shall 3252
offer the option for students to receive the services from one or 3253
more providers other than the district. If the student 3254
participates in the remediation services and demonstrates reading 3255
proficiency in accordance with standards adopted by the department 3256
prior to the start of fourth grade, the district shall promote the 3257
student to that grade. 3258

(C) For each student required to be ~~offered~~ provided 3259
intervention services under this section, the district shall 3260
develop a reading improvement and monitoring plan within sixty 3261
days after receiving the student's results on the diagnostic 3262
assessment or comparable tool administered under division (B)(1) 3263
of this section. The district shall involve the student's parent 3264
or guardian and classroom teacher in developing the ~~intervention~~ 3265
strategy, and shall ~~offer to the parent or guardian the~~ 3266
~~opportunity to be involved in the intervention services~~ plan. The 3267
plan shall include all of the following: 3268

(1) Identification of the student's specific reading 3269
deficiencies; 3270

(2) A description of the additional instructional services 3271

and support that will be provided to the student to remediate the 3272
identified reading deficiencies; 3273

(3) Opportunities for the student's parent or guardian to be 3274
involved in the instructional services and support described in 3275
division (C)(2) of this section; 3276

(4) A process for monitoring the extent to which the student 3277
receives the instructional services and support described in 3278
division (C)(2) of this section; 3279

(5) A statement that if the student attains a score in the 3280
range designated under division (A)(2)(c) of section 3301.0710 of 3281
the Revised Code on the assessment prescribed under that section 3282
to measure skill in English language arts expected by the end of 3283
third grade, the student may be retained in third grade. 3284

The district shall report any information requested by the 3285
department about the plans developed under this division in the 3286
manner required by the department. 3287

(D) Any summer remediation services funded in whole or in 3288
part by the state and offered by school districts to students 3289
under this section shall meet the following conditions: 3290

(1) The remediation methods are based on reliable educational 3291
research. 3292

(2) The school districts conduct assessment before and after 3293
students participate in the program to facilitate monitoring 3294
results of the remediation services. 3295

(3) The parents of participating students are involved in 3296
programming decisions. 3297

~~(4) The services are conducted in a school building or~~ 3298
~~community center and not on an at-home basis.~~ 3299

(E) This section does not create a new cause of action or a 3300
substantive legal right for any person. 3301

Sec. 3313.609. (A) As used in this section: 3302

(1) "Truant" means absent without excuse. 3303

(2) "Academically prepared" means whatever educational 3304
standard the board of education of each city, exempted village, 3305
local, and joint vocational school district establishes as 3306
necessary for the promotion of a student to the next grade level 3307
pursuant to the policy adopted under division (B) of this section. 3308

(B) The board of education of each city, exempted village, 3309
local, and joint vocational school district shall adopt a grade 3310
promotion and retention policy for students that complies with 3311
this section and section 3313.608 of the Revised Code. The policy 3312
shall prohibit the promotion of a student to the next grade level 3313
if the student has been truant for more than ten per cent of the 3314
required attendance days of the current school year and has failed 3315
two or more of the required curriculum subject areas in the 3316
current grade unless the student's principal and the teachers of 3317
any failed subject areas agree that the student is academically 3318
prepared to be promoted to the next grade level. 3319

Sec. 3313.6013. (A) As used in this section, "dual enrollment 3320
program" means a program that enables a student to earn credit 3321
toward a degree from an institution of higher education while 3322
enrolled in high school or that enables a student to complete 3323
coursework while enrolled in high school that may earn credit 3324
toward a degree from an institution of higher education upon the 3325
student's attainment of a specified score on an examination 3326
covering the coursework. Dual enrollment programs may include any 3327
of the following: 3328

(1) The post-secondary enrollment options program established 3329
under Chapter 3365. of the Revised Code; 3330

(2) Advanced placement courses; 3331

(3) Any similar program established pursuant to an agreement 3332
between a school district or chartered nonpublic high school and 3333
an institution of higher education. 3334

(B) Each city, local, exempted village, and joint vocational 3335
school district and each chartered nonpublic high school shall 3336
provide students enrolled in grades nine through twelve with the 3337
opportunity to participate in a dual enrollment program. For this 3338
purpose, each school district and chartered nonpublic high school 3339
shall offer at least one dual enrollment program in accordance 3340
with division (B)(1) or (2) of this section, as applicable. 3341

(1) A city, local, or exempted village school district meets 3342
the requirements of this division through its mandatory 3343
participation in the post-secondary enrollment options program 3344
established under Chapter 3365. of the Revised Code. However, a 3345
city, local, or exempted village school district may offer any 3346
other dual enrollment program, in addition to the post-secondary 3347
enrollment options program, and each joint vocational school 3348
district shall offer at least one other ~~due~~ dual enrollment 3349
program, to students in good standing, as defined by the 3350
partnership for continued learning under section 3301.42 of the 3351
Revised Code as it existed prior to ~~the effective date of this~~ 3352
~~amendment~~ October 16, 2009, or as subsequently defined by the 3353
department of education. 3354

(2) A chartered nonpublic high school that elects to 3355
participate in the post-secondary enrollment options program 3356
established under Chapter 3365. of the Revised Code meets the 3357
requirements of this division. Each chartered nonpublic high 3358
school that elects not to participate in the post-secondary 3359
enrollment options program instead shall offer at least one other 3360
dual enrollment program to students in good standing, as defined 3361
by the partnership for continued learning under section 3301.42 of 3362
the Revised Code as it existed prior to ~~the effective date of this~~ 3363

~~amendment~~ October 16, 2009, or as subsequently defined by the 3364
department of education. 3365

(C) Each school district and each chartered nonpublic high 3366
school shall provide information about the dual enrollment 3367
programs offered by the district or school to all students 3368
enrolled in grades eight through eleven. 3369

Sec. 3313.816. No public or chartered nonpublic school shall 3370
permit the sale of a la carte beverage items other than the 3371
following during the regular and extended school day: 3372

(A) For a school in which the majority of grades offered are 3373
in the range from kindergarten to grade four: 3374

(1) Water; 3375

(2) Milk; 3376

(3) Eight ounces or less of one hundred per cent fruit juice, 3377
or a one hundred per cent fruit juice and water blend with no 3378
added sweeteners, that contains not more than one hundred sixty 3379
calories per eight ounces. 3380

(B) For a school in which the majority of grades offered are 3381
in the range from grade five to grade eight: 3382

(1) Water; 3383

(2) Milk; 3384

(3) Ten ounces or less of one hundred per cent fruit juice, 3385
or a one hundred per cent fruit juice and water blend with no 3386
added sweeteners, that contains not more than one hundred sixty 3387
calories per eight ounces. 3388

(C) For a school in which the majority of grades offered are 3389
in the range from grade nine to grade twelve: 3390

(1) Water; 3391

(2) Milk;	3392
(3) Twelve ounces or less of one hundred per cent fruit juice, or a one hundred per cent fruit juice and water blend with no added sweeteners, that contains not more than one hundred sixty calories per eight ounces;	3393 3394 3395 3396
(4) Twelve ounces or less of any beverage that contains not more than sixty-six calories per eight ounces;	3397 3398
(5) Any size of a beverage that contains not more than ten calories per eight ounces, which may include caffeinated beverages and beverages with added sweeteners, carbonation, or artificial flavoring.	3399 3400 3401 3402
(D) Each public and chartered nonpublic school shall require at least fifty per cent of the a la carte beverage items available for sale from each of the following sources during the regular and extended school day to be water or other beverages that contain not more than ten calories per eight ounces:	3403 3404 3405 3406 3407
(1) A school food service program;	3408
(2) A vending machine located on school property that does not sell only milk or reimbursable meals;	3409 3410
(3) A store operated by the school, a student association, or other school sponsored organization.	3411 3412
Sec. 3313.845. The board of education of a city, exempted village, or local school district and the governing board of an educational service center may enter into an agreement under which the educational service center will provide services to the school district. Services provided under the agreement and the amount to be paid for such services shall be mutually agreed to by the district board of education and the service center governing board, and shall be specified in the agreement. Payment for services specified in the agreement shall be made pursuant to	3413 3414 3415 3416 3417 3418 3419 3420 3421

division (D) of section 3317.11 of the Revised Code and shall not 3422
include any deduction under division (B), (C), or (F) of that 3423
section. Any agreement entered into pursuant to this section shall 3424
be valid only if a copy is filed with the department of education 3425
~~by the first day of the school year for which the agreement is in~~ 3426
~~effect.~~ 3427

The authority granted under this section to the boards of 3428
education of city, exempted village, and local school districts is 3429
in addition to the authority granted to such boards under section 3430
3313.843 of the Revised Code. 3431

Sec. 3313.978. (A) Annually by the first day of November, the 3432
superintendent of public instruction shall notify the pilot 3433
project school district of the number of initial scholarships that 3434
the state superintendent will be awarding in each of grades 3435
kindergarten through twelve. 3436

The state superintendent shall provide information about the 3437
scholarship program to all students residing in the district, 3438
shall accept applications from any such students until such date 3439
as shall be established by the state superintendent as a deadline 3440
for applications, and shall establish criteria for the selection 3441
of students to receive scholarships from among all those applying 3442
prior to the deadline, which criteria shall give preference to 3443
students from low-income families. For each student selected, the 3444
state superintendent shall also determine whether the student 3445
qualifies for seventy-five or ninety per cent of the scholarship 3446
amount. Students whose family income is at or above two hundred 3447
per cent of the maximum income level established by the state 3448
superintendent for low-income families shall qualify for 3449
seventy-five per cent of the scholarship amount and students whose 3450
family income is below two hundred per cent of that maximum income 3451
level shall qualify for ninety per cent of the scholarship amount. 3452

The state superintendent shall notify students of their selection 3453
prior to the fifteenth day of January and whether they qualify for 3454
seventy-five or ninety per cent of the scholarship amount. 3455

(1) A student receiving a pilot project scholarship may 3456
utilize it at an alternative public school by notifying the 3457
district superintendent, at any time before the beginning of the 3458
school year, of the name of the public school in an adjacent 3459
school district to which the student has been accepted pursuant to 3460
section 3327.06 of the Revised Code. 3461

(2) A student may decide to utilize a pilot project 3462
scholarship at a registered private school in the district if all 3463
of the following conditions are met: 3464

(a) By the fifteenth day of February of the preceding school 3465
year, or at any time prior to the start of the school year, the 3466
parent makes an application on behalf of the student to a 3467
registered private school. 3468

(b) The registered private school notifies the parent and the 3469
state superintendent as follows that the student has been 3470
admitted: 3471

(i) By the fifteenth day of March of the preceding school 3472
year if the student filed an application by the fifteenth day of 3473
February and was admitted by the school pursuant to division (A) 3474
of section 3313.977 of the Revised Code; 3475

(ii) Within one week of the decision to admit the student if 3476
the student is admitted pursuant to division (C) of section 3477
3313.977 of the Revised Code. 3478

(c) The student actually enrolls in the registered private 3479
school to which the student was first admitted or in another 3480
registered private school in the district or in a public school in 3481
an adjacent school district. 3482

(B) The state superintendent shall also award in any school year tutorial assistance grants to a number of students equal to the number of students who receive scholarships under division (A) of this section. Tutorial assistance grants shall be awarded solely to students who are enrolled in the public schools of the district in a grade level covered by the pilot project. Tutorial assistance grants may be used solely to obtain tutorial assistance from a provider approved pursuant to division (D) of section 3313.976 of the Revised Code.

All students wishing to obtain tutorial assistance grants shall make application to the state superintendent by the first day of the school year in which the assistance will be used. The state superintendent shall award assistance grants in accordance with criteria the superintendent shall establish. For each student awarded a grant, the state superintendent shall also determine whether the student qualifies for seventy-five or ninety per cent of the grant amount and so notify the student. Students whose family income is at or above two hundred per cent of the maximum income level established by the state superintendent for low-income families shall qualify for seventy-five per cent of the grant amount and students whose family income is below two hundred per cent of that maximum income level shall qualify for ninety per cent of the grant amount.

(C)(1) In the case of basic scholarships for students in grades kindergarten through eight, the scholarship amount shall not exceed the lesser of the tuition charges of the alternative school the scholarship recipient attends or three thousand dollars before fiscal year 2007, three thousand four hundred fifty dollars in fiscal year 2007 through fiscal year 2011, and four thousand two hundred fifty dollars in fiscal year 2012 and thereafter.

In the case of basic scholarships for students in grades nine through twelve, the scholarship amount shall not exceed the lesser

of the tuition charges of the alternative school the scholarship 3515
recipient attends or two thousand seven hundred dollars before 3516
fiscal year 2007, three thousand four hundred fifty dollars in 3517
fiscal year 2007 through fiscal year 2011, and five thousand 3518
dollars in fiscal year 2012 and thereafter. 3519

(2) The state superintendent shall provide for an increase in 3520
the basic scholarship amount in the case of any student who is a 3521
mainstreamed student with a disability and shall further increase 3522
such amount in the case of any separately educated student with a 3523
disability. Such increases shall take into account the 3524
instruction, related services, and transportation costs of 3525
educating such students. 3526

(3) In the case of tutorial assistance grants, the grant 3527
amount shall not exceed the lesser of the provider's actual 3528
charges for such assistance or: 3529

(a) Before fiscal year 2007, a percentage established by the 3530
state superintendent, not to exceed twenty per cent, of the amount 3531
of the pilot project school district's average basic scholarship 3532
amount; 3533

(b) In fiscal year 2007 and thereafter, four hundred dollars. 3534

(4) No scholarship or tutorial assistance grant shall be 3535
awarded unless the state superintendent determines that 3536
twenty-five or ten per cent, as applicable, of the amount 3537
specified for such scholarship or grant pursuant to division 3538
(C)(1), (2), or (3) of this section will be furnished by a 3539
political subdivision, a private nonprofit or for profit entity, 3540
or another person. Only seventy-five or ninety per cent of such 3541
amounts, as applicable, shall be paid from state funds pursuant to 3542
section 3313.979 of the Revised Code. 3543

(D)(1) Annually by the first day of November, the state 3544
superintendent shall estimate the maximum per-pupil scholarship 3545

amounts for the ensuing school year. The state superintendent 3546
shall make this estimate available to the general public at the 3547
offices of the district board of education together with the forms 3548
required by division (D)(2) of this section. 3549

(2) Annually by the fifteenth day of January, the chief 3550
administrator of each registered private school located in the 3551
pilot project district and the principal of each public school in 3552
such district shall complete a parental information form and 3553
forward it to the president of the board of education. The 3554
parental information form shall be prescribed by the department of 3555
education and shall provide information about the grade levels 3556
offered, the numbers of students, tuition amounts, achievement 3557
test results, and any sectarian or other organizational 3558
affiliations. 3559

(E)(1) Only for the purpose of administering the pilot 3560
project scholarship program, the department may request from any 3561
of the following entities the data verification code assigned 3562
under division (D)(2) of section 3301.0714 of the Revised Code to 3563
any student who is seeking a scholarship under the program: 3564

(a) The school district in which the student is entitled to 3565
attend school under section 3313.64 or 3313.65 of the Revised 3566
Code; 3567

(b) If applicable, the community school in which the student 3568
is enrolled; 3569

(c) The independent contractor engaged to create and maintain 3570
data verification codes. 3571

(2) Upon a request by the department under division (E)(1) of 3572
this section for the data verification code of a student seeking a 3573
scholarship or a request by the student's parent for that code, 3574
the school district or community school shall submit that code to 3575
the department or parent in the manner specified by the 3576

department. If the student has not been assigned a code, because 3577
the student will be entering kindergarten during the school year 3578
for which the scholarship is sought, the district shall assign a 3579
code to that student and submit the code to the department or 3580
parent by a date specified by the department. If the district does 3581
not assign a code to the student by the specified date, the 3582
department shall assign a code to the student. 3583

The department annually shall submit to each school district 3584
the name and data verification code of each student residing in 3585
the district who is entering kindergarten, who has been awarded a 3586
scholarship under the program, and for whom the department has 3587
assigned a code under this division. 3588

(3) The department shall not release any data verification 3589
code that it receives under division (E) of this section to any 3590
person except as provided by law. 3591

(F) Any document relative to the pilot project scholarship 3592
program that the department holds in its files that contains both 3593
a student's name or other personally identifiable information and 3594
the student's data verification code shall not be a public record 3595
under section 149.43 of the Revised Code. 3596

(G)(1) The department annually shall compile the scores 3597
attained by scholarship students enrolled in registered private 3598
schools on the assessments administered to the students pursuant 3599
to division (A)(11) of section 3313.976 of the Revised Code. The 3600
scores shall be aggregated as follows: 3601

(a) By school district, which shall include all scholarship 3602
students residing in the pilot project school district who are 3603
enrolled in a registered private school and were required to take 3604
an assessment pursuant to division (A)(11) of section 3313.976 of 3605
the Revised Code; 3606

(b) By registered private school, which shall include all 3607

scholarship students enrolled in that school who were required to 3608
take an assessment pursuant to division (A)(11) of section 3609
3313.976 of the Revised Code. 3610

(2) The department shall disaggregate the student performance 3611
data described in division (G)(1) of this section according to the 3612
following categories: 3613

(a) ~~Age~~ Grade level; 3614

(b) Race and ethnicity; 3615

(c) Gender; 3616

(d) Students who have participated in the scholarship program 3617
for three or more years; 3618

(e) Students who have participated in the scholarship program 3619
for more than one year and less than three years; 3620

(f) Students who have participated in the scholarship program 3621
for one year or less; 3622

(g) Economically disadvantaged students. 3623

(3) The department shall post the student performance data 3624
required under divisions (G)(1) and (2) of this section on its web 3625
site and shall include that data in the information about the 3626
scholarship program provided to students under division (A) of 3627
this section. In reporting student performance data under this 3628
division, the department shall not include any data that is 3629
statistically unreliable or that could result in the 3630
identification of individual students. For this purpose, the 3631
department shall not report performance data for any group that 3632
contains less than ten students. 3633

(4) The department shall provide the parent of each 3634
scholarship student enrolled in a registered private school with 3635
information comparing the student's performance on the assessments 3636
administered pursuant to division (A)(11) of section 3313.976 of 3637

the Revised Code with the average performance of similar students 3638
enrolled in the building operated by the pilot project school 3639
district that the scholarship student would otherwise attend. In 3640
calculating the performance of similar students, the department 3641
shall consider age, grade, race and ethnicity, gender, and 3642
socioeconomic status. 3643

Sec. 3314.012. (A) Within ninety days of September 28, 1999, 3644
the superintendent of public instruction shall appoint 3645
representatives of the department of education, including 3646
employees who work with the education management information 3647
system, to a committee to develop report card models for community 3648
schools. The committee shall design model report cards appropriate 3649
for the various types of community schools approved to operate in 3650
the state. Sufficient models shall be developed to reflect the 3651
variety of grade levels served and the missions of the state's 3652
community schools. All models shall include both financial and 3653
academic data. The initial models shall be developed by March 31, 3654
2000. 3655

(B) The department of education shall issue an annual report 3656
card for each community school, regardless of how long the school 3657
has been in operation. The report card shall report the academic 3658
and financial performance of the school utilizing one of the 3659
models developed under division (A) of this section. The report 3660
card shall include all information applicable to school buildings 3661
under ~~division (A) of~~ section 3302.03 of the Revised Code. The 3662
ratings a community school receives under section 3302.03 of the 3663
Revised Code for its first two full school years shall not be 3664
considered toward automatic closure of the school under section 3665
3314.35 of the Revised Code or any other matter that is based on 3666
report card ratings. 3667

(C) Upon receipt of a copy of a contract between a sponsor 3668

and a community school entered into under this chapter, the 3669
department of education shall notify the community school of the 3670
specific model report card that will be used for that school. 3671

(D) Report cards shall be distributed to the parents of all 3672
students in the community school, to the members of the board of 3673
education of the school district in which the community school is 3674
located, and to any person who requests one from the department. 3675

Sec. 3314.015. (A) The department of education shall be 3676
responsible for the oversight of any and all sponsors of the 3677
community schools established under this chapter and shall provide 3678
technical assistance to schools and sponsors in their compliance 3679
with applicable laws and the terms of the contracts entered into 3680
under section 3314.03 of the Revised Code and in the development 3681
and start-up activities of those schools. In carrying out its 3682
duties under this section, the department shall do all of the 3683
following: 3684

(1) In providing technical assistance to proposing parties, 3685
governing authorities, and sponsors, conduct training sessions and 3686
distribute informational materials; 3687

(2) Approve entities to be sponsors of community schools; 3688

(3) Monitor the effectiveness of any and all sponsors in 3689
their oversight of the schools with which they have contracted; 3690

(4) By December thirty-first of each year, issue a report to 3691
the governor, the speaker of the house of representatives, the 3692
president of the senate, and the chairpersons of the house and 3693
senate committees principally responsible for education matters 3694
regarding the effectiveness of academic programs, operations, and 3695
legal compliance and of the financial condition of all community 3696
schools established under this chapter and on the performance of 3697
community school sponsors; 3698

(5) From time to time, make legislative recommendations to 3699
the general assembly designed to enhance the operation and 3700
performance of community schools. 3701

(B)(1) Except as provided in sections 3314.021 and 3314.027 3702
of the Revised Code, no entity listed in division (C)(1) of 3703
section 3314.02 of the Revised Code shall enter into a preliminary 3704
agreement under division (C)(2) of section 3314.02 of the Revised 3705
Code until it has received approval from the department of 3706
education to sponsor community schools under this chapter and has 3707
entered into a written agreement with the department regarding the 3708
manner in which the entity will conduct such sponsorship. The 3709
department shall adopt in accordance with Chapter 119. of the 3710
Revised Code rules containing criteria, procedures, and deadlines 3711
for processing applications for such approval, for oversight of 3712
sponsors, for revocation of the approval of sponsors, and for 3713
entering into written agreements with sponsors. The rules shall 3714
require an entity to submit evidence of the entity's ability and 3715
willingness to comply with the provisions of division (D) of 3716
section 3314.03 of the Revised Code. The rules also shall require 3717
entities approved as sponsors on and after June 30, 2005, to 3718
demonstrate a record of financial responsibility and successful 3719
implementation of educational programs. If an entity seeking 3720
approval on or after June 30, 2005, to sponsor community schools 3721
in this state sponsors or operates schools in another state, at 3722
least one of the schools sponsored or operated by the entity must 3723
be comparable to or better than the performance of Ohio schools in 3724
need of continuous improvement or rated "C" under section 3302.03 3725
of the Revised Code, as determined by the department. 3726

Subject to section 3314.016 of the Revised Code, an entity 3727
that sponsors community schools may enter into preliminary 3728
agreements and sponsor up to one hundred schools, provided each 3729
school and the contract for sponsorship meets the requirements of 3730

this chapter. 3731

(2) The department of education shall determine, pursuant to 3732
criteria adopted by rule of the department, whether the mission 3733
proposed to be specified in the contract of a community school to 3734
be sponsored by a state university board of trustees or the 3735
board's designee under division (C)(1)(e) of section 3314.02 of 3736
the Revised Code complies with the requirements of that division. 3737
Such determination of the department is final. 3738

(3) The department of education shall determine, pursuant to 3739
criteria adopted by rule of the department, if any tax-exempt 3740
entity under section 501(c)(3) of the Internal Revenue Code that 3741
is proposed to be a sponsor of a community school is an 3742
education-oriented entity for purpose of satisfying the condition 3743
prescribed in division (C)(1)(f)(iii) of section 3314.02 of the 3744
Revised Code. Such determination of the department is final. 3745

(C) If at any time the state board of education finds that a 3746
sponsor is not in compliance or is no longer willing to comply 3747
with its contract with any community school or with the 3748
department's rules for sponsorship, the state board or designee 3749
shall conduct a hearing in accordance with Chapter 119. of the 3750
Revised Code on that matter. If after the hearing, the state board 3751
or designee has confirmed the original finding, the department of 3752
education may revoke the sponsor's approval to sponsor community 3753
schools ~~and~~. In that case, the department's office of Ohio school 3754
sponsorship, established under section 3314.029 of the Revised 3755
Code, may assume the sponsorship of any schools with which the 3756
sponsor has contracted until the earlier of the expiration of two 3757
school years or until a new sponsor as described in division 3758
(C)(1) of section 3314.02 of the Revised Code is secured by the 3759
school's governing authority. The ~~department~~ office of Ohio school 3760
sponsorship may extend the term of the contract in the case of a 3761
school for which it has assumed sponsorship under this division as 3762

necessary to accommodate the term of the department's 3763
authorization to sponsor the school specified in this division. 3764
Community schools sponsored under this division shall not apply to 3765
the limit on directly authorized community schools under division 3766
(A)(3) of section 3314.029 of the Revised Code. However, nothing 3767
in this division shall preclude a community school affected by 3768
this division from applying for sponsorship under that section. 3769

(D) The decision of the department to disapprove an entity 3770
for sponsorship of a community school or to revoke approval for 3771
such sponsorship under division (C) of this section, may be 3772
appealed by the entity in accordance with section 119.12 of the 3773
Revised Code. 3774

(E) The department shall adopt procedures for use by a 3775
community school governing authority and sponsor when the school 3776
permanently closes and ceases operation, which shall include at 3777
least procedures for data reporting to the department, handling of 3778
student records, distribution of assets in accordance with section 3779
3314.074 of the Revised Code, and other matters related to ceasing 3780
operation of the school. 3781

(F) In carrying out its duties under this chapter, the 3782
department shall not impose requirements on community schools or 3783
their sponsors that are not permitted by law or duly adopted 3784
rules. 3785

Sec. 3314.016. (A) As used in this section, "performance 3786
index score" has the same meaning as in section 3302.01 of the 3787
Revised Code. 3788

(B) This section applies to any entity that sponsors a 3789
community school, regardless of whether section 3314.021 or 3790
3314.027 of the Revised Code exempts the entity from the 3791
requirement to be approved for sponsorship under divisions (A)(2) 3792
and (B)(1) of section 3314.015 of the Revised Code. 3793

~~(A) An~~ (C) No entity that sponsors a community school shall 3794
be permitted to enter into contracts under section 3314.03 of the 3795
Revised Code to sponsor additional community schools ~~only~~ if the 3796
entity ~~meets both of the following criteria:~~ 3797

~~(1) The~~ entity is not in compliance with all provisions of 3798
this chapter requiring sponsors of community schools to report 3799
data or information to the department of education. 3800

~~(2) The~~ (D) No entity that sponsors a conversion community 3801
school shall be permitted to enter into contracts under section 3802
3314.03 of the Revised Code to sponsor additional conversion 3803
schools if the entity is ranked in the lowest twenty per cent of 3804
community school sponsors on the ranking prescribed by division 3805
(F)(1) of this section. 3806

(E) No entity that sponsors a new start-up community school 3807
shall be permitted to enter into contracts under section 3314.03 3808
of the Revised Code to sponsor additional new start-up schools if 3809
the entity is ~~not~~ ranked in the lowest twenty per cent of 3810
community school sponsors on the ranking prescribed by division 3811
~~(B)~~(F)(2) of this section. 3812

~~(B)~~(F) For purposes of this section, the department shall 3813
~~develop~~ do both of the following: 3814

(1) Develop a composite performance index score, ~~as defined~~ 3815
~~in section 3302.01 of the Revised Code,~~ that measures the academic 3816
performance of students enrolled in conversion community schools 3817
sponsored by the same entity and annually rank all entities that 3818
sponsor conversion schools from highest to lowest according to the 3819
entities' scores; 3820

(2) Develop a composite performance index score that measures 3821
the academic performance of students enrolled in new start-up 3822
community schools sponsored by the same entity and annually rank 3823
all entities that sponsor new start-up schools from highest to 3824

lowest according to the entities' scores. In 3825

In calculating the composite performance index score scores 3826
under division (F) of this section, the department shall exclude 3827
all community schools described in division (A)(3) of section 3828
3314.35 of the Revised Code, ~~but the department shall cease to~~ 3829
~~exclude those schools beginning January 1, 2013, if the general~~ 3830
~~assembly does not enact by that date separate performance~~ 3831
~~standards for community schools that operate dropout prevention~~ 3832
~~and recovery programs and for community schools that serve~~ 3833
~~students with disabilities.~~ The department annually shall rank all 3834
entities that sponsor community schools from highest to lowest 3835
according to the entities' composite performance index scores 3836
publish the rankings required by division (F) of this section 3837
between the first day of October and the fifteenth day of October. 3838

~~(C)~~(G)(1) If the governing authority of a community school 3839
enters into a contract with a sponsor prior to the date on which 3840
the sponsor is prohibited from sponsoring additional schools under 3841
division ~~(A)~~(C) of this section and the school has not opened for 3842
operation as of that date, that contract shall be void and the 3843
school shall not open until the governing authority secures a new 3844
sponsor by entering into a contract with the new sponsor under 3845
section 3314.03 of the Revised Code. 3846

(2) If the governing authority of a conversion community 3847
school enters into a contract with a sponsor prior to the date on 3848
which the sponsor is prohibited from sponsoring additional 3849
conversion schools under division (D) of this section and the 3850
school has not opened for operation as of that date, that contract 3851
shall be void and the school shall not open until the governing 3852
authority secures a new sponsor by entering into a contract with 3853
the new sponsor under section 3314.03 of the Revised Code. 3854

(3) If the governing authority of a new start-up community 3855
school enters into a contract with a sponsor prior to the date on 3856

which the sponsor is prohibited from sponsoring additional new 3857
start-up schools under division (E) of this section and the school 3858
has not opened for operation as of that date, that contract shall 3859
be void and the school shall not open until the governing 3860
authority secures a new sponsor by entering into a contract with 3861
the new sponsor under section 3314.03 of the Revised Code. 3862

Sec. 3314.02. (A) As used in this chapter: 3863

(1) "Sponsor" means an entity listed in division (C)(1) of 3864
this section, which has been approved by the department of 3865
education to sponsor community schools and with which the 3866
governing authority of the proposed community school enters into a 3867
contract pursuant to this section. 3868

(2) "Pilot project area" means the school districts included 3869
in the territory of the former community school pilot project 3870
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 3871
the 122nd general assembly. 3872

(3) "Challenged school district" means any of the following: 3873

(a) A school district that is part of the pilot project area; 3874

(b) A school district that is either in a state of academic 3875
emergency or in a state of academic watch or rated "F" or "D" 3876
under section 3302.03 of the Revised Code; 3877

(c) A big eight school district; 3878

(d) A school district ranked in the lowest five per cent of 3879
school districts according to performance index score under 3880
section 3302.21 of the Revised Code. 3881

(4) "Big eight school district" means a school district that 3882
for fiscal year 1997 had both of the following: 3883

(a) A percentage of children residing in the district and 3884
participating in the predecessor of Ohio works first greater than 3885

thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;

(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.

(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.

(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.

(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities.

(8) "Operator" means either of the following:

(a) An individual or organization that manages the daily operations of a community school pursuant to a contract between the operator and the school's governing authority;

(b) A nonprofit organization that provides programmatic oversight and support to a community school under a contract with the school's governing authority and that retains the right to terminate its affiliation with the school if the school fails to

meet the organization's quality standards. 3917

(B) Any person or group of individuals may initially propose 3918
under this division the conversion of all or a portion of a public 3919
school or a building operated by an educational service center to 3920
a community school. The proposal shall be made to the board of 3921
education of the city, local, exempted village, or joint 3922
vocational school district in which the public school is proposed 3923
to be converted or, in the case of the conversion of a building 3924
operated by an educational service center, to the governing board 3925
of the service center. Upon receipt of a proposal, a board may 3926
enter into a preliminary agreement with the person or group 3927
proposing the conversion of the public school or service center 3928
building, indicating the intention of the board to support the 3929
conversion to a community school. A proposing person or group that 3930
has a preliminary agreement under this division may proceed to 3931
finalize plans for the school, establish a governing authority for 3932
the school, and negotiate a contract with the board. Provided the 3933
proposing person or group adheres to the preliminary agreement and 3934
all provisions of this chapter, the board shall negotiate in good 3935
faith to enter into a contract in accordance with section 3314.03 3936
of the Revised Code and division (C) of this section. 3937

(C)(1) Any person or group of individuals may propose under 3938
this division the establishment of a new start-up school to be 3939
located in a challenged school district. The proposal may be made 3940
to any of the following entities: 3941

(a) The board of education of the district in which the 3942
school is proposed to be located; 3943

(b) The board of education of any joint vocational school 3944
district with territory in the county in which is located the 3945
majority of the territory of the district in which the school is 3946
proposed to be located; 3947

(c) The board of education of any other city, local, or 3948
exempted village school district having territory in the same 3949
county where the district in which the school is proposed to be 3950
located has the major portion of its territory; 3951

(d) The governing board of any educational service center, as 3952
long as the proposed school will be located in a county within the 3953
territory of the service center or in a county contiguous to such 3954
county; 3955

(e) A sponsoring authority designated by the board of 3956
trustees of any of the thirteen state universities listed in 3957
section 3345.011 of the Revised Code or the board of trustees 3958
itself as long as a mission of the proposed school to be specified 3959
in the contract under division (A)(2) of section 3314.03 of the 3960
Revised Code and as approved by the department of education under 3961
division (B)(2) of section 3314.015 of the Revised Code will be 3962
the practical demonstration of teaching methods, educational 3963
technology, or other teaching practices that are included in the 3964
curriculum of the university's teacher preparation program 3965
approved by the state board of education; 3966

(f) Any qualified tax-exempt entity under section 501(c)(3) 3967
of the Internal Revenue Code as long as all of the following 3968
conditions are satisfied: 3969

(i) The entity has been in operation for at least five years 3970
prior to applying to be a community school sponsor. 3971

(ii) The entity has assets of at least five hundred thousand 3972
dollars and a demonstrated record of financial responsibility. 3973

(iii) The department of education has determined that the 3974
entity is an education-oriented entity under division (B)(3) of 3975
section 3314.015 of the Revised Code and the entity has a 3976
demonstrated record of successful implementation of educational 3977
programs. 3978

(iv) The entity is not a community school. 3979

Any entity described in division (C)(1) of this section may 3980
enter into a preliminary agreement pursuant to division (C)(2) of 3981
this section with the proposing person or group. 3982

(2) A preliminary agreement indicates the intention of an 3983
entity described in division (C)(1) of this section to sponsor the 3984
community school. A proposing person or group that has such a 3985
preliminary agreement may proceed to finalize plans for the 3986
school, establish a governing authority as described in division 3987
(E) of this section for the school, and negotiate a contract with 3988
the entity. Provided the proposing person or group adheres to the 3989
preliminary agreement and all provisions of this chapter, the 3990
entity shall negotiate in good faith to enter into a contract in 3991
accordance with section 3314.03 of the Revised Code. 3992

(3) A new start-up school that is established in a school 3993
district while that district is ~~either~~ in a state of academic 3994
emergency or in a state of academic watch or rated "F" or "D" 3995
under section 3302.03 of the Revised Code or is ranked in the 3996
lowest five per cent according to performance index score under 3997
section 3302.21 of the Revised Code may continue in existence once 3998
the school district is no longer in a state of academic emergency 3999
or academic watch, is rated "F" or "D," or ranked in the lowest 4000
five per cent according to performance index score, provided there 4001
is a valid contract between the school and a sponsor. 4002

(4) A copy of every preliminary agreement entered into under 4003
this division shall be filed with the superintendent of public 4004
instruction. 4005

(D) A majority vote of the board of a sponsoring entity and a 4006
majority vote of the members of the governing authority of a 4007
community school shall be required to adopt a contract and convert 4008
the public school or educational service center building to a 4009

community school or establish the new start-up school. Beginning 4010
September 29, 2005, adoption of the contract shall occur not later 4011
than the fifteenth day of March, and signing of the contract shall 4012
occur not later than the fifteenth day of May, prior to the school 4013
year in which the school will open. The governing authority shall 4014
notify the department of education when the contract has been 4015
signed. Subject to sections 3314.013 and 3314.016 of the Revised 4016
Code, an unlimited number of community schools may be established 4017
in any school district provided that a contract is entered into 4018
for each community school pursuant to this chapter. 4019

(E)(1) As used in this division, "immediate relatives" are 4020
limited to spouses, children, parents, grandparents, siblings, and 4021
in-laws. 4022

Each new start-up community school established under this 4023
chapter shall be under the direction of a governing authority 4024
which shall consist of a board of not less than five individuals. 4025

No person shall serve on the governing authority or operate 4026
the community school under contract with the governing authority 4027
so long as the person owes the state any money or is in a dispute 4028
over whether the person owes the state any money concerning the 4029
operation of a community school that has closed. 4030

(2) No person shall serve on the governing authorities of 4031
more than two start-up community schools at the same time. 4032

(3) No present or former member, or immediate relative of a 4033
present or former member, of the governing authority of any 4034
community school established under this chapter shall be an owner, 4035
employee, or consultant of any sponsor or operator of a community 4036
school, unless at least one year has elapsed since the conclusion 4037
of the person's membership. 4038

(4) The governing authority of a start-up community school 4039
may provide by resolution for the compensation of its members. 4040

However, no individual who serves on the governing authority of a start-up community school shall be compensated more than four hundred twenty-five dollars per meeting of that governing authority and no such individual shall be compensated more than a total amount of five thousand dollars per year for all governing authorities upon which the individual serves.

(F)(1) A new start-up school that is established prior to August 15, 2003, in an urban school district that is not also a big-eight school district may continue to operate after that date and the contract between the school's governing authority and the school's sponsor may be renewed, as provided under this chapter, after that date, but no additional new start-up schools may be established in such a district unless the district is a challenged school district as defined in this section as it exists on and after that date.

(2) A community school that was established prior to June 29, 1999, and is located in a county contiguous to the pilot project area and in a school district that is not a challenged school district may continue to operate after that date, provided the school complies with all provisions of this chapter. The contract between the school's governing authority and the school's sponsor may be renewed, but no additional start-up community school may be established in that district unless the district is a challenged school district.

(3) Any educational service center that, on June 30, 2007, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after June 30, 2007, and may renew its contract with the school. However, the educational service center shall not enter into a contract with any additional community school unless the school is located in a county within the territory of the service center or

in a county contiguous to such county. 4073

Sec. 3314.028. (A) Notwithstanding any provision of this 4074
chapter to the contrary, beginning in the 2009-2010 school year, a 4075
community school that meets the following conditions may operate 4076
from the facility in which the school was located in the 2008-2009 4077
school year and shall not be required to locate to another school 4078
district: 4079

(1) The school was located in the facility for at least the 4080
three school years prior to the 2009-2010 school year. 4081

(2) The school's sponsor is a school district that is 4082
adjacent to the school district in which the school is located. 4083

(3) The school's education program emphasizes serving 4084
students identified as gifted under Chapter 3324. of the Revised 4085
Code. 4086

(4) The school has been rated in need of continuous 4087
improvement or higher or "C" or higher under section 3302.03 of 4088
the Revised Code for the previous three school years. 4089

(B) Notwithstanding any provision of this chapter to the 4090
contrary, a community school described in division (A) of this 4091
section may operate as a conversion school. 4092

(C) Notwithstanding any provision of this chapter to the 4093
contrary, in accordance with section 3314.03 of the Revised Code, 4094
the governing authority of a community school described in 4095
division (A) of this section may enter into a contract for the 4096
2010-2011 school year and later with a different sponsor that is 4097
one of the following entities, provided the school was rated in 4098
need of continuous improvement or better under section 3302.03 of 4099
the Revised Code for the 2008-2009 school year and the sponsor 4100
described in division (A)(2) of this section approves the change 4101
in sponsorship: 4102

(1) The board of education of a city, exempted village, local, or joint vocational school district;	4103 4104
(2) The governing board of an educational service center;	4105
(3) A sponsoring authority designated by the board of trustees of a state university listed in section 3345.011 of the Revised Code or the board of trustees itself.	4106 4107 4108
Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction.	4109 4110 4111
(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:	4112 4113 4114
(1) That the school shall be established as either of the following:	4115 4116
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	4117 4118
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	4119 4120
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	4121 4122 4123 4124
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	4125 4126 4127
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	4128 4129
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	4130 4131

(6)(a) Dismissal procedures;	4132
(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.	4133 4134 4135 4136 4137 4138
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	4139 4140
(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. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	4141 4142 4143 4144 4145 4146
(9) The facilities to be used and their locations;	4147
(10) Qualifications of teachers, including the following:	4148
(a) 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;	4149 4150 4151 4152 4153
(b) A requirement that each classroom teacher initially hired by the school on or after July 1, 2013, and employed to provide instruction in physical education hold a valid license issued pursuant to section 3319.22 of the Revised Code for teaching physical education.	4154 4155 4156 4157 4158
(11) That the school will comply with the following requirements:	4159 4160
(a) The school will provide learning opportunities to a	4161

minimum of twenty-five students for a minimum of nine hundred 4162
twenty hours per school year. 4163

(b) The governing authority will purchase liability 4164
insurance, or otherwise provide for the potential liability of the 4165
school. 4166

(c) The school will be nonsectarian in its programs, 4167
admission policies, employment practices, and all other 4168
operations, and will not be operated by a sectarian school or 4169
religious institution. 4170

(d) The school will comply with sections 9.90, 9.91, 109.65, 4171
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 4172
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 4173
3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.643, 4174
3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 4175
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 4176
3313.718, 3313.719, 3313.80, 3313.814, 3313.816, 3313.817, 4177
3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 4178
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 4179
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 4180
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 4181
of the Revised Code as if it were a school district and will 4182
comply with section 3301.0714 of the Revised Code in the manner 4183
specified in section 3314.17 of the Revised Code. 4184

(e) The school shall comply with Chapter 102. and section 4185
2921.42 of the Revised Code. 4186

(f) The school will comply with sections 3313.61, 3313.611, 4187
and 3313.614 of the Revised Code, except that for students who 4188
enter ninth grade for the first time before July 1, 2010, the 4189
requirement in sections 3313.61 and 3313.611 of the Revised Code 4190
that a person must successfully complete the curriculum in any 4191
high school prior to receiving a high school diploma may be met by 4192

completing the curriculum adopted by the governing authority of 4193
the community school rather than the curriculum specified in Title 4194
XXXIII of the Revised Code or any rules of the state board of 4195
education. Beginning with students who enter ninth grade for the 4196
first time on or after July 1, 2010, the requirement in sections 4197
3313.61 and 3313.611 of the Revised Code that a person must 4198
successfully complete the curriculum of a high school prior to 4199
receiving a high school diploma shall be met by completing the 4200
Ohio core curriculum prescribed in division (C) of section 4201
3313.603 of the Revised Code, unless the person qualifies under 4202
division (D) or (F) of that section. Each school shall comply with 4203
the plan for awarding high school credit based on demonstration of 4204
subject area competency, adopted by the state board of education 4205
under division (J) of section 3313.603 of the Revised Code. 4206

(g) The school governing authority will submit within four 4207
months after the end of each school year a report of its 4208
activities and progress in meeting the goals and standards of 4209
divisions (A)(3) and (4) of this section and its financial status 4210
to the sponsor and the parents of all students enrolled in the 4211
school. 4212

(h) The school, unless it is an internet- or computer-based 4213
community school, will comply with sections 3313.674 and 3313.801 4214
of the Revised Code as if it were a school district. 4215

(i) If the school is the recipient of moneys from a grant 4216
awarded under the federal race to the top program, Division (A), 4217
Title XIV, Sections 14005 and 14006 of the "American Recovery and 4218
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 4219
school will pay teachers based upon performance in accordance with 4220
section 3317.141 and will comply with section 3319.111 of the 4221
Revised Code as if it were a school district. 4222

(12) Arrangements for providing health and other benefits to 4223
employees; 4224

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

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

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

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

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

(18) Provisions establishing procedures for resolving 4257
disputes or differences of opinion between the sponsor and the 4258
governing authority of the community school; 4259

(19) A provision requiring the governing authority to adopt a 4260
policy regarding the admission of students who reside outside the 4261
district in which the school is located. That policy shall comply 4262
with the admissions procedures specified in sections 3314.06 and 4263
3314.061 of the Revised Code and, at the sole discretion of the 4264
authority, shall do one of the following: 4265

(a) Prohibit the enrollment of students who reside outside 4266
the district in which the school is located; 4267

(b) Permit the enrollment of students who reside in districts 4268
adjacent to the district in which the school is located; 4269

(c) Permit the enrollment of students who reside in any other 4270
district in the state. 4271

(20) A provision recognizing the authority of the department 4272
of education to take over the sponsorship of the school in 4273
accordance with the provisions of division (C) of section 3314.015 4274
of the Revised Code; 4275

(21) A provision recognizing the sponsor's authority to 4276
assume the operation of a school under the conditions specified in 4277
division (B) of section 3314.073 of the Revised Code; 4278

(22) A provision recognizing both of the following: 4279

(a) The authority of public health and safety officials to 4280
inspect the facilities of the school and to order the facilities 4281
closed if those officials find that the facilities are not in 4282
compliance with health and safety laws and regulations; 4283

(b) The authority of the department of education as the 4284
community school oversight body to suspend the operation of the 4285
school under section 3314.072 of the Revised Code if the 4286

department has evidence of conditions or violations of law at the 4287
school that pose an imminent danger to the health and safety of 4288
the school's students and employees and the sponsor refuses to 4289
take such action. 4290

(23) A description of the learning opportunities that will be 4291
offered to students including both classroom-based and 4292
non-classroom-based learning opportunities that is in compliance 4293
with criteria for student participation established by the 4294
department under division (L)(2) of section 3314.08 of the Revised 4295
Code; 4296

(24) The school will comply with sections 3302.04 and 4297
3302.041 of the Revised Code, except that any action required to 4298
be taken by a school district pursuant to those sections shall be 4299
taken by the sponsor of the school. However, the sponsor shall not 4300
be required to take any action described in division (F) of 4301
section 3302.04 of the Revised Code. 4302

(25) Beginning in the 2006-2007 school year, the school will 4303
open for operation not later than the thirtieth day of September 4304
each school year, unless the mission of the school as specified 4305
under division (A)(2) of this section is solely to serve dropouts. 4306
In its initial year of operation, if the school fails to open by 4307
the thirtieth day of September, or within one year after the 4308
adoption of the contract pursuant to division (D) of section 4309
3314.02 of the Revised Code if the mission of the school is solely 4310
to serve dropouts, the contract shall be void. 4311

(B) The community school shall also submit to the sponsor a 4312
comprehensive plan for the school. The plan shall specify the 4313
following: 4314

(1) The process by which the governing authority of the 4315
school will be selected in the future; 4316

(2) The management and administration of the school; 4317

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

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

(5) Internal financial controls.

(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 4349
complying with laws applicable to the school and terms of the 4350
contract; 4351

(5) Take steps to intervene in the school's operation to 4352
correct problems in the school's overall performance, declare the 4353
school to be on probationary status pursuant to section 3314.073 4354
of the Revised Code, suspend the operation of the school pursuant 4355
to section 3314.072 of the Revised Code, or terminate the contract 4356
of the school pursuant to section 3314.07 of the Revised Code as 4357
determined necessary by the sponsor; 4358

(6) Have in place a plan of action to be undertaken in the 4359
event the community school experiences financial difficulties or 4360
closes prior to the end of a school year. 4361

(E) Upon the expiration of a contract entered into under this 4362
section, the sponsor of a community school may, with the approval 4363
of the governing authority of the school, renew that contract for 4364
a period of time determined by the sponsor, but not ending earlier 4365
than the end of any school year, if the sponsor finds that the 4366
school's compliance with applicable laws and terms of the contract 4367
and the school's progress in meeting the academic goals prescribed 4368
in the contract have been satisfactory. Any contract that is 4369
renewed under this division remains subject to the provisions of 4370
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 4371

(F) If a community school fails to open for operation within 4372
one year after the contract entered into under this section is 4373
adopted pursuant to division (D) of section 3314.02 of the Revised 4374
Code or permanently closes prior to the expiration of the 4375
contract, the contract shall be void and the school shall not 4376
enter into a contract with any other sponsor. A school shall not 4377
be considered permanently closed because the operations of the 4378
school have been suspended pursuant to section 3314.072 of the 4379
Revised Code. 4380

Sec. 3314.05. (A) The contract between the community school 4381
and the sponsor shall specify the facilities to be used for the 4382
community school and the method of acquisition. Except as provided 4383
in divisions (B)(3) and (4) of this section, no community school 4384
shall be established in more than one school district under the 4385
same contract. 4386

(B) Division (B) of this section shall not apply to internet- 4387
or computer-based community schools. 4388

(1) A community school may be located in multiple facilities 4389
under the same contract only if the limitations on availability of 4390
space prohibit serving all the grade levels specified in the 4391
contract in a single facility or division (B)(2), (3), or (4) of 4392
this section applies to the school. The school shall not offer the 4393
same grade level classrooms in more than one facility. 4394

(2) A community school may be located in multiple facilities 4395
under the same contract and, notwithstanding division (B)(1) of 4396
this section, may assign students in the same grade level to 4397
multiple facilities, as long as all of the following apply: 4398

(a) The governing authority of the community school filed a 4399
copy of its contract with the school's sponsor under section 4400
3314.03 of the Revised Code with the superintendent of public 4401
instruction on or before May 15, 2008. 4402

(b) The school was not open for operation prior to July 1, 4403
2008. 4404

(c) The governing authority has entered into and maintains a 4405
contract with an operator of the type described in division 4406
(A)(8)(b) of section 3314.02 of the Revised Code. 4407

(d) The contract with that operator qualified the school to 4408
be established pursuant to division (A) of former section 3314.016 4409
of the Revised Code. 4410

(e) The school's rating under section 3302.03 of the Revised Code does not fall below "in need of continuous improvement" or "C" for two or more consecutive years.

(3) A new start-up community school may be established in two school districts under the same contract if all of the following apply:

(a) At least one of the school districts in which the school is established is a challenged school district;

(b) The school operates not more than one facility in each school district and, in accordance with division (B)(1) of this section, the school does not offer the same grade level classrooms in both facilities; and

(c) Transportation between the two facilities does not require more than thirty minutes of direct travel time as measured by school bus.

In the case of a community school to which division (B)(3) of this section applies, if only one of the school districts in which the school is established is a challenged school district, that district shall be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter. If both of the school districts in which the school is established are challenged school districts, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of those divisions and all other purposes of this chapter and shall notify the department of education of that designation.

(4) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B)(1) of

this section, may assign students in the same grade level to 4442
multiple facilities, as long as both of the following apply: 4443

(a) The facilities are all located in the same county. 4444

(b) The governing authority has entered into and maintains a 4445
contract with an operator. 4446

In the case of a community school to which division (B)(4) of 4447
this section applies and that maintains facilities in more than 4448
one school district, the school's governing authority shall 4449
designate one of those districts to be considered the school's 4450
primary location and the district in which the school is located 4451
for the purposes of division (A)(19) of section 3314.03 and 4452
divisions (C) and (H) of section 3314.06 of the Revised Code and 4453
for all other purposes of this chapter and shall notify the 4454
department of that designation. 4455

(5) Any facility used for a community school shall meet all 4456
health and safety standards established by law for school 4457
buildings. 4458

(C) In the case where a community school is proposed to be 4459
located in a facility owned by a school district or educational 4460
service center, the facility may not be used for such community 4461
school unless the district or service center board owning the 4462
facility enters into an agreement for the community school to 4463
utilize the facility. Use of the facility may be under any terms 4464
and conditions agreed to by the district or service center board 4465
and the school. 4466

(D) Two or more separate community schools may be located in 4467
the same facility. 4468

(E) In the case of a community school that is located in 4469
multiple facilities, beginning July 1, 2012, the department shall 4470
assign a unique identification number to the school and to each 4471
facility maintained by the school. Each number shall be used for 4472

identification purposes only. Nothing in this division shall be 4473
construed to require the department to calculate the amount of 4474
funds paid under this chapter, or to compute any data required for 4475
the report cards issued under section 3314.012 of the Revised 4476
Code, for each facility separately. The department shall make all 4477
such calculations or computations for the school as a whole. 4478

Sec. 3314.08. The deductions under division (C) and the 4479
payments under division (D) of this section for fiscal years 2012 4480
and 2013 shall be made in accordance with section 3314.088 of the 4481
Revised Code. 4482

(A) As used in this section: 4483

(1) "Base formula amount" means the amount specified as such 4484
in a community school's financial plan for a school year pursuant 4485
to division (A)(15) of section 3314.03 of the Revised Code. 4486

(2) "IEP" has the same meaning as in section 3323.01 of the 4487
Revised Code. 4488

(3) "Applicable special education weight" means the multiple 4489
specified in section 3317.013 of the Revised Code for a disability 4490
described in that section. 4491

(4) "Applicable vocational education weight" means: 4492

(a) For a student enrolled in vocational education programs 4493
or classes described in division (A) of section 3317.014 of the 4494
Revised Code, the multiple specified in that division; 4495

(b) For a student enrolled in vocational education programs 4496
or classes described in division (B) of section 3317.014 of the 4497
Revised Code, the multiple specified in that division. 4498

(5) "Entitled to attend school" means entitled to attend 4499
school in a district under section 3313.64 or 3313.65 of the 4500
Revised Code. 4501

(6) A community school student is "included in the poverty student count" of a school district if the student is entitled to attend school in the district and the student's family receives assistance under the Ohio works first program.

(7) "Poverty-based assistance reduction factor" means the percentage figure, if any, for reducing the per pupil amount of poverty-based assistance a community school is entitled to receive pursuant to divisions (D)(5) to (9) of this section in any year, as specified in the school's financial plan for the year pursuant to division (A)(15) of section 3314.03 of the Revised Code.

(8) "All-day kindergarten" has the same meaning as in section 3321.05 of the Revised Code.

(9) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.

(B) The state board of education shall adopt rules requiring both of the following:

(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in grades one through twelve in a community school established under this chapter, the number of students entitled to attend school in the district who are enrolled in kindergarten in a community school, the number of those kindergartners who are enrolled in all-day kindergarten in their community school, and for each child, the community school in which the child is enrolled.

(2) The governing authority of each community school established under this chapter to annually report all of the following:

(a) The number of students enrolled in grades one through twelve and the number of students enrolled in kindergarten in the

school who are not receiving special education and related 4533
services pursuant to an IEP; 4534

(b) The number of enrolled students in grades one through 4535
twelve and the number of enrolled students in kindergarten, who 4536
are receiving special education and related services pursuant to 4537
an IEP; 4538

(c) The number of students reported under division (B)(2)(b) 4539
of this section receiving special education and related services 4540
pursuant to an IEP for a disability described in each of divisions 4541
(A) to (F) of section 3317.013 of the Revised Code; 4542

(d) The full-time equivalent number of students reported 4543
under divisions (B)(2)(a) and (b) of this section who are enrolled 4544
in vocational education programs or classes described in each of 4545
divisions (A) and (B) of section 3317.014 of the Revised Code that 4546
are provided by the community school; 4547

(e) Twenty per cent of the number of students reported under 4548
divisions (B)(2)(a) and (b) of this section who are not reported 4549
under division (B)(2)(d) of this section but who are enrolled in 4550
vocational education programs or classes described in each of 4551
divisions (A) and (B) of section 3317.014 of the Revised Code at a 4552
joint vocational school district under a contract between the 4553
community school and the joint vocational school district and are 4554
entitled to attend school in a city, local, or exempted village 4555
school district whose territory is part of the territory of the 4556
joint vocational school district; 4557

(f) The number of enrolled preschool children with 4558
disabilities receiving special education services in a 4559
state-funded unit; 4560

(g) The community school's base formula amount; 4561

(h) For each student, the city, exempted village, or local 4562
school district in which the student is entitled to attend school; 4563

(i) Any poverty-based assistance reduction factor that 4564
applies to a school year. 4565

(C) From the state education aid calculated for a city, 4566
exempted village, or local school district and, if necessary, from 4567
the payment made to the district under sections 321.24 and 323.156 4568
of the Revised Code, the department of education shall annually 4569
subtract the sum of the amounts described in divisions (C)(1) to 4570
(9) of this section. However, when deducting payments on behalf of 4571
students enrolled in internet- or computer-based community 4572
schools, the department shall deduct only those amounts described 4573
in divisions (C)(1) and (2) of this section. Furthermore, the 4574
aggregate amount deducted under this division shall not exceed the 4575
sum of the district's state education aid and its payment under 4576
sections 321.24 and 323.156 of the Revised Code. 4577

(1) An amount equal to the sum of the amounts obtained when, 4578
for each community school where the district's students are 4579
enrolled, the number of the district's students reported under 4580
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 4581
in grades one through twelve, and one-half the number of students 4582
reported under those divisions who are enrolled in kindergarten, 4583
in that community school is multiplied by the sum of the base 4584
formula amount of that community school plus the per pupil amount 4585
of the base funding supplements specified in divisions (C)(1) to 4586
(4) of section 3317.012 of the Revised Code. 4587

(2) The sum of the amounts calculated under divisions 4588
(C)(2)(a) and (b) of this section: 4589

(a) For each of the district's students reported under 4590
division (B)(2)(c) of this section as enrolled in a community 4591
school in grades one through twelve and receiving special 4592
education and related services pursuant to an IEP for a disability 4593
described in section 3317.013 of the Revised Code, the product of 4594
the applicable special education weight times the community 4595

school's base formula amount; 4596

(b) For each of the district's students reported under 4597
division (B)(2)(c) of this section as enrolled in kindergarten in 4598
a community school and receiving special education and related 4599
services pursuant to an IEP for a disability described in section 4600
3317.013 of the Revised Code, one-half of the amount calculated as 4601
prescribed in division (C)(2)(a) of this section. 4602

(3) For each of the district's students reported under 4603
division (B)(2)(d) of this section for whom payment is made under 4604
division (D)(4) of this section, the amount of that payment; 4605

(4) An amount equal to the sum of the amounts obtained when, 4606
for each community school where the district's students are 4607
enrolled, the number of the district's students enrolled in that 4608
community school who are included in the district's poverty 4609
student count is multiplied by the per pupil amount of 4610
poverty-based assistance the school district receives that year 4611
pursuant to division (C) of section 3317.029 of the Revised Code, 4612
as adjusted by any poverty-based assistance reduction factor of 4613
that community school. The per pupil amount of that aid for the 4614
district shall be calculated by the department. 4615

(5) An amount equal to the sum of the amounts obtained when, 4616
for each community school where the district's students are 4617
enrolled, the district's per pupil amount of aid received under 4618
division (E) of section 3317.029 of the Revised Code, as adjusted 4619
by any poverty-based assistance reduction factor of the community 4620
school, is multiplied by the sum of the following: 4621

(a) The number of the district's students reported under 4622
division (B)(2)(a) of this section who are enrolled in grades one 4623
to three in that community school and who are not receiving 4624
special education and related services pursuant to an IEP; 4625

(b) One-half of the district's students who are enrolled in 4626

all-day or any other kindergarten class in that community school 4627
and who are not receiving special education and related services 4628
pursuant to an IEP; 4629

(c) One-half of the district's students who are enrolled in 4630
all-day kindergarten in that community school and who are not 4631
receiving special education and related services pursuant to an 4632
IEP. 4633

The district's per pupil amount of aid under division (E) of 4634
section 3317.029 of the Revised Code is the quotient of the amount 4635
the district received under that division divided by the 4636
district's kindergarten through third grade ADM, as defined in 4637
that section. 4638

(6) An amount equal to the sum of the amounts obtained when, 4639
for each community school where the district's students are 4640
enrolled, the district's per pupil amount received under division 4641
(F) of section 3317.029 of the Revised Code, as adjusted by any 4642
poverty-based assistance reduction factor of that community 4643
school, is multiplied by the number of the district's students 4644
enrolled in the community school who are identified as 4645
limited-English proficient. 4646

(7) An amount equal to the sum of the amounts obtained when, 4647
for each community school where the district's students are 4648
enrolled, the district's per pupil amount received under division 4649
(G) of section 3317.029 of the Revised Code, as adjusted by any 4650
poverty-based assistance reduction factor of that community 4651
school, is multiplied by the sum of the following: 4652

(a) The number of the district's students enrolled in grades 4653
one through twelve in that community school; 4654

(b) One-half of the number of the district's students 4655
enrolled in kindergarten in that community school. 4656

The district's per pupil amount under division (G) of section 4657

3317.029 of the Revised Code is the district's amount per teacher 4658
calculated under division (G)(1) or (2) of that section divided by 4659
17. 4660

(8) An amount equal to the sum of the amounts obtained when, 4661
for each community school where the district's students are 4662
enrolled, the district's per pupil amount received under divisions 4663
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 4664
by any poverty-based assistance reduction factor of that community 4665
school, is multiplied by the sum of the following: 4666

(a) The number of the district's students enrolled in grades 4667
one through twelve in that community school; 4668

(b) One-half of the number of the district's students 4669
enrolled in kindergarten in that community school. 4670

The district's per pupil amount under divisions (H) and (I) 4671
of section 3317.029 of the Revised Code is the amount calculated 4672
under each division divided by the district's formula ADM, as 4673
defined in section 3317.02 of the Revised Code. 4674

(9) An amount equal to the per pupil state parity aid funding 4675
calculated for the school district under either division (C) or 4676
(D) of section 3317.0217 of the Revised Code multiplied by the sum 4677
of the number of students in grades one through twelve, and 4678
one-half of the number of students in kindergarten, who are 4679
entitled to attend school in the district and are enrolled in a 4680
community school as reported under division (B)(1) of this 4681
section. 4682

(D) The department shall annually pay to a community school 4683
established under this chapter the sum of the amounts described in 4684
divisions (D)(1) to (10) of this section. However, the department 4685
shall calculate and pay to each internet- or computer-based 4686
community school only the amounts described in divisions (D)(1) to 4687
(3) of this section. Furthermore, the sum of the payments to all 4688

community schools under divisions (D)(1), (2), and (4) to (10) of 4689
this section for the students entitled to attend school in any 4690
particular school district shall not exceed the sum of that 4691
district's state education aid and its payment under sections 4692
321.24 and 323.156 of the Revised Code. If the sum of the payments 4693
calculated under those divisions for the students entitled to 4694
attend school in a particular school district exceeds the sum of 4695
that district's state education aid and its payment under sections 4696
321.24 and 323.156 of the Revised Code, the department shall 4697
calculate and apply a proration factor to the payments to all 4698
community schools under those divisions for the students entitled 4699
to attend school in that district. 4700

(1) An amount equal to the sum of the amounts obtained when 4701
the number of students enrolled in grades one through twelve, plus 4702
one-half of the kindergarten students in the school, reported 4703
under divisions (B)(2)(a), (b), and (e) of this section who are 4704
not receiving special education and related services pursuant to 4705
an IEP for a disability described in section 3317.013 of the 4706
Revised Code is multiplied by the sum of the community school's 4707
base formula amount plus the per pupil amount of the base funding 4708
supplements specified in divisions (C)(1) to (4) of section 4709
3317.012 of the Revised Code. 4710

(2) The sum of the following amounts: 4711

(a) For each student reported under division (B)(2)(c) of 4712
this section as enrolled in the school in grades one through 4713
twelve and receiving special education and related services 4714
pursuant to an IEP for a disability described in section 3317.013 4715
of the Revised Code, the following amount: 4716

(the school's base formula amount plus 4717
the per pupil amount of the base funding supplements specified in 4718
divisions (C)(1) to (4) of section 3317.012 of the Revised Code) 4719
+ (the applicable special education weight X the 4720

community school's base formula amount); 4721

(b) For each student reported under division (B)(2)(c) of 4722
this section as enrolled in kindergarten and receiving special 4723
education and related services pursuant to an IEP for a disability 4724
described in section 3317.013 of the Revised Code, one-half of the 4725
amount calculated under the formula prescribed in division 4726
(D)(2)(a) of this section. 4727

(3) An amount received from federal funds to provide special 4728
education and related services to students in the community 4729
school, as determined by the superintendent of public instruction. 4730

(4) For each student reported under division (B)(2)(d) of 4731
this section as enrolled in vocational education programs or 4732
classes that are described in section 3317.014 of the Revised 4733
Code, are provided by the community school, and are comparable as 4734
determined by the superintendent of public instruction to school 4735
district vocational education programs and classes eligible for 4736
state weighted funding under section 3317.014 of the Revised Code, 4737
an amount equal to the applicable vocational education weight 4738
times the community school's base formula amount times the 4739
percentage of time the student spends in the vocational education 4740
programs or classes. 4741

(5) An amount equal to the sum of the amounts obtained when, 4742
for each school district where the community school's students are 4743
entitled to attend school, the number of that district's students 4744
enrolled in the community school who are included in the 4745
district's poverty student count is multiplied by the per pupil 4746
amount of poverty-based assistance that school district receives 4747
that year pursuant to division (C) of section 3317.029 of the 4748
Revised Code, as adjusted by any poverty-based assistance 4749
reduction factor of the community school. The per pupil amount of 4750
aid shall be determined as described in division (C)(4) of this 4751
section. 4752

(6) An amount equal to the sum of the amounts obtained when, 4753
for each school district where the community school's students are 4754
entitled to attend school, the district's per pupil amount of aid 4755
received under division (E) of section 3317.029 of the Revised 4756
Code, as adjusted by any poverty-based assistance reduction factor 4757
of the community school, is multiplied by the sum of the 4758
following: 4759

(a) The number of the district's students reported under 4760
division (B)(2)(a) of this section who are enrolled in grades one 4761
to three in that community school and who are not receiving 4762
special education and related services pursuant to an IEP; 4763

(b) One-half of the district's students who are enrolled in 4764
all-day or any other kindergarten class in that community school 4765
and who are not receiving special education and related services 4766
pursuant to an IEP; 4767

(c) One-half of the district's students who are enrolled in 4768
all-day kindergarten in that community school and who are not 4769
receiving special education and related services pursuant to an 4770
IEP. 4771

The district's per pupil amount of aid under division (E) of 4772
section 3317.029 of the Revised Code shall be determined as 4773
described in division (C)(5) of this section. 4774

(7) An amount equal to the sum of the amounts obtained when, 4775
for each school district where the community school's students are 4776
entitled to attend school, the number of that district's students 4777
enrolled in the community school who are identified as 4778
limited-English proficient is multiplied by the district's per 4779
pupil amount received under division (F) of section 3317.029 of 4780
the Revised Code, as adjusted by any poverty-based assistance 4781
reduction factor of the community school. 4782

(8) An amount equal to the sum of the amounts obtained when, 4783

for each school district where the community school's students are 4784
entitled to attend school, the district's per pupil amount 4785
received under division (G) of section 3317.029 of the Revised 4786
Code, as adjusted by any poverty-based assistance reduction factor 4787
of the community school, is multiplied by the sum of the 4788
following: 4789

(a) The number of the district's students enrolled in grades 4790
one through twelve in that community school; 4791

(b) One-half of the number of the district's students 4792
enrolled in kindergarten in that community school. 4793

The district's per pupil amount under division (G) of section 4794
3317.029 of the Revised Code shall be determined as described in 4795
division (C)(7) of this section. 4796

(9) An amount equal to the sum of the amounts obtained when, 4797
for each school district where the community school's students are 4798
entitled to attend school, the district's per pupil amount 4799
received under divisions (H) and (I) of section 3317.029 of the 4800
Revised Code, as adjusted by any poverty-based assistance 4801
reduction factor of the community school, is multiplied by the sum 4802
of the following: 4803

(a) The number of the district's students enrolled in grades 4804
one through twelve in that community school; 4805

(b) One-half of the number of the district's students 4806
enrolled in kindergarten in that community school. 4807

The district's per pupil amount under divisions (H) and (I) 4808
of section 3317.029 of the Revised Code shall be determined as 4809
described in division (C)(8) of this section. 4810

(10) An amount equal to the sum of the amounts obtained when, 4811
for each school district where the community school's students are 4812
entitled to attend school, the district's per pupil amount of 4813

state parity aid funding calculated under either division (C) or 4814
(D) of section 3317.0217 of the Revised Code is multiplied by the 4815
sum of the number of that district's students enrolled in grades 4816
one through twelve, and one-half of the number of that district's 4817
students enrolled in kindergarten, in the community school as 4818
reported under divisions (B)(2)(a) and (b) of this section. 4819

(E)(1) If a community school's costs for a fiscal year for a 4820
student receiving special education and related services pursuant 4821
to an IEP for a disability described in divisions (B) to (F) of 4822
section 3317.013 of the Revised Code exceed the threshold 4823
catastrophic cost for serving the student as specified in division 4824
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 4825
submit to the superintendent of public instruction documentation, 4826
as prescribed by the superintendent, of all its costs for that 4827
student. Upon submission of documentation for a student of the 4828
type and in the manner prescribed, the department shall pay to the 4829
community school an amount equal to the school's costs for the 4830
student in excess of the threshold catastrophic costs. 4831

(2) The community school shall only report under division 4832
(E)(1) of this section, and the department shall only pay for, the 4833
costs of educational expenses and the related services provided to 4834
the student in accordance with the student's individualized 4835
education program. Any legal fees, court costs, or other costs 4836
associated with any cause of action relating to the student may 4837
not be included in the amount. 4838

(F) A community school may apply to the department of 4839
education for preschool children with disabilities unit funding 4840
the school would receive if it were a school district. Upon 4841
request of its governing authority, a community school that 4842
received such unit funding as a school district-operated school 4843
before it became a community school shall retain any units awarded 4844
to it as a school district-operated school provided the school 4845

continues to meet eligibility standards for the unit. 4846

A community school shall be considered a school district and 4847
its governing authority shall be considered a board of education 4848
for the purpose of applying to any state or federal agency for 4849
grants that a school district may receive under federal or state 4850
law or any appropriations act of the general assembly. The 4851
governing authority of a community school may apply to any private 4852
entity for additional funds. 4853

(G) A board of education sponsoring a community school may 4854
utilize local funds to make enhancement grants to the school or 4855
may agree, either as part of the contract or separately, to 4856
provide any specific services to the community school at no cost 4857
to the school. 4858

(H) A community school may not levy taxes or issue bonds 4859
secured by tax revenues. 4860

(I) No community school shall charge tuition for the 4861
enrollment of any student. 4862

(J)(1)(a) A community school may borrow money to pay any 4863
necessary and actual expenses of the school in anticipation of the 4864
receipt of any portion of the payments to be received by the 4865
school pursuant to division (D) of this section. The school may 4866
issue notes to evidence such borrowing. The proceeds of the notes 4867
shall be used only for the purposes for which the anticipated 4868
receipts may be lawfully expended by the school. 4869

(b) A school may also borrow money for a term not to exceed 4870
fifteen years for the purpose of acquiring facilities. 4871

(2) Except for any amount guaranteed under section 3318.50 of 4872
the Revised Code, the state is not liable for debt incurred by the 4873
governing authority of a community school. 4874

(K) For purposes of determining the number of students for 4875

which divisions (D)(5) and (6) of this section applies in any 4876
school year, a community school may submit to the department of 4877
job and family services, no later than the first day of March, a 4878
list of the students enrolled in the school. For each student on 4879
the list, the community school shall indicate the student's name, 4880
address, and date of birth and the school district where the 4881
student is entitled to attend school. Upon receipt of a list under 4882
this division, the department of job and family services shall 4883
determine, for each school district where one or more students on 4884
the list is entitled to attend school, the number of students 4885
residing in that school district who were included in the 4886
department's report under section 3317.10 of the Revised Code. The 4887
department shall make this determination on the basis of 4888
information readily available to it. Upon making this 4889
determination and no later than ninety days after submission of 4890
the list by the community school, the department shall report to 4891
the state department of education the number of students on the 4892
list who reside in each school district who were included in the 4893
department's report under section 3317.10 of the Revised Code. In 4894
complying with this division, the department of job and family 4895
services shall not report to the state department of education any 4896
personally identifiable information on any student. 4897

(L) The department of education shall adjust the amounts 4898
subtracted and paid under divisions (C) and (D) of this section to 4899
reflect any enrollment of students in community schools for less 4900
than the equivalent of a full school year. The state board of 4901
education within ninety days after April 8, 2003, shall adopt in 4902
accordance with Chapter 119. of the Revised Code rules governing 4903
the payments to community schools under this section and section 4904
3314.13 of the Revised Code including initial payments in a school 4905
year and adjustments and reductions made in subsequent periodic 4906
payments to community schools and corresponding deductions from 4907
school district accounts as provided under divisions (C) and (D) 4908

of this section and section 3314.13 of the Revised Code. For 4909
purposes of this section and section 3314.13 of the Revised Code: 4910

(1) A student shall be considered enrolled in the community 4911
school for any portion of the school year the student is 4912
participating at a college under Chapter 3365. of the Revised 4913
Code. 4914

(2) A student shall be considered to be enrolled in a 4915
community school for the period of time beginning on the later of 4916
the date on which the school both has received documentation of 4917
the student's enrollment from a parent and the student has 4918
commenced participation in learning opportunities as defined in 4919
the contract with the sponsor, or thirty days prior to the date on 4920
which the student is entered into the education management 4921
information system established under section 3301.0714 of the 4922
Revised Code. For purposes of applying this division and divisions 4923
(L)(3) and (4) of this section to a community school student, 4924
"learning opportunities" shall be defined in the contract, which 4925
shall describe both classroom-based and non-classroom-based 4926
learning opportunities and shall be in compliance with criteria 4927
and documentation requirements for student participation which 4928
shall be established by the department. Any student's instruction 4929
time in non-classroom-based learning opportunities shall be 4930
certified by an employee of the community school. A student's 4931
enrollment shall be considered to cease on the date on which any 4932
of the following occur: 4933

(a) The community school receives documentation from a parent 4934
terminating enrollment of the student. 4935

(b) The community school is provided documentation of a 4936
student's enrollment in another public or private school. 4937

(c) The community school ceases to offer learning 4938
opportunities to the student pursuant to the terms of the contract 4939

with the sponsor or the operation of any provision of this 4940
chapter. 4941

Except as otherwise specified in this paragraph, beginning in 4942
the 2011-2012 school year, any student who completed the prior 4943
school year in an internet- or computer-based community school 4944
shall be considered to be enrolled in the same school in the 4945
subsequent school year until the student's enrollment has ceased 4946
as specified in division (L)(2) of this section. The department 4947
shall continue subtracting and paying amounts for the student 4948
under divisions (C) and (D) of this section without interruption 4949
at the start of the subsequent school year. However, if the 4950
student without a legitimate excuse fails to participate in the 4951
first one hundred five consecutive hours of learning opportunities 4952
offered to the student in that subsequent school year, the student 4953
shall be considered not to have re-enrolled in the school for that 4954
school year and the department shall recalculate the payments to 4955
the school for that school year to account for the fact that the 4956
student is not enrolled. 4957

(3) The department shall determine each community school 4958
student's percentage of full-time equivalency based on the 4959
percentage of learning opportunities offered by the community 4960
school to that student, reported either as number of hours or 4961
number of days, is of the total learning opportunities offered by 4962
the community school to a student who attends for the school's 4963
entire school year. However, no internet- or computer-based 4964
community school shall be credited for any time a student spends 4965
participating in learning opportunities beyond ten hours within 4966
any period of twenty-four consecutive hours. Whether it reports 4967
hours or days of learning opportunities, each community school 4968
shall offer not less than nine hundred twenty hours of learning 4969
opportunities during the school year. 4970

(4) With respect to the calculation of full-time equivalency 4971

under division (L)(3) of this section, the department shall waive 4972
the number of hours or days of learning opportunities not offered 4973
to a student because the community school was closed during the 4974
school year due to disease epidemic, hazardous weather conditions, 4975
law enforcement emergencies, inoperability of school buses or 4976
other equipment necessary to the school's operation, damage to a 4977
school building, or other temporary circumstances due to utility 4978
failure rendering the school building unfit for school use, so 4979
long as the school was actually open for instruction with students 4980
in attendance during that school year for not less than the 4981
minimum number of hours required by this chapter. The department 4982
shall treat the school as if it were open for instruction with 4983
students in attendance during the hours or days waived under this 4984
division. 4985

(M) The department of education shall reduce the amounts paid 4986
under division (D) of this section to reflect payments made to 4987
colleges under division (B) of section 3365.07 of the Revised Code 4988
or through alternative funding agreements entered into under rules 4989
adopted under section 3365.12 of the Revised Code. 4990

(N)(1) No student shall be considered enrolled in any 4991
internet- or computer-based community school or, if applicable to 4992
the student, in any community school that is required to provide 4993
the student with a computer pursuant to division (C) of section 4994
3314.22 of the Revised Code, unless both of the following 4995
conditions are satisfied: 4996

(a) The student possesses or has been provided with all 4997
required hardware and software materials and all such materials 4998
are operational so that the student is capable of fully 4999
participating in the learning opportunities specified in the 5000
contract between the school and the school's sponsor as required 5001
by division (A)(23) of section 3314.03 of the Revised Code; 5002

(b) The school is in compliance with division (A) of section 5003

3314.22 of the Revised Code, relative to such student. 5004

(2) In accordance with policies adopted jointly by the 5005
superintendent of public instruction and the auditor of state, the 5006
department shall reduce the amounts otherwise payable under 5007
division (D) of this section to any community school that includes 5008
in its program the provision of computer hardware and software 5009
materials to any student, if such hardware and software materials 5010
have not been delivered, installed, and activated for each such 5011
student in a timely manner or other educational materials or 5012
services have not been provided according to the contract between 5013
the individual community school and its sponsor. 5014

The superintendent of public instruction and the auditor of 5015
state shall jointly establish a method for auditing any community 5016
school to which this division pertains to ensure compliance with 5017
this section. 5018

The superintendent, auditor of state, and the governor shall 5019
jointly make recommendations to the general assembly for 5020
legislative changes that may be required to assure fiscal and 5021
academic accountability for such schools. 5022

(O)(1) If the department determines that a review of a 5023
community school's enrollment is necessary, such review shall be 5024
completed and written notice of the findings shall be provided to 5025
the governing authority of the community school and its sponsor 5026
within ninety days of the end of the community school's fiscal 5027
year, unless extended for a period not to exceed thirty additional 5028
days for one of the following reasons: 5029

(a) The department and the community school mutually agree to 5030
the extension. 5031

(b) Delays in data submission caused by either a community 5032
school or its sponsor. 5033

(2) If the review results in a finding that additional 5034

funding is owed to the school, such payment shall be made within 5035
thirty days of the written notice. If the review results in a 5036
finding that the community school owes moneys to the state, the 5037
following procedure shall apply: 5038

(a) Within ten business days of the receipt of the notice of 5039
findings, the community school may appeal the department's 5040
determination to the state board of education or its designee. 5041

(b) The board or its designee shall conduct an informal 5042
hearing on the matter within thirty days of receipt of such an 5043
appeal and shall issue a decision within fifteen days of the 5044
conclusion of the hearing. 5045

(c) If the board has enlisted a designee to conduct the 5046
hearing, the designee shall certify its decision to the board. The 5047
board may accept the decision of the designee or may reject the 5048
decision of the designee and issue its own decision on the matter. 5049

(d) Any decision made by the board under this division is 5050
final. 5051

(3) If it is decided that the community school owes moneys to 5052
the state, the department shall deduct such amount from the 5053
school's future payments in accordance with guidelines issued by 5054
the superintendent of public instruction. 5055

(P) The department shall not subtract from a school 5056
district's state aid account under division (C) of this section 5057
and shall not pay to a community school under division (D) of this 5058
section any amount for any of the following: 5059

(1) Any student who has graduated from the twelfth grade of a 5060
public or nonpublic high school; 5061

(2) Any student who is not a resident of the state; 5062

(3) Any student who was enrolled in the community school 5063
during the previous school year when assessments were administered 5064

under section 3301.0711 of the Revised Code but did not take one 5065
or more of the assessments required by that section and was not 5066
excused pursuant to division (C)(1) or (3) of that section, unless 5067
the superintendent of public instruction grants the student a 5068
waiver from the requirement to take the assessment and a parent is 5069
not paying tuition for the student pursuant to section 3314.26 of 5070
the Revised Code. The superintendent may grant a waiver only for 5071
good cause in accordance with rules adopted by the state board of 5072
education. 5073

(4) Any student who has attained the age of twenty-two years, 5074
except for veterans of the armed services whose attendance was 5075
interrupted before completing the recognized twelve-year course of 5076
the public schools by reason of induction or enlistment in the 5077
armed forces and who apply for enrollment in a community school 5078
not later than four years after termination of war or their 5079
honorable discharge. If, however, any such veteran elects to 5080
enroll in special courses organized for veterans for whom tuition 5081
is paid under federal law, or otherwise, the department shall not 5082
subtract from a school district's state aid account under division 5083
(C) of this section and shall not pay to a community school under 5084
division (D) of this section any amount for that veteran. 5085

Sec. 3314.17. (A) Each community school established under 5086
this chapter shall participate in the statewide education 5087
management information system established under section 3301.0714 5088
of the Revised Code. All provisions of that section and the rules 5089
adopted under that section apply to each community school as if it 5090
were a school district, except as modified for community schools 5091
under division (B) of this section. Each community school shall 5092
comply with division ~~(B)~~(C) of section 3301.0723 of the Revised 5093
Code. 5094

(B) The rules adopted by the state board of education under 5095

section 3301.0714 of the Revised Code may distinguish methods and 5096
timelines for community schools to annually report data, which 5097
methods and timelines differ from those prescribed for school 5098
districts. Any methods and timelines prescribed for community 5099
schools shall be appropriate to the academic schedule and 5100
financing of community schools. The guidelines, however, shall not 5101
modify the actual data required to be reported under that section. 5102

(C) Each fiscal officer appointed under section 3314.011 of 5103
the Revised Code is responsible for annually reporting the 5104
community school's data under section 3301.0714 of the Revised 5105
Code. If the superintendent of public instruction determines that 5106
a community school fiscal officer has willfully failed to report 5107
data or has willfully reported erroneous, inaccurate, or 5108
incomplete data in any year, or has negligently reported 5109
erroneous, inaccurate, or incomplete data in the current and any 5110
previous year, the superintendent may impose a civil penalty of 5111
one hundred dollars on the fiscal officer after providing the 5112
officer with notice and an opportunity for a hearing in accordance 5113
with Chapter 119. of the Revised Code. The superintendent's 5114
authority to impose civil penalties under this division does not 5115
preclude the state board of education from suspending or revoking 5116
the license of a community school employee under division (N) of 5117
section 3301.0714 of the Revised Code. 5118

(D) No community school shall acquire, change, or update its 5119
student administration software package to manage and report data 5120
required to be reported to the department unless it converts to a 5121
student software package that is certified by the department. 5122

Sec. 3314.35. (A)(1) Except as provided in division (A)(3) of 5123
this section, this section applies to any community school that 5124
meets one of the following criteria after July 1, 2009, but before 5125
July 1, 2011: 5126

(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years.

(b) The school satisfies all of the following conditions:

(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.

(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.

(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department of education in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.

(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years.

(2) Except as provided in division (A)(3) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2011:

(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency or has been rated "F" under section 3302.03 of the Revised Code for two of the three most recent school years.

(b) The school satisfies all of the following conditions:

(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.

(ii) The school has been declared to be in a state of

academic emergency or has been rated "F" under section 3302.03 of 5157
the Revised Code for two of the three most recent school years. 5158

(iii) In at least two of the three most recent school years, 5159
the school showed less than one standard year of academic growth 5160
in either reading or mathematics, as determined by the department 5161
in accordance with rules adopted under division (A) of section 5162
3302.021 of the Revised Code. 5163

(c) The school offers any of grade levels ten to twelve and 5164
has been declared to be in a state of academic emergency or has 5165
been rated "F" under section 3302.03 of the Revised Code for two 5166
of the three most recent school years. 5167

(3) This section does not apply to ~~either of the following:~~ 5168

~~(a) Any community school in which a majority of the students 5169
are enrolled in a dropout prevention and recovery program that is 5170
operated by the school and that has been granted a waiver under 5171
section 3314.36 of the Revised Code;~~ 5172

~~(b) Any any community school in which a majority of the 5173
enrolled students are children with disabilities receiving special 5174
education and related services in accordance with Chapter 3323. of 5175
the Revised Code. 5176~~

(B) Any community school to which this section applies shall 5177
permanently close at the conclusion of the school year in which 5178
the school first becomes subject to this section. The sponsor and 5179
governing authority of the school shall comply with all procedures 5180
for closing a community school adopted by the department under 5181
division (E) of section 3314.015 of the Revised Code. The 5182
governing authority of the school shall not enter into a contract 5183
with any other sponsor under section 3314.03 of the Revised Code 5184
after the school closes. 5185

(C) In accordance with division (B) of section 3314.012 of 5186
the Revised Code, the department shall not consider the 5187

performance ratings assigned to a community school for its first 5188
two years of operation when determining whether the school meets 5189
the criteria prescribed by division (A)(1) or (2) of this section. 5190

Sec. 3314.37. (A) A five-year demonstration project is hereby 5191
established at the community schools known as the ISUS institutes. 5192
The project is a research and development initiative to collect 5193
and analyze data with which to improve dropout prevention and 5194
recovery programs, to evaluate various methodologies employed in 5195
those programs, to develop tools and criteria for evaluating 5196
community schools that operate dropout prevention and recovery 5197
programs, to institute stringent accountability measures for such 5198
community schools, and to direct curricular and programming 5199
decisions for such community schools. The program shall begin with 5200
the 2008-2009 school year and shall operate through the 2012-2013 5201
school year. 5202

(B) Under the demonstration project, the ISUS institutes 5203
shall select and pay the costs of an independent evaluator to 5204
create a study plan and collect and analyze data from the 5205
institutes. The ISUS institutes' selection of the independent 5206
evaluator is subject to the approval of the department of 5207
education. The data collected by the evaluator shall include, but 5208
need not be limited to, the following: 5209

(1) Baseline measures of student status at enrollment, 5210
including academic level; history of court involvement, drug use, 5211
and other behavioral problems; and the circumstances of the 5212
students' parenting and living arrangements; 5213

(2) Student academic progress, measured at multiple and 5214
regular intervals each school year; 5215

(3) Value-added elements of the institutes' dropout 5216
prevention and recovery programs, including industry 5217
certifications, college coursework, community service and service 5218

learning, apprenticeships, and internships; 5219

(4) Outcomes in addition to high school graduation, including 5220
students' contributions to community service and students' 5221
transitions to employment, post-secondary training, college, or 5222
the military. 5223

(C) Not later than the thirtieth day of September following 5224
each school year in which the demonstration project is operating, 5225
the independent evaluator shall do both of the following: 5226

(1) Submit to the ISUS institutes and the department all data 5227
collected and a report of its data analysis; 5228

(2) Submit a report of its data analysis to the speaker and 5229
minority leader of the house of representatives, the president and 5230
minority leader of the senate, and the chairpersons and ranking 5231
minority members of the standing committees of the house of 5232
representatives and the senate that consider education 5233
legislation. 5234

(D) For each school year in which the demonstration project 5235
is operating: 5236

(1) The ISUS institutes shall continue to report data through 5237
the education management information system under section 3314.17 5238
of the Revised Code. 5239

(2) The department shall continue to issue annual report 5240
cards for the ISUS institutes under section 3314.012 of the 5241
Revised Code and shall continue to assign them performance ratings 5242
under ~~division (B)~~ of section 3302.03 of the Revised Code. 5243

(E) Nothing in this section prevents the application to the 5244
ISUS institutes, during the demonstration project, of any 5245
provision of the Revised Code or rule or policy of the department 5246
or the state board of education requiring closure, or otherwise 5247
restricting the operation, of a community school based on measures 5248

of academic performance for any school year before or during the 5249
demonstration project. Nothing in this section prevents a sponsor 5250
of an ISUS institute from terminating or not renewing its contract 5251
with the school, from suspending the operations of the school, or 5252
from placing the school on probationary status, in accordance with 5253
this chapter, during the demonstration project. Nothing in this 5254
section prevents the auditor of state from taking action against 5255
an ISUS institute under Chapter 117. of the Revised Code or other 5256
applicable law during the demonstration project. 5257

(F) The department may conduct its own analysis of data 5258
submitted under the demonstration project. 5259

(G) Not later than December 31, 2013, the independent 5260
evaluator shall issue a final report of its findings and analysis 5261
and its recommendations for appropriate academic accountability 5262
measures for community schools that operate dropout prevention and 5263
recovery programs. The independent evaluator shall submit the 5264
report to the department, the speaker and minority leader of the 5265
house of representatives, the president and minority leader of the 5266
senate, and the chairpersons and ranking minority members of the 5267
standing committees of the house of representatives and the senate 5268
that consider education legislation. 5269

Sec. 3317.01. As used in this section, "school district," 5270
unless otherwise specified, means any city, local, exempted 5271
village, joint vocational, or cooperative education school 5272
district and any educational service center. 5273

This chapter shall be administered by the state board of 5274
education. The superintendent of public instruction shall 5275
calculate the amounts payable to each school district and shall 5276
certify the amounts payable to each eligible district to the 5277
treasurer of the district as provided by this chapter. As soon as 5278
possible after such amounts are calculated, the superintendent 5279

shall certify to the treasurer of each school district the 5280
district's adjusted charge-off increase, as defined in section 5281
5705.211 of the Revised Code. No moneys shall be distributed 5282
pursuant to this chapter without the approval of the controlling 5283
board. 5284

The state board of education shall, in accordance with 5285
appropriations made by the general assembly, meet the financial 5286
obligations of this chapter. 5287

Moneys distributed pursuant to this chapter shall be 5288
calculated and paid on a fiscal year basis, beginning with the 5289
first day of July and extending through the thirtieth day of June. 5290
The moneys appropriated for each fiscal year shall be distributed 5291
periodically to each school district unless otherwise provided 5292
for. The state board, in June of each year, shall submit to the 5293
controlling board the state board's year-end distributions 5294
pursuant to this chapter. 5295

Except as otherwise provided, payments under this chapter 5296
shall be made only to those school districts in which: 5297

(A) The school district, except for any educational service 5298
center and any joint vocational or cooperative education school 5299
district, levies for current operating expenses at least twenty 5300
mills. Levies for joint vocational or cooperative education school 5301
districts or county school financing districts, limited to or to 5302
the extent apportioned to current expenses, shall be included in 5303
this qualification requirement. School district income tax levies 5304
under Chapter 5748. of the Revised Code, limited to or to the 5305
extent apportioned to current operating expenses, shall be 5306
included in this qualification requirement to the extent 5307
determined by the tax commissioner under division (D) of section 5308
3317.021 of the Revised Code. 5309

(B) The school year next preceding the fiscal year for which 5310

such payments are authorized meets the requirement of section 5311
3313.48 or 3313.481 of the Revised Code, with regard to the 5312
minimum number of days or hours school must be open for 5313
instruction with pupils in attendance, for individualized 5314
parent-teacher conference and reporting periods, and for 5315
professional meetings of teachers. This requirement shall be 5316
waived by the superintendent of public instruction if it had been 5317
necessary for a school to be closed because of disease epidemic, 5318
hazardous weather conditions, law enforcement emergencies, 5319
inoperability of school buses or other equipment necessary to the 5320
school's operation, damage to a school building, or other 5321
temporary circumstances due to utility failure rendering the 5322
school building unfit for school use, provided that for those 5323
school districts operating pursuant to section 3313.48 of the 5324
Revised Code the number of days the school was actually open for 5325
instruction with pupils in attendance and for individualized 5326
parent-teacher conference and reporting periods is not less than 5327
one hundred seventy-five, or for those school districts operating 5328
on a trimester plan the number of days the school was actually 5329
open for instruction with pupils in attendance not less than 5330
seventy-nine days in any trimester, for those school districts 5331
operating on a quarterly plan the number of days the school was 5332
actually open for instruction with pupils in attendance not less 5333
than fifty-nine days in any quarter, or for those school districts 5334
operating on a pentamester plan the number of days the school was 5335
actually open for instruction with pupils in attendance not less 5336
than forty-four days in any pentamester. 5337

A school district shall not be considered to have failed to 5338
comply with this division or section 3313.481 of the Revised Code 5339
because schools were open for instruction but either twelfth grade 5340
students were excused from attendance for up to three days or only 5341
a portion of the kindergarten students were in attendance for up 5342
to three days in order to allow for the gradual orientation to 5343

school of such students. 5344

The superintendent of public instruction shall waive the 5345
requirements of this section with reference to the minimum number 5346
of days or hours school must be in session with pupils in 5347
attendance for the school year succeeding the school year in which 5348
a board of education initiates a plan of operation pursuant to 5349
section 3313.481 of the Revised Code. The minimum requirements of 5350
this section shall again be applicable to such a district 5351
beginning with the school year commencing the second July 5352
succeeding the initiation of one such plan, and for each school 5353
year thereafter. 5354

A school district shall not be considered to have failed to 5355
comply with this division or section 3313.48 or 3313.481 of the 5356
Revised Code because schools were open for instruction but the 5357
length of the regularly scheduled school day, for any number of 5358
days during the school year, was reduced by not more than two 5359
hours due to hazardous weather conditions. 5360

A board of education or governing board of an educational 5361
service center which has not conformed with other law and the 5362
rules pursuant thereto, shall not participate in the distribution 5363
of funds authorized by this chapter, except for good and 5364
sufficient reason established to the satisfaction of the state 5365
board of education and the state controlling board. 5366

All funds allocated to school districts under this chapter, 5367
except those specifically allocated for other purposes, shall be 5368
used to pay current operating expenses only. 5369

Sec. 3318.023. Notwithstanding anything to the contrary in 5370
section 3318.02 of the Revised Code, each fiscal year, at the time 5371
that the Ohio school facilities commission conditionally approves 5372
projects of school districts under sections 3318.01 to 3318.20 of 5373
the Revised Code for which it plans to provide assistance under 5374

those sections for that fiscal year, the commission also shall 5375
identify the next ten school districts from lowest to highest in 5376
order of the ranking calculated for the previous fiscal year under 5377
section 3318.011 of the Revised Code that have not yet been 5378
conditionally approved for assistance under sections 3318.01 to 5379
3318.20 of the Revised Code. Those districts shall have priority 5380
in the order of such ranking with the lowest valuation having the 5381
highest priority for future assistance under those sections over 5382
all other school districts, except for districts receiving 5383
assistance under division (B)(2) of section 3318.04, section 5384
3318.37, or section 3318.38 ~~of the Revised Code or~~, districts that 5385
have priority under section 3318.05, or districts offered 5386
assistance under section 3318.364 of the Revised Code. 5387

Sec. 3318.034. (A) This section applies to both of the 5388
following: 5389

(1) Any school district that has not executed an agreement 5390
for a project under sections 3318.01 to 3318.20 of the Revised 5391
Code prior to June 24, 2008; 5392

(2) Any school district that is eligible for additional 5393
assistance under sections 3318.01 to 3318.20 of the Revised Code 5394
pursuant to division (B)(2) of section 3318.04 of the Revised 5395
Code. 5396

Notwithstanding any provision of this chapter to the 5397
contrary, with the approval of the Ohio school facilities 5398
commission, any school district to which this section applies may 5399
opt to divide the district's entire classroom facilities needs, as 5400
those needs are jointly determined by the staff of the commission 5401
and the school district, into discrete segments and shall comply 5402
with all of the provisions of those sections unless otherwise 5403
provided in this section. 5404

(B) Except as provided in division (C) of this section, each 5405

segment shall comply with all of the following: 5406

(1) The segment shall consist of the new construction of one 5407
or more entire buildings or the complete renovation of one or more 5408
entire existing buildings, with any necessary additions to that 5409
building. 5410

(2) The segment shall not include any construction of or 5411
renovation or repair to any building that does not complete the 5412
needs of the district with respect to that particular building at 5413
the time the segment is completed. 5414

(3) The segment shall consist of new construction, 5415
renovations, additions, reconstruction, or repair of classroom 5416
facilities to the extent that the school district portion, as 5417
determined under section 3318.032 of the Revised Code, is an 5418
amount not less than the product of ~~0.040~~ 0.020 times the 5419
district's valuation at the time the agreement for the segment is 5420
executed, unless the district previously has undertaken a segment 5421
under this section and the district's portion of the estimated 5422
basic project cost of the remainder of its entire classroom 5423
facilities needs, as determined jointly by the staff of the 5424
commission and the district, is less than the amount otherwise 5425
required by this division. 5426

(C) A district described in division (A)(2) of this section 5427
that has not received the additional assistance authorized under 5428
division (B)(2) of section 3318.04 of the Revised Code may 5429
undertake a segment, with commission approval, for the purpose of 5430
renovating or replacing work performed on a facility under the 5431
district's prior project. The commission may approve that segment 5432
if the commission determines that the renovation or replacement is 5433
necessary to protect the facility. The basic project cost of the 5434
segment shall be allocated between the state and the district in 5435
accordance with section 3318.032 of the Revised Code. However, the 5436
requirements of division (B) of this section shall not apply to a 5437

segment undertaken under this division. 5438

(D) The commission shall conditionally approve and seek 5439
controlling board approval in accordance with division (A) of 5440
section 3318.04 of the Revised Code of each segment. 5441

(E) The school district's maintenance levy requirement, as 5442
defined in section 3318.18 of the Revised Code, shall run for 5443
twenty-three years from the date the first segment is undertaken; 5444
however, the maintenance levy requirement does not apply to a 5445
segment undertaken under division (C) of this section. 5446

Sec. 3318.36. (A)(1) As used in this section: 5447

(a) "Ohio school facilities commission," "classroom 5448
facilities," "school district," "school district board," "net 5449
bonded indebtedness," "required percentage of the basic project 5450
costs," "basic project cost," "valuation," and "percentile" have 5451
the same meanings as in section 3318.01 of the Revised Code. 5452

(b) "Required level of indebtedness" means five per cent of 5453
the school district's valuation for the year preceding the year in 5454
which the commission and school district enter into an agreement 5455
under division (B) of this section, plus [two one-hundredths of 5456
one per cent multiplied by (the percentile in which the district 5457
ranks minus one)]. 5458

(c) "Local resources" means any moneys generated in any 5459
manner permitted for a school district board to raise the school 5460
district portion of a project undertaken with assistance under 5461
sections 3318.01 to 3318.20 of the Revised Code. 5462

(2) For purposes of determining the required level of 5463
indebtedness, the required percentage of the basic project costs 5464
under division (C)(1) of this section, and priority for assistance 5465
under sections 3318.01 to 3318.20 of the Revised Code, the 5466
percentile ranking of a school district with which the commission 5467

has entered into an agreement under this section between the first 5468
day of July and the thirty-first day of August in each fiscal year 5469
is the percentile ranking calculated for that district for the 5470
immediately preceding fiscal year, and the percentile ranking of a 5471
school district with which the commission has entered into such 5472
agreement between the first day of September and the thirtieth day 5473
of June in each fiscal year is the percentile ranking calculated 5474
for that district for the current fiscal year. 5475

(B)(1) There is hereby established the school building 5476
assistance expedited local partnership program. Under the program, 5477
the Ohio school facilities commission may enter into an agreement 5478
with the ~~school district~~ board of any school district under which 5479
the ~~school district~~ board may proceed with the new construction or 5480
major repairs of a part of the ~~school~~ district's classroom 5481
facilities needs, as determined under sections 3318.01 to 3318.20 5482
of the Revised Code, through the expenditure of local resources 5483
prior to the school district's eligibility for state assistance 5484
under those sections, and may apply that expenditure toward 5485
meeting the school district's portion of the basic project cost of 5486
the total of the ~~school~~ district's classroom facilities needs, as 5487
~~determined under sections 3318.01 to 3318.20 of the Revised Code~~ 5488
~~and~~ as recalculated under division (E) of this section, ~~that are~~ 5489
when the district becomes eligible for state assistance under 5490
sections 3318.01 to 3318.20 or section 3318.364 of the Revised 5491
~~Code when the school district becomes eligible for that~~ 5492
~~assistance~~. Any school district that is reasonably expected to 5493
receive assistance under sections 3318.01 to 3318.20 of the 5494
Revised Code within two fiscal years from the date the school 5495
district adopts its resolution under division (B) of this section 5496
shall not be eligible to participate in the program established 5497
under this section. 5498

(2) To participate in the program, a school district board 5499

shall first adopt a resolution certifying to the commission the board's intent to participate in the program.

The resolution shall specify the approximate date that the board intends to seek elector approval of any bond or tax measures or to apply other local resources to use to pay the cost of classroom facilities to be constructed under this section. The resolution may specify the application of local resources or elector-approved bond or tax measures after the resolution is adopted by the board, and in such case the board may proceed with a discrete portion of its project under this section as soon as the commission and the controlling board have approved the basic project cost of the district's classroom facilities needs as specified in division (D) of this section. The board shall submit its resolution to the commission not later than ten days after the date the resolution is adopted by the board.

The commission shall not consider any resolution that is submitted pursuant to division (B)(2) of this section, as amended by this amendment, sooner than September 14, 2000.

(3) For purposes of determining when a district that enters into an agreement under this section becomes eligible for assistance under sections 3318.01 to 3318.20 of the Revised Code or priority for assistance under section 3318.364 of the Revised Code, the commission shall use the district's percentile ranking determined at the time the district entered into the agreement under this section, as prescribed by division (A)(2) of this section.

(4) Any project under this section shall comply with section 3318.03 of the Revised Code and with any specifications for plans and materials for classroom facilities adopted by the commission under section 3318.04 of the Revised Code.

(5) If a school district that enters into an agreement under

this section has not begun a project applying local resources as 5531
provided for under that agreement at the time the district is 5532
notified by the commission that it is eligible to receive state 5533
assistance under sections 3318.01 to 3318.20 of the Revised Code, 5534
all assessment and agreement documents entered into under this 5535
section are void. 5536

(6) Only construction of or repairs to classroom facilities 5537
that have been approved by the commission and have been therefore 5538
included as part of a district's basic project cost qualify for 5539
application of local resources under this section. 5540

(C) Based on the results of on-site visits and assessment, 5541
the commission shall determine the basic project cost of the 5542
school district's classroom facilities needs. The commission shall 5543
determine the school district's portion of such basic project 5544
cost, which shall be the greater of: 5545

(1) The required percentage of the basic project costs, 5546
determined based on the school district's percentile ranking; 5547

(2) An amount necessary to raise the school district's net 5548
bonded indebtedness, as of the fiscal year the commission and the 5549
school district enter into the agreement under division (B) of 5550
this section, to within five thousand dollars of the required 5551
level of indebtedness. 5552

(D)(1) When the commission determines the basic project cost 5553
of the classroom facilities needs of a school district and the 5554
school district's portion of that basic project cost under 5555
division (C) of this section, the project shall be conditionally 5556
approved. Such conditional approval shall be submitted to the 5557
controlling board for approval thereof. The controlling board 5558
shall forthwith approve or reject the commission's determination, 5559
conditional approval, and the amount of the state's portion of the 5560
basic project cost; however, no state funds shall be encumbered 5561

under this section. Upon approval by the controlling board, the 5562
school district board may identify a discrete part of its 5563
classroom facilities needs, which shall include only new 5564
construction of or additions or major repairs to a particular 5565
building, to address with local resources. Upon identifying a part 5566
of the school district's basic project cost to address with local 5567
resources, the school district board may allocate any available 5568
school district moneys to pay the cost of that identified part, 5569
including the proceeds of an issuance of bonds if approved by the 5570
electors of the school district. 5571

All local resources utilized under this division shall first 5572
be deposited in the project construction account required under 5573
section 3318.08 of the Revised Code. 5574

(2) Unless the school district board exercises its option 5575
under division (D)(3) of this section, for a school district to 5576
qualify for participation in the program authorized under this 5577
section, one of the following conditions shall be satisfied: 5578

(a) The electors of the school district by a majority vote 5579
shall approve the levy of taxes outside the ten-mill limitation 5580
for a period of twenty-three years at the rate of not less than 5581
one-half mill for each dollar of valuation to be used to pay the 5582
cost of maintaining the classroom facilities included in the basic 5583
project cost as determined by the commission. The form of the 5584
ballot to be used to submit the question whether to approve the 5585
tax required under this division to the electors of the school 5586
district shall be the form for an additional levy of taxes 5587
prescribed in section 3318.361 of the Revised Code, which may be 5588
combined in a single ballot question with the questions prescribed 5589
under section 5705.218 of the Revised Code. 5590

(b) As authorized under division (C) of section 3318.05 of 5591
the Revised Code, the school district board shall earmark from the 5592
proceeds of a permanent improvement tax levied under section 5593

5705.21 of the Revised Code, an amount equivalent to the 5594
additional tax otherwise required under division (D)(2)(a) of this 5595
section for the maintenance of the classroom facilities included 5596
in the basic project cost as determined by the commission. 5597

(c) As authorized under section 3318.051 of the Revised Code, 5598
the school district board shall, if approved by the commission, 5599
annually transfer into the maintenance fund required under section 5600
3318.05 of the Revised Code the amount prescribed in section 5601
3318.051 of the Revised Code in lieu of the tax otherwise required 5602
under division (D)(2)(a) of this section for the maintenance of 5603
the classroom facilities included in the basic project cost as 5604
determined by the commission. 5605

(d) If the school district board has rescinded the agreement 5606
to make transfers under section 3318.051 of the Revised Code, as 5607
provided under division (F) of that section, the electors of the 5608
school district, in accordance with section 3318.063 of the 5609
Revised Code, first shall approve the levy of taxes outside the 5610
ten-mill limitation for the period specified in that section at a 5611
rate of not less than one-half mill for each dollar of valuation. 5612

(e) The school district board shall apply the proceeds of a 5613
tax to leverage bonds as authorized under section 3318.052 of the 5614
Revised Code or dedicate a local donated contribution in the 5615
manner described in division (B) of section 3318.084 of the 5616
Revised Code in an amount equivalent to the additional tax 5617
otherwise required under division (D)(2)(a) of this section for 5618
the maintenance of the classroom facilities included in the basic 5619
project cost as determined by the commission. 5620

(3) A school district board may opt to delay taking any of 5621
the actions described in division (D)(2) of this section until the 5622
school district becomes eligible for state assistance under 5623
sections 3318.01 to 3318.20 of the Revised Code. In order to 5624
exercise this option, the board shall certify to the commission a 5625

resolution indicating the board's intent to do so prior to 5626
entering into an agreement under division (B) of this section. 5627

(4) If pursuant to division (D)(3) of this section a district 5628
board opts to delay levying an additional tax until the district 5629
becomes eligible for state assistance, it shall submit the 5630
question of levying that tax to the district electors as follows: 5631

(a) In accordance with section 3318.06 of the Revised Code if 5632
it will also be necessary pursuant to division (E) of this section 5633
to submit a proposal for approval of a bond issue; 5634

(b) In accordance with section 3318.361 of the Revised Code 5635
if it is not necessary to also submit a proposal for approval of a 5636
bond issue pursuant to division (E) of this section. 5637

(5) No state assistance under sections 3318.01 to 3318.20 of 5638
the Revised Code shall be released until a school district board 5639
that adopts and certifies a resolution under division (D) of this 5640
section also demonstrates to the satisfaction of the commission 5641
compliance with the provisions of division (D)(2) of this section. 5642

Any amount required for maintenance under division (D)(2) of 5643
this section shall be deposited into a separate fund as specified 5644
in division (B) of section 3318.05 of the Revised Code. 5645

(E)(1) If the school district becomes eligible for state 5646
assistance under sections 3318.01 to 3318.20 of the Revised Code 5647
based on its percentile ranking under division (B)(3) of this 5648
section or is offered assistance under section 3318.364 of the 5649
Revised Code, the commission shall conduct a new assessment of the 5650
school district's classroom facilities needs and shall recalculate 5651
the basic project cost based on this new assessment. The basic 5652
project cost recalculated under this division shall include the 5653
amount of expenditures made by the school district board under 5654
division (D)(1) of this section. The commission shall then 5655
recalculate the school district's portion of the new basic project 5656

cost, which shall be the percentage of the original basic project 5657
cost assigned to the school district as its portion under division 5658
(C) of this section. The commission shall deduct the expenditure 5659
of school district moneys made under division (D)(1) of this 5660
section from the school district's portion of the basic project 5661
cost as recalculated under this division. If the amount of school 5662
district resources applied by the school district board to the 5663
school district's portion of the basic project cost under this 5664
section is less than the total amount of such portion as 5665
recalculated under this division, the school district board by a 5666
majority vote of all of its members shall, if it desires to seek 5667
state assistance under sections 3318.01 to 3318.20 of the Revised 5668
Code, adopt a resolution as specified in section 3318.06 of the 5669
Revised Code to submit to the electors of the school district the 5670
question of approval of a bond issue in order to pay any 5671
additional amount of school district portion required for state 5672
assistance. Any tax levy approved under division (D) of this 5673
section satisfies the requirements to levy the additional tax 5674
under section 3318.06 of the Revised Code. 5675

(2) If the amount of school district resources applied by the 5676
school district board to the school district's portion of the 5677
basic project cost under this section is more than the total 5678
amount of such portion as recalculated under this division, within 5679
one year after the school district's portion is recalculated under 5680
division (E)(1) of this section the commission may grant to the 5681
school district the difference between the two calculated 5682
portions, but at no time shall the commission expend any state 5683
funds on a project in an amount greater than the state's portion 5684
of the basic project cost as recalculated under this division. 5685

Any reimbursement under this division shall be only for local 5686
resources the school district has applied toward construction cost 5687
expenditures for the classroom facilities approved by the 5688

commission, which shall not include any financing costs associated 5689
with that construction. 5690

The school district board shall use any moneys reimbursed to 5691
the district under this division to pay off any debt service the 5692
district owes for classroom facilities constructed under its 5693
project under this section before such moneys are applied to any 5694
other purpose. However, the district board first may deposit 5695
moneys reimbursed under this division into the district's general 5696
fund or a permanent improvement fund to replace local resources 5697
the district withdrew from those funds, as long as, and to the 5698
extent that, those local resources were used by the district for 5699
constructing classroom facilities included in the district's basic 5700
project cost. 5701

Sec. 3318.364. In any fiscal year, the Ohio school facilities 5702
commission may, at its discretion, provide assistance under 5703
sections 3318.01 to 3318.20 of the Revised Code to a school 5704
district that has entered into an expedited local partnership 5705
agreement under section 3318.36 of the Revised Code before the 5706
district is otherwise eligible for that assistance based on its 5707
percentile rank, if the commission determines all of the 5708
following: 5709

(A) The district has made an expenditure of local resources 5710
under its expedited local partnership agreement on a discrete part 5711
of its district-wide project. 5712

(B) The district is ready to complete its district-wide 5713
project or a segment of the project, in accordance with section 5714
3318.034 of the Revised Code. 5715

(C) The district is in compliance with division (D)(2) of 5716
section 3318.36 of the Revised Code. 5717

(D) Sufficient state funds have been appropriated for 5718

classroom facilities projects for the fiscal year to pay the state 5719
share of the district's project or segment after paying the state 5720
share of projects for all of the following: 5721

(1) Districts that previously had their conditional approval 5722
lapse pursuant to section 3318.05 and currently have a new 5723
conditional approval under section 3318.054 of the Revised Code; 5724

(2) Districts eligible for assistance under division (B)(2) 5725
of section 3318.04 of the Revised Code; 5726

(3) Districts participating in the exceptional needs school 5727
facilities assistance program under section 3318.37 or 3318.371 of 5728
the Revised Code; 5729

(4) Districts participating in the accelerated urban school 5730
building assistance program under section 3318.38 of the Revised 5731
Code. 5732

A district that is eligible for assistance under this section 5733
shall have priority over any of the current next ten school 5734
districts identified under section 3318.023 of the Revised Code. 5735
Assistance under this section shall be offered to eligible 5736
districts in the order of their percentile rankings at the time 5737
they entered into their expedited local partnership agreements, 5738
from lowest to highest percentile. In the event that more than one 5739
district has the same percentile ranking, those districts shall be 5740
offered assistance in the order of the date they entered into 5741
their expedited local partnership agreements, from earliest to 5742
latest date. 5743

As used in this section, "local resources" and "percentile" 5744
have the same meanings as in section 3318.36 of the Revised Code. 5745

Sec. 3318.37. (A)(1) As used in this section: 5746

~~(a) "Large land area school district" means a school district~~ 5747
~~with a territory of greater than three hundred square miles in any~~ 5748

~~percentile as determined under section 3318.011 of the Revised Code.~~ 5749
5750

~~(b) "Low wealth school district" means a school district in the first through seventy fifth percentiles as determined under section 3318.011 of the Revised Code.~~ 5751
5752
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~~(c) A, a~~ "school district with an exceptional need for immediate classroom facilities assistance" means a ~~low wealth or large land area~~ school district with an exceptional need for new facilities in order to protect the health and safety of all or a portion of its students. 5754
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(2) No school district that participates in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code shall receive assistance under the program established under this section unless the following conditions are satisfied: 5759
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(a) The district board adopted a resolution certifying its intent to participate in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code prior to September 14, 2000. 5764
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5767

(b) The district was selected by the Ohio school facilities commission for participation in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code in the manner prescribed by the commission under that section as it existed prior to September 14, 2000. 5768
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(B)(1) There is hereby established the exceptional needs school facilities assistance program. Under the program, the Ohio school facilities commission may set aside from the moneys annually appropriated to it for classroom facilities assistance projects up to twenty-five per cent for assistance to school districts with exceptional needs for immediate classroom facilities assistance. 5773
5774
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(2)(a) After consulting with education and construction 5780
experts, the commission shall adopt guidelines for identifying 5781
school districts with an exceptional need for immediate classroom 5782
facilities assistance. 5783

(b) The guidelines shall include application forms and 5784
instructions for school districts to use in applying for 5785
assistance under this section. 5786

(3) The commission shall evaluate the classroom facilities, 5787
and the need for replacement classroom facilities from the 5788
applications received under this section. The commission, 5789
utilizing the guidelines adopted under division (B)(2)(a) of this 5790
section, shall prioritize the school districts to be assessed. 5791

Notwithstanding section 3318.02 of the Revised Code, the 5792
commission may conduct on-site evaluation of the school districts 5793
prioritized under this section and approve and award funds until 5794
such time as all funds set aside under division (B)(1) of this 5795
section have been encumbered. However, the commission need not 5796
conduct the evaluation of facilities if the commission determines 5797
that a district's assessment conducted under section 3318.36 of 5798
the Revised Code is sufficient for purposes of this section. 5799

(4) Notwithstanding division (A) of section 3318.05 of the 5800
Revised Code, the school district's portion of the basic project 5801
cost under this section shall be the "required percentage of the 5802
basic project costs," as defined in division (K) of section 5803
3318.01 of the Revised Code. 5804

(5) Except as otherwise specified in this section, any 5805
project undertaken with assistance under this section shall comply 5806
with all provisions of sections 3318.01 to 3318.20 of the Revised 5807
Code. A school district may receive assistance under sections 5808
3318.01 to 3318.20 of the Revised Code for the remainder of the 5809
district's classroom facilities needs as assessed under this 5810

section when the district is eligible for such assistance pursuant 5811
to section 3318.02 of the Revised Code, but any classroom facility 5812
constructed with assistance under this section shall not be 5813
included in a district's project at that time unless the 5814
commission determines the district has experienced the increased 5815
enrollment specified in division (B)(1) of section 3318.04 of the 5816
Revised Code. 5817

(C) No school district shall receive assistance under this 5818
section for a classroom facility that has been included in the 5819
discrete part of the district's classroom facilities needs 5820
identified and addressed in the district's project pursuant to an 5821
agreement entered into under section 3318.36 of the Revised Code, 5822
unless the district's entire classroom facilities plan consists of 5823
only a single building designed to house grades kindergarten 5824
through twelve. 5825

Sec. 3318.371. The Ohio school facilities commission may 5826
provide assistance under the exceptional needs school facilities 5827
program established by section 3318.37 of the Revised Code to any 5828
school district for the purpose of the relocation or replacement 5829
of classroom facilities required as a result of any contamination 5830
of air, soil, or water that impacts the occupants of the facility. 5831
~~Assistance under this section is not limited to school districts 5832~~
~~in the first through seventy fifth percentiles as determined under 5833~~
~~section 3318.011 of the Revised Code. 5834~~

The commission shall make a determination in accordance with 5835
guidelines adopted by the commission regarding eligibility and 5836
funding for projects under this section. The commission may 5837
contract with an independent environmental consultant to conduct a 5838
study to assist the commission in making the determination. 5839

If the federal government or other public or private entity 5840
provides funds for restitution of costs incurred by the state or 5841

school district in the relocation or replacement of the classroom 5842
facilities, the school district shall use such funds in excess of 5843
the school district's share to refund the state for the state's 5844
contribution to the environmental contamination portion of the 5845
project. The school district may apply an amount of such 5846
restitution funds up to an amount equal to the school district's 5847
portion of the project, as defined by the commission, toward 5848
paying its portion of that project to reduce the amount of bonds 5849
the school district otherwise must issue to receive state 5850
assistance under sections 3318.01 to 3318.20 of the Revised Code. 5851

Sec. 3319.02. (A)(1) As used in this section, "other 5852
administrator" means any of the following: 5853

(a) Except as provided in division (A)(2) of this section, 5854
any employee in a position for which a board of education requires 5855
a license designated by rule of the department of education for 5856
being an administrator issued under section 3319.22 of the Revised 5857
Code, including a professional pupil services employee or 5858
administrative specialist or an equivalent of either one who is 5859
not employed as a school counselor and spends less than fifty per 5860
cent of the time employed teaching or working with students; 5861

(b) Any nonlicensed employee whose job duties enable such 5862
employee to be considered as either a "supervisor" or a 5863
"management level employee," as defined in section 4117.01 of the 5864
Revised Code; 5865

(c) A business manager appointed under section 3319.03 of the 5866
Revised Code. 5867

(2) As used in this section, "other administrator" does not 5868
include a superintendent, assistant superintendent, principal, or 5869
assistant principal. 5870

(B) The board of education of each school district and the 5871

governing board of an educational service center may appoint one 5872
or more assistant superintendents and such other administrators as 5873
are necessary. An assistant educational service center 5874
superintendent or service center supervisor employed on a 5875
part-time basis may also be employed by a local board as a 5876
teacher. The board of each city, exempted village, and local 5877
school district shall employ principals for all high schools and 5878
for such other schools as the board designates, and those boards 5879
may appoint assistant principals for any school that they 5880
designate. 5881

(C) In educational service centers and in city, exempted 5882
village, and local school districts, assistant superintendents, 5883
principals, assistant principals, and other administrators shall 5884
only be employed or reemployed in accordance with nominations of 5885
the superintendent, except that a board of education of a school 5886
district or the governing board of a service center, by a 5887
three-fourths vote of its full membership, may reemploy any 5888
assistant superintendent, principal, assistant principal, or other 5889
administrator whom the superintendent refuses to nominate. 5890

The board of education or governing board shall execute a 5891
written contract of employment with each assistant superintendent, 5892
principal, assistant principal, and other administrator it employs 5893
or reemploys. The term of such contract shall not exceed three 5894
years except that in the case of a person who has been employed as 5895
an assistant superintendent, principal, assistant principal, or 5896
other administrator in the district or center for three years or 5897
more, the term of the contract shall be for not more than five 5898
years and, unless the superintendent of the district recommends 5899
otherwise, not less than two years. If the superintendent so 5900
recommends, the term of the contract of a person who has been 5901
employed by the district or service center as an assistant 5902
superintendent, principal, assistant principal, or other 5903

administrator for three years or more may be one year, but all 5904
subsequent contracts granted such person shall be for a term of 5905
not less than two years and not more than five years. When a 5906
teacher with continuing service status becomes an assistant 5907
superintendent, principal, assistant principal, or other 5908
administrator with the district or service center with which the 5909
teacher holds continuing service status, the teacher retains such 5910
status in the teacher's nonadministrative position as provided in 5911
sections 3319.08 and 3319.09 of the Revised Code. 5912

A board of education or governing board may reemploy an 5913
assistant superintendent, principal, assistant principal, or other 5914
administrator at any regular or special meeting held during the 5915
period beginning on the first day of January of the calendar year 5916
immediately preceding the year of expiration of the employment 5917
contract and ending on the last day of March of the year the 5918
employment contract expires. 5919

Except by mutual agreement of the parties thereto, no 5920
assistant superintendent, principal, assistant principal, or other 5921
administrator shall be transferred during the life of a contract 5922
to a position of lesser responsibility. No contract may be 5923
terminated by a board except pursuant to section 3319.16 of the 5924
Revised Code. No contract may be suspended except pursuant to 5925
section 3319.17 or 3319.171 of the Revised Code. The salaries and 5926
compensation prescribed by such contracts shall not be reduced by 5927
a board unless such reduction is a part of a uniform plan 5928
affecting the entire district or center. The contract shall 5929
specify the employee's administrative position and duties as 5930
included in the job description adopted under division (D) of this 5931
section, the salary and other compensation to be paid for 5932
performance of duties, the number of days to be worked, the number 5933
of days of vacation leave, if any, and any paid holidays in the 5934
contractual year. 5935

An assistant superintendent, principal, assistant principal, 5936
or other administrator is, at the expiration of the current term 5937
of employment, deemed reemployed at the same salary plus any 5938
increments that may be authorized by the board, unless such 5939
employee notifies the board in writing to the contrary on or 5940
before the first day of June, or unless such board, on or before 5941
the last day of March of the year in which the contract of 5942
employment expires, either reemploys such employee for a 5943
succeeding term or gives written notice of its intention not to 5944
reemploy the employee. The term of reemployment of a person 5945
reemployed under this paragraph shall be one year, except that if 5946
such person has been employed by the school district or service 5947
center as an assistant superintendent, principal, assistant 5948
principal, or other administrator for three years or more, the 5949
term of reemployment shall be two years. 5950

(D)(1) Each board shall adopt procedures for the evaluation 5951
of all assistant superintendents, principals, assistant 5952
principals, and other administrators and shall evaluate such 5953
employees in accordance with those procedures. The procedures for 5954
the evaluation of principals and assistant principals shall be 5955
based on principles comparable to the teacher evaluation policy 5956
adopted by the board under section 3319.111 of the Revised Code, 5957
but shall be tailored to the duties and responsibilities of 5958
principals and assistant principals and the environment in which 5959
~~principals~~ they work. An evaluation based upon procedures adopted 5960
under this division shall be considered by the board in deciding 5961
whether to renew the contract of employment of an assistant 5962
superintendent, principal, assistant principal, or other 5963
administrator. 5964

(2) The evaluation shall measure each assistant 5965
superintendent's, principal's, assistant principal's, and other 5966
administrator's effectiveness in performing the duties included in 5967

the job description and the evaluation procedures shall provide 5968
for, but not be limited to, the following: 5969

(a) Each assistant superintendent, principal, assistant 5970
principal, and other administrator shall be evaluated annually 5971
through a written evaluation process. 5972

(b) The evaluation shall be conducted by the superintendent 5973
or designee. 5974

(c) In order to provide time to show progress in correcting 5975
the deficiencies identified in the evaluation process, the 5976
evaluation process shall be completed as follows: 5977

(i) In any school year that the employee's contract of 5978
employment is not due to expire, at least one evaluation shall be 5979
completed in that year. A written copy of the evaluation shall be 5980
provided to the employee no later than the end of the employee's 5981
contract year as defined by the employee's annual salary notice. 5982

(ii) In any school year that the employee's contract of 5983
employment is due to expire, at least a preliminary evaluation and 5984
at least a final evaluation shall be completed in that year. A 5985
written copy of the preliminary evaluation shall be provided to 5986
the employee at least sixty days prior to any action by the board 5987
on the employee's contract of employment. The final evaluation 5988
shall indicate the superintendent's intended recommendation to the 5989
board regarding a contract of employment for the employee. A 5990
written copy of the evaluation shall be provided to the employee 5991
at least five days prior to the board's acting to renew or not 5992
renew the contract. 5993

(3) Termination of an assistant superintendent, principal, 5994
assistant principal, or other administrator's contract shall be 5995
pursuant to section 3319.16 of the Revised Code. Suspension of any 5996
such employee shall be pursuant to section 3319.17 or 3319.171 of 5997
the Revised Code. 5998

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

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

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

pursuant to section 3319.16 of the Revised Code. Any supervisor 6031
employed pursuant to this division may terminate the contract of 6032
employment at the end of any school year after giving the board at 6033
least thirty days' written notice prior to such termination. On 6034
the recommendation of the superintendent the contract or contracts 6035
of any supervisor employed pursuant to this division may be 6036
suspended for the remainder of the term of any such contract 6037
pursuant to section 3319.17 or 3319.171 of the Revised Code. 6038

(F) A board may establish vacation leave for any individuals 6039
employed under this section. Upon such an individual's separation 6040
from employment, a board that has such leave may compensate such 6041
an individual at the individual's current rate of pay for all 6042
lawfully accrued and unused vacation leave credited at the time of 6043
separation, not to exceed the amount accrued within three years 6044
before the date of separation. In case of the death of an 6045
individual employed under this section, such unused vacation leave 6046
as the board would have paid to the individual upon separation 6047
under this section shall be paid in accordance with section 6048
2113.04 of the Revised Code, or to the estate. 6049

(G) The board of education of any school district may 6050
contract with the governing board of the educational service 6051
center from which it otherwise receives services to conduct 6052
searches and recruitment of candidates for assistant 6053
superintendent, principal, assistant principal, and other 6054
administrator positions authorized under this section. 6055

Sec. 3319.031. Notwithstanding any provision of the Revised 6056
Code to the contrary, if the board of education of a city, local, 6057
or exempted village school district does not appoint a business 6058
manager under section 3319.03 of the Revised Code, the board may 6059
assign powers and duties specified in section 3319.04 of the 6060
Revised Code to one or more employees or officers of the board, 6061

including the treasurer, and may give the employees or officers 6062
any title recognizing the assignment of the powers and duties. The 6063
prohibition, in section 3319.04 of the Revised Code, against a 6064
business manager having possession of moneys does not prevent a 6065
board from assigning powers and duties specified in that section 6066
to the treasurer and does not prevent a treasurer who is assigned 6067
those powers and duties from exercising the powers and duties of 6068
treasurer. 6069

Sec. 3319.111. Notwithstanding section 3319.09 of the Revised 6070
Code, this section applies to any person who is employed under a 6071
teacher license issued under this chapter, or under a professional 6072
or permanent teacher's certificate issued under former section 6073
3319.222 of the Revised Code, and who spends at least fifty per 6074
cent of the time employed providing student instruction. 6075

(A) Not later than July 1, 2013, the board of education of 6076
each school district, in consultation with teachers employed by 6077
the board, shall adopt a standards-based teacher evaluation policy 6078
that conforms with the framework for evaluation of teachers 6079
developed under section 3319.112 of the Revised Code. ~~The policy~~ 6080
~~shall become operative at the expiration of any collective~~ 6081
~~bargaining agreement covering teachers employed by the board that~~ 6082
~~is in effect on the effective date of this section and shall be~~ 6083
~~included in any renewal or extension of such an agreement.~~ 6084

(B) When using measures of student academic growth as a 6085
component of a teacher's evaluation, those measures shall include 6086
the value-added progress dimension prescribed by section 3302.021 6087
of the Revised Code. For teachers of grade levels and subjects for 6088
which the value-added progress dimension is not applicable, the 6089
board shall administer assessments on the list developed under 6090
division (B)(2) of section 3319.112 of the Revised Code. 6091

(C)(1) The board shall conduct an evaluation of each teacher 6092
employed by the board at least once each school year, except as 6093
provided in divisions (C)(2) and (3) of this section. The 6094
evaluation shall be completed by the first day of April and the 6095
teacher shall receive a written report of the results of the 6096
evaluation by the tenth day of April. 6097

(2) If the board has entered into a limited contract or 6098
extended limited contract with the teacher pursuant to section 6099
3319.11 of the Revised Code, the board shall evaluate the teacher 6100
at least twice in any school year in which the board may wish to 6101
declare its intention not to re-employ the teacher pursuant to 6102
division (B), (C)(3), (D), or (E) of that section. One evaluation 6103
shall be conducted and completed not later than the fifteenth day 6104
of January and the teacher being evaluated shall receive a written 6105
report of the results of this evaluation not later than the 6106
twenty-fifth day of January. One evaluation shall be conducted and 6107
completed between the tenth day of February and the first day of 6108
April and the teacher being evaluated shall receive a written 6109
report of the results of this evaluation not later than the tenth 6110
day of April. 6111

(3) The board may elect, by adoption of a resolution, to 6112
evaluate each teacher who received a rating of accomplished on the 6113
teacher's most recent evaluation conducted under this section once 6114
every two school years. In that case, the biennial evaluation 6115
shall be completed by the first day of April of the applicable 6116
school year, and the teacher shall receive a written report of the 6117
results of the evaluation by the tenth day of April of that school 6118
year. 6119

(D) Each evaluation conducted pursuant to this section shall 6120
be conducted by one or more of the following persons who hold a 6121
credential established by the department of education for being an 6122
evaluator: 6123

(1) A person who is under contract with the board pursuant to section 3319.01 or 3319.02 of the Revised Code and holds a license designated for being a superintendent, assistant superintendent, or principal issued under section 3319.22 of the Revised Code;

(2) A person who is under contract with the board pursuant to section 3319.02 of the Revised Code and holds a license designated for being a vocational director or a supervisor in any educational area issued under section 3319.22 of the Revised Code;

(3) A person designated to conduct evaluations under an agreement ~~providing for peer review~~ entered into by the board ~~and representatives of teachers employed by the board;~~

(4) A person who is employed by an entity contracted by the board to conduct evaluations and who holds a license designated for being a superintendent, assistant superintendent, principal, vocational director, or supervisor in any educational area issued under section 3319.22 of the Revised Code.

(E) Notwithstanding division (A)(3) of section 3319.112 of the Revised Code, the board may elect, by adoption of a resolution, to require only one formal observation of a teacher who received a rating of accomplished on the teacher's most recent evaluation conducted under this section, provided the teacher completes a project that has been approved by the board to demonstrate the teacher's continued growth and practice at the accomplished level.

(F) The board shall include in its evaluation policy procedures for using the evaluation results for retention and promotion decisions and for removal of poorly performing teachers. Seniority shall not be the basis for a decision to retain a teacher, except when making a decision between teachers who have comparable evaluations.

~~(F) This section does not apply to superintendents and~~

~~administrators subject to evaluation procedures under sections 6155
3319.01 and 3319.02 of the Revised Code or to any teacher employed 6156
as a substitute for less than one hundred twenty days during a 6157
school year pursuant to section 3319.10 of the Revised Code. 6158~~

(G) For purposes of section 3333.0411 of the Revised Code, 6159
the board annually shall submit to the department of education the 6160
name of each teacher employed by the board for whom an evaluation 6161
is conducted under this section and the rating assigned to the 6162
teacher on that evaluation. 6163

(H) Notwithstanding any provision to the contrary in Chapter 6164
4117. of the Revised Code, the requirements of this section 6165
prevail over any conflicting provisions of a collective bargaining 6166
agreement entered into on or after September 29, 2011. 6167

Sec. 3319.112. (A) Not later than December 31, 2011, the 6168
state board of education shall develop a standards-based state 6169
framework for the evaluation of teachers. The state board may 6170
update the framework periodically. The framework shall establish 6171
an evaluation system that does the following: 6172

(1) Provides for multiple evaluation factors, including 6173
student academic growth which shall account for fifty per cent of 6174
each evaluation; 6175

(2) Is aligned with the standards for teachers adopted under 6176
section 3319.61 of the Revised Code; 6177

(3) Requires observation of the teacher being evaluated, 6178
including at least two formal observations by the evaluator of at 6179
least thirty minutes each and classroom walkthroughs; 6180

(4) Assigns a rating on each evaluation in accordance with 6181
division (B) of this section; 6182

(5) Requires each teacher to be provided with a written 6183
report of the results of the teacher's evaluation; 6184

(6) Identifies measures of student academic growth for grade levels and subjects for which the value-added progress dimension prescribed by section 3302.021 of the Revised Code does not apply;	6185 6186 6187
(7) Implements a classroom-level, value-added program developed by a nonprofit organization described in division (B) of section 3302.021 of the Revised Code;	6188 6189 6190
(8) Provides for professional development to accelerate and continue teacher growth and provide support to poorly performing teachers;	6191 6192 6193
(9) Provides for the allocation of financial resources to support professional development.	6194 6195
(B) For purposes of the framework developed under this section, the state board also shall do the following:	6196 6197
(1) Develop specific standards and criteria that distinguish between the following levels of performance for teachers and principals for the purpose of assigning ratings on the evaluations conducted under sections 3319.02 and 3319.111 of the Revised Code:	6198 6199 6200 6201
(a) Accomplished;	6202
(b) Proficient;	6203
(c) Developing;	6204
(d) Ineffective.	6205
(2) For grade levels and subjects for which the assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code and the value-added progress dimension prescribed by section 3302.021 of the Revised Code do not apply, develop a list of student assessments that measure mastery of the course content for the appropriate grade level, which may include nationally normed standardized assessments, industry certification examinations, or end-of-course examinations.	6206 6207 6208 6209 6210 6211 6212 6213
(C) The state board shall consult with experts, teachers and	6214

principals employed in public schools, and representatives of 6215
stakeholder groups in developing the standards and criteria 6216
required by division (B)(1) of this section. 6217

(D) To assist school districts in developing evaluation 6218
policies under sections 3319.02 and 3319.111 of the Revised Code, 6219
the department shall do both of the following: 6220

(1) Serve as a clearinghouse of promising evaluation 6221
procedures and evaluation models that districts may use; 6222

(2) Provide technical assistance to districts in creating 6223
evaluation policies. 6224

(E) Not later than June 30, 2013, the state board, in 6225
consultation with state agencies that employ teachers, shall 6226
develop a standards-based framework for the evaluation of teachers 6227
employed by those agencies. Each state agency that employs 6228
teachers shall adopt a standards-based teacher evaluation policy 6229
that conforms with the framework developed under this division. 6230
The policy shall become operative at the expiration of any 6231
collective bargaining agreement covering teachers employed by the 6232
agency that is in effect on the effective date of this amendment 6233
and shall be included in any renewal or extension of such an 6234
agreement. 6235

Sec. 3319.58. (A) As used in this section, "core subject 6236
area" has the same meaning as in section 3319.074 of the Revised 6237
Code. 6238

(B) Each year, the board of education of each city, exempted 6239
village, and local school district shall require each classroom 6240
teacher who is currently teaching in a core subject area and has 6241
received a rating of ineffective on the evaluations conducted 6242
under section 3319.111 of the Revised Code for two of the three 6243
most recent school years to register for and take all written 6244

examinations of content knowledge selected by the department as 6245
appropriate to determine expertise to teach that core subject area 6246
and the grade level to which the teacher is assigned. 6247

(C) Each year, the ~~board of education of each city, exempted~~ 6248
~~village, and local school district,~~ governing authority of each 6249
community school established under Chapter 3314. of the Revised 6250
Code, and governing body of each STEM school established under 6251
Chapter 3326. of the Revised Code with a building ranked in the 6252
lowest ten per cent of all public school buildings according to 6253
performance index score, under section 3302.21 of the Revised 6254
Code, shall require each classroom teacher currently teaching in a 6255
core subject area in such a building to register for and take all 6256
written examinations ~~prescribed by the state board of education~~ 6257
~~for licensure~~ of content knowledge selected by the department of 6258
education as appropriate to determine expertise to teach that core 6259
subject area and the grade level to which the teacher is assigned 6260
~~under section 3319.22 of the Revised Code. However, if~~ 6261

(D) If a teacher who takes a ~~prescribed~~ an examination under 6262
this ~~division~~ section passes that examination and provides proof 6263
of that passage to the teacher's employer, the teacher shall not 6264
be required to take the examination again for three years, 6265
regardless of the teacher's evaluation ratings or the performance 6266
index score ranking of the building in which the teacher teaches. 6267
No teacher shall be responsible for the cost of taking an 6268
examination under this ~~division~~ section. 6269

~~(C)~~(E) Each district board of education, each community 6270
school governing authority, and each STEM school governing body 6271
may use the results of a teacher's examinations required under 6272
division (B) or (C) of this section in developing and revising 6273
professional development plans and in deciding whether or not to 6274
continue employing the teacher in accordance with the provisions 6275
of this chapter or Chapter 3314. or 3326. of the Revised Code. 6276

However, no decision to terminate or not to renew a teacher's 6277
employment contract shall be made solely on the basis of the 6278
results of a teacher's examination under this section until and 6279
unless the teacher has not attained a passing score on the same 6280
required examination for at least three consecutive 6281
administrations of that examination. 6282

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 6283
"guardian," or "other person having charge or care of a child" 6284
means either parent unless the parents are separated or divorced 6285
or their marriage has been dissolved or annulled, in which case 6286
"parent" means the parent who is the residential parent and legal 6287
custodian of the child. If the child is in the legal or permanent 6288
custody of a person or government agency, "parent" means that 6289
person or government agency. When a child is a resident of a home, 6290
as defined in section 3313.64 of the Revised Code, and the child's 6291
parent is not a resident of this state, "parent," "guardian," or 6292
"other person having charge or care of a child" means the head of 6293
the home. 6294

A child between six and eighteen years of age is "of 6295
compulsory school age" for the purpose of sections 3321.01 to 6296
3321.13 of the Revised Code. A child under six years of age who 6297
has been enrolled in kindergarten also shall be considered "of 6298
compulsory school age" for the purpose of sections 3321.01 to 6299
3321.13 of the Revised Code unless at any time the child's parent 6300
or guardian, at the parent's or guardian's discretion and in 6301
consultation with the child's teacher and principal, formally 6302
withdraws the child from kindergarten. The compulsory school age 6303
of a child shall not commence until the beginning of the term of 6304
such schools, or other time in the school year fixed by the rules 6305
of the board of the district in which the child resides. 6306

(2) No child shall be admitted to a kindergarten or a first 6307

grade of a public school in a district in which all children are 6308
admitted to kindergarten and the first grade in August or 6309
September unless the child is five or six years of age, 6310
respectively, by the thirtieth day of September of the year of 6311
admittance, or by the first day of a term or semester other than 6312
one beginning in August or September in school districts granting 6313
admittance at the beginning of such term or semester, except that 6314
in those school districts using or obtaining educationally 6315
accepted standardized testing programs for determining entrance, 6316
as approved by the board of education of such districts, the board 6317
shall admit a child to kindergarten or the first grade who fails 6318
to meet the age requirement, provided the child meets necessary 6319
standards as determined by such standardized testing programs. If 6320
the board of education has not established a standardized testing 6321
program, the board shall designate the necessary standards and a 6322
testing program it will accept for the purpose of admitting a 6323
child to kindergarten or first grade who fails to meet the age 6324
requirement. Each child who will be the proper age for entrance to 6325
kindergarten or first grade by the first day of January of the 6326
school year for which admission is requested shall be so tested 6327
upon the request of the child's parent. 6328

(3) Notwithstanding divisions (A)(2) and (D) of this section, 6329
beginning with the school year that starts in 2001 and continuing 6330
thereafter the board of education of any district may adopt a 6331
resolution establishing the first day of August in lieu of the 6332
thirtieth day of September as the required date by which students 6333
must have attained the age specified in those divisions. 6334

(4) After a student has been admitted to kindergarten in a 6335
school district or chartered nonpublic school, no board of 6336
education of a school district to which the student transfers 6337
shall deny that student admission based on the student's age. 6338

(B) As used in divisions (C) and (D) of this section, 6339

"successfully completed kindergarten" and "successful completion of kindergarten" mean that the child has completed the kindergarten requirements at one of the following:

- (1) A public or chartered nonpublic school;
- (2) A kindergarten class that is both of the following:
 - (a) Offered by a day-care provider licensed under Chapter 5104. of the Revised Code;
 - (b) If offered after July 1, 1991, is directly taught by a teacher who holds one of the following:
 - (i) A valid educator license issued under section 3319.22 of the Revised Code;
 - (ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale;
 - (iii) Certification determined under division (G) of this section to be equivalent to that described in division (B)(2)(b)(ii) of this section;
 - (iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code.
- (C) Except as provided in division (D) of this section, no school district shall admit to the first grade any child who has not successfully completed kindergarten.
- (D) Upon request of a parent, the requirement of division (C) of this section may be waived by the district's pupil personnel services committee in the case of a child who is at least six years of age by the thirtieth day of September of the year of admittance and who demonstrates to the satisfaction of the committee the possession of the social, emotional, and cognitive skills necessary for first grade.

The board of education of each city, local, and exempted

village school district shall establish a pupil personnel services 6370
committee. The committee shall be composed of all of the following 6371
to the extent such personnel are either employed by the district 6372
or employed by the governing board of the educational service 6373
center within whose territory the district is located and the 6374
educational service center generally furnishes the services of 6375
such personnel to the district: 6376

- (1) The director of pupil personnel services; 6377
- (2) An elementary school counselor; 6378
- (3) An elementary school principal; 6379
- (4) A school psychologist; 6380
- (5) A teacher assigned to teach first grade; 6381
- (6) A gifted coordinator. 6382

The responsibilities of the pupil personnel services 6383
committee shall be limited to the issuing of waivers allowing 6384
admittance to the first grade without the successful completion of 6385
kindergarten. The committee shall have no other authority except 6386
as specified in this section. 6387

(E) The scheduling of times for kindergarten classes and 6388
length of the school day for kindergarten shall be determined by 6389
the board of education of a city, exempted village, or local 6390
school district. 6391

(F) Any kindergarten class offered by a day-care provider or 6392
school described by division (B)(1) or (B)(2)(a) of this section 6393
shall be developmentally appropriate. 6394

(G) Upon written request of a day-care provider described by 6395
division (B)(2)(a) of this section, the department of education 6396
shall determine whether certification held by a teacher employed 6397
by the provider meets the requirement of division (B)(2)(b)(iii) 6398
of this section and, if so, shall furnish the provider a statement 6399

to that effect. 6400

(H) As used in this division, "all-day kindergarten" has the 6401
same meaning as in section 3321.05 of the Revised Code. 6402

(1) Any school district that did not receive for fiscal year 6403
2009 poverty-based assistance for all-day kindergarten under 6404
division (D) of section 3317.029 of the Revised Code may charge 6405
fees or tuition for students enrolled in all-day kindergarten. If 6406
a district charges fees or tuition for all-day kindergarten under 6407
this division, the district shall develop a sliding fee scale 6408
based on family incomes. 6409

(2) The department of education shall conduct an annual 6410
survey of each school district described in division (H)(1) of 6411
this section to determine the following: 6412

(a) Whether the district charges fees or tuition for students 6413
enrolled in all-day kindergarten; 6414

(b) The amount of the fees or tuition charged; 6415

(c) How many of the students for whom tuition is charged are 6416
eligible for free lunches under the "National School Lunch Act," 6417
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 6418
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 6419
and how many of the students for whom tuition is charged are 6420
eligible for reduced price lunches under those acts; 6421

(d) How many students are enrolled in traditional half-day 6422
kindergarten rather than all-day kindergarten. 6423

Each district shall report to the department, in the manner 6424
prescribed by the department, the information described in 6425
divisions (H)(2)(a) to (d) of this section. 6426

The department shall issue an annual report on the results of 6427
the survey and shall post the report on its web site. The 6428
department shall issue the first report not later than April 30, 6429

2008, and shall issue a report not later than the thirtieth day of 6430
April each year thereafter. 6431

Sec. 3323.011. As used in this chapter, "individualized 6432
education program" or "IEP" means a written statement for each 6433
child with a disability that is developed, reviewed, and revised 6434
in accordance with this definition and that includes: 6435

(A) A statement of the child's present levels of academic 6436
achievement and functional performance, including: 6437

(1) How the child's disability affects the child's 6438
involvement and progress in the general education curriculum; 6439

(2) For a preschool child with a disability, as appropriate, 6440
how the disability affects the child's participation in 6441
appropriate activities; 6442

(3) For a child with a disability who is not a preschool 6443
child and who will take alternate assessments aligned to alternate 6444
achievement standards, a description of benchmarks or short-term 6445
objectives. 6446

(B) A statement of measurable annual goals, including 6447
academic and functional goals and, at the discretion of the 6448
department of education, short-term instructional objectives that 6449
are designed to: 6450

(1) Meet the child's needs that result from the child's 6451
disability so as to enable the child to be involved in and make 6452
progress in the general education curriculum; 6453

(2) Meet each of the child's other educational needs that 6454
result from the child's disability. 6455

(C) A description of how the child's progress toward meeting 6456
the annual goals described pursuant to division (B) of this 6457
section will be measured and when periodic reports on the progress 6458
the child is making toward meeting the annual goals will be 6459

provided. Such reports may be quarterly or other periodic reports 6460
that are issued concurrent with the issuance of regular report 6461
cards. 6462

(D) A statement of the special education and related services 6463
and supplementary aids and services, based on peer-reviewed 6464
research to the extent practicable, to be provided to the child, 6465
or on behalf of the child, and a statement of the program 6466
modifications or supports for school personnel that will be 6467
provided for the child so that the child may: 6468

(1) Advance appropriately toward attaining the annual goals 6469
described pursuant to division (B) of this section; 6470

(2) Be involved in and make progress in the general education 6471
curriculum and participate in extracurricular and other 6472
nonacademic activities; 6473

(3) Be educated with and participate with both other children 6474
with disabilities and nondisabled children in the specific 6475
activities described pursuant to division (D) of this section. 6476

(E) An explanation of the extent, if any, to which the child 6477
will not participate with nondisabled children in the regular 6478
class, including an early childhood education setting, and in the 6479
activities described pursuant to division (D) of this section; 6480

(F) A statement of any individual appropriate accommodations 6481
that are necessary to measure the academic achievement and 6482
functional performance of the child on state and districtwide 6483
assessments consistent with section 612(a)(16) of the "Individuals 6484
with Disabilities Education Improvement Act of 2004," 20 U.S.C. 6485
1412(a)(16). If the IEP team determines that the child shall take 6486
an alternate assessment on a particular state or districtwide 6487
assessment of student achievement, the IEP shall contain a 6488
statement of why the child cannot participate in the regular 6489
assessment and why the particular alternate assessment selected is 6490

appropriate for the child. 6491

(G) The projected date for the beginning of the services and 6492
modifications described pursuant to division (D) of this section 6493
and the anticipated frequency, location, and duration of those 6494
services and modifications; 6495

(H) Beginning not later than the first IEP to be in effect 6496
when the child is ~~sixteen~~ fourteen years of age, and updated 6497
annually thereafter, a statement describing: 6498

(1) Appropriate measurable post-secondary goals based upon 6499
age-appropriate transition assessments related to training, 6500
education, ~~employment~~, and independent living skills; 6501

(2) Appropriate measurable post-secondary goals based on 6502
age-appropriate transition assessments related to employment in a 6503
competitive environment in which workers are integrated regardless 6504
of disability; 6505

(3) The transition services, including courses of study, 6506
needed to assist the child in reaching the goals described in 6507
~~division~~ divisions (H)(1) and (2) of this section. 6508

(I) Beginning not later than one year before the child 6509
reaches eighteen years of age, a statement that the child has been 6510
informed of the child's rights under Title XX of the United States 6511
Code that will transfer to the child on reaching eighteen years of 6512
age in accordance with section 615(m) of the "Individuals with 6513
Disabilities Education Improvement Act of 2004," 20 U.S.C. 6514
1415(m). 6515

Nothing in this section shall be construed to require that 6516
additional information be included in a child's IEP beyond the 6517
items explicitly required by this section and that the IEP team 6518
include information under one component of a child's IEP that is 6519
already contained under another component of the IEP. 6520

Sec. 3333.0411. Not later than December 31, 2012, and 6521
annually thereafter, the chancellor of the Ohio board of regents 6522
shall report ~~aggregate~~ both of the following: 6523

(A) Aggregate academic growth data for students assigned to 6524
graduates of teacher preparation programs approved under section 6525
3333.048 of the Revised Code who teach English language arts or 6526
mathematics in any of grades four to eight in a public school in 6527
Ohio. For this purpose, the chancellor shall use the value-added 6528
progress dimension prescribed by section 3302.021 of the Revised 6529
Code. The chancellor shall aggregate the data by graduating class 6530
for each approved teacher preparation program, except that if a 6531
particular class has ten or fewer graduates to which this section 6532
applies, the chancellor shall report the data for a group of 6533
classes over a three-year period; 6534

(B) For each approved teacher preparation program, the number 6535
and percentage of all graduates of the program who were rated at 6536
each of the performance levels prescribed by division (B)(1) of 6537
section 3319.112 of the Revised Code on an evaluation conducted in 6538
accordance with section 3319.111 of the Revised Code in the 6539
previous school year. ~~It~~ 6540

In no case shall the report identify any individual graduate. 6541
The department of education shall share any data necessary for the 6542
report with the chancellor. 6543

Sec. 3333.391. (A) As used in this section and in section 6544
3333.392 of the Revised Code: 6545

(1) "Academic year" shall be as defined by the chancellor of 6546
the Ohio board of regents. 6547

(2) "Hard-to-staff school" and "hard-to-staff subject" shall 6548
be as defined by the department of education. 6549

(3) "Parent" means the parent, guardian, or custodian of a 6550

qualified student. 6551

(4) "Qualified service" means teaching at a qualifying 6552
school. 6553

(5) "Qualifying school" means a hard-to-staff school district 6554
building or a school district building that has a performance 6555
rating of academic watch or academic emergency or of "D" or "F" 6556
under section 3302.03 of the Revised Code at the time the 6557
recipient becomes employed by the district. 6558

(B) If the chancellor of the Ohio board of regents determines 6559
that sufficient funds are available from general revenue fund 6560
appropriations made to the Ohio board of regents or to the 6561
chancellor, the chancellor and the superintendent of public 6562
instruction jointly may develop and agree on a plan for the Ohio 6563
teaching fellows program to promote and encourage high school 6564
seniors to enter and remain in the teaching profession. Upon 6565
agreement of such a plan, the chancellor shall establish and 6566
administer the program in conjunction with the superintendent and 6567
with the cooperation of teacher training institutions. Under the 6568
program, the chancellor annually shall provide scholarships to 6569
students who commit to teaching in a qualifying school for a 6570
minimum of four years upon graduation from a teacher training 6571
program at a state institution of higher education or an Ohio 6572
nonprofit institution of higher education that has a certificate 6573
of authorization under Chapter 1713. of the Revised Code. The 6574
scholarships shall be for up to four years at the undergraduate 6575
level at an amount determined by the chancellor based on state 6576
appropriations. 6577

(C) The chancellor shall adopt a competitive process for 6578
awarding scholarships under the teaching fellows program, which 6579
shall include minimum grade point average and scores on national 6580
standardized tests for college admission. The process shall also 6581
give additional consideration to all of the following: 6582

(1) A person who has participated in the program described in 6583
division (A) of section 3333.39 of the Revised Code; 6584

(2) A person who plans to specialize in teaching students 6585
with special needs; 6586

(3) A person who plans to teach in the disciplines of 6587
science, technology, engineering, or mathematics. 6588

The chancellor shall require that all applicants to the 6589
teaching fellows program shall file a statement of service status 6590
in compliance with section 3345.32 of the Revised Code, if 6591
applicable, and that all applicants have not been convicted of, 6592
plead guilty to, or adjudicated a delinquent child for any 6593
violation listed in section 3333.38 of the Revised Code. 6594

(D) Teaching fellows shall complete the four-year teaching 6595
commitment within not more than seven years after graduating from 6596
the teacher training program. Failure to fulfill the commitment 6597
shall convert the scholarship into a loan to be repaid under 6598
section 3333.392 of the Revised Code. 6599

(E) The chancellor shall adopt rules in accordance with 6600
Chapter 119. of the Revised Code to administer this section and 6601
section 3333.392 of the Revised Code. 6602

Sec. 4123.391. (A) For purposes of this section, "learn to 6603
earn program" means any program established by the department of 6604
job and family services that is designed to increase an 6605
individual's opportunity to move to permanent employment through a 6606
short-term work experience placement with an eligible employer. 6607

(B) A participant in a learn to earn program is entitled to 6608
compensation and benefits under this chapter as provided in this 6609
section. 6610

(C)(1) A learn to earn program participant who suffers an 6611
injury or contracts an occupational disease that produces a 6612

disability arising out of and in the course of participation in 6613
the learn to earn program, and who remains otherwise eligible for 6614
unemployment compensation benefits pursuant to Chapter 4141. of 6615
the Revised Code, shall receive unemployment compensation benefits 6616
while otherwise eligible for those benefits. 6617

(2) If a disability arising out of and in the course of 6618
participation in a learn to earn program causes a participant to 6619
become ineligible for unemployment compensation benefits or unable 6620
to work after the expiration of the participant's eligibility for 6621
unemployment compensation benefits, the participant shall receive 6622
compensation and benefits under this chapter. 6623

(D) For purposes of this section, a participant in a learn to 6624
earn program is an employee of the department, and not an employee 6625
of the entity conducting the training. 6626

(E)(1) A learn to earn participant is considered to have 6627
accepted the terms and conditions of this chapter and to have 6628
waived on behalf of the participant or the participant's personal 6629
or legal representatives all rights of action on account of the 6630
participant's injury or occupational disease arising out of and in 6631
the course of participation in the program whether at common law, 6632
by statute, or under the laws of any other state against the 6633
entity conducting the training, the department, or any learn to 6634
earn program established by the department. 6635

(2) The dependents of a participant shall have no direct 6636
cause of action to recover for damages on account of the 6637
participant's personal injury or death against any person 6638
identified in division (E)(1) of this section, whether at common 6639
law, by statute, or under the laws of any other state. 6640

(3) Notwithstanding division (E)(1) of this section, a 6641
participant does not waive on behalf of the participant or the 6642
participant's personal or legal representatives, any cause of 6643

action for intentional torts against any officer, director, agent, 6644
or employee acting on behalf of the entities listed in division 6645
(E)(1) of this section. 6646

(F) Notwithstanding sections 4123.39 and 4123.40 of the 6647
Revised Code, the department may insure the compensation and 6648
benefits provided under this chapter pursuant to this section. The 6649
department may include a learn to earn participant in its 6650
department workers' compensation coverage, or may establish a 6651
separate workers' compensation coverage policy with the bureau of 6652
workers' compensation upon the terms and conditions for insurance 6653
to be established by the bureau consistent with insurance 6654
principles, as is equitable in the view of degree and hazard. 6655

(G) Notwithstanding section 4123.82 of the Revised Code, the 6656
department may enter into a contract to indemnify the department 6657
against all or part of the department's loss as a result of 6658
liability of the department that is attributable to any claims for 6659
compensation or benefits under this chapter arising from 6660
participation in any learn to earn program. 6661

Sec. 4139.01. ~~As used in sections 4139.01 to 4139.06 of the~~ 6662
~~Revised Code~~ this chapter: 6663

(A) "Apprentice" means a person at least sixteen years of 6664
age, except when a higher minimum age standard is otherwise fixed 6665
by law, who is covered by an in a registered apprenticeship 6666
program to learn a skilled occupation, pursuant to a registered 6667
apprenticeship agreement. 6668

(B) "Apprenticeship agreement" means a written agreement, 6669
registered with the ~~Ohio state~~ apprenticeship council, providing 6670
for not less than two thousand hours of reasonably continuous 6671
employment, and for participation in an approved schedule of work 6672
experience through employment, which shall be supplemented by a 6673
minimum of one hundred forty-four hours per year of related and 6674

supplemental instructions. 6675

(C) "Council office" means the unit of the department of job 6676
and family services that staffs the apprenticeship council and 6677
performs the administrative and oversight functions concerning 6678
this state's registered apprenticeship system. 6679

Sec. 4139.03. The apprenticeship council may ~~establish~~ 6680
recommend minimum standards for apprenticeship programs and may 6681
formulate policies and ~~issue~~ recommend rules as may be necessary 6682
to carry out the purpose of ~~sections 4139.01 to 4139.06 of the~~ 6683
~~Revised Code~~ this chapter. The council shall determine the date 6684
and place of its meetings and shall prescribe its own rules of 6685
procedure. 6686

Sec. 4139.04. The director of job and family services shall 6687
appoint the executive secretary of the ~~apprenticeship~~ 6688
office, which appointment shall be subject to confirmation by a 6689
majority vote of the apprenticeship council. The director shall 6690
appoint such additional personnel as may be necessary, subject to 6691
Chapter 124. of the Revised Code. 6692

Sec. 4139.05. The executive secretary of the ~~apprenticeship~~ 6693
council office has the following duties: 6694

(A) Encourage the voluntary participation of employers and 6695
employees in the furtherance of the objective of ~~sections 4139.01~~ 6696
~~to 4139.06 of the Revised Code~~ this chapter; 6697

(B) Register any apprenticeship programs and agreements that 6698
meet the minimum standards established by ~~the council~~ federal 6699
regulations and state rules governing the registered 6700
apprenticeship system; 6701

(C) Terminate or cancel ~~on the authority of~~ in consultation 6702
with the apprenticeship council any registered apprenticeship 6703

programs and agreements not in ~~accordance~~ compliance with the 6704
provisions of such standards; 6705

(D) Keep a record of apprenticeship programs and their 6706
disposition; 6707

(E) ~~Issue certificate of completion of apprenticeship in~~ 6708
~~accordance with the council's standards;~~ 6709

~~(F) Devise~~ and implement all ~~necessary~~ procedures and ~~records~~ 6710
minimum standards as are necessary for the administration of the 6711
registered apprenticeship system; 6712

(F) Implement administrative rules adopted by the director of 6713
job and family services as necessary for the administration of the 6714
registered apprenticeship system; 6715

(G) Prepare statistical reports regarding apprenticeship 6716
training; 6717

(H) Issue information related to apprenticeship; 6718

(I) Perform such other duties as ~~the council may direct~~ 6719
appropriate under the applicable rules and regulations. 6720

Sec. 5104.01. As used in this chapter: 6721

(A) "Administrator" means the person responsible for the 6722
daily operation of a center or type A home. The administrator and 6723
the owner may be the same person. 6724

(B) "Approved child day camp" means a child day camp approved 6725
pursuant to section 5104.22 of the Revised Code. 6726

(C) "Authorized provider" means a person authorized by a 6727
county director of job and family services to operate a certified 6728
type B family day-care home. 6729

(D) "Border state child care provider" means a child care 6730
provider that is located in a state bordering Ohio and that is 6731
licensed, certified, or otherwise approved by that state to 6732

provide child care. 6733

(E) "Career pathways model" means an alternative pathway to 6734
meeting the requirements ~~for~~ to be a child-care staff member or 6735
administrator that ~~uses one~~ does both of the following: 6736

(1) Uses a framework approved by the director of job and 6737
family services to integrate the pathways of document formal 6738
education, training, experience, and specialized credentials, and 6739
certifications, ~~and that allows;~~ 6740

(2) Allows the child-care staff member or administrator to 6741
achieve a designation as an early childhood professional level 6742
one, two, three, four, five, or six. 6743

(F) "Caretaker parent" means the father or mother of a child 6744
whose presence in the home is needed as the caretaker of the 6745
child, a person who has legal custody of a child and whose 6746
presence in the home is needed as the caretaker of the child, a 6747
guardian of a child whose presence in the home is needed as the 6748
caretaker of the child, and any other person who stands in loco 6749
parentis with respect to the child and whose presence in the home 6750
is needed as the caretaker of the child. 6751

(G) "Certified type B family day-care home" and "certified 6752
type B home" mean a type B family day-care home that is certified 6753
by the director of the county department of job and family 6754
services pursuant to section 5104.11 of the Revised Code to 6755
receive public funds for providing child care pursuant to this 6756
chapter and any rules adopted under it. 6757

(H) "Chartered nonpublic school" means a school that meets 6758
standards for nonpublic schools prescribed by the state board of 6759
education for nonpublic schools pursuant to section 3301.07 of the 6760
Revised Code. 6761

(I) "Child" includes an infant, toddler, ~~preschool~~ 6762
preschool-age child, or ~~school~~ school-age child. 6763

(J) "Child care block grant act" means the "Child Care and Development Block Grant Act of 1990," established in section 5082 of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 1388-236 (1990), 42 U.S.C. 9858, as amended.

(K) "Child day camp" means a program in which only ~~school~~ school-age children attend or participate, that operates for no more than seven hours per day, that operates only during one or more public school district's regular vacation periods or for no more than fifteen weeks during the summer, and that operates outdoor activities for each child who attends or participates in the program for a minimum of fifty per cent of each day that children attend or participate in the program, except for any day when hazardous weather conditions prevent the program from operating outdoor activities for a minimum of fifty per cent of that day. For purposes of this division, the maximum seven hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home.

(L) "Child care" means administering to the needs of infants, toddlers, ~~preschool~~ preschool-age children, and ~~school~~ school-age children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four-hour day in a place or residence other than a child's own home.

(M) "Child day-care center" and "center" mean any place in which child care or publicly funded child care is provided for thirteen or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven to twelve children at one time. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on

the premises of the center shall be counted. "Child day-care center" and "center" do not include any of the following:

(1) A place located in and operated by a hospital, as defined in section 3727.01 of the Revised Code, in which the needs of children are administered to, if all the children whose needs are being administered to are monitored under the on-site supervision of a physician licensed under Chapter 4731. of the Revised Code or a registered nurse licensed under Chapter 4723. of the Revised Code, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured;

(2) A child day camp;

(3) A place that provides child care, but not publicly funded child care, if all of the following apply:

(a) An organized religious body provides the child care;

(b) A parent, custodian, or guardian of at least one child receiving child care is on the premises and readily accessible at all times;

(c) The child care is not provided for more than thirty days a year;

(d) The child care is provided only for ~~preschool~~ preschool-age and ~~school~~ school-age children.

(N) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.

(O) "Child care resource and referral services" means all of the following services:

(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this

chapter, including current occupancy and vacancy data;	6826
(2) Provision of individualized consumer education to families seeking child care;	6827 6828
(3) Provision of timely referrals of available child care providers to families seeking child care;	6829 6830
(4) Recruitment of child care providers;	6831
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	6832 6833 6834 6835
(6) Collection and analysis of data on the supply of and demand for child care in the community;	6836 6837
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	6838 6839 6840
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	6841 6842 6843
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	6844 6845
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	6846 6847 6848 6849
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes.	6850 6851 6852 6853
(P) "Child-care staff member" means an employee of a child day-care center or type A family day-care home who is primarily	6854 6855

responsible for the care and supervision of children. The 6856
administrator may be a part-time child-care staff member when not 6857
involved in other duties. 6858

(Q) "Drop-in child day-care center," "drop-in center," 6859
"drop-in type A family day-care home," and "drop-in type A home" 6860
mean a center or type A home that provides child care or publicly 6861
funded child care for children on a temporary, irregular basis. 6862

(R) "Employee" means a person who either: 6863

(1) Receives compensation for duties performed in a child 6864
day-care center or type A family day-care home; 6865

(2) Is assigned specific working hours or duties in a child 6866
day-care center or type A family day-care home. 6867

(S) "Employer" means a person, firm, institution, 6868
organization, or agency that operates a child day-care center or 6869
type A family day-care home subject to licensure under this 6870
chapter. 6871

(T) "Federal poverty line" means the official poverty 6872
guideline as revised annually in accordance with section 673(2) of 6873
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 6874
U.S.C. 9902, as amended, for a family size equal to the size of 6875
the family of the person whose income is being determined. 6876

(U) "Head start program" means a comprehensive child 6877
development program that receives funds distributed under the 6878
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 6879
amended, and is licensed as a child day-care center. 6880

(V) "Income" means gross income, as defined in section 6881
5107.10 of the Revised Code, less any amounts required by federal 6882
statutes or regulations to be disregarded. 6883

(W) "Indicator checklist" means an inspection tool, used in 6884
conjunction with an instrument-based program monitoring 6885

information system, that contains selected licensing requirements 6886
that are statistically reliable indicators or predictors of a 6887
child day-care center or type A family day-care home's compliance 6888
with licensing requirements. 6889

(X) "Infant" means a child who is less than eighteen months 6890
of age. 6891

(Y) "In-home aide" means a person who does not reside with 6892
the child but provides care in the child's home and is certified 6893
by a county director of job and family services pursuant to 6894
section 5104.12 of the Revised Code to provide publicly funded 6895
child care to a child in a child's own home pursuant to this 6896
chapter and any rules adopted under it. 6897

(Z) "Instrument-based program monitoring information system" 6898
means a method to assess compliance with licensing requirements 6899
for child day-care centers and type A family day-care homes in 6900
which each licensing requirement is assigned a weight indicative 6901
of the relative importance of the requirement to the health, 6902
growth, and safety of the children that is used to develop an 6903
indicator checklist. 6904

(AA) "License capacity" means the maximum number in each age 6905
category of children who may be cared for in a child day-care 6906
center or type A family day-care home at one time as determined by 6907
the director of job and family services considering building 6908
occupancy limits established by the department of commerce, amount 6909
of available indoor floor space and outdoor play space, and amount 6910
of available play equipment, materials, and supplies. For the 6911
purposes of a provisional license issued under this chapter, the 6912
director shall also consider the number of available child-care 6913
staff members when determining "license capacity" for the 6914
provisional license. 6915

(BB) "Licensed child care program" means any of the 6916

following: 6917

(1) A child day-care center licensed by the department of job and family services pursuant to this chapter; 6918
6919

(2) A type A family day-care home licensed by the department of job and family services pursuant to this chapter; 6920
6921

(3) A type B family day-care home certified by a county department of job and family services pursuant to this chapter; 6922
6923

(4) A licensed preschool program or licensed school child program. 6924
6925

(CC) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education pursuant to sections 3301.52 to 3301.59 of the Revised Code. 6926
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6928
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6930

~~(CC)~~(DD) "Licensee" means the owner of a child day-care center or type A family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring its compliance with this chapter and rules adopted pursuant to this chapter. 6931
6932
6933
6934

~~(DD)~~(EE) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp. 6935
6936

~~(EE)~~(FF) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity. 6937
6938

~~(FF)~~(GG) "Parent cooperative child day-care center," "parent cooperative center," "parent cooperative type A family day-care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in which the services of the corporation or association are provided only to children of the members of the corporation or association, 6939
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ownership and control of the corporation or association rests 6947
solely with the members of the corporation or association, and at 6948
least one parent-member of the corporation or association is on 6949
the premises of the center or type A home during its hours of 6950
operation. 6951

~~(GG)~~(HH) "Part-time child day-care center," "part-time 6952
center," "part-time type A family day-care home," and "part-time 6953
type A home" mean a center or type A home that provides child care 6954
or publicly funded child care for no more than four hours a day 6955
for any child. 6956

~~(HH)~~(II) "Place of worship" means a building where activities 6957
of an organized religious group are conducted and includes the 6958
grounds and any other buildings on the grounds used for such 6959
activities. 6960

~~(II)~~(JJ) "~~Preschool~~ Preschool-age child" means a child who is 6961
three years old or older but is not a ~~school~~ school-age child. 6962

~~(JJ)~~(KK) "Protective child care" means publicly funded child 6963
care for the direct care and protection of a child to whom either 6964
of the following applies: 6965

(1) A case plan prepared and maintained for the child 6966
pursuant to section 2151.412 of the Revised Code indicates a need 6967
for protective care and the child resides with a parent, 6968
stepparent, guardian, or another person who stands in loco 6969
parentis as defined in rules adopted under section 5104.38 of the 6970
Revised Code; 6971

(2) The child and the child's caretaker either temporarily 6972
reside in a facility providing emergency shelter for homeless 6973
families or are determined by the county department of job and 6974
family services to be homeless, and are otherwise ineligible for 6975
publicly funded child care. 6976

~~(KK)~~(LL) "Publicly funded child care" means administering to 6977

the needs of infants, toddlers, ~~preschool~~ preschool-age children, 6978
and ~~school~~ school-age children under age thirteen during any part 6979
of the twenty-four-hour day by persons other than their caretaker 6980
parents for remuneration wholly or in part with federal or state 6981
funds, including funds available under the child care block grant 6982
act, Title IV-A, and Title XX, distributed by the department of 6983
job and family services. 6984

~~(LL)~~(MM) "Religious activities" means any of the following: 6985
worship or other religious services; religious instruction; Sunday 6986
school classes or other religious classes conducted during or 6987
prior to worship or other religious services; youth or adult 6988
fellowship activities; choir or other musical group practices or 6989
programs; meals; festivals; or meetings conducted by an organized 6990
religious group. 6991

~~(MM)~~(NN) "~~School~~ School-age child" means a child who is 6992
enrolled in or is eligible to be enrolled in a grade of 6993
kindergarten or above but is less than fifteen years old. 6994

~~(NN)~~(OO) "~~School child day care center,~~" "~~school~~ School-age 6995
child care center," "~~school child type A family day care home,~~" 6996
and "~~school~~ school-age child type A ~~family~~ home" mean a center or 6997
type A home that provides child care for ~~school~~ school-age 6998
children only and that does either or both of the following: 6999

(1) Operates only during that part of the day that 7000
immediately precedes or follows the public school day of the 7001
school district in which the center or type A home is located; 7002

(2) Operates only when the public schools in the school 7003
district in which the center or type A home is located are not 7004
open for instruction with pupils in attendance. 7005

~~(OO)~~(PP) "Serious risk noncompliance" means a licensure or 7006
certification rule violation that leads to a great risk of harm 7007
to, or death of, a child, and is observable, not inferable. 7008

~~(PP)~~(QQ) "State median income" means the state median income 7009
calculated by the department of development pursuant to division 7010
(A)(1)(g) of section 5709.61 of the Revised Code. 7011

~~(QQ)~~(RR) "Title IV-A" means Title IV-A of the "Social 7012
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 7013

~~(RR)~~(SS) "Title XX" means Title XX of the "Social Security 7014
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 7015

~~(SS)~~(TT) "Toddler" means a child who is at least eighteen 7016
months of age but less than three years of age. 7017

~~(TT)~~(UU) "Type A family day-care home" and "type A home" mean 7018
a permanent residence of the administrator in which child care or 7019
publicly funded child care is provided for seven to twelve 7020
children at one time or a permanent residence of the administrator 7021
in which child care is provided for four to twelve children at one 7022
time if four or more children at one time are under two years of 7023
age. In counting children for the purposes of this division, any 7024
children under six years of age who are related to a licensee, 7025
administrator, or employee and who are on the premises of the type 7026
A home shall be counted. "Type A family day-care home" and "type A 7027
home" do not include any child day camp. 7028

~~(UU)~~(VV) "Type B family day-care home" and "type B home" mean 7029
a permanent residence of the provider in which child care is 7030
provided for one to six children at one time and in which no more 7031
than three children are under two years of age at one time. In 7032
counting children for the purposes of this division, any children 7033
under six years of age who are related to the provider and who are 7034
on the premises of the type B home shall be counted. "Type B 7035
family day-care home" and "type B home" do not include any child 7036
day camp. 7037

Sec. 5104.011. (A) The director of job and family services 7038

shall adopt rules pursuant to Chapter 119. of the Revised Code 7039
governing the operation of child day-care centers, including, but 7040
not limited to, parent cooperative centers, part-time centers, 7041
drop-in centers, and ~~school~~ school-age child care centers, which 7042
rules shall reflect the various forms of child care and the needs 7043
of children receiving child care or publicly funded child care and 7044
shall include specific rules for ~~school~~ school-age child care 7045
centers that are developed in consultation with the department of 7046
education. The rules shall not require an existing school facility 7047
that is in compliance with applicable building codes to undergo an 7048
additional building code inspection or to have structural 7049
modifications. The rules shall include the following: 7050

(1) Submission of a site plan and descriptive plan of 7051
operation to demonstrate how the center proposes to meet the 7052
requirements of this chapter and rules adopted pursuant to this 7053
chapter for the initial license application; 7054

(2) Standards for ensuring that the physical surroundings of 7055
the center are safe and sanitary including, but not limited to, 7056
the physical environment, the physical plant, and the equipment of 7057
the center; 7058

(3) Standards for the supervision, care, and discipline of 7059
children receiving child care or publicly funded child care in the 7060
center; 7061

(4) Standards for a program of activities, and for play 7062
equipment, materials, and supplies, to enhance the development of 7063
each child; however, any educational curricula, philosophies, and 7064
methodologies that are developmentally appropriate and that 7065
enhance the social, emotional, intellectual, and physical 7066
development of each child shall be permissible. As used in this 7067
division, "program" does not include instruction in religious or 7068
moral doctrines, beliefs, or values that is conducted at child 7069
day-care centers owned and operated by churches and does include 7070

methods of disciplining children at child day-care centers.	7071
(5) Admissions policies and procedures, health care policies and procedures, including, but not limited to, procedures for the isolation of children with communicable diseases, first aid and emergency procedures, procedures for discipline and supervision of children, standards for the provision of nutritious meals and snacks, and procedures for screening children and employees, that may include any necessary physical examinations and immunizations;	7072 7073 7074 7075 7076 7077 7078
(6) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	7079 7080 7081 7082
(7) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	7083 7084 7085
(8) Procedures for record keeping, organization, and administration;	7086 7087
(9) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	7088 7089 7090
(10) Inspection procedures;	7091
(11) Procedures and standards for setting initial license application fees;	7092 7093
(12) Procedures for receiving, recording, and responding to complaints about centers;	7094 7095
(13) Procedures for enforcing section 5104.04 of the Revised Code;	7096 7097
(14) A standard requiring the inclusion, on and after July 1, 1987, of a current department of job and family services toll-free telephone number on each center provisional license or license	7098 7099 7100

which any person may use to report a suspected violation by the 7101
center of this chapter or rules adopted pursuant to this chapter; 7102

(15) Requirements for the training of administrators and 7103
child-care staff members in first aid, in prevention, recognition, 7104
and management of communicable diseases, and in child abuse 7105
recognition and prevention. Training requirements for child 7106
day-care centers adopted under this division shall be consistent 7107
with divisions (B)(6) and (C)(1) of this section. 7108

(16) Standards providing for the special needs of children 7109
who are handicapped or who require treatment for health conditions 7110
while the child is receiving child care or publicly funded child 7111
care in the center; 7112

(17) A procedure for reporting of injuries of children that 7113
occur at the center; 7114

(18) Any other procedures and standards necessary to carry 7115
out this chapter. 7116

(B)(1) The child day-care center shall have, for each child 7117
for whom the center is licensed, at least thirty-five square feet 7118
of usable indoor floor space wall-to-wall regularly available for 7119
the child care operation exclusive of any parts of the structure 7120
in which the care of children is prohibited by law or by rules 7121
adopted by the board of building standards. The minimum of 7122
thirty-five square feet of usable indoor floor space shall not 7123
include hallways, kitchens, storage areas, or any other areas that 7124
are not available for the care of children, as determined by the 7125
director, in meeting the space requirement of this division, and 7126
bathrooms shall be counted in determining square footage only if 7127
they are used exclusively by children enrolled in the center, 7128
except that the exclusion of hallways, kitchens, storage areas, 7129
bathrooms not used exclusively by children enrolled in the center, 7130
and any other areas not available for the care of children from 7131

the minimum of thirty-five square feet of usable indoor floor space shall not apply to:

(a) Centers licensed prior to or on September 1, 1986, that continue under licensure after that date;

(b) Centers licensed prior to or on September 1, 1986, that are issued a new license after that date solely due to a change of ownership of the center.

(2) The child day-care center shall have on the site a safe outdoor play space which is enclosed by a fence or otherwise protected from traffic or other hazards. The play space shall contain not less than sixty square feet per child using such space at any one time, and shall provide an opportunity for supervised outdoor play each day in suitable weather. The director may exempt a center from the requirement of this division, if an outdoor play space is not available and if all of the following are met:

(a) The center provides an indoor recreation area that has not less than sixty square feet per child using the space at any one time, that has a minimum of one thousand four hundred forty square feet of space, and that is separate from the indoor space required under division (B)(1) of this section.

(b) The director has determined that there is regularly available and scheduled for use a conveniently accessible and safe park, playground, or similar outdoor play area for play or recreation.

(c) The children are closely supervised during play and while traveling to and from the area.

The director also shall exempt from the requirement of this division a child day-care center that was licensed prior to September 1, 1986, if the center received approval from the director prior to September 1, 1986, to use a park, playground, or similar area, not connected with the center, for play or

recreation in lieu of the outdoor space requirements of this 7163
 section and if the children are closely supervised both during 7164
 play and while traveling to and from the area and except if the 7165
 director determines upon investigation and inspection pursuant to 7166
 section 5104.04 of the Revised Code and rules adopted pursuant to 7167
 that section that the park, playground, or similar area, as well 7168
 as access to and from the area, is unsafe for the children. 7169

(3) The child day-care center shall have at least two 7170
 responsible adults available on the premises at all times when 7171
 seven or more children are in the center. The center shall 7172
 organize the children in the center in small groups, shall provide 7173
 child-care staff to give continuity of care and supervision to the 7174
 children on a day-by-day basis, and shall ensure that no child is 7175
 left alone or unsupervised. Except as otherwise provided in 7176
 division (E) of this section, the maximum number of children per 7177
 child-care staff member and maximum group size, by age category of 7178
 children, are as follows: 7179

	Maximum Number of		
	Children Per	Maximum	
Age Category	Child-Care	Group	
of Children	Staff Member	Size	
(a) Infants:			7184
(i) Less than twelve			7185
months old	5:1, or		7186
	12:2 if two		7187
	child-care		7188
	staff members		7189
	are in the room	12	7190
(ii) At least twelve			7191
months old, but			7192
less than eighteen			7193
months old	6:1	12	7194

(b) Toddlers:			7195
(i) At least eighteen			7196
months old, but			7197
less than thirty			7198
months old	7:1	14	7199
(ii) At least thirty months			7200
old, but less than			7201
three years old	8:1	16	7202
(c) Preschool <u>Preschool-age</u>			7203
children:			7204
(i) Three years old	12:1	24	7205
(ii) Four years old and			7206
five years old who			7207
are not school			7208
children	14:1	28	7209
(d) School <u>School-age</u>			7210
children:			
(i) A child who is			7211
enrolled in or is			7212
eligible to be			7213
enrolled in a grade			7214
of kindergarten			7215
or above, but			7216
is less than			7217
eleven years old	18:1	36	7218
(ii) Eleven through fourteen			7219
years old	20:1	40	7220
Except as otherwise provided in division (E) of this section,			7221
the maximum number of children per child-care staff member and			7222
maximum group size requirements of the younger age group shall			7223
apply when age groups are combined.			7224
(4)(a) The child day care center administrator shall show the			7225
director both of the following:			7226

~~(i) Evidence of at least high school graduation or certification of high school equivalency by the state board of education or the appropriate agency of another state;~~ 7227
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~~(ii) Evidence of having completed at least two years of training in an accredited college, university, or technical college, including courses in child development or early childhood education, at least two years of experience in supervising and giving daily care to children attending an organized group program, or the equivalent based on a designation as an "early childhood professional level three" under the career pathways model of the quality rating program established under section 5104.30 of the Revised Code.~~ 7230
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~~(b) In addition to the requirements of division (B)(4)(a) of this section and except as provided in division (B)(4)(c) of this section, any administrator employed or designated as such prior to the effective date of this section, as amended, shall show evidence of at least one of the following within six years after the date of employment or designation:~~ 7239
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~~(i) Two years of experience working as a child care staff member in a center and at least four courses in child development or early childhood education from an accredited college, university, or technical college, except that a person who has two years of experience working as a child care staff member in a particular center and who has been promoted to or designated as administrator of that center shall have one year from the time the person was promoted to or designated as administrator to complete the required four courses;~~ 7245
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~~(ii) Two years of training, including at least four courses in child development or early childhood education from an accredited college, university, or technical college;~~ 7254
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7256

~~(iii) A child development associate credential issued by the~~ 7257

~~national child development associate credentialing commission;~~ 7258

~~(iv) An associate or higher degree in child development or 7259
early childhood education from an accredited college, technical 7260
college, or university, or a license designated for teaching in an 7261
associate teaching position in a preschool setting issued by the 7262
state board of education. 7263~~

~~(c) For the purposes of division (B)(4)(b) of this section, 7264
any administrator employed or designated as such prior to the 7265
effective date of this section, as amended, may also show evidence 7266
of an administrator's credential as approved by the department of 7267
job and family services in lieu of, or in addition to, the 7268
evidence required under division (B)(4)(b) of this section. The 7269
evidence of an administrator's credential must be shown to the 7270
director not later than one year after the date of employment or 7271
designation. 7272~~

~~(d) In addition to the requirements of division (B)(4)(a) of 7273
this section, any administrator employed or designated as such on 7274
or after the effective date of this section, as amended, shall 7275
show evidence of at least one of the following not later than one 7276
year after the date of employment or designation: 7277~~

~~(i) Two years of experience working as a child care staff 7278
member in a center and at least four courses in child development 7279
or early childhood education from an accredited college, 7280
university, or technical college, except that a person who has two 7281
years of experience working as a child care staff member in a 7282
particular center and who has been promoted to or designated as 7283
administrator of that center shall have one year from the time the 7284
person was promoted to or designated as administrator to complete 7285
the required four courses; 7286~~

~~(ii) Two years of training, including at least four courses 7287
in child development or early childhood education from an 7288~~

accredited college, university, or technical college;	7289
(iii) A child development associate credential issued by the national child development associate credentialing commission;	7290 7291
(iv) An associate or higher degree in child development or early childhood education from an accredited college, technical college, or university, or a license designated for teaching in an associate teaching position in a preschool setting issued by the state board of education;	7292 7293 7294 7295 7296
(v) An administrator's credential as approved by the department of job and family services.	7297 7298
(5) All child care staff members of a child day care center shall be at least eighteen years of age, and shall furnish the director evidence of at least high school graduation or certification of high school equivalency by the state board of education or the appropriate agency of another state or evidence of completion of a training program approved by the department of job and family services or state board of education, except as follows:	7299 7300 7301 7302 7303 7304 7305 7306
(a) A child care staff member may be less than eighteen years of age if the staff member is either of the following:	7307 7308
(i) A graduate of a two year vocational child care training program approved by the state board of education;	7309 7310
(ii) A student enrolled in the second year of a vocational child care training program approved by the state board of education which leads to high school graduation, provided that the student performs the student's duties in the child day care center under the continuous supervision of an experienced child care staff member, receives periodic supervision from the vocational child care training program teacher coordinator in the student's high school, and meets all other requirements of this chapter and rules adopted pursuant to this chapter.	7311 7312 7313 7314 7315 7316 7317 7318 7319

~~(b) A child care staff member shall be exempt from the educational requirements of this division if the staff member:~~ 7320
7321

~~(i) Prior to January 1, 1972, was employed or designated by a child day care center and has been continuously employed since either by the same child day care center employer or at the same child day care center;~~ 7322
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~~(ii) Is a student enrolled in the second year of a vocational child care training program approved by the state board of education which leads to high school graduation, provided that the student performs the student's duties in the child day care center under the continuous supervision of an experienced child care staff member, receives periodic supervision from the vocational child care training program teacher coordinator in the student's high school, and meets all other requirements of this chapter and rules adopted pursuant to this chapter;~~ 7326
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~~(iii) Is receiving or has completed the final year of instruction at home as authorized under section 3321.04 of the Revised Code or has graduated from a nonchartered, nonpublic school in Ohio.~~ 7335
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~~(6) Every child care staff member of a child day care center annually shall complete fifteen hours of inservice training in child development or early childhood education, child abuse recognition and prevention, first aid, and in prevention, recognition, and management of communicable diseases, until a total of forty five hours of training has been completed, unless the staff member furnishes one of the following to the director:~~ 7339
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~~(a) Evidence of an associate or higher degree in child development or early childhood education from an accredited college, university, or technical college;~~ 7346
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~~(b) A license designated for teaching in an associate teaching position in a preschool setting issued by the state board~~ 7349
7350

~~of education;~~ 7351

~~(c) Evidence of a child development associate credential;~~ 7352

~~(d) Evidence of a preprimary credential from the American~~ 7353

~~Montessori society or the association Montessori internationale.~~ 7354

~~For the purposes of division (B)(6) of this section, "hour" means~~ 7355

~~sixty minutes.~~ 7356

(C)(1) Each child day-care center shall have on the center 7357

premises and readily available at all times at least one 7358

child-care staff member who has completed a course in first aid, 7359

one staff member who has completed a course in prevention, 7360

recognition, and management of communicable diseases which is 7361

approved by the state department of health, and a staff member who 7362

has completed a course in child abuse recognition and prevention 7363

training which is approved by the department of job and family 7364

services. 7365

(2) The administrator of each child day-care center shall 7366

maintain enrollment, health, and attendance records for all 7367

children attending the center and health and employment records 7368

for all center employees. The records shall be confidential, 7369

except that they shall be disclosed by the administrator to the 7370

director upon request for the purpose of administering and 7371

enforcing this chapter and rules adopted pursuant to this chapter. 7372

Neither the center nor the licensee, administrator, or employees 7373

of the center shall be civilly or criminally liable in damages or 7374

otherwise for records disclosed to the director by the 7375

administrator pursuant to this division. It shall be a defense to 7376

any civil or criminal charge based upon records disclosed by the 7377

administrator to the director that the records were disclosed 7378

pursuant to this division. 7379

(3)(a) Any parent who is the residential parent and legal 7380

custodian of a child enrolled in a child day-care center and any 7381

custodian or guardian of such a child shall be permitted unlimited 7382
access to the center during its hours of operation for the 7383
purposes of contacting their children, evaluating the care 7384
provided by the center, evaluating the premises of the center, or 7385
for other purposes approved by the director. A parent of a child 7386
enrolled in a child day-care center who is not the child's 7387
residential parent shall be permitted unlimited access to the 7388
center during its hours of operation for those purposes under the 7389
same terms and conditions under which the residential parent of 7390
that child is permitted access to the center for those purposes. 7391
However, the access of the parent who is not the residential 7392
parent is subject to any agreement between the parents and, to the 7393
extent described in division (C)(3)(b) of this section, is subject 7394
to any terms and conditions limiting the right of access of the 7395
parent who is not the residential parent, as described in division 7396
(I) of section 3109.051 of the Revised Code, that are contained in 7397
a parenting time order or decree issued under that section, 7398
section 3109.12 of the Revised Code, or any other provision of the 7399
Revised Code. 7400

(b) If a parent who is the residential parent of a child has 7401
presented the administrator or the administrator's designee with a 7402
copy of a parenting time order that limits the terms and 7403
conditions under which the parent who is not the residential 7404
parent is to have access to the center, as described in division 7405
(I) of section 3109.051 of the Revised Code, the parent who is not 7406
the residential parent shall be provided access to the center only 7407
to the extent authorized in the order. If the residential parent 7408
has presented such an order, the parent who is not the residential 7409
parent shall be permitted access to the center only in accordance 7410
with the most recent order that has been presented to the 7411
administrator or the administrator's designee by the residential 7412
parent or the parent who is not the residential parent. 7413

(c) Upon entering the premises pursuant to division (C)(3)(a) 7414
or (b) of this section, the parent who is the residential parent 7415
and legal custodian, the parent who is not the residential parent, 7416
or the custodian or guardian shall notify the administrator or the 7417
administrator's designee of the parent's, custodian's, or 7418
guardian's presence. 7419

(D) The director of job and family services, in addition to 7420
the rules adopted under division (A) of this section, shall adopt 7421
rules establishing minimum requirements for child day-care 7422
centers. The rules shall include, but not be limited to, the 7423
requirements set forth in divisions (B) and (C) of this section 7424
and sections 5104.031, 5104.032, and 5104.033 of the Revised Code. 7425
Except as provided in section 5104.07 of the Revised Code, the 7426
rules shall not change the square footage requirements of division 7427
(B)(1) or (2) of this section; the maximum number of children per 7428
child-care staff member and maximum group size requirements of 7429
division (B)(3) of this section; the educational and experience 7430
requirements of ~~division (B)(4) of this section~~ 5104.031 of the 7431
Revised Code; the age, educational, and experience requirements of 7432
~~division (B)(5) of this section~~ 5104.032 of the Revised Code; the 7433
number and type of inservice training hours required under 7434
~~division (B)(6) of this section~~ 5104.033 of the Revised Code; 7435
however, the rules shall provide procedures for determining 7436
compliance with those requirements. 7437

(E)(1) When age groups are combined, the maximum number of 7438
children per child-care staff member shall be determined by the 7439
age of the youngest child in the group, except that when no more 7440
than one child thirty months of age or older receives services in 7441
a group in which all the other children are in the next older age 7442
group, the maximum number of children per child-care staff member 7443
and maximum group size requirements of the older age group 7444
established under division (B)(3) of this section shall apply. 7445

(2) The maximum number of toddlers or ~~preschool~~ preschool-age children per child-care staff member in a room where children are napping shall be twice the maximum number of children per child-care staff member established under division (B)(3) of this section if all the following criteria are met:

(a) At least one child-care staff member is present in the room.

(b) Sufficient child-care staff members are on the child day-care center premises to meet the maximum number of children per child-care staff member requirements established under division (B)(3) of this section.

(c) Naptime preparations are complete and all napping children are resting or sleeping on cots.

(d) The maximum number established under division (E)(2) of this section is in effect for no more than two hours during a twenty-four-hour day.

(F) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family day-care homes, including, but not limited to, parent cooperative type A homes, part-time type A homes, drop-in type A homes, and ~~school~~ school-age child type A homes, which shall reflect the various forms of child care and the needs of children receiving child care. The rules shall include the following:

(1) Submission of a site plan and descriptive plan of operation to demonstrate how the type A home proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;

(2) Standards for ensuring that the physical surroundings of the type A home are safe and sanitary, including, but not limited to, the physical environment, the physical plant, and the

equipment of the type A home;	7477
(3) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;	7478 7479 7480
(4) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	7481 7482 7483 7484 7485 7486
(5) Admissions policies and procedures, health care policies and procedures, including, but not limited to, procedures for the isolation of children with communicable diseases, first aid and emergency procedures, procedures for discipline and supervision of children, standards for the provision of nutritious meals and snacks, and procedures for screening children and employees, including, but not limited to, any necessary physical examinations and immunizations;	7487 7488 7489 7490 7491 7492 7493 7494
(6) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	7495 7496 7497 7498
(7) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	7499 7500 7501
(8) Procedures for record keeping, organization, and administration;	7502 7503
(9) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	7504 7505 7506

(10) Inspection procedures;	7507
(11) Procedures and standards for setting initial license application fees;	7508 7509
(12) Procedures for receiving, recording, and responding to complaints about type A homes;	7510 7511
(13) Procedures for enforcing section 5104.04 of the Revised Code;	7512 7513
(14) A standard requiring the inclusion, on or after July 1, 1987, of a current department of job and family services toll-free telephone number on each type A home provisional license or license which any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	7514 7515 7516 7517 7518 7519
(15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	7520 7521 7522 7523
(16) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	7524 7525 7526 7527
(17) Standards for the maximum number of children per child-care staff member;	7528 7529
(18) Requirements for the amount of usable indoor floor space for each child;	7530 7531
(19) Requirements for safe outdoor play space;	7532
(20) Qualifications and training requirements for administrators and for child-care staff members;	7533 7534
(21) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to	7535 7536

the type A home during its hours of operation; 7537

(22) Standards for the preparation and distribution of a 7538
roster of parents, custodians, and guardians; 7539

(23) Any other procedures and standards necessary to carry 7540
out this chapter. 7541

(G) The director of job and family services shall adopt rules 7542
pursuant to Chapter 119. of the Revised Code governing the 7543
certification of type B family day-care homes. 7544

(1) The rules shall include all of the following: 7545

(a) Procedures, standards, and other necessary provisions for 7546
granting limited certification to type B family day-care homes 7547
that are operated by the following adult providers: 7548

(i) Persons who provide child care for eligible children who 7549
are great-grandchildren, grandchildren, nieces, nephews, or 7550
siblings of the provider or for eligible children whose caretaker 7551
parent is a grandchild, child, niece, nephew, or sibling of the 7552
provider; 7553

(ii) Persons who provide child care for eligible children all 7554
of whom are the children of the same caretaker parent; 7555

(b) Procedures for the director to ensure, that type B homes 7556
that receive a limited certification provide child care to 7557
children in a safe and sanitary manner; 7558

(c) Requirements for the type B home to notify parents with 7559
children in the type B home that the type B home is also certified 7560
as a foster home under section 5103.03 of the Revised Code. 7561

With regard to providers who apply for limited certification, 7562
a provider shall be granted a provisional limited certification on 7563
signing a declaration under oath attesting that the provider meets 7564
the standards for limited certification. Such provisional limited 7565
certifications shall remain in effect for no more than sixty 7566

calendar days and shall entitle the provider to offer publicly 7567
funded child care during the provisional period. Except as 7568
otherwise provided in division (G)(1) of this section, section 7569
5104.013 or 5104.09 of the Revised Code, or division (A)(2) of 7570
section 5104.11 of the Revised Code, prior to the expiration of 7571
the provisional limited certificate, a county department of job 7572
and family services shall inspect the home and shall grant limited 7573
certification to the provider if the provider meets the 7574
requirements of this division. Limited certificates remain valid 7575
for two years unless earlier revoked. Except as otherwise provided 7576
in division (G)(1) of this section, providers operating under 7577
limited certification shall be inspected annually. 7578

If a provider is a person described in division (G)(1)(a)(i) 7579
of this section or a person described in division (G)(1)(a)(ii) of 7580
this section who is a friend of the caretaker parent, the provider 7581
and the caretaker parent may verify in writing to the county 7582
department of job and family services that minimum health and 7583
safety requirements are being met in the home. Except as otherwise 7584
provided in section 5104.013 or 5104.09 or in division (A)(2) of 7585
section 5104.11 of the Revised Code, if such verification is 7586
provided, the county shall waive any inspection required by this 7587
chapter and grant limited certification to the provider. 7588

(2) The rules shall provide for safeguarding the health, 7589
safety, and welfare of children receiving child care or publicly 7590
funded child care in a certified type B home and shall include the 7591
following: 7592

(a) Standards for ensuring that the type B home and the 7593
physical surroundings of the type B home are safe and sanitary, 7594
including, but not limited to, physical environment, physical 7595
plant, and equipment; 7596

(b) Standards for the supervision, care, and discipline of 7597
children receiving child care or publicly funded child care in the 7598

home;	7599
(c) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	7600 7601 7602 7603 7604 7605
(d) Admission policies and procedures, health care, first aid and emergency procedures, procedures for the care of sick children, procedures for discipline and supervision of children, nutritional standards, and procedures for screening children and authorized providers, including, but not limited to, any necessary physical examinations and immunizations;	7606 7607 7608 7609 7610 7611
(e) Methods of encouraging parental participation and ensuring that the rights of children, parents, and authorized providers are protected and the responsibilities of parents and authorized providers are met;	7612 7613 7614 7615
(f) Standards for the safe transport of children when under the care of authorized providers;	7616 7617
(g) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;	7618 7619
(h) Procedures for the inspection of type B homes that require, at a minimum, that each type B home be inspected prior to certification to ensure that the home is safe and sanitary;	7620 7621 7622
(i) Procedures for record keeping and evaluation;	7623
(j) Procedures for receiving, recording, and responding to complaints;	7624 7625
(k) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving child care or publicly funded child	7626 7627 7628

care in the type B home;	7629
(1) Requirements for the amount of usable indoor floor space for each child;	7630 7631
(m) Requirements for safe outdoor play space;	7632
(n) Qualification and training requirements for authorized providers;	7633 7634
(o) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	7635 7636 7637
(p) Requirements for the type B home to notify parents with children in the type B home that the type B home is also certified as a foster home under section 5103.03 of the Revised Code;	7638 7639 7640
(q) Any other procedures and standards necessary to carry out this chapter.	7641 7642
(H) The director shall adopt rules pursuant to Chapter 119. of the Revised Code governing the certification of in-home aides. The rules shall include procedures, standards, and other necessary provisions for granting limited certification to in-home aides who provide child care for eligible children who are great-grandchildren, grandchildren, nieces, nephews, or siblings of the in-home aide or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the in-home aide. The rules shall require, and shall include procedures for the director to ensure, that in-home aides that receive a limited certification provide child care to children in a safe and sanitary manner. The rules shall provide for safeguarding the health, safety, and welfare of children receiving publicly funded child care in their own home and shall include the following:	7643 7644 7645 7646 7647 7648 7649 7650 7651 7652 7653 7654 7655 7656 7657
(1) Standards for ensuring that the child's home and the	7658

physical surroundings of the child's home are safe and sanitary, 7659
including, but not limited to, physical environment, physical 7660
plant, and equipment; 7661

(2) Standards for the supervision, care, and discipline of 7662
children receiving publicly funded child care in their own home; 7663

(3) Standards for a program of activities, and for play 7664
equipment, materials, and supplies to enhance the development of 7665
each child; however, any educational curricula, philosophies, and 7666
methodologies that are developmentally appropriate and that 7667
enhance the social, emotional, intellectual, and physical 7668
development of each child shall be permissible; 7669

(4) Health care, first aid, and emergency procedures, 7670
procedures for the care of sick children, procedures for 7671
discipline and supervision of children, nutritional standards, and 7672
procedures for screening children and in-home aides, including, 7673
but not limited to, any necessary physical examinations and 7674
immunizations; 7675

(5) Methods of encouraging parental participation and 7676
ensuring that the rights of children, parents, and in-home aides 7677
are protected and the responsibilities of parents and in-home 7678
aides are met; 7679

(6) Standards for the safe transport of children when under 7680
the care of in-home aides; 7681

(7) Procedures for issuing, renewing, denying, refusing to 7682
renew, or revoking certificates; 7683

(8) Procedures for inspection of homes of children receiving 7684
publicly funded child care in their own homes; 7685

(9) Procedures for record keeping and evaluation; 7686

(10) Procedures for receiving, recording, and responding to 7687
complaints; 7688

(11) Qualifications and training requirements for in-home aides;	7689 7690
(12) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving publicly funded child care in the child's own home;	7691 7692 7693 7694
(13) Any other procedures and standards necessary to carry out this chapter.	7695 7696
(I) To the extent that any rules adopted for the purposes of this section require a health care professional to perform a physical examination, the rules shall include as a health care professional a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife.	7697 7698 7699 7700 7701
(J)(1) The director of job and family services shall do all of the following:	7702 7703
(a) Provide or make available in either paper or electronic form to each licensee notice of proposed rules governing the licensure of child day-care centers and type A homes;	7704 7705 7706
(b) Give public notice of hearings regarding the rules to each licensee at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code;	7707 7708 7709
(c) At least thirty days before the effective date of a rule, provide, in either paper or electronic form, a copy of the adopted rule to each licensee.	7710 7711 7712
(2) The director shall do all of the following:	7713
(a) Send to each county director of job and family services a notice of proposed rules governing the certification of type B family homes and in-home aides that includes an internet web site address where the proposed rules can be viewed;	7714 7715 7716 7717
(b) Give public notice of hearings regarding the proposed	7718

rules not less than thirty days in advance; 7719

(c) Provide to each county director of job and family 7720
services an electronic copy of each adopted rule at least 7721
forty-five days prior to the rule's effective date. 7722

(3) The county director of job and family services shall 7723
provide or make available in either paper or electronic form to 7724
each authorized provider and in-home aide copies of proposed rules 7725
and shall give public notice of hearings regarding the rules to 7726
each authorized provider and in-home aide at least thirty days 7727
prior to the date of the public hearing, in accordance with 7728
section 119.03 of the Revised Code. At least thirty days before 7729
the effective date of a rule, the county director of job and 7730
family services shall provide, in either paper or electronic form, 7731
copies of the adopted rule to each authorized provider and in-home 7732
aide. 7733

(4) Additional copies of proposed and adopted rules shall be 7734
made available by the director of job and family services to the 7735
public on request at no charge. 7736

(5) The director of job and family services may adopt rules 7737
pursuant to Chapter 119. of the Revised Code for imposing 7738
sanctions on persons and entities that are licensed or certified 7739
under this chapter. Sanctions may be imposed only for an action or 7740
omission that constitutes a serious risk noncompliance. The 7741
sanctions imposed shall be based on the scope and severity of the 7742
violations. 7743

The director shall make a dispute resolution process 7744
available for the implementation of sanctions. The process may 7745
include an opportunity for appeal pursuant to Chapter 119. of the 7746
Revised Code. 7747

(6) The director of job and family services shall adopt rules 7748
pursuant to Chapter 119. of the Revised Code that establish 7749

standards for the training of individuals whom any county 7750
department of job and family services employs, with whom any 7751
county department of job and family services contracts, or with 7752
whom the director of job and family services contracts, to inspect 7753
or investigate type B family day-care homes pursuant to section 7754
5104.11 of the Revised Code. The department shall provide training 7755
in accordance with those standards for individuals in the 7756
categories described in this division. 7757

(K) The director of job and family services shall review all 7758
rules adopted pursuant to this chapter at least once every seven 7759
years. 7760

(L) Notwithstanding any provision of the Revised Code, the 7761
director of job and family services shall not regulate in any way 7762
under this chapter or rules adopted pursuant to this chapter, 7763
instruction in religious or moral doctrines, beliefs, or values. 7764

Sec. 5104.02. (A) The director of job and family services is 7765
responsible for the licensing of child day-care centers and type A 7766
family day-care homes. Each entity operating a head start program 7767
shall meet the criteria for, and be licensed as, a child day-care 7768
center. The director is responsible for the enforcement of this 7769
chapter and of rules promulgated pursuant to this chapter. 7770

No person, firm, organization, institution, or agency shall 7771
operate, establish, manage, conduct, or maintain a child day-care 7772
center or type A family day-care home without a license issued 7773
under section 5104.03 of the Revised Code. The current license 7774
shall be posted in a conspicuous place in the center or type A 7775
home that is accessible to parents, custodians, or guardians and 7776
employees of the center or type A home at all times when the 7777
center or type A home is in operation. 7778

(B) A person, firm, institution, organization, or agency 7779
operating any of the following programs is exempt from the 7780

requirements of this chapter:	7781
(1) A program of child care that operates for two or less consecutive weeks;	7782 7783
(2) Child care in places of worship during religious activities during which children are cared for while at least one parent, guardian, or custodian of each child is participating in such activities and is readily available;	7784 7785 7786 7787
(3) Religious activities which do not provide child care;	7788
(4) Supervised training, instruction, or activities of children in specific areas, including, but not limited to: art; drama; dance; music; gymnastics, swimming, or another athletic skill or sport; computers; or an educational subject conducted on an organized or periodic basis no more than one day a week and for no more than six hours duration;	7789 7790 7791 7792 7793 7794
(5) Programs in which the director determines that at least one parent, custodian, or guardian of each child is on the premises of the facility offering child care and is readily accessible at all times, except that child care provided on the premises at which a parent, custodian, or guardian is employed more than two and one-half hours a day shall be licensed in accordance with division (A) of this section;	7795 7796 7797 7798 7799 7800 7801
(6)(a) Programs that provide child care funded and regulated or operated and regulated by state departments other than the department of job and family services or the state board of education when the director of job and family services has determined that the rules governing the program are equivalent to or exceed the rules promulgated pursuant to this chapter.	7802 7803 7804 7805 7806 7807
Notwithstanding any exemption from regulation under this chapter, each state department shall submit to the director of job and family services a copy of the rules that govern programs that provide child care and are regulated or operated and regulated by	7808 7809 7810 7811

the department. Annually, each state department shall submit to 7812
the director a report for each such program it regulates or 7813
operates and regulates that includes the following information: 7814

(i) The site location of the program; 7815

(ii) The maximum number of infants, toddlers, ~~preschool~~ 7816
preschool-age children, or ~~school~~ school-age children served by 7817
the program at one time; 7818

(iii) The number of adults providing child care for the 7819
number of infants, toddlers, ~~preschool~~ preschool-age children, or 7820
~~school~~ school-age children; 7821

(iv) Any changes in the rules made subsequent to the time 7822
when the rules were initially submitted to the director. 7823

The director shall maintain a record of the child care 7824
information submitted by other state departments and shall provide 7825
this information upon request to the general assembly or the 7826
public. 7827

(b) Child care programs conducted by boards of education or 7828
by chartered nonpublic schools that are conducted in school 7829
buildings and that provide child care to ~~school~~ school-age 7830
children only shall be exempt from meeting or exceeding rules 7831
promulgated pursuant to this chapter. 7832

(7) Any preschool program or school child program, except a 7833
head start program, that is subject to licensure by the department 7834
of education under sections 3301.52 to 3301.59 of the Revised 7835
Code. 7836

(8) Any program providing child care that meets all of the 7837
following requirements and, on October 20, 1987, was being 7838
operated by a nonpublic school that holds a charter issued by the 7839
state board of education for kindergarten only: 7840

(a) The nonpublic school has given the notice to the state 7841

board and the director of job and family services required by 7842
Section 4 of Substitute House Bill No. 253 of the 117th general 7843
assembly; 7844

(b) The nonpublic school continues to be chartered by the 7845
state board for kindergarten, or receives and continues to hold a 7846
charter from the state board for kindergarten through grade five; 7847

(c) The program is conducted in a school building; 7848

(d) The program is operated in accordance with rules 7849
promulgated by the state board under sections 3301.52 to 3301.57 7850
of the Revised Code. 7851

(9) A youth development program operated outside of school 7852
hours by a community-based center to which all of the following 7853
apply: 7854

(a) The children enrolled in the program are under nineteen 7855
years of age and enrolled in or eligible to be enrolled in a grade 7856
of kindergarten or above. 7857

(b) The program provides informal child care and at least two 7858
of the following supervised activities: educational, recreational, 7859
culturally enriching, social, and personal development activities. 7860

(c) The program is eligible for participation in the child 7861
and adult care food program as an outside-school-hours care center 7862
pursuant to standards established under section 3313.813 of the 7863
Revised Code. 7864

(d) The community-based center operating the program is 7865
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 7866
and (c)(3). 7867

Sec. 5104.031. (A) A child day-care center administrator 7868
shall show the director of job and family services both of the 7869
following: 7870

<u>(1) Evidence of at least high school graduation or</u>	7871
<u>certification of high school equivalency by the state board of</u>	7872
<u>education or the appropriate agency of another state;</u>	7873
<u>(2) Evidence of having at least one of the following:</u>	7874
<u>(a) An associate, bachelor's, master's, doctoral, or other</u>	7875
<u>postgraduate degree in child development or early childhood</u>	7876
<u>education, or in a related field approved by the director, from an</u>	7877
<u>accredited college, university, or technical college;</u>	7878
<u>(b) A license designated as appropriate for teaching in an</u>	7879
<u>associate teaching position in a preschool setting issued by the</u>	7880
<u>state board of education pursuant to section 3319.22 of the</u>	7881
<u>Revised Code;</u>	7882
<u>(c) Designation under the career pathways model as an early</u>	7883
<u>childhood professional level three;</u>	7884
<u>(d) Two years of experience working as a child-care staff</u>	7885
<u>member in a licensed child care program, designation under the</u>	7886
<u>career pathways model as an early childhood professional level</u>	7887
<u>one, and, not later than one year after being named as</u>	7888
<u>administrator, designation under the career pathways model as an</u>	7889
<u>early childhood professional level two;</u>	7890
<u>(e) Two years of experience working as a child-care staff</u>	7891
<u>member in a licensed child care program and, except as provided in</u>	7892
<u>division (B) of this section, at least four courses in child</u>	7893
<u>development or early childhood education from an accredited</u>	7894
<u>college, university, or technical college;</u>	7895
<u>(f) Two years of experience working as a child-care staff</u>	7896
<u>member in a licensed child care program and a child development</u>	7897
<u>associate credential issued by the council for professional</u>	7898
<u>recognition;</u>	7899
<u>(g) Two years of training, including at least four courses in</u>	7900

child development or early childhood education from an accredited college, university, or technical college; 7901
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(h) An infant and toddler or early childhood credential from a program accredited by the Montessori accreditation council for teacher education. 7903
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(B) A person who has two years of experience working as a child-care staff member in a child day-care center and is promoted to or designated as administrator of that center shall have one year from the date of the promotion or designation to complete the courses required by division (A)(1)(e) of this section. 7906
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Sec. 5104.032. (A) All child-care staff members of a child day-care center shall be at least eighteen years of age, and shall furnish the director of job and family services evidence of at least high school graduation or certification of high school equivalency by the state board of education or the appropriate agency of another state or evidence of completion of a training program approved by the department of job and family services or state board of education, except as follows: 7911
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(B) A child-care staff member may be less than eighteen years of age if the staff member is either of the following: 7919
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(1) A graduate of a two-year vocational child-care training program approved by the state board of education; 7921
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(2) A student enrolled in the second year of a vocational child-care training program approved by the state board of education which leads to high school graduation, provided that the student performs the student's duties in the child day-care center under the continuous supervision of an experienced child-care staff member, receives periodic supervision from the vocational child-care training program teacher-coordinator in the student's high school, and meets all other requirements of this chapter and 7923
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rules adopted pursuant to this chapter. 7931

(C) A child-care staff member shall be exempt from the 7932
educational requirements of division (A) of this section if the 7933
staff member: 7934

(1) Prior to January 1, 1972, was employed or designated by a 7935
child day-care center and has been continuously employed since 7936
either by the same child day-care center employer or at the same 7937
child day-care center; 7938

(2) Is a student enrolled in the second year of a vocational 7939
child-care training program approved by the state board of 7940
education which leads to high school graduation, provided that the 7941
student performs the student's duties in the child day-care center 7942
under the continuous supervision of an experienced child-care 7943
staff member, receives periodic supervision from the vocational 7944
child-care training program teacher-coordinator in the student's 7945
high school, and meets all other requirements of this chapter and 7946
rules adopted pursuant to this chapter; 7947

(3) Is receiving or has completed the final year of 7948
instruction at home as authorized under section 3321.04 of the 7949
Revised Code or has graduated from a nonchartered, nonpublic 7950
school in Ohio. 7951

Sec. 5104.033. (A) Except as provided in division (B) of this 7952
section, each child-care staff member of a child day-care center 7953
annually shall complete fifteen hours of inservice training that 7954
includes the following subjects until the staff member has 7955
completed a total of forty-five hours of training: 7956

(1) Child development or early childhood education; 7957

(2) Child abuse recognition and prevention; 7958

(3) First aid; 7959

(4) Prevention, recognition, and management of communicable 7960

diseases. 7961

(B) A child-care staff member is exempt from the inservice training requirements established by division (A) of this section if the staff member furnishes one of the following to the director of job and family services: 7962
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(1) Evidence of an associate or higher degree in child development or early childhood education from an accredited college, university, or technical college; 7966
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(2) A license designated for teaching in an associate teaching position in a preschool setting issued by the state board of education; 7969
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(3) Evidence of a child development associate credential; 7972

(4) Evidence of an infant and toddler or early childhood credential from a program accredited by the Montessori accreditation council for teacher education. 7973
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(C) For purposes of this section, each hour of inservice training shall consist of sixty minutes of training. 7976
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Sec. 5104.21. (A) The department of job and family services shall register child day camps and enforce this section and section 5104.22 of the Revised Code and the rules adopted pursuant to those sections. No person, firm, organization, institution, or agency shall operate a child day camp without annually registering with the department. 7978
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(B) A person, firm, institution, organization, or agency operating any of the following programs is exempt from the provisions of this section and section 5104.22 of the Revised Code: 7984
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(1) A child day camp that operates for two or less consecutive weeks and for no more than a total of two weeks during each calendar year; 7988
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(2) Supervised training, instruction, or activities of 7991
children that is conducted on an organized or periodic basis no 7992
more than one day a week and for no more than six hours' duration 7993
and that is conducted in specific areas, including, but not 7994
limited to, art; drama; dance; music; gymnastics, swimming, or 7995
another athletic skill or sport; computers; or an educational 7996
subject; 7997

(3) Programs in which the department determines that at least 7998
one parent, custodian, or guardian of each child attending or 7999
participating in the child day camp is on the child day camp 8000
activity site and is readily accessible at all times, except that 8001
a child day camp on the premises of a parent's, custodian's, or 8002
guardian's place of employment shall be registered in accordance 8003
with division (A) of this section; 8004

(4) Child day camps funded and regulated or operated and 8005
regulated by any state department, other than the department of 8006
job and family services, when the department of job and family 8007
services has determined that the rules governing the child day 8008
camp are equivalent to or exceed the rules adopted pursuant to 8009
this section and section 5104.22 of the Revised Code. 8010

(C) A person, firm, organization, institution, or agency 8011
operating a child day camp that is exempt under division (B) of 8012
this section from registering under division (A) of this section 8013
may elect to register itself under division (A) of this section. 8014
All requirements of this section and the rules adopted pursuant to 8015
this section shall apply to any exempt child day camp that so 8016
elects to register. 8017

(D) The director of job and family services shall adopt 8018
pursuant to Chapter 119. of the Revised Code rules prescribing the 8019
registration form and establishing the procedure for the child day 8020
camps to register. The form shall not be longer than one 8021
typewritten page and shall state both of the following: 8022

(1) That the child day camp administrator or the administrator's representative agrees to provide the parents of each ~~school~~ school-age child who attends or participates in that child day camp with the telephone number of the county department of health and the public children services agency of the county in which the child day camp is located;

(2) That the child day camp administrator or the administrator's representative agrees to permit a public children services agency or the county department of health to review or inspect the child day camp if a complaint is made to that department or any other state department or public children services agency against that child day camp.

(E) The department may charge a fee to register a child day camp. The fee for each child day camp shall be twenty-five dollars. No organization that operates, or owner of, child day camps shall pay a fee that exceeds two hundred fifty dollars for all of its child day camps.

(F) If a child day camp that is required to register under this section fails to register with the department in accordance with this section or the rules adopted pursuant to it or if a child day camp that files a registration form under this section knowingly provides false or misleading information on the registration form, the department shall require the child day camp to register or register correctly and to pay a registration fee that equals three times the registration fee as set forth in division (E) of this section.

(G) A child day camp administrator or the administrator's representative shall provide the parents of each ~~school~~ school-age child who attends or participates in that child day camp with the telephone numbers of the county department of health and the county public children services agency of the county in which the child day camp is located and a statement that the parents may use

these telephone numbers to contact or otherwise contact the 8055
departments or agency to make a complaint regarding the child day 8056
camp. 8057

Sec. 5104.30. (A) The department of job and family services 8058
is hereby designated as the state agency responsible for 8059
administration and coordination of federal and state funding for 8060
publicly funded child care in this state. Publicly funded child 8061
care shall be provided to the following: 8062

(1) Recipients of transitional child care as provided under 8063
section 5104.34 of the Revised Code; 8064

(2) Participants in the Ohio works first program established 8065
under Chapter 5107. of the Revised Code; 8066

(3) Individuals who would be participating in the Ohio works 8067
first program if not for a sanction under section 5107.16 of the 8068
Revised Code and who continue to participate in a work activity, 8069
developmental activity, or alternative work activity pursuant to 8070
an assignment under section 5107.42 of the Revised Code; 8071

(4) A family receiving publicly funded child care on October 8072
1, 1997, until the family's income reaches one hundred fifty per 8073
cent of the federal poverty line; 8074

(5) Subject to available funds, other individuals determined 8075
eligible in accordance with rules adopted under section 5104.38 of 8076
the Revised Code. 8077

The department shall apply to the United States department of 8078
health and human services for authority to operate a coordinated 8079
program for publicly funded child care, if the director of job and 8080
family services determines that the application is necessary. For 8081
purposes of this section, the department of job and family 8082
services may enter into agreements with other state agencies that 8083
are involved in regulation or funding of child care. The 8084

department shall consider the special needs of migrant workers 8085
when it administers and coordinates publicly funded child care and 8086
shall develop appropriate procedures for accommodating the needs 8087
of migrant workers for publicly funded child care. 8088

(B) The department of job and family services shall 8089
distribute state and federal funds for publicly funded child care, 8090
including appropriations of state funds for publicly funded child 8091
care and appropriations of federal funds available under the child 8092
care block grant act, Title IV-A, and Title XX. The department may 8093
use any state funds appropriated for publicly funded child care as 8094
the state share required to match any federal funds appropriated 8095
for publicly funded child care. 8096

(C) In the use of federal funds available under the child 8097
care block grant act, all of the following apply: 8098

(1) The department may use the federal funds to hire staff to 8099
prepare any rules required under this chapter and to administer 8100
and coordinate federal and state funding for publicly funded child 8101
care. 8102

(2) Not more than five per cent of the aggregate amount of 8103
the federal funds received for a fiscal year may be expended for 8104
administrative costs. 8105

(3) The department shall allocate and use at least four per 8106
cent of the federal funds for the following: 8107

(a) Activities designed to provide comprehensive consumer 8108
education to parents and the public; 8109

(b) Activities that increase parental choice; 8110

(c) Activities, including child care resource and referral 8111
services, designed to improve the quality, and increase the 8112
supply, of child care; 8113

(d) Establishing a ~~voluntary child day care center~~ 8114

~~quality rating program~~ tiered quality rating and improvement 8115
system in which participation in the program may allow a child 8116
day-care ~~center~~ providers to be eligible for grants, technical 8117
assistance, training, or other assistance and become eligible for 8118
unrestricted monetary awards for maintaining a quality rating. 8119

(4) The department shall ensure that the federal funds will 8120
be used only to supplement, and will not be used to supplant, 8121
federal, state, and local funds available on the effective date of 8122
the child care block grant act for publicly funded child care and 8123
related programs. If authorized by rules adopted by the department 8124
pursuant to section 5104.42 of the Revised Code, county 8125
departments of job and family services may purchase child care 8126
from funds obtained through any other means. 8127

(D) The department shall encourage the development of 8128
suitable child care throughout the state, especially in areas with 8129
high concentrations of recipients of public assistance and 8130
families with low incomes. The department shall encourage the 8131
development of suitable child care designed to accommodate the 8132
special needs of migrant workers. On request, the department, 8133
through its employees or contracts with state or community child 8134
care resource and referral service organizations, shall provide 8135
consultation to groups and individuals interested in developing 8136
child care. The department of job and family services may enter 8137
into interagency agreements with the department of education, the 8138
board of regents, the department of development, and other state 8139
agencies and entities whenever the cooperative efforts of the 8140
other state agencies and entities are necessary for the department 8141
of job and family services to fulfill its duties and 8142
responsibilities under this chapter. 8143

The department shall develop and maintain a registry of 8144
persons providing child care. The director shall adopt rules 8145
pursuant to Chapter 119. of the Revised Code establishing 8146

procedures and requirements for the registry's administration. 8147

(E)(1) The director shall adopt rules in accordance with 8148
Chapter 119. of the Revised Code establishing both of the 8149
following: 8150

(a) Reimbursement ceilings for providers of publicly funded 8151
child care not later than the first day of July in each 8152
odd-numbered year; 8153

(b) A procedure for reimbursing and paying providers of 8154
publicly funded child care. 8155

(2) In establishing reimbursement ceilings under division 8156
(E)(1)(a) of this section, the director shall do all of the 8157
following: 8158

(a) Use the information obtained under division (B)(3) of 8159
section 5104.04 of the Revised Code; 8160

(b) Establish an enhanced reimbursement ceiling for providers 8161
who provide child care for caretaker parents who work 8162
nontraditional hours; 8163

(c) For a type B family day-care home provider that has 8164
received limited certification pursuant to rules adopted under 8165
division (G)(1) of section 5104.011 of the Revised Code, establish 8166
a reimbursement ceiling that is the following: 8167

(i) If the provider is a person described in division 8168
(G)(1)(a)(i) of section 5104.011 of the Revised Code, seventy-five 8169
per cent of the reimbursement ceiling that applies to a type B 8170
family day-care home certified by the same county department of 8171
job and family services pursuant to section 5104.11 of the Revised 8172
Code; 8173

(ii) If the provider is a person described in division 8174
(G)(1)(a)(ii) of section 5104.011 of the Revised Code, sixty per 8175
cent of the reimbursement ceiling that applies to a type B family 8176

day-care home certified by the same county department pursuant to 8177
section 5104.11 of the Revised Code. 8178

(d) With regard to the ~~voluntary child day care center~~ 8179
~~quality rating program~~ tiered quality rating and improvement 8180
system established pursuant to division (C)(3)(d) of this section, 8181
do both of the following: 8182

(i) Establish enhanced reimbursement ceilings for child 8183
day-care ~~centers~~ providers that participate in the ~~program~~ system 8184
and maintain quality ratings under the ~~program~~ system; 8185

(ii) Weigh any reduction in reimbursement ceilings more 8186
heavily against child day-care ~~centers~~ providers that do not 8187
participate in the ~~program~~ system or do not maintain quality 8188
ratings under the ~~program~~ system. 8189

(3) In establishing reimbursement ceilings under division 8190
(E)(1)(a) of this section, the director may establish different 8191
reimbursement ceilings based on any of the following: 8192

(a) Geographic location of the provider; 8193

(b) Type of care provided; 8194

(c) Age of the child served; 8195

(d) Special needs of the child served; 8196

(e) Whether the expanded hours of service are provided; 8197

(f) Whether weekend service is provided; 8198

(g) Whether the provider has exceeded the minimum 8199
requirements of state statutes and rules governing child care; 8200

(h) Any other factors the director considers appropriate. 8201

(F) The director shall adopt rules in accordance with Chapter 8202
119. of the Revised Code to implement the ~~voluntary child day care~~ 8203
~~center quality rating program~~ tiered quality rating and 8204
improvement system described in division (C)(3)(d) of this 8205

section. 8206

Sec. 5104.31. (A) Publicly funded child care may be provided 8207
only by the following: 8208

(1) A child day-care center or type A family day-care home, 8209
including a parent cooperative child day-care center or parent 8210
cooperative type A family day-care home, licensed by the 8211
department of job and family services pursuant to section 5104.03 8212
of the Revised Code; 8213

(2) A type B family day-care home certified by the county 8214
department of job and family services pursuant to section 5104.11 8215
of the Revised Code; 8216

(3) A type B family day-care home that has received a limited 8217
certification pursuant to rules adopted under division (G)(1) of 8218
section 5104.011 of the Revised Code; 8219

(4) An in-home aide who has been certified by the county 8220
department of job and family services pursuant to section 5104.12 8221
of the Revised Code; 8222

(5) A child day camp approved pursuant to section 5104.22 of 8223
the Revised Code; 8224

(6) A licensed preschool program; 8225

(7) A licensed school child program; 8226

(8) A border state child care provider, except that a border 8227
state child care provider may provide publicly funded child care 8228
only to an individual who resides in an Ohio county that borders 8229
the state in which the provider is located. 8230

(B) Publicly funded child day-care may be provided in a 8231
child's own home only by an in-home aide. 8232

(C) Beginning July 1, 2020, publicly funded child care may be 8233
provided only by a provider that is rated through the tiered 8234

quality rating and improvement system established pursuant to 8235
section 5104.30 of the Revised Code. 8236

Sec. 5104.34. (A)(1) Each county department of job and family 8237
services shall implement procedures for making determinations of 8238
eligibility for publicly funded child care. Under those 8239
procedures, the eligibility determination for each applicant shall 8240
be made no later than thirty calendar days from the date the 8241
county department receives a completed application for publicly 8242
funded child care. Each applicant shall be notified promptly of 8243
the results of the eligibility determination. An applicant 8244
aggrieved by a decision or delay in making an eligibility 8245
determination may appeal the decision or delay to the department 8246
of job and family services in accordance with section 5101.35 of 8247
the Revised Code. The due process rights of applicants shall be 8248
protected. 8249

To the extent permitted by federal law, the county department 8250
may make all determinations of eligibility for publicly funded 8251
child care, may contract with child care providers or child care 8252
resource and referral service organizations for the providers or 8253
resource and referral service organizations to make all or any 8254
part of the determinations, and may contract with child care 8255
providers or child care resource and referral service 8256
organizations for the providers or resource and referral service 8257
organizations to collect specified information for use by the 8258
county department in making determinations. If a county department 8259
contracts with a child care provider or a child care resource and 8260
referral service organization for eligibility determinations or 8261
for the collection of information, the contract shall require the 8262
provider or resource and referral service organization to make 8263
each eligibility determination no later than thirty calendar days 8264
from the date the provider or resource and referral organization 8265
receives a completed application that is the basis of the 8266

determination and to collect and transmit all necessary 8267
information to the county department within a period of time that 8268
enables the county department to make each eligibility 8269
determination no later than thirty days after the filing of the 8270
application that is the basis of the determination. 8271

The county department may station employees of the department 8272
in various locations throughout the county to collect information 8273
relevant to applications for publicly funded child care and to 8274
make eligibility determinations. The county department, child care 8275
provider, and child care resource and referral service 8276
organization shall make each determination of eligibility for 8277
publicly funded child care no later than thirty days after the 8278
filing of the application that is the basis of the determination, 8279
shall make each determination in accordance with any relevant 8280
rules adopted pursuant to section 5104.38 of the Revised Code, and 8281
shall notify promptly each applicant for publicly funded child 8282
care of the results of the determination of the applicant's 8283
eligibility. 8284

The director of job and family services shall adopt rules in 8285
accordance with Chapter 119. of the Revised Code for monitoring 8286
the eligibility determination process. In accordance with those 8287
rules, the state department shall monitor eligibility 8288
determinations made by county departments of job and family 8289
services and shall direct any entity that is not in compliance 8290
with this division or any rule adopted under this division to 8291
implement corrective action specified by the department. 8292

(2) All eligibility determinations for publicly funded child 8293
care shall be made in accordance with rules adopted pursuant to 8294
division (A) of section 5104.38 of the Revised Code and, if a 8295
county department of job and family services specifies, pursuant 8296
to rules adopted under division (B) of that section, a maximum 8297
amount of income a family may have to be eligible for publicly 8298

funded child care, the income maximum specified by the county 8299
department. Publicly funded child care may be provided only to 8300
eligible infants, toddlers, ~~preschool~~ preschool-age children, and 8301
~~school~~ school-age children under age thirteen. For an applicant to 8302
be eligible for publicly funded child care, the caretaker parent 8303
must be employed or participating in a program of education or 8304
training for an amount of time reasonably related to the time that 8305
the parent's children are receiving publicly funded child care. 8306
This restriction does not apply to families whose children are 8307
eligible for protective child care. 8308

Subject to available funds, a county department of job and 8309
family services shall allow a family to receive publicly funded 8310
child care unless the family's income exceeds the maximum income 8311
eligibility limit. Initial and continued eligibility for publicly 8312
funded child care is subject to available funds unless the family 8313
is receiving child care pursuant to division (A)(1), (2), (3), or 8314
(4) of section 5104.30 of the Revised Code. If the county 8315
department must limit eligibility due to lack of available funds, 8316
it shall give first priority for publicly funded child care to an 8317
assistance group whose income is not more than the maximum income 8318
eligibility limit that received transitional child care in the 8319
previous month but is no longer eligible because the twelve-month 8320
period has expired. Such an assistance group shall continue to 8321
receive priority for publicly funded child care until its income 8322
exceeds the maximum income eligibility limit. 8323

(3) An assistance group that ceases to participate in the 8324
Ohio works first program established under Chapter 5107. of the 8325
Revised Code is eligible for transitional child care at any time 8326
during the immediately following twelve-month period that both of 8327
the following apply: 8328

(a) The assistance group requires child care due to 8329
employment; 8330

(b) The assistance group's income is not more than one 8331
hundred fifty per cent of the federal poverty line. 8332

An assistance group ineligible to participate in the Ohio 8333
works first program pursuant to section 5101.83 or section 5107.16 8334
of the Revised Code is not eligible for transitional child care. 8335

(B) To the extent permitted by federal law, a county 8336
department of job and family services may require a caretaker 8337
parent determined to be eligible for publicly funded child care to 8338
pay a fee according to the schedule of fees established in rules 8339
adopted under section 5104.38 of the Revised Code. Each county 8340
department shall make protective child care services available to 8341
children without regard to the income or assets of the caretaker 8342
parent of the child. 8343

(C) A caretaker parent receiving publicly funded child care 8344
shall report to the entity that determined eligibility any changes 8345
in status with respect to employment or participation in a program 8346
of education or training not later than ten calendar days after 8347
the change occurs. 8348

(D) If a county department of job and family services 8349
determines that available resources are not sufficient to provide 8350
publicly funded child care to all eligible families who request 8351
it, the county department may establish a waiting list. A county 8352
department may establish separate waiting lists within the waiting 8353
list based on income. When resources become available to provide 8354
publicly funded child care to families on the waiting list, a 8355
county department that establishes a waiting list shall assess the 8356
needs of the next family scheduled to receive publicly funded 8357
child care. If the assessment demonstrates that the family 8358
continues to need and is eligible for publicly funded child care, 8359
the county department shall offer it to the family. If the county 8360
department determines that the family is no longer eligible or no 8361
longer needs publicly funded child care, the county department 8362

shall remove the family from the waiting list. 8363

(E) A caretaker parent shall not receive full-time publicly 8364
funded child care from more than one child care provider per child 8365
during any period. 8366

(F) As used in this section, "maximum income eligibility 8367
limit" means the amount of income specified in rules adopted under 8368
division (A) of section 5104.38 of the Revised Code or, if a 8369
county department of job and family services specifies a higher 8370
amount pursuant to rules adopted under division (B) of that 8371
section, the amount the county department specifies. 8372

Sec. 5104.38. In addition to any other rules adopted under 8373
this chapter, the director of job and family services shall adopt 8374
rules in accordance with Chapter 119. of the Revised Code 8375
governing financial and administrative requirements for publicly 8376
funded child care and establishing all of the following: 8377

(A) Procedures and criteria to be used in making 8378
determinations of eligibility for publicly funded child care that 8379
give priority to children of families with lower incomes and 8380
procedures and criteria for eligibility for publicly funded 8381
protective child care. The rules shall specify the maximum amount 8382
of income a family may have for initial and continued eligibility. 8383
The maximum amount shall not exceed two hundred per cent of the 8384
federal poverty line. The rules may specify exceptions to the 8385
eligibility requirements in the case of a family that previously 8386
received publicly funded child care and is seeking to have the 8387
child care reinstated after the family's eligibility was 8388
terminated. 8389

(B) Procedures under which a county department of job and 8390
family services may, if the department, under division (A) of this 8391
section, specifies a maximum amount of income a family may have 8392
for eligibility for publicly funded child care that is less than 8393

the maximum amount specified in that division, specify a maximum 8394
amount of income a family residing in the county the county 8395
department serves may have for initial and continued eligibility 8396
for publicly funded child care that is higher than the amount 8397
specified by the department but does not exceed the maximum amount 8398
specified in division (A) of this section; 8399

(C) A schedule of fees requiring all eligible caretaker 8400
parents to pay a fee for publicly funded child care according to 8401
income and family size, which shall be uniform for all types of 8402
publicly funded child care, except as authorized by rule, and, to 8403
the extent permitted by federal law, shall permit the use of state 8404
and federal funds to pay the customary deposits and other advance 8405
payments that a provider charges all children who receive child 8406
care from that provider. The schedule of fees may not provide for 8407
a caretaker parent to pay a fee that exceeds ten per cent of the 8408
parent's family income. 8409

(D) A formula for determining the amount of state and federal 8410
funds appropriated for publicly funded child care that may be 8411
allocated to a county department to use for administrative 8412
purposes; 8413

(E) Procedures to be followed by the department and county 8414
departments in recruiting individuals and groups to become 8415
providers of child care; 8416

(F) Procedures to be followed in establishing state or local 8417
programs designed to assist individuals who are eligible for 8418
publicly funded child care in identifying the resources available 8419
to them and to refer the individuals to appropriate sources to 8420
obtain child care; 8421

(G) Procedures to deal with fraud and abuse committed by 8422
either recipients or providers of publicly funded child care; 8423

(H) Procedures for establishing a child care grant or loan 8424

program in accordance with the child care block grant act; 8425

(I) Standards and procedures for applicants to apply for 8426
grants and loans, and for the department to make grants and loans; 8427

(J) A definition of "person who stands in loco parentis" for 8428
the purposes of division ~~(JJ)~~(KK)(1) of section 5104.01 of the 8429
Revised Code; 8430

(K) Procedures for a county department of job and family 8431
services to follow in making eligibility determinations and 8432
redeterminations for publicly funded child care available through 8433
telephone, computer, and other means at locations other than the 8434
county department; 8435

(L) If the director establishes a different reimbursement 8436
ceiling under division (E)(3)(d) of section 5104.30 of the Revised 8437
Code, standards and procedures for determining the amount of the 8438
higher payment that is to be issued to a child care provider based 8439
on the special needs of the child being served; 8440

(M) To the extent permitted by federal law, procedures for 8441
paying for up to thirty days of child care for a child whose 8442
caretaker parent is seeking employment, taking part in employment 8443
orientation activities, or taking part in activities in 8444
anticipation of enrolling in or attending an education or training 8445
program or activity, if the employment or the education or 8446
training program or activity is expected to begin within the 8447
thirty-day period; 8448

(N) Any other rules necessary to carry out sections 5104.30 8449
to 5104.43 of the Revised Code. 8450

Sec. 5123.022. It is hereby declared to be the policy of this 8451
state that employment services for individuals with developmental 8452
disabilities be directed at placement whenever possible of each 8453
individual in a position in the community in which the individual 8454

is integrated with the employer's other workers who are not 8455
developmentally disabled. The departments of developmental 8456
disabilities, education, job and family services, and mental 8457
health; the rehabilitation services commission; and each other 8458
state agency that provides employment services to individuals with 8459
developmental disabilities shall implement this policy and ensure 8460
that it is followed whenever employment services are provided to 8461
individuals with developmental disabilities. 8462

The department of developmental disabilities shall coordinate 8463
the actions taken by state agencies to comply with the state's 8464
policy. Agencies shall collaborate within their divisions and with 8465
each other to ensure that state programs, policies, procedures, 8466
and funding support competitive and integrated employment of 8467
individuals with developmental disabilities. State agencies shall 8468
share information with the department, and the department shall 8469
track progress toward full implementation of the policy. The 8470
department, in coordination with any task force established by the 8471
governor, shall compile data and annually submit to the governor a 8472
report on implementation of the policy. 8473

The department and state agencies may adopt rules to 8474
implement the policy. 8475

The policy articulated in this section is intended to promote 8476
the right of each individual with a developmental disability to 8477
informed choice; however, nothing in this section requires any 8478
employer to give preference in hiring to an individual because the 8479
individual has a disability. 8480

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 8481
the Revised Code: 8482

(1) "School district," "joint vocational school district," 8483
"local taxing unit," "recognized valuation," "fixed-rate levy," 8484

and "fixed-sum levy" have the same meanings as used in section 8485
5727.84 of the Revised Code. 8486

(2) "State education aid" for a school district means the 8487
following: 8488

(a) For fiscal years prior to fiscal year 2010, the sum of 8489
state aid amounts computed for the district under the following 8490
provisions, as they existed for the applicable fiscal year: 8491
division (A) of section 3317.022 of the Revised Code, including 8492
the amounts calculated under sections 3317.029 and 3317.0217 of 8493
the Revised Code; divisions (C)(1), (C)(4), (D), (E), and (F) of 8494
section 3317.022; divisions (B), (C), and (D) of section 3317.023; 8495
divisions (L) and (N) of section 3317.024; section 3317.0216; and 8496
any unit payments for gifted student services paid under sections 8497
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 8498
for fiscal years 2008 and 2009, the amount computed for the 8499
district under Section 269.20.80 of H.B. 119 of the 127th general 8500
assembly and as that section subsequently may be amended shall be 8501
substituted for the amount computed under division (D) of section 8502
3317.022 of the Revised Code, and the amount computed under 8503
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 8504
that section subsequently may be amended shall be included. 8505

(b) For fiscal years 2010 and 2011, the sum of the amounts 8506
computed under former sections 3306.052, 3306.12, 3306.13, 8507
3306.19, 3306.191, and 3306.192 of the Revised Code; 8508

(c) For fiscal years 2012 and 2013, the ~~amount~~ sum of the 8509
amounts paid in accordance with the section under Sections 8510
267.30.50, 267.30.53, and 267.30.56 of H.B. 153 of the 129th 8511
general assembly ~~entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND~~ 8512
~~LOCAL SCHOOL DISTRICTS."~~ 8513

(3) "State education aid" for a joint vocational school 8514
district means the following: 8515

(a) For fiscal years prior to fiscal year 2010, the sum of the state aid computed for the district under division (N) of section 3317.024 and section 3317.16 of the Revised Code, except that, for fiscal years 2008 and 2009, the amount computed under Section 269.30.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be included.

(b) For fiscal years 2010 and 2011, the amount paid in accordance with ~~the section~~ Section 265.30.50 of H.B. 1 of the 128th general assembly ~~entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."~~

(c) For fiscal years 2012 and 2013, the amount paid in accordance with ~~the section~~ Section 267.30.60 of H.B. 153 of the 129th general assembly ~~entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."~~

(4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code.

(5) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section.

(6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section.

(7) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section.

(8) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section.

(9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section.

(10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section.

(11) "Total fixed-rate levy loss" means the sum of the

machinery and equipment fixed-rate levy loss, the inventory 8546
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 8547
loss, and the telephone company fixed-rate levy loss. 8548

(12) "Fixed-sum levy loss" means the amount determined under 8549
division (E) of this section. 8550

(13) "Machinery and equipment" means personal property 8551
subject to the assessment rate specified in division (F) of 8552
section 5711.22 of the Revised Code. 8553

(14) "Inventory" means personal property subject to the 8554
assessment rate specified in division (E) of section 5711.22 of 8555
the Revised Code. 8556

(15) "Furniture and fixtures" means personal property subject 8557
to the assessment rate specified in division (G) of section 8558
5711.22 of the Revised Code. 8559

(16) "Qualifying levies" are levies in effect for tax year 8560
2004 or applicable to tax year 2005 or approved at an election 8561
conducted before September 1, 2005. For the purpose of determining 8562
the rate of a qualifying levy authorized by section 5705.212 or 8563
5705.213 of the Revised Code, the rate shall be the rate that 8564
would be in effect for tax year 2010. 8565

(17) "Telephone property" means tangible personal property of 8566
a telephone, telegraph, or interexchange telecommunications 8567
company subject to an assessment rate specified in section 8568
5727.111 of the Revised Code in tax year 2004. 8569

(18) "Telephone property tax value loss" means the amount 8570
determined under division (C)(4) of this section. 8571

(19) "Telephone property fixed-rate levy loss" means the 8572
amount determined under division (D)(4) of this section. 8573

(20) "Taxes charged and payable" means taxes charged and 8574
payable after the reduction required by section 319.301 of the 8575

Revised Code but before the reductions required by sections 8576
319.302 and 323.152 of the Revised Code. 8577

(21) "Median estate tax collections" means, in the case of a 8578
municipal corporation to which revenue from the taxes levied in 8579
Chapter 5731. of the Revised Code was distributed in each of 8580
calendar years 2006, 2007, 2008, and 2009, the median of those 8581
distributions. In the case of a municipal corporation to which no 8582
distributions were made in one or more of those years, "median 8583
estate tax collections" means zero. 8584

(22) "Total resources," in the case of a school district, 8585
means the sum of the amounts in divisions (A)(22)(a) to (h) of 8586
this section less any reduction required under division (A)(32) of 8587
this section. 8588

(a) The state education aid for fiscal year 2010; 8589

(b) The sum of the payments received by the school district 8590
in fiscal year 2010 for current expense levy losses pursuant to 8591
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of 8592
section 5751.21 of the Revised Code, excluding the portion of such 8593
payments attributable to levies for joint vocational school 8594
district purposes; 8595

(c) The sum of fixed-sum levy loss payments received by the 8596
school district in fiscal year 2010 pursuant to division (E)(1) of 8597
section 5727.85 and division (E)(1) of section 5751.21 of the 8598
Revised Code for fixed-sum levies imposed for a purpose other than 8599
paying debt charges; 8600

(d) Fifty per cent of the school district's taxes charged and 8601
payable against all property on the tax list of real and public 8602
utility property for current expense purposes for tax year 2008, 8603
including taxes charged and payable from emergency levies imposed 8604
under section 5709.194 of the Revised Code and excluding taxes 8605
levied for joint vocational school district purposes; 8606

(e) Fifty per cent of the school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses for tax year 2009, including taxes charged and payable from emergency levies and excluding taxes levied for joint vocational school district purposes;

(f) The school district's taxes charged and payable against all property on the general tax list of personal property for current expenses for tax year 2009, including taxes charged and payable from emergency levies;

(g) The amount certified for fiscal year 2010 under division (A)(2) of section 3317.08 of the Revised Code;

(h) Distributions received during calendar year 2009 from taxes levied under section 718.09 of the Revised Code.

(23) "Total resources," in the case of a joint vocational school district, means the sum of amounts in divisions (A)(23)(a) to (g) of this section less any reduction required under division (A)(32) of this section.

(a) The state education aid for fiscal year 2010;

(b) The sum of the payments received by the joint vocational school district in fiscal year 2010 for current expense levy losses pursuant to division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of section 5751.21 of the Revised Code;

(c) Fifty per cent of the joint vocational school district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2008;

(d) Fifty per cent of the joint vocational school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses for tax year 2009;

(e) Fifty per cent of a city, local, or exempted village school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses of the joint vocational school district for tax year 2008;

(f) Fifty per cent of a city, local, or exempted village school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses of the joint vocational school district for tax year 2009;

(g) The joint vocational school district's taxes charged and payable against all property on the general tax list of personal property for current expenses for tax year 2009.

(24) "Total resources," in the case of county mental health and disability related functions, means the sum of the amounts in divisions (A)(24)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for mental health and developmental disability related functions in calendar year 2010 under division (A)(1) of section 5727.86 and ~~division~~ divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for mental health and developmental disability related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(25) "Total resources," in the case of county senior services related functions, means the sum of the amounts in divisions (A)(25)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for senior

services related functions in calendar year 2010 under division 8668
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 8669
5751.22 of the Revised Code as they existed at that time; 8670

(b) With respect to taxes levied by the county for senior 8671
services related purposes, the taxes charged and payable for such 8672
purposes against all property on the tax list of real and public 8673
utility property for tax year 2009. 8674

(26) "Total resources," in the case of county children's 8675
services related functions, means the sum of the amounts in 8676
divisions (A)(26)(a) and (b) of this section less any reduction 8677
required under division (A)(32) of this section. 8678

(a) The sum of the payments received by the county for 8679
children's services related functions in calendar year 2010 under 8680
division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of 8681
section 5751.22 of the Revised Code as they existed at that time; 8682

(b) With respect to taxes levied by the county for children's 8683
services related purposes, the taxes charged and payable for such 8684
purposes against all property on the tax list of real and public 8685
utility property for tax year 2009. 8686

(27) "Total resources," in the case of county public health 8687
related functions, means the sum of the amounts in divisions 8688
(A)(27)(a) and (b) of this section less any reduction required 8689
under division (A)(32) of this section. 8690

(a) The sum of the payments received by the county for public 8691
health related functions in calendar year 2010 under division 8692
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 8693
5751.22 of the Revised Code as they existed at that time; 8694

(b) With respect to taxes levied by the county for public 8695
health related purposes, the taxes charged and payable for such 8696
purposes against all property on the tax list of real and public 8697
utility property for tax year 2009. 8698

(28) "Total resources," in the case of all county functions 8699
not included in divisions (A)(24) to (27) of this section, means 8700
the sum of the amounts in divisions (A)(28)(a) to (d) of this 8701
section less any reduction required under division (A)(32) of this 8702
section. 8703

(a) The sum of the payments received by the county for all 8704
other purposes in calendar year 2010 under division (A)(1) of 8705
section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of 8706
the Revised Code as they existed at that time; 8707

(b) The county's percentage share of county undivided local 8708
government fund allocations as certified to the tax commissioner 8709
for calendar year 2010 by the county auditor under division (J) of 8710
section 5747.51 of the Revised Code or division (F) of section 8711
5747.53 of the Revised Code multiplied by the total amount 8712
actually distributed in calendar year 2010 from the county 8713
undivided local government fund; 8714

(c) With respect to taxes levied by the county for all other 8715
purposes, the taxes charged and payable for such purposes against 8716
all property on the tax list of real and public utility property 8717
for tax year 2009, excluding taxes charged and payable for the 8718
purpose of paying debt charges; 8719

(d) The sum of the amounts distributed to the county in 8720
calendar year 2010 for the taxes levied pursuant to sections 8721
5739.021 and 5741.021 of the Revised Code. 8722

(29) "Total resources," in the case of a municipal 8723
corporation, means the sum of the amounts in divisions (A)(29)(a) 8724
to (g) of this section less any reduction required under division 8725
(A)(32) of this section. 8726

(a) The sum of the payments received by the municipal 8727
corporation in calendar year 2010 under division (A)(1) of section 8728
5727.86 and divisions (A)(1) and (2) of section 5751.22 of the 8729

Revised Code as they existed at that time; 8730

(b) The municipal corporation's percentage share of county 8731
undivided local government fund allocations as certified to the 8732
tax commissioner for calendar year 2010 by the county auditor 8733
under division (J) of section 5747.51 of the Revised Code or 8734
division (F) of section 5747.53 of the Revised Code multiplied by 8735
the total amount actually distributed in calendar year 2010 from 8736
the county undivided local government fund; 8737

(c) The sum of the amounts distributed to the municipal 8738
corporation in calendar year 2010 pursuant to section 5747.50 of 8739
the Revised Code; 8740

(d) With respect to taxes levied by the municipal 8741
corporation, the taxes charged and payable against all property on 8742
the tax list of real and public utility property for current 8743
expenses, defined in division (A)(33) of this section, for tax 8744
year 2009; 8745

(e) The amount of admissions tax collected by the municipal 8746
corporation in calendar year 2008, or if such information has not 8747
yet been reported to the tax commissioner, in the most recent year 8748
before 2008 for which the municipal corporation has reported data 8749
to the commissioner; 8750

(f) The amount of income taxes collected by the municipal 8751
corporation in calendar year 2008, or if such information has not 8752
yet been reported to the tax commissioner, in the most recent year 8753
before 2008 for which the municipal corporation has reported data 8754
to the commissioner; 8755

(g) The municipal corporation's median estate tax 8756
collections. 8757

(30) "Total resources," in the case of a township, means the 8758
sum of the amounts in divisions (A)(30)(a) to (c) of this section 8759
less any reduction required under division (A)(32) of this 8760

section. 8761

(a) The sum of the payments received by the township in 8762
calendar year 2010 pursuant to division (A)(1) of section 5727.86 8763
of the Revised Code and divisions (A)(1) and (2) of section 8764
5751.22 of the Revised Code as they existed at that time, 8765
excluding payments received for debt purposes; 8766

(b) The township's percentage share of county undivided local 8767
government fund allocations as certified to the tax commissioner 8768
for calendar year 2010 by the county auditor under division (J) of 8769
section 5747.51 of the Revised Code or division (F) of section 8770
5747.53 of the Revised Code multiplied by the total amount 8771
actually distributed in calendar year 2010 from the county 8772
undivided local government fund; 8773

(c) With respect to taxes levied by the township, the taxes 8774
charged and payable against all property on the tax list of real 8775
and public utility property for tax year 2009 excluding taxes 8776
charged and payable for the purpose of paying debt charges. 8777

(31) "Total resources," in the case of a local taxing unit 8778
that is not a county, municipal corporation, or township, means 8779
the sum of the amounts in divisions (A)(31)(a) to (e) of this 8780
section less any reduction required under division (A)(32) of this 8781
section. 8782

(a) The sum of the payments received by the local taxing unit 8783
in calendar year 2010 pursuant to division (A)(1) of section 8784
5727.86 of the Revised Code and divisions (A)(1) and (2) of 8785
section 5751.22 of the Revised Code as they existed at that time; 8786

(b) The local taxing unit's percentage share of county 8787
undivided local government fund allocations as certified to the 8788
tax commissioner for calendar year 2010 by the county auditor 8789
under division (J) of section 5747.51 of the Revised Code or 8790
division (F) of section 5747.53 of the Revised Code multiplied by 8791

the total amount actually distributed in calendar year 2010 from 8792
the county undivided local government fund; 8793

(c) With respect to taxes levied by the local taxing unit, 8794
the taxes charged and payable against all property on the tax list 8795
of real and public utility property for tax year 2009 excluding 8796
taxes charged and payable for the purpose of paying debt charges; 8797

(d) The amount received from the tax commissioner during 8798
calendar year 2010 for sales or use taxes authorized under 8799
sections 5739.023 and 5741.022 of the Revised Code; 8800

(e) For institutions of higher education receiving tax 8801
revenue from a local levy, as identified in section 3358.02 of the 8802
Revised Code, the final state share of instruction allocation for 8803
fiscal year 2010 as calculated by the board of regents and 8804
reported to the state controlling board. 8805

(32) If a fixed-rate levy that is a qualifying levy is not 8806
imposed in any year after tax year 2010, "total resources" used to 8807
compute payments to be made under division (C)(12) of section 8808
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 8809
Revised Code in the tax years following the last year the levy is 8810
imposed shall be reduced by the amount of payments attributable to 8811
the fixed-rate levy loss of that levy as would be computed under 8812
division (C)(2) of section 5727.85, division (A)(1) of section 8813
5727.85, divisions (C)(8) and (9) of section 5751.21, or division 8814
(A)(1) of section 5751.22 of the Revised Code. 8815

(33) "Municipal current expense property tax levies" means 8816
all property tax levies of a municipality, except those with the 8817
following levy names: airport resurfacing; bond or any levy name 8818
including the word "bond"; capital improvement or any levy name 8819
including the word "capital"; debt or any levy name including the 8820
word "debt"; equipment or any levy name including the word 8821
"equipment," unless the levy is for combined operating and 8822

equipment; employee termination fund; fire pension or any levy 8823
containing the word "pension," including police pensions; 8824
fireman's fund or any practically similar name; sinking fund; road 8825
improvements or any levy containing the word "road"; fire truck or 8826
apparatus; flood or any levy containing the word "flood"; 8827
conservancy district; county health; note retirement; sewage, or 8828
any levy containing the words "sewage" or "sewer"; park 8829
improvement; parkland acquisition; storm drain; street or any levy 8830
name containing the word "street"; lighting, or any levy name 8831
containing the word "lighting"; and water. 8832

(34) "Current expense TPP allocation" means, in the case of a 8833
school district or joint vocational school district, the sum of 8834
the payments received by the school district in fiscal year 2011 8835
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 8836
Revised Code to the extent paid for current expense levies. In the 8837
case of a municipal corporation, "current expense TPP allocation" 8838
means the sum of the payments received by the municipal 8839
corporation in calendar year 2010 pursuant to divisions (A)(1) and 8840
(2) of section 5751.22 of the Revised Code to the extent paid for 8841
municipal current expense property tax levies as defined in 8842
division (A)(33) of this section. If a fixed-rate levy that is a 8843
qualifying levy is not imposed in any year after tax year 2010, 8844
"current expense TPP allocation" used to compute payments to be 8845
made under division (C)(12) of section 5751.21 or division 8846
(A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax 8847
years following the last year the levy is imposed shall be reduced 8848
by the amount of payments attributable to the fixed-rate levy loss 8849
of that levy as would be computed under divisions (C)(10) and (11) 8850
of section 5751.21 or division (A)(1) of section 5751.22 of the 8851
Revised Code. 8852

(35) "TPP allocation" means the sum of payments received by a 8853
local taxing unit in calendar year 2010 pursuant to divisions 8854

(A)(1) and (2) of section 5751.22 of the Revised Code. If a 8855
fixed-rate levy that is a qualifying levy is not imposed in any 8856
year after tax year 2010, "TPP allocation" used to compute 8857
payments to be made under division (A)(1)(b) or (c) of section 8858
5751.22 of the Revised Code in the tax years following the last 8859
year the levy is imposed shall be reduced by the amount of payment 8860
attributable to the fixed-rate levy loss of that levy as would be 8861
computed under division (A)(1) of that section. 8862

(36) "Total TPP allocation" means, in the case of a school 8863
district or joint vocational school district, the sum of the 8864
amounts received in fiscal year 2011 pursuant to divisions (C)(10) 8865
and (11) and (D) of section 5751.21 of the Revised Code. In the 8866
case of a local taxing unit, "total TPP allocation" means the sum 8867
of payments received by the unit in calendar year 2010 pursuant to 8868
divisions (A)(1), (2), and (3) of section 5751.22 of the Revised 8869
Code. If a fixed-rate levy that is a qualifying levy is not 8870
imposed in any year after tax year 2010, "total TPP allocation" 8871
used to compute payments to be made under division (C)(12) of 8872
section 5751.21 or division (A)(1)(b) or (c) of section 5751.22 of 8873
the Revised Code in the tax years following the last year the levy 8874
is imposed shall be reduced by the amount of payments attributable 8875
to the fixed-rate levy loss of that levy as would be computed 8876
under divisions (C)(10) and (11) of section 5751.21 or division 8877
(A)(1) of section 5751.22 of the Revised Code. 8878

(37) "Non-current expense TPP allocation" means the 8879
difference of total TPP allocation minus the sum of current 8880
expense TPP allocation and the portion of total TPP allocation 8881
constituting reimbursement for debt levies, pursuant to division 8882
(D) of section 5751.21 of the Revised Code in the case of a school 8883
district or joint vocational school district and pursuant to 8884
division (A)(3) of section 5751.22 of the Revised Code in the case 8885
of a municipal corporation. 8886

(38) "Threshold per cent" means, in the case of a school district or joint vocational school district, two per cent for fiscal year 2012 and four per cent for fiscal years 2013 and thereafter. In the case of a local taxing unit, "threshold per cent" means two per cent for tax year 2011, four per cent for tax year 2012, and six per cent for tax years 2013 and thereafter.

(B) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed under this chapter. Eighty-five one-hundredths of one per cent of the money credited to that fund shall be credited to the tax reform system implementation fund, which is hereby created in the state treasury, and shall be used to defray the costs incurred by the department of taxation in administering the tax imposed by this chapter and in implementing tax reform measures. The remainder in the commercial activities tax receipts fund shall be credited for each fiscal year in the following percentages to the general revenue fund, to the school district tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5751.21 of the Revised Code, and to the local government tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5751.22 of the Revised Code, in the following percentages:

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	8912
2007	0%	70.0%	30.0%	8913
2008	0%	70.0%	30.0%	8914
2009	0%	70.0%	30.0%	8915

2010	0%	70.0%	30.0%	8916
2011	0%	70.0%	30.0%	8917
2012	25.0%	52.5%	22.5%	8918
2013 and thereafter	50.0%	35.0%	15.0%	8919

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, thirty-three and eight-tenths per cent;

(b) For tax year 2007, sixty-one and three-tenths per cent;

(c) For tax year 2008, eighty-three per cent;

(d) For tax year 2009 and thereafter, one hundred per cent.

(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;

(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;

(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is

twenty-three; 8945

(d) For tax year 2009 and thereafter a fraction, the 8946
numerator of which is seventeen and the denominator of which is 8947
twenty-three. 8948

(3) Furniture and fixtures property tax value loss is the 8949
taxable value of furniture and fixture property as reported by 8950
taxpayers for tax year 2004 multiplied by: 8951

(a) For tax year 2006, twenty-five per cent; 8952

(b) For tax year 2007, fifty per cent; 8953

(c) For tax year 2008, seventy-five per cent; 8954

(d) For tax year 2009 and thereafter, one hundred per cent. 8955

The taxable value of property reported by taxpayers used in 8956
divisions (C)(1), (2), and (3) of this section shall be such 8957
values as determined to be final by the tax commissioner as of 8958
August 31, 2005. Such determinations shall be final except for any 8959
correction of a clerical error that was made prior to August 31, 8960
2005, by the tax commissioner. 8961

(4) Telephone property tax value loss is the taxable value of 8962
telephone property as taxpayers would have reported that property 8963
for tax year 2004 if the assessment rate for all telephone 8964
property for that year were twenty-five per cent, multiplied by: 8965

(a) For tax year 2006, zero per cent; 8966

(b) For tax year 2007, zero per cent; 8967

(c) For tax year 2008, zero per cent; 8968

(d) For tax year 2009, sixty per cent; 8969

(e) For tax year 2010, eighty per cent; 8970

(f) For tax year 2011 and thereafter, one hundred per cent. 8971

(5) Division (C)(5) of this section applies to any school 8972

district, joint vocational school district, or local taxing unit 8973
in a county in which is located a facility currently or formerly 8974
devoted to the enrichment or commercialization of uranium or 8975
uranium products, and for which the total taxable value of 8976
property listed on the general tax list of personal property for 8977
any tax year from tax year 2001 to tax year 2004 was fifty per 8978
cent or less of the taxable value of such property listed on the 8979
general tax list of personal property for the next preceding tax 8980
year. 8981

In computing the fixed-rate levy losses under divisions 8982
(D)(1), (2), and (3) of this section for any school district, 8983
joint vocational school district, or local taxing unit to which 8984
division (C)(5) of this section applies, the taxable value of such 8985
property as listed on the general tax list of personal property 8986
for tax year 2000 shall be substituted for the taxable value of 8987
such property as reported by taxpayers for tax year 2004, in the 8988
taxing district containing the uranium facility, if the taxable 8989
value listed for tax year 2000 is greater than the taxable value 8990
reported by taxpayers for tax year 2004. For the purpose of making 8991
the computations under divisions (D)(1), (2), and (3) of this 8992
section, the tax year 2000 valuation is to be allocated to 8993
machinery and equipment, inventory, and furniture and fixtures 8994
property in the same proportions as the tax year 2004 values. For 8995
the purpose of the calculations in division (A) of section 5751.21 8996
of the Revised Code, the tax year 2004 taxable values shall be 8997
used. 8998

To facilitate the calculations required under division (C) of 8999
this section, the county auditor, upon request from the tax 9000
commissioner, shall provide by August 1, 2005, the values of 9001
machinery and equipment, inventory, and furniture and fixtures for 9002
all single-county personal property taxpayers for tax year 2004. 9003

(D) Not later than September 15, 2005, the tax commissioner 9004

shall determine for each tax year from 2006 through 2009 for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory, and furniture and fixtures fixed-rate levy losses, and for each tax year from 2006 through 2011 its telephone property fixed-rate levy loss. Except as provided in division (F) of this section, such losses are the applicable amounts described in divisions (D)(1), (2), (3), and (4) of this section:

(1) The machinery and equipment fixed-rate levy loss is the machinery and equipment property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(2) The inventory fixed-rate loss is the inventory property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(3) The furniture and fixtures fixed-rate levy loss is the furniture and fixture property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(4) The telephone property fixed-rate levy loss is the telephone property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(E) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss. The fixed-sum levy loss is the amount obtained by subtracting the amount described in division (E)(2) of this section from the amount described in division (E)(1) of this section:

(1) The sum of the machinery and equipment property tax value loss, the inventory property tax value loss, and the furniture and fixtures property tax value loss, and, for 2008 through 2010, the telephone property tax value loss of the district or unit multiplied by the sum of the fixed-sum tax rates of qualifying

levies. For 2006 through 2010, this computation shall include all 9036
qualifying levies remaining in effect for the current tax year and 9037
any school district levies imposed under section 5705.194 or 9038
5705.213 of the Revised Code that are qualifying levies not 9039
remaining in effect for the current year. For 2011 through 2017 in 9040
the case of school district levies imposed under section 5705.194 9041
or 5705.213 of the Revised Code and for all years after 2010 in 9042
the case of other fixed-sum levies, this computation shall include 9043
only qualifying levies remaining in effect for the current year. 9044
For purposes of this computation, a qualifying school district 9045
levy imposed under section 5705.194 or 5705.213 of the Revised 9046
Code remains in effect in a year after 2010 only if, for that 9047
year, the board of education levies a school district levy imposed 9048
under section 5705.194, 5705.199, 5705.213, or 5705.219 of the 9049
Revised Code for an annual sum at least equal to the annual sum 9050
levied by the board in tax year 2004 less the amount of the 9051
payment certified under this division for 2006. 9052

(2) The total taxable value in tax year 2004 less the sum of 9053
the machinery and equipment, inventory, furniture and fixtures, 9054
and telephone property tax value losses in each school district, 9055
joint vocational school district, and local taxing unit multiplied 9056
by one-half of one mill per dollar. 9057

(3) For the calculations in divisions (E)(1) and (2) of this 9058
section, the tax value losses are those that would be calculated 9059
for tax year 2009 under divisions (C)(1), (2), and (3) of this 9060
section and for tax year 2011 under division (C)(4) of this 9061
section. 9062

(4) To facilitate the calculation under divisions (D) and (E) 9063
of this section, not later than September 1, 2005, any school 9064
district, joint vocational school district, or local taxing unit 9065
that has a qualifying levy that was approved at an election 9066
conducted during 2005 before September 1, 2005, shall certify to 9067

the tax commissioner a copy of the county auditor's certificate of 9068
estimated property tax millage for such levy as required under 9069
division (B) of section 5705.03 of the Revised Code, which is the 9070
rate that shall be used in the calculations under such divisions. 9071

If the amount determined under division (E) of this section 9072
for any school district, joint vocational school district, or 9073
local taxing unit is greater than zero, that amount shall equal 9074
the reimbursement to be paid pursuant to division (E) of section 9075
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 9076
and the one-half of one mill that is subtracted under division 9077
(E)(2) of this section shall be apportioned among all contributing 9078
fixed-sum levies in the proportion that each levy bears to the sum 9079
of all fixed-sum levies within each school district, joint 9080
vocational school district, or local taxing unit. 9081

(F) If a school district levies a tax under section 5705.219 9082
of the Revised Code, the fixed-rate levy loss for qualifying 9083
levies, to the extent repealed under that section, shall equal the 9084
sum of the following amounts in lieu of the amounts computed for 9085
such levies under division (D) of this section: 9086

(1) The sum of the rates of qualifying levies to the extent 9087
so repealed multiplied by the sum of the machinery and equipment, 9088
inventory, and furniture and fixtures tax value losses for 2009 as 9089
determined under that division; 9090

(2) The sum of the rates of qualifying levies to the extent 9091
so repealed multiplied by the telephone property tax value loss 9092
for 2011 as determined under that division. 9093

The fixed-rate levy losses for qualifying levies to the 9094
extent not repealed under section 5705.219 of the Revised Code 9095
shall be as determined under division (D) of this section. The 9096
revised fixed-rate levy losses determined under this division and 9097
division (D) of this section first apply in the year following the 9098

first year the district levies the tax under section 5705.219 of 9099
the Revised Code. 9100

(G) Not later than October 1, 2005, the tax commissioner 9101
shall certify to the department of education for every school 9102
district and joint vocational school district the machinery and 9103
equipment, inventory, furniture and fixtures, and telephone 9104
property tax value losses determined under division (C) of this 9105
section, the machinery and equipment, inventory, furniture and 9106
fixtures, and telephone fixed-rate levy losses determined under 9107
division (D) of this section, and the fixed-sum levy losses 9108
calculated under division (E) of this section. The calculations 9109
under divisions (D) and (E) of this section shall separately 9110
display the levy loss for each levy eligible for reimbursement. 9111

(H) Not later than October 1, 2005, the tax commissioner 9112
shall certify the amount of the fixed-sum levy losses to the 9113
county auditor of each county in which a school district, joint 9114
vocational school district, or local taxing unit with a fixed-sum 9115
levy loss reimbursement has territory. 9116

(I) Not later than the twenty-eighth day of February each 9117
year beginning in 2011 and ending in 2014, the tax commissioner 9118
shall certify to the department of education for each school 9119
district first levying a tax under section 5705.219 of the Revised 9120
Code in the preceding year the revised fixed-rate levy losses 9121
determined under divisions (D) and (F) of this section. 9122

Sec. 6301.01. As used in this chapter: 9123

(A) "Local area" means any of the following: 9124

(1) A municipal corporation that is authorized to administer 9125
and enforce the "Workforce Investment Act of 1998," 112 Stat. 936, 9126
29 U.S.C.A. 2801, as amended, under this chapter and is not 9127
joining in partnership with any other political subdivisions in 9128

order to do so;	9129
(2) A single county;	9130
(3) A consortium of any of the following political subdivisions:	9131
(a) A group of two or more counties in the state;	9133
(b) One or more counties and one municipal corporation in the state;	9134
(c) One or more counties with or without one municipal corporation in the state and one or more counties with or without one municipal corporation in another state, on the condition that those in another state share a labor market area with those in the state.	9136
"Local area" does not mean a region for purposes of determinations concerning administrative incentives.	9137
(B) "Municipal corporation" means a municipal corporation that is eligible for automatic or temporary designation as a local workforce investment area pursuant to section 116(a)(2) or (3) of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2831(a)(2) or (3), but that does not request that the governor grant such automatic or temporary designation, and that instead elects to administer and enforce workforce development activities pursuant to this chapter.	9138
(C) "County" means a county that is eligible to be designated as a local workforce investment area pursuant to the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, but that does not request such designation, and instead elects to administer and enforce workforce development activities pursuant to this chapter.	9139
(D) "Workforce development agency" means the entity given responsibility for workforce development activities that is	9140
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designated by the board of county commissioners in accordance with 9159
section 330.04 of the Revised Code, the chief elected official of 9160
a municipal corporation in accordance with section 763.05 of the 9161
Revised Code, or the chief elected officials of a local area 9162
defined in division (A)(3) of this section. 9163

(E) "Workforce development activity" means a program, grant, 9164
or other function, the primary goal of which is to do one or more 9165
of the following: 9166

(1) Help individuals maximize their employment opportunities; 9167

(2) Help employers gain access to skilled workers; 9168

(3) Help employers retain skilled workers; 9169

(4) Help develop or enhance the skills of incumbent workers; 9170

(5) Improve the quality of the state's workforce; 9171

(6) Enhance the productivity and competitiveness of the 9172
state's economy. 9173

(F) "Chief elected officials," when used in reference to a 9174
local area, means the board of county commissioners of the county 9175
or of each county in the local area or, if the county has adopted 9176
a charter under Section 3 of Article X, Ohio Constitution, the 9177
chief governing body of that county, and the chief elected 9178
official of the municipal corporation, if the local area includes 9179
a municipal corporation, except that when the local area is the 9180
type defined in division (A)(1) of this section, "chief elected 9181
officials" means the chief elected official of the municipal 9182
corporation. 9183

(G) "State board" means the state workforce policy board 9184
established by section 6301.04 of the Revised Code. 9185

(H) "Local board" means a local workforce policy board 9186
created pursuant to section 6301.06 of the Revised Code. 9187

Sec. 6301.02. The director of job and family services shall 9188
administer the "Workforce Investment Act of 1998," 112 Stat. 936, 9189
29 U.S.C.A. 2801, as amended, the "Wagner-Peyser Act," 48 Stat. 9190
113 (1933), 29 U.S.C.A. 49, as amended, and the funds received 9191
pursuant to those acts. In administering those acts and funds 9192
received pursuant to those acts, the director shall ~~establish and~~ 9193
~~administer~~ assist the state workforce policy board in establishing 9194
and administering a workforce development system that is designed 9195
to provide leadership, support, and oversight to locally designed 9196
workforce development ~~and family services~~ systems ~~and that~~ 9197
~~provides the maximum amount of flexibility and authority to~~ 9198
~~counties and municipal corporations, as permitted under the~~ 9199
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A.~~ 9200
~~2801, as amended.~~ The director shall conduct investigations and 9201
hold hearings as necessary for the administration of this chapter. 9202

To the extent permitted by state and federal law, the 9203
director may adopt rules pursuant to Chapter 119. of the Revised 9204
Code to establish any program or pilot program for the purposes of 9205
providing workforce development activities or family services to 9206
individuals who do not meet eligibility criteria for those 9207
activities or services under applicable federal law. Prior to the 9208
initiation of any program of that nature, the director of budget 9209
and management shall certify to the governor that sufficient funds 9210
are available to administer a program of that nature. The state 9211
board shall have final approval of any such program. 9212

Unless otherwise prohibited by state or federal law, every 9213
state agency, board, or commission shall provide to the state 9214
board and the director all information and assistance requested by 9215
the state board and the director in furtherance of workforce 9216
development activities. 9217

Sec. 6301.03. (A) In administering the "Workforce Investment 9218

Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, the 9219
"Wagner-Peyser Act," 48 Stat. 113 (1933), 29 U.S.C.A. 49, as 9220
amended, the funds received pursuant to those acts, and the 9221
workforce development system, the director of job and family 9222
services may, at the direction of the state board, make 9223
allocations and payment of funds for the local administration of 9224
the workforce development activities established under this 9225
chapter. ~~Pursuant to the "Workforce Investment Act of 1998," 112~~ 9226
~~Stat. 936, 29 U.S.C.A. 2801, as amended, the governor shall~~ 9227
~~reserve not more than fifteen per cent of the amounts allocated to~~ 9228
~~the state under Title I of that act for adults, dislocated~~ 9229
~~workers, and youth for statewide activities, and not more than~~ 9230
~~twenty five per cent of funds allocated for dislocated workers~~ 9231
~~under Title I of that act for statewide rapid response activities.~~ 9232

(B) The director shall allocate to local areas all funds 9233
required to be allocated to local areas pursuant to the "Workforce 9234
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as 9235
amended. The director shall make allocations only with funds 9236
available. Local areas, as defined by either section 101 of the 9237
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 9238
2801, as amended, or section 6301.01 of the Revised Code, and 9239
subrecipients of a local area shall establish a workforce 9240
development fund and the entity receiving funds shall deposit all 9241
funds received under this section into the workforce development 9242
fund. All expenditures for activities funded under this section 9243
shall be made from the workforce development fund, including 9244
reimbursements to a county public assistance fund for expenditures 9245
made for activities funded under this section. 9246

(C) The use of funds, reporting requirements, and other 9247
administrative and operational requirements governing the use of 9248
funds received by the director pursuant to this section shall be 9249
governed by internal management rules adopted by ~~the director~~ and 9250

approved by the state board pursuant to section 111.15 of the Revised Code. 9251
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(D) To the extent permitted by state or federal law, the 9253
state board, director, local areas, counties, and municipal 9254
corporations authorized to administer workforce development 9255
activities may assess a fee for specialized services requested by 9256
an employer. The director shall adopt rules pursuant to Chapter 9257
119. of the Revised Code governing the nature and amount of those 9258
types of fees. 9259

Sec. 6301.04. The governor shall establish a state workforce 9260
policy board and appoint members to the board, who serve at the 9261
governor's pleasure, to perform duties under the "Workforce 9262
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as 9263
amended, as authorized by the governor. The board is not subject 9264
to sections 101.82 to 101.87 of the Revised Code. ~~The director of~~ 9265
~~job and family services may~~ All state agencies engaged in 9266
workforce development activities shall assist the board in the 9267
performance of its duties. 9268

(A)(1) The governor shall designate nine members of the board 9269
to be voting members. All other members shall be ex officio, 9270
nonvoting members. 9271

(2) The governor shall choose the voting members in a way 9272
that a majority of the voting board members represent business 9273
interests. 9274

(B) The board shall have the power and authority to do all of 9275
the following: 9276

(1) Provide oversight and policy direction to ensure that the 9277
state workforce development activities are aligned and serving the 9278
needs of the state's employers, incumbent workers, and job 9279
seekers; 9280

<u>(2) Adopt rules necessary to administer state workforce development activities;</u>	9281
	9282
<u>(3) Adopt rules necessary for the auditing and monitoring of subrecipients of the workforce development system grant funds;</u>	9283
	9284
<u>(4) Designate local workforce investment areas in accordance with 29 U.S.C. 2831;</u>	9285
	9286
<u>(5) Develop a unified budget for all state and federal workforce funds;</u>	9287
	9288
<u>(6) Establish a statewide employment and data collection system;</u>	9289
	9290
<u>(7) Develop statewide performance measures for workforce development and investment;</u>	9291
	9292
<u>(8) Develop a state workforce development plan;</u>	9293
<u>(9) Prepare the annual report to the United States secretary of labor, pursuant to section 136(d) of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2871, as amended;</u>	9294
	9295
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<u>(10) Carry out any additional functions, duties, or responsibilities assigned to the board by the governor.</u>	9297
	9298
 Sec. 6301.07. (A) Every <u>local</u> workforce policy board, <u>under the direction and approval of the state workforce policy board and</u>	9299
<u>with the agreement of the chief elected officials of the local area, and after holding public hearings that allow public comment and testimony, shall prepare a workforce development plan. The plan shall accomplish all of the following:</u>	9300
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<u>(1) Identify the workforce investment needs of businesses in the local area, identify projected employment opportunities, and identify the job skills necessary to obtain those opportunities;</u>	9305
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	9307
<u>(2) Identify the local area's workforce development needs for youth, dislocated workers, adults, displaced homemakers, incumbent</u>	9308
	9309

workers, and any other group of workers identified by the local 9310
workforce policy board; 9311

(3) Determine the distribution of workforce development 9312
resources and funding to be distributed for each workforce 9313
development activity to meet the identified needs, utilizing the 9314
funds allocated pursuant to the "Workforce Investment Act of 9315
1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended; 9316

(4) Give priority to youth receiving independent living 9317
services pursuant to sections 2151.81 to 2151.84 of the Revised 9318
Code when determining distribution of workforce development 9319
resources and workforce development activity funding; 9320

(5) Review the minimum curriculum required by the state 9321
workforce policy board for certifying training providers and 9322
identify any additional curriculum requirements to include in 9323
contracts between the training providers and the chief elected 9324
officials of the local area; 9325

(6) Establish performance standards for service providers 9326
that reflect local workforce development needs; 9327

(7) Describe any other information the chief elected 9328
officials of the local area require. 9329

(B) A local workforce policy board may provide policy 9330
guidance and recommendations to the chief elected officials of a 9331
local area for any workforce development activities. 9332

(C) Nothing in this section prohibits the chief elected 9333
officials of a local area from assigning, through a partnership 9334
agreement, any duties in addition to the duties under this section 9335
to a local workforce policy board, except that a local workforce 9336
policy board cannot contract with itself for the direct provision 9337
of services in its local area. A local workforce policy board may 9338
consult with the chief elected officials of its local area and 9339
make recommendations regarding the workforce development 9340

activities provided in its local area at any time. 9341

Sec. 6301.08. Every local area shall participate in a 9342
one-stop system for workforce development activities. Each board 9343
of county commissioners and the chief elected official of a 9344
municipal corporation shall ensure that at least one ~~physical~~ 9345
~~location~~ delivery method is available in the local area, either 9346
through a physical location, or by electronic means approved by 9347
the state board, for the provision of workforce development 9348
activities. 9349

A one-stop system may be operated by a private entity or a 9350
public agency, including a workforce development agency, any 9351
existing facility or organization that is established to 9352
administer workforce development activities in the local area, and 9353
a county family services agency. 9354

A one-stop system shall include representatives of all the 9355
partners required under the "Workforce Investment Act of 1998," 9356
112 Stat. 936, 29 U.S.C.A. 2801, as amended. ~~Additionally, at~~ 9357
~~least one representative from a county department of job and~~ 9358
~~family services shall staff a one stop system to represent all of~~ 9359
~~the county family services agencies within the local area.~~ 9360

Sec. 6301.10. Beginning January 1, ~~2001~~ 2013, and each 9361
calendar ~~quarter~~ year thereafter, the ~~director of job and family~~ 9362
~~services~~ state board, with the assistance of all state agencies 9363
engaged in workforce development activities, shall prepare a 9364
report concerning the state of Ohio's workforce. The ~~director~~ 9365
state board shall distribute the report to the president and 9366
minority leader of the senate, the speaker and minority leader of 9367
the house of representatives, ~~the state workforce policy board,~~ 9368
the governor's office of Appalachian Ohio, the commission on 9369
Hispanic-Latino affairs, and the commission on African-American 9370

males. 9371

Section 101.02. That existing sections 3301.079, 3301.0711, 9372
3301.0712, 3301.0714, 3301.0715, 3301.0723, 3301.52, 3301.53, 9373
3301.58, 3301.90, 3302.01, 3302.03, 3302.04, 3302.042, 3302.05, 9374
3302.10, 3302.12, 3302.20, 3302.21, 3302.25, 3310.03, 3310.06, 9375
3310.08, 3310.15, 3313.37, 3313.411, 3313.473, 3313.608, 3313.609, 9376
3313.6013, 3313.816, 3313.845, 3313.978, 3314.012, 3314.015, 9377
3314.016, 3314.02, 3314.028, 3314.03, 3314.05, 3314.08, 3314.17, 9378
3314.35, 3314.37, 3317.01, 3318.023, 3318.034, 3318.36, 3318.37, 9379
3318.371, 3319.02, 3319.111, 3319.112, 3319.58, 3321.01, 3323.011, 9380
3333.0411, 3333.391, 4139.01, 4139.03, 4139.04, 4139.05, 5104.01, 9381
5104.011, 5104.02, 5104.21, 5104.30, 5104.31, 5104.34, 5104.38, 9382
5751.20, 6301.01, 6301.02, 6301.03, 6301.04, 6301.07, 6301.08, and 9383
6301.10 of the Revised Code are hereby repealed. 9384

Section 105.01. That sections 3314.36 and 3319.19 of the 9385
Revised Code are hereby repealed. 9386

Section 120.01. That sections 109.57, 2151.011, 2919.227, 9387
2923.124, 2923.126, 2923.1212, 2950.11, 2950.13, 3109.051, 9388
3701.63, 3737.22, 3742.01, 3797.06, 4511.81, 5101.29, 5103.03, 9389
5104.01, 5104.011, 5104.012, 5104.013, 5104.015, 5104.022, 9390
5104.03, 5104.04, 5104.041, 5104.052, 5104.053, 5104.054, 5104.06, 9391
5104.08, 5104.09, 5104.13, 5104.30, 5104.31, 5104.32, 5104.35, 9392
5104.36, 5104.38, 5107.60, and 5153.175 be amended, sections 9393
5104.011 (5104.015), 5104.015 (5104.25), 5104.031 (5104.035), 9394
5104.032 (5104.036), and 5104.033 (5104.037) be amended for the 9395
purpose of adopting new section numbers as indicated in 9396
parentheses, and new sections 5104.032 and 5104.033 and sections 9397
5104.016, 5104.017, 5104.018, 5104.019, 5104.0110, 5104.0111, 9398
5104.0112, 5104.034, 5104.038, 5104.039, and 5104.14 of the 9399
Revised Code be enacted to read as follows: 9400

Sec. 109.57. (A)(1) The superintendent of the bureau of 9401
criminal identification and investigation shall procure from 9402
wherever procurable and file for record photographs, pictures, 9403
descriptions, fingerprints, measurements, and other information 9404
that may be pertinent of all persons who have been convicted of 9405
committing within this state a felony, any crime constituting a 9406
misdemeanor on the first offense and a felony on subsequent 9407
offenses, or any misdemeanor described in division (A)(1)(a), 9408
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 9409
of all children under eighteen years of age who have been 9410
adjudicated delinquent children for committing within this state 9411
an act that would be a felony or an offense of violence if 9412
committed by an adult or who have been convicted of or pleaded 9413
guilty to committing within this state a felony or an offense of 9414
violence, and of all well-known and habitual criminals. The person 9415
in charge of any county, multicounty, municipal, municipal-county, 9416
or multicounty-municipal jail or workhouse, community-based 9417
correctional facility, halfway house, alternative residential 9418
facility, or state correctional institution and the person in 9419
charge of any state institution having custody of a person 9420
suspected of having committed a felony, any crime constituting a 9421
misdemeanor on the first offense and a felony on subsequent 9422
offenses, or any misdemeanor described in division (A)(1)(a), 9423
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 9424
having custody of a child under eighteen years of age with respect 9425
to whom there is probable cause to believe that the child may have 9426
committed an act that would be a felony or an offense of violence 9427
if committed by an adult shall furnish such material to the 9428
superintendent of the bureau. Fingerprints, photographs, or other 9429
descriptive information of a child who is under eighteen years of 9430
age, has not been arrested or otherwise taken into custody for 9431
committing an act that would be a felony or an offense of violence 9432

who is not in any other category of child specified in this 9433
division, if committed by an adult, has not been adjudicated a 9434
delinquent child for committing an act that would be a felony or 9435
an offense of violence if committed by an adult, has not been 9436
convicted of or pleaded guilty to committing a felony or an 9437
offense of violence, and is not a child with respect to whom there 9438
is probable cause to believe that the child may have committed an 9439
act that would be a felony or an offense of violence if committed 9440
by an adult shall not be procured by the superintendent or 9441
furnished by any person in charge of any county, multicounty, 9442
municipal, municipal-county, or multicounty-municipal jail or 9443
workhouse, community-based correctional facility, halfway house, 9444
alternative residential facility, or state correctional 9445
institution, except as authorized in section 2151.313 of the 9446
Revised Code. 9447

(2) Every clerk of a court of record in this state, other 9448
than the supreme court or a court of appeals, shall send to the 9449
superintendent of the bureau a weekly report containing a summary 9450
of each case involving a felony, involving any crime constituting 9451
a misdemeanor on the first offense and a felony on subsequent 9452
offenses, involving a misdemeanor described in division (A)(1)(a), 9453
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 9454
or involving an adjudication in a case in which a child under 9455
eighteen years of age was alleged to be a delinquent child for 9456
committing an act that would be a felony or an offense of violence 9457
if committed by an adult. The clerk of the court of common pleas 9458
shall include in the report and summary the clerk sends under this 9459
division all information described in divisions (A)(2)(a) to (f) 9460
of this section regarding a case before the court of appeals that 9461
is served by that clerk. The summary shall be written on the 9462
standard forms furnished by the superintendent pursuant to 9463
division (B) of this section and shall include the following 9464
information: 9465

(a) The incident tracking number contained on the standard forms furnished by the superintendent pursuant to division (B) of this section;	9466 9467 9468
(b) The style and number of the case;	9469
(c) The date of arrest, offense, summons, or arraignment;	9470
(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;	9471 9472 9473 9474 9475 9476 9477 9478 9479 9480 9481 9482
(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;	9483 9484
(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.	9485 9486 9487 9488
If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.	9489 9490 9491 9492 9493
(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification	9494 9495 9496

and in obtaining fingerprints and other means of identification of 9497
all persons arrested on a charge of a felony, any crime 9498
constituting a misdemeanor on the first offense and a felony on 9499
subsequent offenses, or a misdemeanor described in division 9500
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 9501
Revised Code and of all children under eighteen years of age 9502
arrested or otherwise taken into custody for committing an act 9503
that would be a felony or an offense of violence if committed by 9504
an adult. The superintendent also shall file for record the 9505
fingerprint impressions of all persons confined in a county, 9506
multicounty, municipal, municipal-county, or multicounty-municipal 9507
jail or workhouse, community-based correctional facility, halfway 9508
house, alternative residential facility, or state correctional 9509
institution for the violation of state laws and of all children 9510
under eighteen years of age who are confined in a county, 9511
multicounty, municipal, municipal-county, or multicounty-municipal 9512
jail or workhouse, community-based correctional facility, halfway 9513
house, alternative residential facility, or state correctional 9514
institution or in any facility for delinquent children for 9515
committing an act that would be a felony or an offense of violence 9516
if committed by an adult, and any other information that the 9517
superintendent may receive from law enforcement officials of the 9518
state and its political subdivisions. 9519

(4) The superintendent shall carry out Chapter 2950. of the 9520
Revised Code with respect to the registration of persons who are 9521
convicted of or plead guilty to a sexually oriented offense or a 9522
child-victim oriented offense and with respect to all other duties 9523
imposed on the bureau under that chapter. 9524

(5) The bureau shall perform centralized recordkeeping 9525
functions for criminal history records and services in this state 9526
for purposes of the national crime prevention and privacy compact 9527
set forth in section 109.571 of the Revised Code and is the 9528

criminal history record repository as defined in that section for 9529
purposes of that compact. The superintendent or the 9530
superintendent's designee is the compact officer for purposes of 9531
that compact and shall carry out the responsibilities of the 9532
compact officer specified in that compact. 9533

(B) The superintendent shall prepare and furnish to every 9534
county, multicounty, municipal, municipal-county, or 9535
multicounty-municipal jail or workhouse, community-based 9536
correctional facility, halfway house, alternative residential 9537
facility, or state correctional institution and to every clerk of 9538
a court in this state specified in division (A)(2) of this section 9539
standard forms for reporting the information required under 9540
division (A) of this section. The standard forms that the 9541
superintendent prepares pursuant to this division may be in a 9542
tangible format, in an electronic format, or in both tangible 9543
formats and electronic formats. 9544

(C)(1) The superintendent may operate a center for 9545
electronic, automated, or other data processing for the storage 9546
and retrieval of information, data, and statistics pertaining to 9547
criminals and to children under eighteen years of age who are 9548
adjudicated delinquent children for committing an act that would 9549
be a felony or an offense of violence if committed by an adult, 9550
criminal activity, crime prevention, law enforcement, and criminal 9551
justice, and may establish and operate a statewide communications 9552
network to be known as the Ohio law enforcement gateway to gather 9553
and disseminate information, data, and statistics for the use of 9554
law enforcement agencies and for other uses specified in this 9555
division. The superintendent may gather, store, retrieve, and 9556
disseminate information, data, and statistics that pertain to 9557
children who are under eighteen years of age and that are gathered 9558
pursuant to sections 109.57 to 109.61 of the Revised Code together 9559
with information, data, and statistics that pertain to adults and 9560

that are gathered pursuant to those sections. 9561

(2) The superintendent or the superintendent's designee shall 9562
gather information of the nature described in division (C)(1) of 9563
this section that pertains to the offense and delinquency history 9564
of a person who has been convicted of, pleaded guilty to, or been 9565
adjudicated a delinquent child for committing a sexually oriented 9566
offense or a child-victim oriented offense for inclusion in the 9567
state registry of sex offenders and child-victim offenders 9568
maintained pursuant to division (A)(1) of section 2950.13 of the 9569
Revised Code and in the internet database operated pursuant to 9570
division (A)(13) of that section and for possible inclusion in the 9571
internet database operated pursuant to division (A)(11) of that 9572
section. 9573

(3) In addition to any other authorized use of information, 9574
data, and statistics of the nature described in division (C)(1) of 9575
this section, the superintendent or the superintendent's designee 9576
may provide and exchange the information, data, and statistics 9577
pursuant to the national crime prevention and privacy compact as 9578
described in division (A)(5) of this section. 9579

(4) The attorney general may adopt rules under Chapter 119. 9580
of the Revised Code establishing guidelines for the operation of 9581
and participation in the Ohio law enforcement gateway. The rules 9582
may include criteria for granting and restricting access to 9583
information gathered and disseminated through the Ohio law 9584
enforcement gateway. The attorney general shall permit the state 9585
medical board and board of nursing to access and view, but not 9586
alter, information gathered and disseminated through the Ohio law 9587
enforcement gateway. 9588

The attorney general may appoint a steering committee to 9589
advise the attorney general in the operation of the Ohio law 9590
enforcement gateway that is comprised of persons who are 9591
representatives of the criminal justice agencies in this state 9592

that use the Ohio law enforcement gateway and is chaired by the 9593
superintendent or the superintendent's designee. 9594

(D)(1) The following are not public records under section 9595
149.43 of the Revised Code: 9596

(a) Information and materials furnished to the superintendent 9597
pursuant to division (A) of this section; 9598

(b) Information, data, and statistics gathered or 9599
disseminated through the Ohio law enforcement gateway pursuant to 9600
division (C)(1) of this section; 9601

(c) Information and materials furnished to any board or 9602
person under division (F) or (G) of this section. 9603

(2) The superintendent or the superintendent's designee shall 9604
gather and retain information so furnished under division (A) of 9605
this section that pertains to the offense and delinquency history 9606
of a person who has been convicted of, pleaded guilty to, or been 9607
adjudicated a delinquent child for committing a sexually oriented 9608
offense or a child-victim oriented offense for the purposes 9609
described in division (C)(2) of this section. 9610

(E) The attorney general shall adopt rules, in accordance 9611
with Chapter 119. of the Revised Code, setting forth the procedure 9612
by which a person may receive or release information gathered by 9613
the superintendent pursuant to division (A) of this section. A 9614
reasonable fee may be charged for this service. If a temporary 9615
employment service submits a request for a determination of 9616
whether a person the service plans to refer to an employment 9617
position has been convicted of or pleaded guilty to an offense 9618
listed in division (A)(1), (3), (4), (5), or (6) of section 9619
109.572 of the Revised Code, the request shall be treated as a 9620
single request and only one fee shall be charged. 9621

(F)(1) As used in division (F)(2) of this section, "head 9622
start agency" means an entity in this state that has been approved 9623

to be an agency for purposes of subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, as amended.

(2)(a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, 3301.541, division (C) of section 3310.58, or section 3319.39, 3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code or that is made under section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the board of education of any school district; the director of developmental disabilities; any county board of developmental disabilities; any entity under contract with a county board of developmental disabilities; the chief administrator of any chartered nonpublic school; the chief administrator of a registered private provider that is not also a chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed ~~or certified~~ under Chapter 5104. of the Revised Code; ~~the administrator of any type C family day care home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st general assembly;~~ the chief administrator of any head start agency; the executive director of a public children services agency; a private company described in section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code; or an employer described in division (J)(2) of section 3327.10 of the Revised Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in any position after October 2, 1989, or any individual wishing to apply for employment with a board of education may request, with regard to the individual, whether the bureau has any information gathered under division (A) of this

section that pertains to that individual. On receipt of the 9657
request, the superintendent shall determine whether that 9658
information exists and, upon request of the person, board, or 9659
entity requesting information, also shall request from the federal 9660
bureau of investigation any criminal records it has pertaining to 9661
that individual. The superintendent or the superintendent's 9662
designee also may request criminal history records from other 9663
states or the federal government pursuant to the national crime 9664
prevention and privacy compact set forth in section 109.571 of the 9665
Revised Code. Within thirty days of the date that the 9666
superintendent receives a request, the superintendent shall send 9667
to the board, entity, or person a report of any information that 9668
the superintendent determines exists, including information 9669
contained in records that have been sealed under section 2953.32 9670
of the Revised Code, and, within thirty days of its receipt, shall 9671
send the board, entity, or person a report of any information 9672
received from the federal bureau of investigation, other than 9673
information the dissemination of which is prohibited by federal 9674
law. 9675

(b) When a board of education or a registered private 9676
provider is required to receive information under this section as 9677
a prerequisite to employment of an individual pursuant to division 9678
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 9679
may accept a certified copy of records that were issued by the 9680
bureau of criminal identification and investigation and that are 9681
presented by an individual applying for employment with the 9682
district in lieu of requesting that information itself. In such a 9683
case, the board shall accept the certified copy issued by the 9684
bureau in order to make a photocopy of it for that individual's 9685
employment application documents and shall return the certified 9686
copy to the individual. In a case of that nature, a district or 9687
provider only shall accept a certified copy of records of that 9688
nature within one year after the date of their issuance by the 9689

bureau. 9690

(c) Notwithstanding division (F)(2)(a) of this section, in 9691
the case of a request under section 3319.39, 3319.391, or 3327.10 9692
of the Revised Code only for criminal records maintained by the 9693
federal bureau of investigation, the superintendent shall not 9694
determine whether any information gathered under division (A) of 9695
this section exists on the person for whom the request is made. 9696

(3) The state board of education may request, with respect to 9697
any individual who has applied for employment after October 2, 9698
1989, in any position with the state board or the department of 9699
education, any information that a school district board of 9700
education is authorized to request under division (F)(2) of this 9701
section, and the superintendent of the bureau shall proceed as if 9702
the request has been received from a school district board of 9703
education under division (F)(2) of this section. 9704

(4) When the superintendent of the bureau receives a request 9705
for information under section 3319.291 of the Revised Code, the 9706
superintendent shall proceed as if the request has been received 9707
from a school district board of education and shall comply with 9708
divisions (F)(2)(a) and (c) of this section. 9709

(5) When a recipient of a classroom reading improvement grant 9710
paid under section 3301.86 of the Revised Code requests, with 9711
respect to any individual who applies to participate in providing 9712
any program or service funded in whole or in part by the grant, 9713
the information that a school district board of education is 9714
authorized to request under division (F)(2)(a) of this section, 9715
the superintendent of the bureau shall proceed as if the request 9716
has been received from a school district board of education under 9717
division (F)(2)(a) of this section. 9718

(G) In addition to or in conjunction with any request that is 9719
required to be made under section 3701.881, 3712.09, 3721.121, 9720

5119.693, or 5119.85 of the Revised Code with respect to an 9721
individual who has applied for employment in a position that 9722
involves providing direct care to an older adult or adult 9723
resident, the chief administrator of a home health agency, hospice 9724
care program, home licensed under Chapter 3721. of the Revised 9725
Code, adult day-care program operated pursuant to rules adopted 9726
under section 3721.04 of the Revised Code, adult foster home, or 9727
adult care facility may request that the superintendent of the 9728
bureau investigate and determine, with respect to any individual 9729
who has applied after January 27, 1997, for employment in a 9730
position that does not involve providing direct care to an older 9731
adult or adult resident, whether the bureau has any information 9732
gathered under division (A) of this section that pertains to that 9733
individual. 9734

In addition to or in conjunction with any request that is 9735
required to be made under section 173.27 of the Revised Code with 9736
respect to an individual who has applied for employment in a 9737
position that involves providing ombudsperson services to 9738
residents of long-term care facilities or recipients of 9739
community-based long-term care services, the state long-term care 9740
ombudsperson, ombudsperson's designee, or director of health may 9741
request that the superintendent investigate and determine, with 9742
respect to any individual who has applied for employment in a 9743
position that does not involve providing such ombudsperson 9744
services, whether the bureau has any information gathered under 9745
division (A) of this section that pertains to that applicant. 9746

In addition to or in conjunction with any request that is 9747
required to be made under section 173.394 of the Revised Code with 9748
respect to an individual who has applied for employment in a 9749
position that involves providing direct care to an individual, the 9750
chief administrator of a community-based long-term care agency may 9751
request that the superintendent investigate and determine, with 9752

respect to any individual who has applied for employment in a 9753
position that does not involve providing direct care, whether the 9754
bureau has any information gathered under division (A) of this 9755
section that pertains to that applicant. 9756

On receipt of a request under this division, the 9757
superintendent shall determine whether that information exists 9758
and, on request of the individual requesting information, shall 9759
also request from the federal bureau of investigation any criminal 9760
records it has pertaining to the applicant. The superintendent or 9761
the superintendent's designee also may request criminal history 9762
records from other states or the federal government pursuant to 9763
the national crime prevention and privacy compact set forth in 9764
section 109.571 of the Revised Code. Within thirty days of the 9765
date a request is received, the superintendent shall send to the 9766
requester a report of any information determined to exist, 9767
including information contained in records that have been sealed 9768
under section 2953.32 of the Revised Code, and, within thirty days 9769
of its receipt, shall send the requester a report of any 9770
information received from the federal bureau of investigation, 9771
other than information the dissemination of which is prohibited by 9772
federal law. 9773

(H) Information obtained by a government entity or person 9774
under this section is confidential and shall not be released or 9775
disseminated. 9776

(I) The superintendent may charge a reasonable fee for 9777
providing information or criminal records under division (F)(2) or 9778
(G) of this section. 9779

(J) As used in this section: 9780

(1) "Sexually oriented offense" and "child-victim oriented 9781
offense" have the same meanings as in section 2950.01 of the 9782
Revised Code. 9783

(2) "Registered private provider" means a nonpublic school or
entity registered with the superintendent of public instruction
under section 3310.41 of the Revised Code to participate in the
autism scholarship program or section 3310.58 of the Revised Code
to participate in the Jon Peterson special needs scholarship
program.

Sec. 2151.011. (A) As used in the Revised Code: 9790

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

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

(b) The juvenile court of Cuyahoga county or Hamilton county
that is separately and independently created by section 2151.08 or
Chapter 2153. of the Revised Code and that has jurisdiction under
this chapter and Chapter 2152. of the Revised Code;

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

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

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

(4) "Private noncustodial agency" means any person,
organization, association, or society certified by the department

of job and family services that does not accept temporary or 9814
permanent legal custody of children, that is privately operated in 9815
this state, and that does one or more of the following: 9816

(a) Receives and cares for children for two or more 9817
consecutive weeks; 9818

(b) Participates in the placement of children in certified 9819
foster homes; 9820

(c) Provides adoption services in conjunction with a public 9821
children services agency or private child placing agency. 9822

(B) As used in this chapter: 9823

(1) "Adequate parental care" means the provision by a child's 9824
parent or parents, guardian, or custodian of adequate food, 9825
clothing, and shelter to ensure the child's health and physical 9826
safety and the provision by a child's parent or parents of 9827
specialized services warranted by the child's physical or mental 9828
needs. 9829

(2) "Adult" means an individual who is eighteen years of age 9830
or older. 9831

(3) "Agreement for temporary custody" means a voluntary 9832
agreement authorized by section 5103.15 of the Revised Code that 9833
transfers the temporary custody of a child to a public children 9834
services agency or a private child placing agency. 9835

(4) "Alternative response" means the public children services 9836
agency's response to a report of child abuse or neglect that 9837
engages the family in a comprehensive evaluation of child safety, 9838
risk of subsequent harm, and family strengths and needs and that 9839
does not include a determination as to whether child abuse or 9840
neglect occurred. 9841

(5) "Certified foster home" means a foster home, as defined 9842
in section 5103.02 of the Revised Code, certified under section 9843

5103.03 of the Revised Code. 9844

(6) "Child" means a person who is under eighteen years of 9845
age, except that the juvenile court has jurisdiction over any 9846
person who is adjudicated an unruly child prior to attaining 9847
eighteen years of age until the person attains twenty-one years of 9848
age, and, for purposes of that jurisdiction related to that 9849
adjudication, a person who is so adjudicated an unruly child shall 9850
be deemed a "child" until the person attains twenty-one years of 9851
age. 9852

(7) "Child day camp," "child care," "child day-care center," 9853
"part-time child day-care center," "type A family day-care home," 9854
"~~certified~~ licensed type B family day-care home," "type B family 9855
day-care home," "administrator of a child day-care center," 9856
"administrator of a type A family day-care home," and "in-home 9857
aide," ~~and "authorized provider"~~ have the same meanings as in 9858
section 5104.01 of the Revised Code. 9859

(8) "Child care provider" means an individual who is a 9860
child-care staff member or administrator of a child day-care 9861
center, a type A family day-care home, or a type B family day-care 9862
home, or an in-home aide or an individual who is licensed, is 9863
regulated, is approved, operates under the direction of, or 9864
otherwise is certified by the department of job and family 9865
services, department of developmental disabilities, or the early 9866
childhood programs of the department of education. 9867

(9) "Chronic truant" has the same meaning as in section 9868
2152.02 of the Revised Code. 9869

(10) "Commit" means to vest custody as ordered by the court. 9870

(11) "Counseling" includes both of the following: 9871

(a) General counseling services performed by a public 9872
children services agency or shelter for victims of domestic 9873
violence to assist a child, a child's parents, and a child's 9874

siblings in alleviating identified problems that may cause or have 9875
caused the child to be an abused, neglected, or dependent child. 9876

(b) Psychiatric or psychological therapeutic counseling 9877
services provided to correct or alleviate any mental or emotional 9878
illness or disorder and performed by a licensed psychiatrist, 9879
licensed psychologist, or a person licensed under Chapter 4757. of 9880
the Revised Code to engage in social work or professional 9881
counseling. 9882

(12) "Custodian" means a person who has legal custody of a 9883
child or a public children services agency or private child 9884
placing agency that has permanent, temporary, or legal custody of 9885
a child. 9886

(13) "Delinquent child" has the same meaning as in section 9887
2152.02 of the Revised Code. 9888

(14) "Detention" means the temporary care of children pending 9889
court adjudication or disposition, or execution of a court order, 9890
in a public or private facility designed to physically restrict 9891
the movement and activities of children. 9892

(15) "Developmental disability" has the same meaning as in 9893
section 5123.01 of the Revised Code. 9894

(16) "Differential response approach" means an approach that 9895
a public children services agency may use to respond to accepted 9896
reports of child abuse or neglect with either an alternative 9897
response or a traditional response. 9898

(17) "Foster caregiver" has the same meaning as in section 9899
5103.02 of the Revised Code. 9900

(18) "Guardian" means a person, association, or corporation 9901
that is granted authority by a probate court pursuant to Chapter 9902
2111. of the Revised Code to exercise parental rights over a child 9903
to the extent provided in the court's order and subject to the 9904

residual parental rights of the child's parents. 9905

(19) "Habitual truant" means any child of compulsory school 9906
age who is absent without legitimate excuse for absence from the 9907
public school the child is supposed to attend for five or more 9908
consecutive school days, seven or more school days in one school 9909
month, or twelve or more school days in a school year. 9910

(20) "Juvenile traffic offender" has the same meaning as in 9911
section 2152.02 of the Revised Code. 9912

(21) "Legal custody" means a legal status that vests in the 9913
custodian the right to have physical care and control of the child 9914
and to determine where and with whom the child shall live, and the 9915
right and duty to protect, train, and discipline the child and to 9916
provide the child with food, shelter, education, and medical care, 9917
all subject to any residual parental rights, privileges, and 9918
responsibilities. An individual granted legal custody shall 9919
exercise the rights and responsibilities personally unless 9920
otherwise authorized by any section of the Revised Code or by the 9921
court. 9922

(22) A "legitimate excuse for absence from the public school 9923
the child is supposed to attend" includes, but is not limited to, 9924
any of the following: 9925

(a) The fact that the child in question has enrolled in and 9926
is attending another public or nonpublic school in this or another 9927
state; 9928

(b) The fact that the child in question is excused from 9929
attendance at school for any of the reasons specified in section 9930
3321.04 of the Revised Code; 9931

(c) The fact that the child in question has received an age 9932
and schooling certificate in accordance with section 3331.01 of 9933
the Revised Code. 9934

(23) "Mental illness" and "mentally ill person subject to hospitalization by court order" have the same meanings as in section 5122.01 of the Revised Code.

(24) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.

(25) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code.

(26) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.

(27) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.

(28) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere.

(29) "Out-of-home care" means detention facilities, shelter facilities, certified children's crisis care facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child day-care centers, type A family day-care homes, type B family day-care homes, child care provided by ~~type B family day care home providers and by~~ in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities,

residential camps, day camps, public schools, chartered nonpublic 9966
schools, educational service centers, hospitals, and medical 9967
clinics that are responsible for the care, physical custody, or 9968
control of children. 9969

(30) "Out-of-home care child abuse" means any of the 9970
following when committed by a person responsible for the care of a 9971
child in out-of-home care: 9972

(a) Engaging in sexual activity with a child in the person's 9973
care; 9974

(b) Denial to a child, as a means of punishment, of proper or 9975
necessary subsistence, education, medical care, or other care 9976
necessary for a child's health; 9977

(c) Use of restraint procedures on a child that cause injury 9978
or pain; 9979

(d) Administration of prescription drugs or psychotropic 9980
medication to the child without the written approval and ongoing 9981
supervision of a licensed physician; 9982

(e) Commission of any act, other than by accidental means, 9983
that results in any injury to or death of the child in out-of-home 9984
care or commission of any act by accidental means that results in 9985
an injury to or death of a child in out-of-home care and that is 9986
at variance with the history given of the injury or death. 9987

(31) "Out-of-home care child neglect" means any of the 9988
following when committed by a person responsible for the care of a 9989
child in out-of-home care: 9990

(a) Failure to provide reasonable supervision according to 9991
the standards of care appropriate to the age, mental and physical 9992
condition, or other special needs of the child; 9993

(b) Failure to provide reasonable supervision according to 9994
the standards of care appropriate to the age, mental and physical 9995

condition, or other special needs of the child, that results in	9996
sexual or physical abuse of the child by any person;	9997
(c) Failure to develop a process for all of the following:	9998
(i) Administration of prescription drugs or psychotropic	9999
drugs for the child;	10000
(ii) Assuring that the instructions of the licensed physician	10001
who prescribed a drug for the child are followed;	10002
(iii) Reporting to the licensed physician who prescribed the	10003
drug all unfavorable or dangerous side effects from the use of the	10004
drug.	10005
(d) Failure to provide proper or necessary subsistence,	10006
education, medical care, or other individualized care necessary	10007
for the health or well-being of the child;	10008
(e) Confinement of the child to a locked room without	10009
monitoring by staff;	10010
(f) Failure to provide ongoing security for all prescription	10011
and nonprescription medication;	10012
(g) Isolation of a child for a period of time when there is	10013
substantial risk that the isolation, if continued, will impair or	10014
retard the mental health or physical well-being of the child.	10015
(32) "Permanent custody" means a legal status that vests in a	10016
public children services agency or a private child placing agency,	10017
all parental rights, duties, and obligations, including the right	10018
to consent to adoption, and divests the natural parents or	10019
adoptive parents of all parental rights, privileges, and	10020
obligations, including all residual rights and obligations.	10021
(33) "Permanent surrender" means the act of the parents or,	10022
if a child has only one parent, of the parent of a child, by a	10023
voluntary agreement authorized by section 5103.15 of the Revised	10024
Code, to transfer the permanent custody of the child to a public	10025

children services agency or a private child placing agency.	10026
(34) "Person" means an individual, association, corporation,	10027
or partnership and the state or any of its political subdivisions,	10028
departments, or agencies.	10029
(35) "Person responsible for a child's care in out-of-home	10030
care" means any of the following:	10031
(a) Any foster caregiver, in-home aide, or provider;	10032
(b) Any administrator, employee, or agent of any of the	10033
following: a public or private detention facility; shelter	10034
facility; certified children's crisis care facility; organization;	10035
certified organization; child day-care center; type A family	10036
day-care home; certified <u>licensed</u> type B family day-care home;	10037
group home; institution; state institution; residential facility;	10038
residential care facility; residential camp; day camp; school	10039
district; community school; chartered nonpublic school;	10040
educational service center; hospital; or medical clinic;	10041
(c) Any person who supervises or coaches children as part of	10042
an extracurricular activity sponsored by a school district, public	10043
school, or chartered nonpublic school;	10044
(d) Any other person who performs a similar function with	10045
respect to, or has a similar relationship to, children.	10046
(36) "Physically impaired" means having one or more of the	10047
following conditions that substantially limit one or more of an	10048
individual's major life activities, including self-care, receptive	10049
and expressive language, learning, mobility, and self-direction:	10050
(a) A substantial impairment of vision, speech, or hearing;	10051
(b) A congenital orthopedic impairment;	10052
(c) An orthopedic impairment caused by disease, rheumatic	10053
fever or any other similar chronic or acute health problem, or	10054
amputation or another similar cause.	10055

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

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

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

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

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

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

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

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

court for the protection of the child. 10087

(43) "Psychiatrist" has the same meaning as in section 10088
5122.01 of the Revised Code. 10089

(44) "Psychologist" has the same meaning as in section 10090
4732.01 of the Revised Code. 10091

(45) "Residential camp" means a program in which the care, 10092
physical custody, or control of children is accepted overnight for 10093
recreational or recreational and educational purposes. 10094

(46) "Residential care facility" means an institution, 10095
residence, or facility that is licensed by the department of 10096
mental health under section 5119.22 of the Revised Code and that 10097
provides care for a child. 10098

(47) "Residential facility" means a home or facility that is 10099
licensed by the department of developmental disabilities under 10100
section 5123.19 of the Revised Code and in which a child with a 10101
developmental disability resides. 10102

(48) "Residual parental rights, privileges, and 10103
responsibilities" means those rights, privileges, and 10104
responsibilities remaining with the natural parent after the 10105
transfer of legal custody of the child, including, but not 10106
necessarily limited to, the privilege of reasonable visitation, 10107
consent to adoption, the privilege to determine the child's 10108
religious affiliation, and the responsibility for support. 10109

(49) "School day" means the school day established by the 10110
state board of education pursuant to section 3313.48 of the 10111
Revised Code. 10112

(50) "School month" and "school year" have the same meanings 10113
as in section 3313.62 of the Revised Code. 10114

(51) "Secure correctional facility" means a facility under 10115
the direction of the department of youth services that is designed 10116

to physically restrict the movement and activities of children and 10117
used for the placement of children after adjudication and 10118
disposition. 10119

(52) "Sexual activity" has the same meaning as in section 10120
2907.01 of the Revised Code. 10121

(53) "Shelter" means the temporary care of children in 10122
physically unrestricted facilities pending court adjudication or 10123
disposition. 10124

(54) "Shelter for victims of domestic violence" has the same 10125
meaning as in section 3113.33 of the Revised Code. 10126

(55) "Temporary custody" means legal custody of a child who 10127
is removed from the child's home, which custody may be terminated 10128
at any time at the discretion of the court or, if the legal 10129
custody is granted in an agreement for temporary custody, by the 10130
person who executed the agreement. 10131

(56) "Traditional response" means a public children services 10132
agency's response to a report of child abuse or neglect that 10133
encourages engagement of the family in a comprehensive evaluation 10134
of the child's current and future safety needs and a fact-finding 10135
process to determine whether child abuse or neglect occurred and 10136
the circumstances surrounding the alleged harm or risk of harm. 10137

(C) For the purposes of this chapter, a child shall be 10138
presumed abandoned when the parents of the child have failed to 10139
visit or maintain contact with the child for more than ninety 10140
days, regardless of whether the parents resume contact with the 10141
child after that period of ninety days. 10142

Sec. 2919.227. (A)(1) No child care center licensee shall 10143
accept a child into that center without first providing to the 10144
parent, guardian, custodian, or other person responsible for the 10145
care of that child the following information, if the parent, 10146

guardian, custodian, or other person responsible for the care of 10147
the child requests the information: 10148

(a) The types of injuries to children, as reported in 10149
accordance with rules adopted under section ~~5104.011~~ 5104.015 of 10150
the Revised Code, that occurred at the center on or after April 1, 10151
2003, or the date that is two years before the date the 10152
information is requested, whichever date is more recent; 10153

(b) The number of each type of injury to children that 10154
occurred at the center during that period. 10155

(2) If a death described in division (A)(2)(a) or (A)(2)(b) 10156
of this section occurred during the fifteen-year period 10157
immediately preceding the date that the parent, guardian, 10158
custodian, or other person responsible for the care of a child 10159
seeks to enroll that child, no child care center licensee shall 10160
accept that child into that center without first providing to the 10161
parent, guardian, custodian, or other person responsible for the 10162
care of that child a notice that states that the death occurred. 10163

(a) A child died while under the care of the center or while 10164
receiving child care from the owner, provider, or administrator of 10165
the center; 10166

(b) A child died as a result of injuries suffered while under 10167
the care of the center or while receiving child care from the 10168
owner, provider, or administrator of the center. 10169

(3) Each child care center licensee shall keep on file at the 10170
center a copy of the information provided under this division for 10171
at least three years after providing the information. 10172

(B)(1) No child care center licensee shall fail to provide 10173
notice in accordance with division (B)(3) of this section to the 10174
persons and entities specified in division (B)(2) of this section 10175
if a child who is under the care of the center or is receiving 10176

child care from the owner, provider, or administrator of the 10177
center dies while under the care of the center or while receiving 10178
child care from the owner, provider, or administrator or dies as a 10179
result of injuries suffered while under the care of the center or 10180
while receiving child care from the owner, provider, or 10181
administrator. 10182

(2) A child care center licensee shall provide the notice 10183
required under division (B)(1) of this section to all of the 10184
following: 10185

(a) The parent, guardian, custodian, or other person 10186
responsible for the care of each child who, at the time of the 10187
death for which notice is required, is receiving or is enrolled to 10188
receive child care from the center; 10189

(b) The public children services agency of the county in 10190
which the center is located or the child care was given; 10191

(c) A municipal or county peace officer in the county in 10192
which the child resides or in which the center is located or the 10193
child care was given; 10194

(d) The child fatality review board appointed under section 10195
307.621 of the Revised Code that serves the county in which the 10196
center is located or the child care was given. 10197

(3) A child care center licensee shall provide the notice 10198
required by division (B)(1) of this section not later than 10199
forty-eight hours after the child dies. The notice shall state 10200
that the death occurred. 10201

(C) Whoever violates division (A) or (B) of this section is 10202
guilty of failure of a child care center to disclose the death or 10203
serious injury of a child, a misdemeanor of the fourth degree. 10204

Sec. 2923.124. As used in sections 2923.124 to 2923.1213 of 10205
the Revised Code: 10206

(A) "Application form" means the application form prescribed pursuant to division (A)(1) of section 109.731 of the Revised Code and includes a copy of that form. 10207
10208
10209

(B) "Competency certification" and "competency certificate" mean a document of the type described in division (B)(3) of section 2923.125 of the Revised Code. 10210
10211
10212

(C) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code. 10213
10214

(D) "Licensee" means a person to whom a license to carry a concealed handgun has been issued under section 2923.125 of the Revised Code and, except when the context clearly indicates otherwise, includes a person to whom a temporary emergency license to carry a concealed handgun has been issued under section 2923.1213 of the Revised Code. 10215
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(E) "License fee" or "license renewal fee" means the fee for a license to carry a concealed handgun or the fee to renew that license that is prescribed pursuant to division (C) of section 109.731 of the Revised Code and that is to be paid by an applicant for a license of that type. 10221
10222
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(F) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 10226
10227

(G) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code. 10228
10229

(H) "Valid license" means a license or temporary emergency license to carry a concealed handgun that has been issued under section 2923.125 or 2923.1213 of the Revised Code, that is currently valid, that is not under a suspension under division (A)(1) of section 2923.128 or under section 2923.1213 of the Revised Code, and that has not been revoked under division (B)(1) of section 2923.128 or under section 2923.1213 of the Revised Code. 10230
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(I) "Civil protection order" means a protection order issued, 10238
or consent agreement approved, under section 2903.214 or 3113.31 10239
of the Revised Code. 10240

(J) "Temporary protection order" means a protection order 10241
issued under section 2903.213 or 2919.26 of the Revised Code. 10242

(K) "Protection order issued by a court of another state" has 10243
the same meaning as in section 2919.27 of the Revised Code. 10244

(L) "Child day-care center," "type A family day-care home" 10245
and "type B family day-care home" have the same meanings as in 10246
section 5104.01 of the Revised Code. 10247

~~(M) "Type C family day care home" means a family day care 10248
home authorized to provide child care by Sub. H.B. 62 of the 121st 10249
general assembly, as amended by Am. Sub. S.B. 160 of the 121st 10250
general assembly and Sub. H.B. 407 of the 123rd general assembly. 10251~~

~~(N)~~ "Foreign air transportation," "interstate air 10252
transportation," and "intrastate air transportation" have the same 10253
meanings as in 49 U.S.C. 40102, as now or hereafter amended. 10254

~~(O)~~(N) "Commercial motor vehicle" has the same meaning as in 10255
division (A) of section 4506.25 of the Revised Code. 10256

~~(P)~~(O) "Motor carrier enforcement unit" has the same meaning 10257
as in section 2923.16 of the Revised Code. 10258

Sec. 2923.126. (A) A license to carry a concealed handgun 10259
that is issued under section 2923.125 of the Revised Code on or 10260
after March 14, 2007, shall expire five years after the date of 10261
issuance, and a license that is so issued prior to March 14, 2007, 10262
shall expire four years after the date of issuance. A licensee who 10263
has been issued a license under that section shall be granted a 10264
grace period of thirty days after the licensee's license expires 10265
during which the licensee's license remains valid. Except as 10266
provided in divisions (B) and (C) of this section, a licensee who 10267

has been issued a license under section 2923.125 or 2923.1213 of 10268
the Revised Code may carry a concealed handgun anywhere in this 10269
state if the licensee also carries a valid license and valid 10270
identification when the licensee is in actual possession of a 10271
concealed handgun. The licensee shall give notice of any change in 10272
the licensee's residence address to the sheriff who issued the 10273
license within forty-five days after that change. 10274

If a licensee is the driver or an occupant of a motor vehicle 10275
that is stopped as the result of a traffic stop or a stop for 10276
another law enforcement purpose and if the licensee is 10277
transporting or has a loaded handgun in the motor vehicle at that 10278
time, the licensee shall promptly inform any law enforcement 10279
officer who approaches the vehicle while stopped that the licensee 10280
has been issued a license or temporary emergency license to carry 10281
a concealed handgun and that the licensee currently possesses or 10282
has a loaded handgun; the licensee shall not knowingly disregard 10283
or fail to comply with lawful orders of a law enforcement officer 10284
given while the motor vehicle is stopped, knowingly fail to remain 10285
in the motor vehicle while stopped, or knowingly fail to keep the 10286
licensee's hands in plain sight after any law enforcement officer 10287
begins approaching the licensee while stopped and before the 10288
officer leaves, unless directed otherwise by a law enforcement 10289
officer; and the licensee shall not knowingly remove, attempt to 10290
remove, grasp, or hold the loaded handgun or knowingly have 10291
contact with the loaded handgun by touching it with the licensee's 10292
hands or fingers, in any manner in violation of division (E) of 10293
section 2923.16 of the Revised Code, after any law enforcement 10294
officer begins approaching the licensee while stopped and before 10295
the officer leaves. Additionally, if a licensee is the driver or 10296
an occupant of a commercial motor vehicle that is stopped by an 10297
employee of the motor carrier enforcement unit for the purposes 10298
defined in section 5503.04 of the Revised Code and if the licensee 10299
is transporting or has a loaded handgun in the commercial motor 10300

vehicle at that time, the licensee shall promptly inform the 10301
employee of the unit who approaches the vehicle while stopped that 10302
the licensee has been issued a license or temporary emergency 10303
license to carry a concealed handgun and that the licensee 10304
currently possesses or has a loaded handgun. 10305

If a licensee is stopped for a law enforcement purpose and if 10306
the licensee is carrying a concealed handgun at the time the 10307
officer approaches, the licensee shall promptly inform any law 10308
enforcement officer who approaches the licensee while stopped that 10309
the licensee has been issued a license or temporary emergency 10310
license to carry a concealed handgun and that the licensee 10311
currently is carrying a concealed handgun; the licensee shall not 10312
knowingly disregard or fail to comply with lawful orders of a law 10313
enforcement officer given while the licensee is stopped or 10314
knowingly fail to keep the licensee's hands in plain sight after 10315
any law enforcement officer begins approaching the licensee while 10316
stopped and before the officer leaves, unless directed otherwise 10317
by a law enforcement officer; and the licensee shall not knowingly 10318
remove, attempt to remove, grasp, or hold the loaded handgun or 10319
knowingly have contact with the loaded handgun by touching it with 10320
the licensee's hands or fingers, in any manner in violation of 10321
division (B) of section 2923.12 of the Revised Code, after any law 10322
enforcement officer begins approaching the licensee while stopped 10323
and before the officer leaves. 10324

(B) A valid license issued under section 2923.125 or 10325
2923.1213 of the Revised Code does not authorize the licensee to 10326
carry a concealed handgun in any manner prohibited under division 10327
(B) of section 2923.12 of the Revised Code or in any manner 10328
prohibited under section 2923.16 of the Revised Code. A valid 10329
license does not authorize the licensee to carry a concealed 10330
handgun into any of the following places: 10331

(1) A police station, sheriff's office, or state highway 10332

patrol station, premises controlled by the bureau of criminal 10333
identification and investigation, a state correctional 10334
institution, jail, workhouse, or other detention facility, an 10335
airport passenger terminal, or an institution that is maintained, 10336
operated, managed, and governed pursuant to division (A) of 10337
section 5119.02 of the Revised Code or division (A)(1) of section 10338
5123.03 of the Revised Code; 10339

(2) A school safety zone if the licensee's carrying the 10340
concealed handgun is in violation of section 2923.122 of the 10341
Revised Code; 10342

(3) A courthouse or another building or structure in which a 10343
courtroom is located, in violation of section 2923.123 of the 10344
Revised Code; 10345

(4) Any premises or open air arena for which a D permit has 10346
been issued under Chapter 4303. of the Revised Code if the 10347
licensee's carrying the concealed handgun is in violation of 10348
section 2923.121 of the Revised Code; 10349

(5) Any premises owned or leased by any public or private 10350
college, university, or other institution of higher education, 10351
unless the handgun is in a locked motor vehicle or the licensee is 10352
in the immediate process of placing the handgun in a locked motor 10353
vehicle; 10354

(6) Any church, synagogue, mosque, or other place of worship, 10355
unless the church, synagogue, mosque, or other place of worship 10356
posts or permits otherwise; 10357

(7) A child day-care center, a type A family day-care home, 10358
~~or a type B family day-care home, or a type C family day-care~~ 10359
~~home~~, except that this division does not prohibit a licensee who 10360
resides in a type A family day-care home, or a type B family 10361
day-care home, ~~or a type C family day-care home~~ from carrying a 10362
concealed handgun at any time in any part of the home that is not 10363

dedicated or used for day-care purposes, or from carrying a 10364
concealed handgun in a part of the home that is dedicated or used 10365
for day-care purposes at any time during which no children, other 10366
than children of that licensee, are in the home; 10367

(8) An aircraft that is in, or intended for operation in, 10368
foreign air transportation, interstate air transportation, 10369
intrastate air transportation, or the transportation of mail by 10370
aircraft; 10371

(9) Any building that is a government facility of this state 10372
or a political subdivision of this state and that is not a 10373
building that is used primarily as a shelter, restroom, parking 10374
facility for motor vehicles, or rest facility and is not a 10375
courthouse or other building or structure in which a courtroom is 10376
located that is subject to division (B)(3) of this section; 10377

(10) A place in which federal law prohibits the carrying of 10378
handguns. 10379

(C)(1) Nothing in this section shall negate or restrict a 10380
rule, policy, or practice of a private employer that is not a 10381
private college, university, or other institution of higher 10382
education concerning or prohibiting the presence of firearms on 10383
the private employer's premises or property, including motor 10384
vehicles owned by the private employer. Nothing in this section 10385
shall require a private employer of that nature to adopt a rule, 10386
policy, or practice concerning or prohibiting the presence of 10387
firearms on the private employer's premises or property, including 10388
motor vehicles owned by the private employer. 10389

(2)(a) A private employer shall be immune from liability in a 10390
civil action for any injury, death, or loss to person or property 10391
that allegedly was caused by or related to a licensee bringing a 10392
handgun onto the premises or property of the private employer, 10393
including motor vehicles owned by the private employer, unless the 10394

private employer acted with malicious purpose. A private employer 10395
is immune from liability in a civil action for any injury, death, 10396
or loss to person or property that allegedly was caused by or 10397
related to the private employer's decision to permit a licensee to 10398
bring, or prohibit a licensee from bringing, a handgun onto the 10399
premises or property of the private employer. As used in this 10400
division, "private employer" includes a private college, 10401
university, or other institution of higher education. 10402

(b) A political subdivision shall be immune from liability in 10403
a civil action, to the extent and in the manner provided in 10404
Chapter 2744. of the Revised Code, for any injury, death, or loss 10405
to person or property that allegedly was caused by or related to a 10406
licensee bringing a handgun onto any premises or property owned, 10407
leased, or otherwise under the control of the political 10408
subdivision. As used in this division, "political subdivision" has 10409
the same meaning as in section 2744.01 of the Revised Code. 10410

(3)(a) Except as provided in division (C)(3)(b) of this 10411
section, the owner or person in control of private land or 10412
premises, and a private person or entity leasing land or premises 10413
owned by the state, the United States, or a political subdivision 10414
of the state or the United States, may post a sign in a 10415
conspicuous location on that land or on those premises prohibiting 10416
persons from carrying firearms or concealed firearms on or onto 10417
that land or those premises. Except as otherwise provided in this 10418
division, a person who knowingly violates a posted prohibition of 10419
that nature is guilty of criminal trespass in violation of 10420
division (A)(4) of section 2911.21 of the Revised Code and is 10421
guilty of a misdemeanor of the fourth degree. If a person 10422
knowingly violates a posted prohibition of that nature and the 10423
posted land or premises primarily was a parking lot or other 10424
parking facility, the person is not guilty of criminal trespass in 10425
violation of division (A)(4) of section 2911.21 of the Revised 10426

Code and instead is subject only to a civil cause of action for 10427
trespass based on the violation. 10428

(b) A landlord may not prohibit or restrict a tenant who is a 10429
licensee and who on or after ~~the effective date of this amendment~~ 10430
September 9, 2008, enters into a rental agreement with the 10431
landlord for the use of residential premises, and the tenant's 10432
guest while the tenant is present, from lawfully carrying or 10433
possessing a handgun on those residential premises. 10434

(c) As used in division (C)(3) of this section: 10435

(i) "Residential premises" has the same meaning as in section 10436
5321.01 of the Revised Code, except "residential premises" does 10437
not include a dwelling unit that is owned or operated by a college 10438
or university. 10439

(ii) "Landlord," "tenant," and "rental agreement" have the 10440
same meanings as in section 5321.01 of the Revised Code. 10441

(D) A person who holds a license to carry a concealed handgun 10442
that was issued pursuant to the law of another state that is 10443
recognized by the attorney general pursuant to a reciprocity 10444
agreement entered into pursuant to section 109.69 of the Revised 10445
Code has the same right to carry a concealed handgun in this state 10446
as a person who was issued a license to carry a concealed handgun 10447
under section 2923.125 of the Revised Code and is subject to the 10448
same restrictions that apply to a person who carries a license 10449
issued under that section. 10450

(E) A peace officer has the same right to carry a concealed 10451
handgun in this state as a person who was issued a license to 10452
carry a concealed handgun under section 2923.125 of the Revised 10453
Code. For purposes of reciprocity with other states, a peace 10454
officer shall be considered to be a licensee in this state. 10455

(F)(1) A qualified retired peace officer who possesses a 10456
retired peace officer identification card issued pursuant to 10457

division (F)(2) of this section and a valid firearms 10458
requalification certification issued pursuant to division (F)(3) 10459
of this section has the same right to carry a concealed handgun in 10460
this state as a person who was issued a license to carry a 10461
concealed handgun under section 2923.125 of the Revised Code and 10462
is subject to the same restrictions that apply to a person who 10463
carries a license issued under that section. For purposes of 10464
reciprocity with other states, a qualified retired peace officer 10465
who possesses a retired peace officer identification card issued 10466
pursuant to division (F)(2) of this section and a valid firearms 10467
requalification certification issued pursuant to division (F)(3) 10468
of this section shall be considered to be a licensee in this 10469
state. 10470

(2)(a) Each public agency of this state or of a political 10471
subdivision of this state that is served by one or more peace 10472
officers shall issue a retired peace officer identification card 10473
to any person who retired from service as a peace officer with 10474
that agency, if the issuance is in accordance with the agency's 10475
policies and procedures and if the person, with respect to the 10476
person's service with that agency, satisfies all of the following: 10477

(i) The person retired in good standing from service as a 10478
peace officer with the public agency, and the retirement was not 10479
for reasons of mental instability. 10480

(ii) Before retiring from service as a peace officer with 10481
that agency, the person was authorized to engage in or supervise 10482
the prevention, detection, investigation, or prosecution of, or 10483
the incarceration of any person for, any violation of law and the 10484
person had statutory powers of arrest. 10485

(iii) At the time of the person's retirement as a peace 10486
officer with that agency, the person was trained and qualified to 10487
carry firearms in the performance of the peace officer's duties. 10488

(iv) Before retiring from service as a peace officer with 10489
that agency, the person was regularly employed as a peace officer 10490
for an aggregate of fifteen years or more, or, in the alternative, 10491
the person retired from service as a peace officer with that 10492
agency, after completing any applicable probationary period of 10493
that service, due to a service-connected disability, as determined 10494
by the agency. 10495

(b) A retired peace officer identification card issued to a 10496
person under division (F)(2)(a) of this section shall identify the 10497
person by name, contain a photograph of the person, identify the 10498
public agency of this state or of the political subdivision of 10499
this state from which the person retired as a peace officer and 10500
that is issuing the identification card, and specify that the 10501
person retired in good standing from service as a peace officer 10502
with the issuing public agency and satisfies the criteria set 10503
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 10504
addition to the required content specified in this division, a 10505
retired peace officer identification card issued to a person under 10506
division (F)(2)(a) of this section may include the firearms 10507
requalification certification described in division (F)(3) of this 10508
section, and if the identification card includes that 10509
certification, the identification card shall serve as the firearms 10510
requalification certification for the retired peace officer. If 10511
the issuing public agency issues credentials to active law 10512
enforcement officers who serve the agency, the agency may comply 10513
with division (F)(2)(a) of this section by issuing the same 10514
credentials to persons who retired from service as a peace officer 10515
with the agency and who satisfy the criteria set forth in 10516
divisions (F)(2)(a)(i) to (iv) of this section, provided that the 10517
credentials so issued to retired peace officers are stamped with 10518
the word "RETIRED." 10519

(c) A public agency of this state or of a political 10520

subdivision of this state may charge persons who retired from 10521
service as a peace officer with the agency a reasonable fee for 10522
issuing to the person a retired peace officer identification card 10523
pursuant to division (F)(2)(a) of this section. 10524

(3) If a person retired from service as a peace officer with 10525
a public agency of this state or of a political subdivision of 10526
this state and the person satisfies the criteria set forth in 10527
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 10528
may provide the retired peace officer with the opportunity to 10529
attend a firearms requalification program that is approved for 10530
purposes of firearms requalification required under section 10531
109.801 of the Revised Code. The retired peace officer may be 10532
required to pay the cost of the course. 10533

If a retired peace officer who satisfies the criteria set 10534
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 10535
firearms requalification program that is approved for purposes of 10536
firearms requalification required under section 109.801 of the 10537
Revised Code, the retired peace officer's successful completion of 10538
the firearms requalification program requalifies the retired peace 10539
officer for purposes of division (F) of this section for five 10540
years from the date on which the program was successfully 10541
completed, and the requalification is valid during that five-year 10542
period. If a retired peace officer who satisfies the criteria set 10543
forth in divisions (F)(2)(a)(i) to (iv) of this section 10544
satisfactorily completes such a firearms requalification program, 10545
the retired peace officer shall be issued a firearms 10546
requalification certification that identifies the retired peace 10547
officer by name, identifies the entity that taught the program, 10548
specifies that the retired peace officer successfully completed 10549
the program, specifies the date on which the course was 10550
successfully completed, and specifies that the requalification is 10551
valid for five years from that date of successful completion. The 10552

firearms requalification certification for a retired peace officer 10553
may be included in the retired peace officer identification card 10554
issued to the retired peace officer under division (F)(2) of this 10555
section. 10556

A retired peace officer who attends a firearms 10557
requalification program that is approved for purposes of firearms 10558
requalification required under section 109.801 of the Revised Code 10559
may be required to pay the cost of the program. 10560

(G) As used in this section: 10561

(1) "Qualified retired peace officer" means a person who 10562
satisfies all of the following: 10563

(a) The person satisfies the criteria set forth in divisions 10564
(F)(2)(a)(i) to (v) of this section. 10565

(b) The person is not under the influence of alcohol or 10566
another intoxicating or hallucinatory drug or substance. 10567

(c) The person is not prohibited by federal law from 10568
receiving firearms. 10569

(2) "Retired peace officer identification card" means an 10570
identification card that is issued pursuant to division (F)(2) of 10571
this section to a person who is a retired peace officer. 10572

(3) "Government facility of this state or a political 10573
subdivision of this state" means any of the following: 10574

(a) A building or part of a building that is owned or leased 10575
by the government of this state or a political subdivision of this 10576
state and where employees of the government of this state or the 10577
political subdivision regularly are present for the purpose of 10578
performing their official duties as employees of the state or 10579
political subdivision; 10580

(b) The office of a deputy registrar serving pursuant to 10581
Chapter 4503. of the Revised Code that is used to perform deputy 10582

registrar functions. 10583

Sec. 2923.1212. (A) The following persons, boards, and 10584
entities, or designees, shall post in the following locations a 10585
sign that contains a statement in substantially the following 10586
form: "Unless otherwise authorized by law, pursuant to the Ohio 10587
Revised Code, no person shall knowingly possess, have under the 10588
person's control, convey, or attempt to convey a deadly weapon or 10589
dangerous ordnance onto these premises.": 10590

(1) The director of public safety or the person or board 10591
charged with the erection, maintenance, or repair of police 10592
stations, municipal jails, and the municipal courthouse and 10593
courtrooms in a conspicuous location at all police stations, 10594
municipal jails, and municipal courthouses and courtrooms; 10595

(2) The sheriff or sheriff's designee who has charge of the 10596
sheriff's office in a conspicuous location in that office; 10597

(3) The superintendent of the state highway patrol or the 10598
superintendent's designee in a conspicuous location at all state 10599
highway patrol stations; 10600

(4) Each sheriff, chief of police, or person in charge of 10601
every county, multicounty, municipal, municipal-county, or 10602
multicounty-municipal jail or workhouse, community-based 10603
correctional facility, halfway house, alternative residential 10604
facility, or other local or state correctional institution or 10605
detention facility within the state, or that person's designee, in 10606
a conspicuous location at that facility under that person's 10607
charge; 10608

(5) The board of trustees of a regional airport authority, 10609
chief administrative officer of an airport facility, or other 10610
person in charge of an airport facility in a conspicuous location 10611
at each airport facility under that person's control; 10612

(6) The officer or officer's designee who has charge of a 10613
courthouse or the building or structure in which a courtroom is 10614
located in a conspicuous location in that building or structure; 10615

(7) The superintendent of the bureau of criminal 10616
identification and investigation or the superintendent's designee 10617
in a conspicuous location in all premises controlled by that 10618
bureau; 10619

(8) The owner, administrator, or operator of a child day-care 10620
center, a type A family day-care home, or a type B family day-care 10621
home, ~~or a type C family day care home;~~ 10622

(9) The officer of this state or of a political subdivision 10623
of this state, or the officer's designee, who has charge of a 10624
building that is a government facility of this state or the 10625
political subdivision of this state, as defined in section 10626
2923.126 of the Revised Code, and that is not a building that is 10627
used primarily as a shelter, restroom, parking facility for motor 10628
vehicles, or rest facility and is not a courthouse or other 10629
building or structure in which a courtroom is located that is 10630
subject to division (B)(3) of that section. 10631

(B) The following boards, bodies, and persons, or designees, 10632
shall post in the following locations a sign that contains a 10633
statement in substantially the following form: "Unless otherwise 10634
authorized by law, pursuant to Ohio Revised Code section 2923.122, 10635
no person shall knowingly possess, have under the person's 10636
control, convey, or attempt to convey a deadly weapon or dangerous 10637
ordnance into a school safety zone.": 10638

(1) A board of education of a city, local, exempted village, 10639
or joint vocational school district or that board's designee in a 10640
conspicuous location in each building and on each parcel of real 10641
property owned or controlled by the board; 10642

(2) A governing body of a school for which the state board of 10643

education prescribes minimum standards under section 3301.07 of 10644
the Revised Code or that body's designee in a conspicuous location 10645
in each building and on each parcel of real property owned or 10646
controlled by the school; 10647

(3) The principal or chief administrative officer of a 10648
nonpublic school in a conspicuous location on property owned or 10649
controlled by that nonpublic school. 10650

Sec. 2950.11. (A) Regardless of when the sexually oriented 10651
offense or child-victim oriented offense was committed, if a 10652
person is convicted of, pleads guilty to, has been convicted of, 10653
or has pleaded guilty to a sexually oriented offense or a 10654
child-victim oriented offense or a person is or has been 10655
adjudicated a delinquent child for committing a sexually oriented 10656
offense or a child-victim oriented offense and is classified a 10657
juvenile offender registrant or is an out-of-state juvenile 10658
offender registrant based on that adjudication, and if the 10659
offender or delinquent child is in any category specified in 10660
division (F)(1)(a), (b), or (c) of this section, the sheriff with 10661
whom the offender or delinquent child has most recently registered 10662
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 10663
and the sheriff to whom the offender or delinquent child most 10664
recently sent a notice of intent to reside under section 2950.04 10665
or 2950.041 of the Revised Code, within the period of time 10666
specified in division (C) of this section, shall provide a written 10667
notice containing the information set forth in division (B) of 10668
this section to all of the persons described in divisions (A)(1) 10669
to (10) of this section. If the sheriff has sent a notice to the 10670
persons described in those divisions as a result of receiving a 10671
notice of intent to reside and if the offender or delinquent child 10672
registers a residence address that is the same residence address 10673
described in the notice of intent to reside, the sheriff is not 10674
required to send an additional notice when the offender or 10675

delinquent child registers. The sheriff shall provide the notice 10676
to all of the following persons: 10677

(1)(a) Any occupant of each residential unit that is located 10678
within one thousand feet of the offender's or delinquent child's 10679
residential premises, that is located within the county served by 10680
the sheriff, and that is not located in a multi-unit building. 10681
Division (D)(3) of this section applies regarding notices required 10682
under this division. 10683

(b) If the offender or delinquent child resides in a 10684
multi-unit building, any occupant of each residential unit that is 10685
located in that multi-unit building and that shares a common 10686
hallway with the offender or delinquent child. For purposes of 10687
this division, an occupant's unit shares a common hallway with the 10688
offender or delinquent child if the entrance door into the 10689
occupant's unit is located on the same floor and opens into the 10690
same hallway as the entrance door to the unit the offender or 10691
delinquent child occupies. Division (D)(3) of this section applies 10692
regarding notices required under this division. 10693

(c) The building manager, or the person the building owner or 10694
condominium unit owners association authorizes to exercise 10695
management and control, of each multi-unit building that is 10696
located within one thousand feet of the offender's or delinquent 10697
child's residential premises, including a multi-unit building in 10698
which the offender or delinquent child resides, and that is 10699
located within the county served by the sheriff. In addition to 10700
notifying the building manager or the person authorized to 10701
exercise management and control in the multi-unit building under 10702
this division, the sheriff shall post a copy of the notice 10703
prominently in each common entryway in the building and any other 10704
location in the building the sheriff determines appropriate. The 10705
manager or person exercising management and control of the 10706
building shall permit the sheriff to post copies of the notice 10707

under this division as the sheriff determines appropriate. In lieu 10708
of posting copies of the notice as described in this division, a 10709
sheriff may provide notice to all occupants of the multi-unit 10710
building by mail or personal contact; if the sheriff so notifies 10711
all the occupants, the sheriff is not required to post copies of 10712
the notice in the common entryways to the building. Division 10713
(D)(3) of this section applies regarding notices required under 10714
this division. 10715

(d) All additional persons who are within any category of 10716
neighbors of the offender or delinquent child that the attorney 10717
general by rule adopted under section 2950.13 of the Revised Code 10718
requires to be provided the notice and who reside within the 10719
county served by the sheriff; 10720

(2) The executive director of the public children services 10721
agency that has jurisdiction within the specified geographical 10722
notification area and that is located within the county served by 10723
the sheriff; 10724

(3)(a) The superintendent of each board of education of a 10725
school district that has schools within the specified geographical 10726
notification area and that is located within the county served by 10727
the sheriff; 10728

(b) The principal of the school within the specified 10729
geographical notification area and within the county served by the 10730
sheriff that the delinquent child attends; 10731

(c) If the delinquent child attends a school outside of the 10732
specified geographical notification area or outside of the school 10733
district where the delinquent child resides, the superintendent of 10734
the board of education of a school district that governs the 10735
school that the delinquent child attends and the principal of the 10736
school that the delinquent child attends. 10737

(4)(a) The appointing or hiring officer of each chartered 10738

nonpublic school located within the specified geographical 10739
notification area and within the county served by the sheriff or 10740
of each other school located within the specified geographical 10741
notification area and within the county served by the sheriff and 10742
that is not operated by a board of education described in division 10743
(A)(3) of this section; 10744

(b) Regardless of the location of the school, the appointing 10745
or hiring officer of a chartered nonpublic school that the 10746
delinquent child attends. 10747

(5) The director, head teacher, elementary principal, or site 10748
administrator of each preschool program governed by Chapter 3301. 10749
of the Revised Code that is located within the specified 10750
geographical notification area and within the county served by the 10751
sheriff; 10752

(6) The administrator of each child day-care center or type A 10753
family day-care home that is located within the specified 10754
geographical notification area and within the county served by the 10755
sheriff, ~~and the provider of each certified holder of a license to~~ 10756
operate a type B family day-care home that is located within the 10757
specified geographical notification area and within the county 10758
served by the sheriff. As used in this division, "child day-care 10759
center," "type A family day-care home," and "~~certified~~ type B 10760
family day-care home" have the same meanings as in section 5104.01 10761
of the Revised Code. 10762

(7) The president or other chief administrative officer of 10763
each institution of higher education, as defined in section 10764
2907.03 of the Revised Code, that is located within the specified 10765
geographical notification area and within the county served by the 10766
sheriff, and the chief law enforcement officer of the state 10767
university law enforcement agency or campus police department 10768
established under section 3345.04 or 1713.50 of the Revised Code, 10769
if any, that serves that institution; 10770

(8) The sheriff of each county that includes any portion of the specified geographical notification area; 10771
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(9) If the offender or delinquent child resides within the county served by the sheriff, the chief of police, marshal, or other chief law enforcement officer of the municipal corporation in which the offender or delinquent child resides or, if the offender or delinquent child resides in an unincorporated area, the constable or chief of the police department or police district police force of the township in which the offender or delinquent child resides; 10773
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(10) Volunteer organizations in which contact with minors or other vulnerable individuals might occur or any organization, company, or individual who requests notification as provided in division (J) of this section. 10781
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(B) The notice required under division (A) of this section shall include all of the following information regarding the subject offender or delinquent child: 10785
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(1) The offender's or delinquent child's name; 10788

(2) The address or addresses of the offender's or public registry-qualified juvenile offender registrant's residence, school, institution of higher education, or place of employment, as applicable, or the residence address or addresses of a delinquent child who is not a public registry-qualified juvenile offender registrant; 10789
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(3) The sexually oriented offense or child-victim oriented offense of which the offender was convicted, to which the offender pleaded guilty, or for which the child was adjudicated a delinquent child; 10795
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(4) A statement that identifies the category specified in division (F)(1)(a), (b), or (c) of this section that includes the offender or delinquent child and that subjects the offender or 10799
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delinquent child to this section; 10802

(5) The offender's or delinquent child's photograph. 10803

(C) If a sheriff with whom an offender or delinquent child 10804
registers under section 2950.04, 2950.041, or 2950.05 of the 10805
Revised Code or to whom the offender or delinquent child most 10806
recently sent a notice of intent to reside under section 2950.04 10807
or 2950.041 of the Revised Code is required by division (A) of 10808
this section to provide notices regarding an offender or 10809
delinquent child and if, pursuant to that requirement, the sheriff 10810
provides a notice to a sheriff of one or more other counties in 10811
accordance with division (A)(8) of this section, the sheriff of 10812
each of the other counties who is provided notice under division 10813
(A)(8) of this section shall provide the notices described in 10814
divisions (A)(1) to (7) and (A)(9) and (10) of this section to 10815
each person or entity identified within those divisions that is 10816
located within the specified geographical notification area and 10817
within the county served by the sheriff in question. 10818

(D)(1) A sheriff required by division (A) or (C) of this 10819
section to provide notices regarding an offender or delinquent 10820
child shall provide the notice to the neighbors that are described 10821
in division (A)(1) of this section and the notices to law 10822
enforcement personnel that are described in divisions (A)(8) and 10823
(9) of this section as soon as practicable, but no later than five 10824
days after the offender sends the notice of intent to reside to 10825
the sheriff and again no later than five days after the offender 10826
or delinquent child registers with the sheriff or, if the sheriff 10827
is required by division (C) of this section to provide the 10828
notices, no later than five days after the sheriff is provided the 10829
notice described in division (A)(8) of this section. 10830

A sheriff required by division (A) or (C) of this section to 10831
provide notices regarding an offender or delinquent child shall 10832
provide the notices to all other specified persons that are 10833

described in divisions (A)(2) to (7) and (A)(10) of this section 10834
as soon as practicable, but not later than seven days after the 10835
offender or delinquent child registers with the sheriff or, if the 10836
sheriff is required by division (C) of this section to provide the 10837
notices, no later than five days after the sheriff is provided the 10838
notice described in division (A)(8) of this section. 10839

(2) If an offender or delinquent child in relation to whom 10840
division (A) of this section applies verifies the offender's or 10841
delinquent child's current residence, school, institution of 10842
higher education, or place of employment address, as applicable, 10843
with a sheriff pursuant to section 2950.06 of the Revised Code, 10844
the sheriff may provide a written notice containing the 10845
information set forth in division (B) of this section to the 10846
persons identified in divisions (A)(1) to (10) of this section. If 10847
a sheriff provides a notice pursuant to this division to the 10848
sheriff of one or more other counties in accordance with division 10849
(A)(8) of this section, the sheriff of each of the other counties 10850
who is provided the notice under division (A)(8) of this section 10851
may provide, but is not required to provide, a written notice 10852
containing the information set forth in division (B) of this 10853
section to the persons identified in divisions (A)(1) to (7) and 10854
(A)(9) and (10) of this section. 10855

(3) A sheriff may provide notice under division (A)(1)(a) or 10856
(b) of this section, and may provide notice under division 10857
(A)(1)(c) of this section to a building manager or person 10858
authorized to exercise management and control of a building, by 10859
mail, by personal contact, or by leaving the notice at or under 10860
the entry door to a residential unit. For purposes of divisions 10861
(A)(1)(a) and (b) of this section, and the portion of division 10862
(A)(1)(c) of this section relating to the provision of notice to 10863
occupants of a multi-unit building by mail or personal contact, 10864
the provision of one written notice per unit is deemed as 10865

providing notice to all occupants of that unit. 10866

(E) All information that a sheriff possesses regarding an 10867
offender or delinquent child who is in a category specified in 10868
division (F)(1)(a), (b), or (c) of this section that is described 10869
in division (B) of this section and that must be provided in a 10870
notice required under division (A) or (C) of this section or that 10871
may be provided in a notice authorized under division (D)(2) of 10872
this section is a public record that is open to inspection under 10873
section 149.43 of the Revised Code. 10874

The sheriff shall not cause to be publicly disseminated by 10875
means of the internet any of the information described in this 10876
division that is provided by a delinquent child unless that child 10877
is in a category specified in division (F)(1)(a), (b), or (c) of 10878
this section. 10879

(F)(1) Except as provided in division (F)(2) of this section, 10880
the duties to provide the notices described in divisions (A) and 10881
(C) of this section apply regarding any offender or delinquent 10882
child who is in any of the following categories: 10883

(a) The offender is a tier III sex offender/child-victim 10884
offender, or the delinquent child is a public registry-qualified 10885
juvenile offender registrant, and a juvenile court has not removed 10886
pursuant to section 2950.15 of the Revised Code the delinquent 10887
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 10888
and 2950.06 of the Revised Code. 10889

(b) The delinquent child is a tier III sex 10890
offender/child-victim offender who is not a ~~public registry~~ 10891
~~qualified~~ public registry-qualified juvenile offender registrant, 10892
the delinquent child was subjected to this section prior to ~~the~~ 10893
~~effective date of this amendment~~ January 1, 2008, as a sexual 10894
predator, habitual sex offender, child-victim predator, or 10895
habitual child-victim offender, as those terms were defined in 10896

section 2950.01 of the Revised Code as it existed prior to ~~the~~ 10897
~~effective date of this amendment~~ January 1, 2008, and a juvenile 10898
court has not removed pursuant to section 2152.84 or 2152.85 of 10899
the Revised Code the delinquent child's duty to comply with 10900
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 10901
Code. 10902

(c) The delinquent child is a tier III sex 10903
offender/child-victim offender who is not a public 10904
registry-qualified juvenile offender registrant, the delinquent 10905
child was classified a juvenile offender registrant on or after 10906
~~the effective date of this amendment~~ January 1, 2008, the court 10907
has imposed a requirement under section 2152.82, 2152.83, or 10908
2152.84 of the Revised Code subjecting the delinquent child to 10909
this section, and a juvenile court has not removed pursuant to 10910
section 2152.84 or 2152.85 of the Revised Code the delinquent 10911
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 10912
and 2950.06 of the Revised Code. 10913

(2) The notification provisions of this section do not apply 10914
to a person described in division (F)(1)(a), (b), or (c) of this 10915
section if a court finds at a hearing after considering the 10916
factors described in this division that the person would not be 10917
subject to the notification provisions of this section that were 10918
in the version of this section that existed immediately prior to 10919
~~the effective date of this amendment~~ January 1, 2008. In making 10920
the determination of whether a person would have been subject to 10921
the notification provisions under prior law as described in this 10922
division, the court shall consider the following factors: 10923

(a) The offender's or delinquent child's age; 10924

(b) The offender's or delinquent child's prior criminal or 10925
delinquency record regarding all offenses, including, but not 10926
limited to, all sexual offenses; 10927

(c) The age of the victim of the sexually oriented offense	10928
for which sentence is to be imposed or the order of disposition is	10929
to be made;	10930
(d) Whether the sexually oriented offense for which sentence	10931
is to be imposed or the order of disposition is to be made	10932
involved multiple victims;	10933
(e) Whether the offender or delinquent child used drugs or	10934
alcohol to impair the victim of the sexually oriented offense or	10935
to prevent the victim from resisting;	10936
(f) If the offender or delinquent child previously has been	10937
convicted of or pleaded guilty to, or been adjudicated a	10938
delinquent child for committing an act that if committed by an	10939
adult would be, a criminal offense, whether the offender or	10940
delinquent child completed any sentence or dispositional order	10941
imposed for the prior offense or act and, if the prior offense or	10942
act was a sex offense or a sexually oriented offense, whether the	10943
offender or delinquent child participated in available programs	10944
for sexual offenders;	10945
(g) Any mental illness or mental disability of the offender	10946
or delinquent child;	10947
(h) The nature of the offender's or delinquent child's sexual	10948
conduct, sexual contact, or interaction in a sexual context with	10949
the victim of the sexually oriented offense and whether the sexual	10950
conduct, sexual contact, or interaction in a sexual context was	10951
part of a demonstrated pattern of abuse;	10952
(i) Whether the offender or delinquent child, during the	10953
commission of the sexually oriented offense for which sentence is	10954
to be imposed or the order of disposition is to be made, displayed	10955
cruelty or made one or more threats of cruelty;	10956
(j) Whether the offender or delinquent child would have been	10957
a habitual sex offender or a habitual child victim offender under	10958

the definitions of those terms set forth in section 2950.01 of the Revised Code as that section existed prior to ~~the effective date of this amendment~~ January 1, 2008;

(k) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.

(G)(1) The department of job and family services shall compile, maintain, and update in January and July of each year, a list of all agencies, centers, or homes of a type described in division (A)(2) or (6) of this section that contains the name of each agency, center, or home of that type, the county in which it is located, its address and telephone number, and the name of an administrative officer or employee of the agency, center, or home.

(2) The department of education shall compile, maintain, and update in January and July of each year, a list of all boards of education, schools, or programs of a type described in division (A)(3), (4), or (5) of this section that contains the name of each board of education, school, or program of that type, the county in which it is located, its address and telephone number, the name of the superintendent of the board or of an administrative officer or employee of the school or program, and, in relation to a board of education, the county or counties in which each of its schools is located and the address of each such school.

(3) The Ohio board of regents shall compile, maintain, and update in January and July of each year, a list of all institutions of a type described in division (A)(7) of this section that contains the name of each such institution, the county in which it is located, its address and telephone number, and the name of its president or other chief administrative officer.

(4) A sheriff required by division (A) or (C) of this section, or authorized by division (D)(2) of this section, to

provide notices regarding an offender or delinquent child, or a 10990
designee of a sheriff of that type, may request the department of 10991
job and family services, department of education, or Ohio board of 10992
regents, by telephone, in person, or by mail, to provide the 10993
sheriff or designee with the names, addresses, and telephone 10994
numbers of the appropriate persons and entities to whom the 10995
notices described in divisions (A)(2) to (7) of this section are 10996
to be provided. Upon receipt of a request, the department or board 10997
shall provide the requesting sheriff or designee with the names, 10998
addresses, and telephone numbers of the appropriate persons and 10999
entities to whom those notices are to be provided. 11000

(H)(1) Upon the motion of the offender or the prosecuting 11001
attorney of the county in which the offender was convicted of or 11002
pleaded guilty to the sexually oriented offense or child-victim 11003
oriented offense for which the offender is subject to community 11004
notification under this section, or upon the motion of the 11005
sentencing judge or that judge's successor in office, the judge 11006
may schedule a hearing to determine whether the interests of 11007
justice would be served by suspending the community notification 11008
requirement under this section in relation to the offender. The 11009
judge may dismiss the motion without a hearing but may not issue 11010
an order suspending the community notification requirement without 11011
a hearing. At the hearing, all parties are entitled to be heard, 11012
and the judge shall consider all of the factors set forth in 11013
division (K) of this section. If, at the conclusion of the 11014
hearing, the judge finds that the offender has proven by clear and 11015
convincing evidence that the offender is unlikely to commit in the 11016
future a sexually oriented offense or a child-victim oriented 11017
offense and if the judge finds that suspending the community 11018
notification requirement is in the interests of justice, the judge 11019
may suspend the application of this section in relation to the 11020
offender. The order shall contain both of these findings. 11021

The judge promptly shall serve a copy of the order upon the sheriff with whom the offender most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon the bureau of criminal identification and investigation.

An order suspending the community notification requirement does not suspend or otherwise alter an offender's duties to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and does not suspend the victim notification requirement under section 2950.10 of the Revised Code.

(2) A prosecuting attorney, a sentencing judge or that judge's successor in office, and an offender who is subject to the community notification requirement under this section may initially make a motion under division (H)(1) of this section upon the expiration of twenty years after the offender's duty to comply with division (A)(2), (3), or (4) of section 2950.04, division (A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 2950.06 of the Revised Code begins in relation to the offense for which the offender is subject to community notification. After the initial making of a motion under division (H)(1) of this section, thereafter, the prosecutor, judge, and offender may make a subsequent motion under that division upon the expiration of five years after the judge has entered an order denying the initial motion or the most recent motion made under that division.

(3) The offender and the prosecuting attorney have the right to appeal an order approving or denying a motion made under division (H)(1) of this section.

(4) Divisions (H)(1) to (3) of this section do not apply to any of the following types of offender:

(a) A person who is convicted of or pleads guilty to a violent sex offense or designated homicide, assault, or kidnapping offense and who, in relation to that offense, is adjudicated a

sexually violent predator; 11053

(b) A person who is convicted of or pleads guilty to a 11054
sexually oriented offense that is a violation of division 11055
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 11056
after January 2, 2007, and either who is sentenced under section 11057
2971.03 of the Revised Code or upon whom a sentence of life 11058
without parole is imposed under division (B) of section 2907.02 of 11059
the Revised Code; 11060

(c) A person who is convicted of or pleads guilty to a 11061
sexually oriented offense that is attempted rape committed on or 11062
after January 2, 2007, and who also is convicted of or pleads 11063
guilty to a specification of the type described in section 11064
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 11065

(d) A person who is convicted of or pleads guilty to an 11066
offense described in division (B)(3)(a), (b), (c), or (d) of 11067
section 2971.03 of the Revised Code and who is sentenced for that 11068
offense pursuant to that division; 11069

(e) An offender who is in a category specified in division 11070
(F)(1)(a), (b), or (c) of this section and who, subsequent to 11071
being subjected to community notification, has pleaded guilty to 11072
or been convicted of a sexually oriented offense or child-victim 11073
oriented offense. 11074

(I) If a person is convicted of, pleads guilty to, has been 11075
convicted of, or has pleaded guilty to a sexually oriented offense 11076
or a child-victim oriented offense or a person is or has been 11077
adjudicated a delinquent child for committing a sexually oriented 11078
offense or a child-victim oriented offense and is classified a 11079
juvenile offender registrant or is an out-of-state juvenile 11080
offender registrant based on that adjudication, and if the 11081
offender or delinquent child is not in any category specified in 11082
division (F)(1)(a), (b), or (c) of this section, the sheriff with 11083

whom the offender or delinquent child has most recently registered 11084
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 11085
and the sheriff to whom the offender or delinquent child most 11086
recently sent a notice of intent to reside under section 2950.04 11087
or 2950.041 of the Revised Code, within the period of time 11088
specified in division (D) of this section, shall provide a written 11089
notice containing the information set forth in division (B) of 11090
this section to the executive director of the public children 11091
services agency that has jurisdiction within the specified 11092
geographical notification area and that is located within the 11093
county served by the sheriff. 11094

(J) Each sheriff shall allow a volunteer organization or 11095
other organization, company, or individual who wishes to receive 11096
the notice described in division (A)(10) of this section regarding 11097
a specific offender or delinquent child or notice regarding all 11098
offenders and delinquent children who are located in the specified 11099
geographical notification area to notify the sheriff by electronic 11100
mail or through the sheriff's web site of this election. The 11101
sheriff shall promptly inform the bureau of criminal 11102
identification and investigation of these requests in accordance 11103
with the forwarding procedures adopted by the attorney general 11104
pursuant to section 2950.13 of the Revised Code. 11105

(K) In making a determination under division (H)(1) of this 11106
section as to whether to suspend the community notification 11107
requirement under this section for an offender, the judge shall 11108
consider all relevant factors, including, but not limited to, all 11109
of the following: 11110

(1) The offender's age; 11111

(2) The offender's prior criminal or delinquency record 11112
regarding all offenses, including, but not limited to, all 11113
sexually oriented offenses or child-victim oriented offenses; 11114

- (3) The age of the victim of the sexually oriented offense or child-victim oriented offense the offender committed; 11115
11116
- (4) Whether the sexually oriented offense or child-victim oriented offense the offender committed involved multiple victims; 11117
11118
- (5) Whether the offender used drugs or alcohol to impair the victim of the sexually oriented offense or child-victim oriented offense the offender committed or to prevent the victim from resisting; 11119
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- (6) If the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be a criminal offense, whether the offender completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sexually oriented offense or a child-victim oriented offense, whether the offender or delinquent child participated in available programs for sex offenders or child-victim offenders; 11123
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- (7) Any mental illness or mental disability of the offender; 11131
- (8) The nature of the offender's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense the offender committed or the nature of the offender's interaction in a sexual context with the victim of the child-victim oriented offense the offender committed, whichever is applicable, and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse; 11132
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- (9) Whether the offender, during the commission of the sexually oriented offense or child-victim oriented offense the offender committed, displayed cruelty or made one or more threats of cruelty; 11140
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11143
- (10) Any additional behavioral characteristics that contribute to the offender's conduct. 11144
11145

(L) As used in this section, "specified geographical notification area" means the geographic area or areas within which the attorney general, by rule adopted under section 2950.13 of the Revised Code, requires the notice described in division (B) of this section to be given to the persons identified in divisions (A)(2) to (8) of this section.

Sec. 2950.13. (A) The attorney general shall do all of the following:

(1) No later than July 1, 1997, establish and maintain a state registry of sex offenders and child-victim offenders that is housed at the bureau of criminal identification and investigation and that contains all of the registration, change of residence, school, institution of higher education, or place of employment address, and verification information the bureau receives pursuant to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code regarding each person who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense and each person who is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, all of the information the bureau receives pursuant to section 2950.14 of the Revised Code, and any notice of an order terminating or modifying an offender's or delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code the bureau receives pursuant to section 2152.84, 2152.85, or 2950.15 of the Revised Code. For a person who was convicted of or pleaded guilty to the sexually oriented offense or child-victim related offense, the registry also shall indicate whether the person was convicted of or pleaded guilty to the offense in a criminal prosecution or in a serious youthful

offender case. The registry shall not be open to inspection by the 11178
public or by any person other than a person identified in division 11179
(A) of section 2950.08 of the Revised Code. In addition to the 11180
information and material previously identified in this division, 11181
the registry shall include all of the following regarding each 11182
person who is listed in the registry: 11183

(a) A citation for, and the name of, all sexually oriented 11184
offenses or child-victim oriented offenses of which the person was 11185
convicted, to which the person pleaded guilty, or for which the 11186
person was adjudicated a delinquent child and that resulted in a 11187
registration duty, and the date on which those offenses were 11188
committed; 11189

(b) The text of the sexually oriented offenses or 11190
child-victim oriented offenses identified in division (A)(1)(a) of 11191
this section as those offenses existed at the time the person was 11192
convicted of, pleaded guilty to, or was adjudicated a delinquent 11193
child for committing those offenses, or a link to a database that 11194
sets forth the text of those offenses; 11195

(c) A statement as to whether the person is a tier I sex 11196
offender/child-victim offender, a tier II sex 11197
offender/child-victim offender, or a tier III sex 11198
offender/child-victim offender for the sexually oriented offenses 11199
or child-victim oriented offenses identified in division (A)(1)(a) 11200
of this section; 11201

(d) The community supervision status of the person, 11202
including, but not limited to, whether the person is serving a 11203
community control sanction and the nature of any such sanction, 11204
whether the person is under supervised release and the nature of 11205
the release, or regarding a juvenile, whether the juvenile is 11206
under any type of release authorized under Chapter 2152. or 5139. 11207
of the Revised Code and the nature of any such release; 11208

(e) The offense and delinquency history of the person, as 11209
determined from information gathered or provided under sections 11210
109.57 and 2950.14 of the Revised Code; 11211

(f) The bureau of criminal identification and investigation 11212
tracking number assigned to the person if one has been so 11213
assigned, the federal bureau of investigation number assigned to 11214
the person if one has been assigned and the bureau of criminal 11215
identification and investigation is aware of the number, and any 11216
other state identification number assigned to the person of which 11217
the bureau is aware; 11218

(g) Fingerprints and palmprints of the person; 11219

(h) A DNA specimen, as defined in section 109.573 of the 11220
Revised Code, from the person; 11221

(i) Whether the person has any outstanding arrest warrants; 11222

(j) Whether the person is in compliance with the person's 11223
duties under this chapter. 11224

(2) In consultation with local law enforcement 11225
representatives and no later than July 1, 1997, adopt rules that 11226
contain guidelines necessary for the implementation of this 11227
chapter; 11228

(3) In consultation with local law enforcement 11229
representatives, adopt rules for the implementation and 11230
administration of the provisions contained in section 2950.11 of 11231
the Revised Code that pertain to the notification of neighbors of 11232
an offender or a delinquent child who has committed a sexually 11233
oriented offense or a child-victim oriented offense and ~~and~~ is in 11234
a category specified in division (F)(1) of that section and rules 11235
that prescribe a manner in which victims of a sexually oriented 11236
offense or a child-victim oriented offense committed by an 11237
offender or a delinquent child who is in a category specified in 11238
division (B)(1) of section 2950.10 of the Revised Code may make a 11239

request that specifies that the victim would like to be provided 11240
the notices described in divisions (A)(1) and (2) of section 11241
2950.10 of the Revised Code; 11242

(4) In consultation with local law enforcement 11243
representatives and through the bureau of criminal identification 11244
and investigation, prescribe the forms to be used by judges and 11245
officials pursuant to section 2950.03 or 2950.032 of the Revised 11246
Code to advise offenders and delinquent children of their duties 11247
of filing a notice of intent to reside, registration, notification 11248
of a change of residence, school, institution of higher education, 11249
or place of employment address and registration of the new 11250
school, institution of higher education, or place of employment 11251
address, as applicable, and address verification under sections 11252
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and 11253
prescribe the forms to be used by sheriffs relative to those 11254
duties of filing a notice of intent to reside, registration, 11255
change of residence, school, institution of higher education, or 11256
place of employment address notification, and address 11257
verification; 11258

(5) Make copies of the forms prescribed under division (A)(4) 11259
of this section available to judges, officials, and sheriffs; 11260

(6) Through the bureau of criminal identification and 11261
investigation, provide the notifications, the information and 11262
materials, and the documents that the bureau is required to 11263
provide to appropriate law enforcement officials and to the 11264
federal bureau of investigation pursuant to sections 2950.04, 11265
2950.041, 2950.05, and 2950.06 of the Revised Code; 11266

(7) Through the bureau of criminal identification and 11267
investigation, maintain the verification forms returned under the 11268
address verification mechanism set forth in section 2950.06 of the 11269
Revised Code; 11270

(8) In consultation with representatives of the officials, 11271
judges, and sheriffs, adopt procedures for officials, judges, and 11272
sheriffs to use to forward information, photographs, and 11273
fingerprints to the bureau of criminal identification and 11274
investigation pursuant to the requirements of sections 2950.03, 11275
2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised 11276
Code; 11277

(9) In consultation with the director of education, the 11278
director of job and family services, and the director of 11279
rehabilitation and correction, adopt rules that contain guidelines 11280
to be followed by boards of education of a school district, 11281
chartered nonpublic schools or other schools not operated by a 11282
board of education, preschool programs, child day-care centers, 11283
type A family day-care homes, ~~certified~~ licensed type B family 11284
day-care homes, and institutions of higher education regarding the 11285
proper use and administration of information received pursuant to 11286
section 2950.11 of the Revised Code relative to an offender or 11287
delinquent child who has committed a sexually oriented offense or 11288
a child-victim oriented offense and is in a category specified in 11289
division (F)(1) of that section; 11290

(10) In consultation with local law enforcement 11291
representatives and no later than July 1, 1997, adopt rules that 11292
designate a geographic area or areas within which the notice 11293
described in division (B) of section 2950.11 of the Revised Code 11294
must be given to the persons identified in divisions (A)(2) to (8) 11295
and (A)(10) of that section; 11296

(11) Through the bureau of criminal identification and 11297
investigation, not later than January 1, 2004, establish and 11298
operate on the internet a sex offender and child-victim offender 11299
database that contains information for every offender who has 11300
committed a sexually oriented offense or a child-victim oriented 11301
offense and registers in any county in this state pursuant to 11302

section 2950.04 or 2950.041 of the Revised Code and for every 11303
delinquent child who has committed a sexually oriented offense, is 11304
a public registry-qualified juvenile offender registrant, and 11305
registers in any county in this state pursuant to either such 11306
section. The bureau shall not include on the database the identity 11307
of any offender's or public registry-qualified juvenile offender 11308
registrant's victim, any offender's or public registry-qualified 11309
juvenile offender registrant's social security number, the name of 11310
any school or institution of higher education attended by any 11311
offender or public registry-qualified juvenile offender 11312
registrant, the name of the place of employment of any offender or 11313
public registry-qualified juvenile offender registrant, any 11314
tracking or identification number described in division (A)(1)(f) 11315
of this section, or any information described in division (C)(7) 11316
of section 2950.04 or 2950.041 of the Revised Code. The bureau 11317
shall provide on the database, for each offender and each public 11318
registry-qualified juvenile offender registrant, at least the 11319
information specified in divisions (A)(11)(a) to (h) of this 11320
section. Otherwise, the bureau shall determine the information to 11321
be provided on the database for each offender and public 11322
registry-qualified juvenile offender registrant and shall obtain 11323
that information from the information contained in the state 11324
registry of sex offenders and child-victim offenders described in 11325
division (A)(1) of this section, which information, while in the 11326
possession of the sheriff who provided it, is a public record open 11327
for inspection as described in section 2950.081 of the Revised 11328
Code. The database is a public record open for inspection under 11329
section 149.43 of the Revised Code, and it shall be searchable by 11330
offender or public registry-qualified juvenile offender registrant 11331
name, by county, by zip code, and by school district. The database 11332
shall provide a link to the web site of each sheriff who has 11333
established and operates on the internet a sex offender and 11334
child-victim offender database that contains information for 11335

offenders and public registry-qualified juvenile offender 11336
registrants who register in that county pursuant to section 11337
2950.04 or 2950.041 of the Revised Code, with the link being a 11338
direct link to the sex offender and child-victim offender database 11339
for the sheriff. The bureau shall provide on the database, for 11340
each offender and public registry-qualified juvenile offender 11341
registrant, at least the following information: 11342

(a) The information described in divisions (A)(1)(a), (b), 11343
(c), and (d) of this section relative to the offender or public 11344
registry-qualified juvenile offender registrant; 11345

(b) The address of the offender's or public 11346
registry-qualified juvenile offender registrant's school, 11347
institution of higher education, or place of employment provided 11348
in a registration form; 11349

(c) The information described in division (C)(6) of section 11350
2950.04 or 2950.041 of the Revised Code; 11351

(d) A chart describing which sexually oriented offenses and 11352
child-victim oriented offenses are included in the definitions of 11353
tier I sex offender/child-victim offender, tier II sex 11354
offender/child-victim offender, and tier III sex 11355
offender/child-victim offender; 11356

(e) Fingerprints and ~~palm prints~~ palmprints of the offender 11357
or public registry-qualified juvenile offender registrant and a 11358
DNA specimen from the offender or public registry-qualified 11359
juvenile offender registrant; 11360

(f) The information set forth in division (B) of section 11361
2950.11 of the Revised Code; 11362

(g) Any outstanding arrest warrants for the offender or 11363
public registry-qualified juvenile offender registrant; 11364

(h) The offender's or public registry-qualified juvenile 11365

offender registrant's compliance status with duties under this 11366
chapter. 11367

(12) Develop software to be used by sheriffs in establishing 11368
on the internet a sex offender and child-victim offender database 11369
for the public dissemination of some or all of the information and 11370
materials described in division (A) of section 2950.081 of the 11371
Revised Code that are public records under that division, that are 11372
not prohibited from inclusion by division (B) of that section, and 11373
that pertain to offenders and public registry-qualified juvenile 11374
offender registrants who register in the sheriff's county pursuant 11375
to section 2950.04 or 2950.041 of the Revised Code and for the 11376
public dissemination of information the sheriff receives pursuant 11377
to section 2950.14 of the Revised Code and, upon the request of 11378
any sheriff, provide technical guidance to the requesting sheriff 11379
in establishing on the internet such a database; 11380

(13) Through the bureau of criminal identification and 11381
investigation, not later than January 1, 2004, establish and 11382
operate on the internet a database that enables local law 11383
enforcement representatives to remotely search by electronic means 11384
the state registry of sex offenders and child-victim offenders 11385
described in division (A)(1) of this section and any information 11386
and materials the bureau receives pursuant to sections 2950.04, 11387
2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The 11388
database shall enable local law enforcement representatives to 11389
obtain detailed information regarding each offender and delinquent 11390
child who is included in the registry, including, but not limited 11391
to the offender's or delinquent child's name, aliases, residence 11392
address, name and address of any place of employment, school, 11393
institution of higher education, if applicable, license plate 11394
number of each vehicle identified in division (C)(5) of section 11395
2950.04 or 2950.041 of the Revised Code to the extent applicable, 11396
victim preference if available, date of most recent release from 11397

confinement if applicable, fingerprints, and palmprints, all of 11398
the information and material described in ~~division~~ divisions 11399
(A)(1)(a) to (h) of this section regarding the offender or 11400
delinquent child, and other identification parameters the bureau 11401
considers appropriate. The database is not a public record open 11402
for inspection under section 149.43 of the Revised Code and shall 11403
be available only to law enforcement representatives as described 11404
in this division. Information obtained by local law enforcement 11405
representatives through use of this database is not open to 11406
inspection by the public or by any person other than a person 11407
identified in division (A) of section 2950.08 of the Revised Code. 11408

(14) Through the bureau of criminal identification and 11409
investigation, maintain a list of requests for notice about a 11410
specified offender or delinquent child or specified geographical 11411
notification area made pursuant to division (J) of section 2950.11 11412
of the Revised Code and, when an offender or delinquent child 11413
changes residence to another county, forward any requests for 11414
information about that specific offender or delinquent child to 11415
the appropriate sheriff; 11416

(15) Through the bureau of criminal identification and 11417
investigation, establish and operate a system for the immediate 11418
notification by electronic means of the appropriate officials in 11419
other states specified in this division each time an offender or 11420
delinquent child registers a residence, school, institution of 11421
higher education, or place of employment address under section 11422
2950.04 or 2950.041 of the ~~revised~~ Revised Code or provides a 11423
notice of a change of address or registers a new address under 11424
division (A) or (B) of section 2950.05 of the Revised Code. The 11425
immediate notification by electronic means shall be provided to 11426
the appropriate officials in each state in which the offender or 11427
delinquent child is required to register a residence, school, 11428
institution of higher education, or place of employment address. 11429

The notification shall contain the offender's or delinquent 11430
child's name and all of the information the bureau receives from 11431
the sheriff with whom the offender or delinquent child registered 11432
the address or provided the notice of change of address or 11433
registered the new address. 11434

(B) The attorney general in consultation with local law 11435
enforcement representatives, may adopt rules that establish one or 11436
more categories of neighbors of an offender or delinquent child 11437
who, in addition to the occupants of residential premises and 11438
other persons specified in division (A)(1) of section 2950.11 of 11439
the Revised Code, must be given the notice described in division 11440
(B) of that section. 11441

(C) No person, other than a local law enforcement 11442
representative, shall knowingly do any of the following: 11443

(1) Gain or attempt to gain access to the database 11444
established and operated by the attorney general, through the 11445
bureau of criminal identification and investigation, pursuant to 11446
division (A)(13) of this section. 11447

(2) Permit any person to inspect any information obtained 11448
through use of the database described in division (C)(1) of this 11449
section, other than as permitted under that division. 11450

(D) As used in this section, "local law enforcement 11451
representatives" means representatives of the sheriffs of this 11452
state, representatives of the municipal chiefs of police and 11453
marshals of this state, and representatives of the township 11454
constables and chiefs of police of the township police departments 11455
or police district police forces of this state. 11456

Sec. 3109.051. (A) If a divorce, dissolution, legal 11457
separation, or annulment proceeding involves a child and if the 11458
court has not issued a shared parenting decree, the court shall 11459

consider any mediation report filed pursuant to section 3109.052 11460
of the Revised Code and, in accordance with division (C) of this 11461
section, shall make a just and reasonable order or decree 11462
permitting each parent who is not the residential parent to have 11463
parenting time with the child at the time and under the conditions 11464
that the court directs, unless the court determines that it would 11465
not be in the best interest of the child to permit that parent to 11466
have parenting time with the child and includes in the journal its 11467
findings of fact and conclusions of law. Whenever possible, the 11468
order or decree permitting the parenting time shall ensure the 11469
opportunity for both parents to have frequent and continuing 11470
contact with the child, unless frequent and continuing contact by 11471
either parent with the child would not be in the best interest of 11472
the child. The court shall include in its final decree a specific 11473
schedule of parenting time for that parent. Except as provided in 11474
division (E)(6) of section 3113.31 of the Revised Code, if the 11475
court, pursuant to this section, grants parenting time to a parent 11476
or companionship or visitation rights to any other person with 11477
respect to any child, it shall not require the public children 11478
services agency to provide supervision of or other services 11479
related to that parent's exercise of parenting time or that 11480
person's exercise of companionship or visitation rights with 11481
respect to the child. This section does not limit the power of a 11482
juvenile court pursuant to Chapter 2151. of the Revised Code to 11483
issue orders with respect to children who are alleged to be 11484
abused, neglected, or dependent children or to make dispositions 11485
of children who are adjudicated abused, neglected, or dependent 11486
children or of a common pleas court to issue orders pursuant to 11487
section 3113.31 of the Revised Code. 11488

(B)(1) In a divorce, dissolution of marriage, legal 11489
separation, annulment, or child support proceeding that involves a 11490
child, the court may grant reasonable companionship or visitation 11491

rights to any grandparent, any person related to the child by 11492
consanguinity or affinity, or any other person other than a 11493
parent, if all of the following apply: 11494

(a) The grandparent, relative, or other person files a motion 11495
with the court seeking companionship or visitation rights. 11496

(b) The court determines that the grandparent, relative, or 11497
other person has an interest in the welfare of the child. 11498

(c) The court determines that the granting of the 11499
companionship or visitation rights is in the best interest of the 11500
child. 11501

(2) A motion may be filed under division (B)(1) of this 11502
section during the pendency of the divorce, dissolution of 11503
marriage, legal separation, annulment, or child support proceeding 11504
or, if a motion was not filed at that time or was filed at that 11505
time and the circumstances in the case have changed, at any time 11506
after a decree or final order is issued in the case. 11507

(C) When determining whether to grant parenting time rights 11508
to a parent pursuant to this section or section 3109.12 of the 11509
Revised Code or to grant companionship or visitation rights to a 11510
grandparent, relative, or other person pursuant to this section or 11511
section 3109.11 or 3109.12 of the Revised Code, when establishing 11512
a specific parenting time or visitation schedule, and when 11513
determining other parenting time matters under this section or 11514
section 3109.12 of the Revised Code or visitation matters under 11515
this section or section 3109.11 or 3109.12 of the Revised Code, 11516
the court shall consider any mediation report that is filed 11517
pursuant to section 3109.052 of the Revised Code and shall 11518
consider all other relevant factors, including, but not limited 11519
to, all of the factors listed in division (D) of this section. In 11520
considering the factors listed in division (D) of this section for 11521
purposes of determining whether to grant parenting time or 11522

visitation rights, establishing a specific parenting time or 11523
visitation schedule, determining other parenting time matters 11524
under this section or section 3109.12 of the Revised Code or 11525
visitation matters under this section or under section 3109.11 or 11526
3109.12 of the Revised Code, and resolving any issues related to 11527
the making of any determination with respect to parenting time or 11528
visitation rights or the establishment of any specific parenting 11529
time or visitation schedule, the court, in its discretion, may 11530
interview in chambers any or all involved children regarding their 11531
wishes and concerns. If the court interviews any child concerning 11532
the child's wishes and concerns regarding those parenting time or 11533
visitation matters, the interview shall be conducted in chambers, 11534
and no person other than the child, the child's attorney, the 11535
judge, any necessary court personnel, and, in the judge's 11536
discretion, the attorney of each parent shall be permitted to be 11537
present in the chambers during the interview. No person shall 11538
obtain or attempt to obtain from a child a written or recorded 11539
statement or affidavit setting forth the wishes and concerns of 11540
the child regarding those parenting time or visitation matters. A 11541
court, in considering the factors listed in division (D) of this 11542
section for purposes of determining whether to grant any parenting 11543
time or visitation rights, establishing a parenting time or 11544
visitation schedule, determining other parenting time matters 11545
under this section or section 3109.12 of the Revised Code or 11546
visitation matters under this section or under section 3109.11 or 11547
3109.12 of the Revised Code, or resolving any issues related to 11548
the making of any determination with respect to parenting time or 11549
visitation rights or the establishment of any specific parenting 11550
time or visitation schedule, shall not accept or consider a 11551
written or recorded statement or affidavit that purports to set 11552
forth the child's wishes or concerns regarding those parenting 11553
time or visitation matters. 11554

(D) In determining whether to grant parenting time to a 11555

parent pursuant to this section or section 3109.12 of the Revised Code or companionship or visitation rights to a grandparent, relative, or other person pursuant to this section or section 3109.11 or 3109.12 of the Revised Code, in establishing a specific parenting time or visitation schedule, and in determining other parenting time matters under this section or section 3109.12 of the Revised Code or visitation matters under this section or section 3109.11 or 3109.12 of the Revised Code, the court shall consider all of the following factors:

(1) The prior interaction and interrelationships of the child with the child's parents, siblings, and other persons related by consanguinity or affinity, and with the person who requested companionship or visitation if that person is not a parent, sibling, or relative of the child;

(2) The geographical location of the residence of each parent and the distance between those residences, and if the person is not a parent, the geographical location of that person's residence and the distance between that person's residence and the child's residence;

(3) The child's and parents' available time, including, but not limited to, each parent's employment schedule, the child's school schedule, and the child's and the parents' holiday and vacation schedule;

(4) The age of the child;

(5) The child's adjustment to home, school, and community;

(6) If the court has interviewed the child in chambers, pursuant to division (C) of this section, regarding the wishes and concerns of the child as to parenting time by the parent who is not the residential parent or companionship or visitation by the grandparent, relative, or other person who requested companionship or visitation, as to a specific parenting time or visitation

schedule, or as to other parenting time or visitation matters, the wishes and concerns of the child, as expressed to the court;

(7) The health and safety of the child;

(8) The amount of time that will be available for the child to spend with siblings;

(9) The mental and physical health of all parties;

(10) Each parent's willingness to reschedule missed parenting time and to facilitate the other parent's parenting time rights, and with respect to a person who requested companionship or visitation, the willingness of that person to reschedule missed visitation;

(11) In relation to parenting time, whether either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether either parent, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication; and whether there is reason to believe that either parent has acted in a manner resulting in a child being an abused child or a neglected child;

(12) In relation to requested companionship or visitation by a person other than a parent, whether the person previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether the person, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication; whether either parent previously has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code

involving a victim who at the time of the commission of the 11618
offense was a member of the family or household that is the 11619
subject of the current proceeding; whether either parent 11620
previously has been convicted of an offense involving a victim who 11621
at the time of the commission of the offense was a member of the 11622
family or household that is the subject of the current proceeding 11623
and caused physical harm to the victim in the commission of the 11624
offense; and whether there is reason to believe that the person 11625
has acted in a manner resulting in a child being an abused child 11626
or a neglected child; 11627

(13) Whether the residential parent or one of the parents 11628
subject to a shared parenting decree has continuously and 11629
willfully denied the other parent's right to parenting time in 11630
accordance with an order of the court; 11631

(14) Whether either parent has established a residence or is 11632
planning to establish a residence outside this state; 11633

(15) In relation to requested companionship or visitation by 11634
a person other than a parent, the wishes and concerns of the 11635
child's parents, as expressed by them to the court; 11636

(16) Any other factor in the best interest of the child. 11637

(E) The remarriage of a residential parent of a child does 11638
not affect the authority of a court under this section to grant 11639
parenting time rights with respect to the child to the parent who 11640
is not the residential parent or to grant reasonable companionship 11641
or visitation rights with respect to the child to any grandparent, 11642
any person related by consanguinity or affinity, or any other 11643
person. 11644

(F)(1) If the court, pursuant to division (A) of this 11645
section, denies parenting time to a parent who is not the 11646
residential parent or denies a motion for reasonable companionship 11647
or visitation rights filed under division (B) of this section and 11648

the parent or movant files a written request for findings of fact 11649
and conclusions of law, the court shall state in writing its 11650
findings of fact and conclusions of law in accordance with Civil 11651
Rule 52. 11652

(2) On or before July 1, 1991, each court of common pleas, by 11653
rule, shall adopt standard parenting time guidelines. A court 11654
shall have discretion to deviate from its standard parenting time 11655
guidelines based upon factors set forth in division (D) of this 11656
section. 11657

(G)(1) If the residential parent intends to move to a 11658
residence other than the residence specified in the parenting time 11659
order or decree of the court, the parent shall file a notice of 11660
intent to relocate with the court that issued the order or decree. 11661
Except as provided in divisions (G)(2), (3), and (4) of this 11662
section, the court shall send a copy of the notice to the parent 11663
who is not the residential parent. Upon receipt of the notice, the 11664
court, on its own motion or the motion of the parent who is not 11665
the residential parent, may schedule a hearing with notice to both 11666
parents to determine whether it is in the best interest of the 11667
child to revise the parenting time schedule for the child. 11668

(2) When a court grants parenting time rights to a parent who 11669
is not the residential parent, the court shall determine whether 11670
that parent has been convicted of or pleaded guilty to a violation 11671
of section 2919.25 of the Revised Code involving a victim who at 11672
the time of the commission of the offense was a member of the 11673
family or household that is the subject of the proceeding, has 11674
been convicted of or pleaded guilty to any other offense involving 11675
a victim who at the time of the commission of the offense was a 11676
member of the family or household that is the subject of the 11677
proceeding and caused physical harm to the victim in the 11678
commission of the offense, or has been determined to be the 11679
perpetrator of the abusive act that is the basis of an 11680

adjudication that a child is an abused child. If the court 11681
determines that that parent has not been so convicted and has not 11682
been determined to be the perpetrator of an abusive act that is 11683
the basis of a child abuse adjudication, the court shall issue an 11684
order stating that a copy of any notice of relocation that is 11685
filed with the court pursuant to division (G)(1) of this section 11686
will be sent to the parent who is given the parenting time rights 11687
in accordance with division (G)(1) of this section. 11688

If the court determines that the parent who is granted the 11689
parenting time rights has been convicted of or pleaded guilty to a 11690
violation of section 2919.25 of the Revised Code involving a 11691
victim who at the time of the commission of the offense was a 11692
member of the family or household that is the subject of the 11693
proceeding, has been convicted of or pleaded guilty to any other 11694
offense involving a victim who at the time of the commission of 11695
the offense was a member of the family or household that is the 11696
subject of the proceeding and caused physical harm to the victim 11697
in the commission of the offense, or has been determined to be the 11698
perpetrator of the abusive act that is the basis of an 11699
adjudication that a child is an abused child, it shall issue an 11700
order stating that that parent will not be given a copy of any 11701
notice of relocation that is filed with the court pursuant to 11702
division (G)(1) of this section unless the court determines that 11703
it is in the best interest of the children to give that parent a 11704
copy of the notice of relocation, issues an order stating that 11705
that parent will be given a copy of any notice of relocation filed 11706
pursuant to division (G)(1) of this section, and issues specific 11707
written findings of fact in support of its determination. 11708

(3) If a court, prior to April 11, 1991, issued an order 11709
granting parenting time rights to a parent who is not the 11710
residential parent and did not require the residential parent in 11711
that order to give the parent who is granted the parenting time 11712

rights notice of any change of address and if the residential 11713
parent files a notice of relocation pursuant to division (G)(1) of 11714
this section, the court shall determine if the parent who is 11715
granted the parenting time rights has been convicted of or pleaded 11716
guilty to a violation of section 2919.25 of the Revised Code 11717
involving a victim who at the time of the commission of the 11718
offense was a member of the family or household that is the 11719
subject of the proceeding, has been convicted of or pleaded guilty 11720
to any other offense involving a victim who at the time of the 11721
commission of the offense was a member of the family or household 11722
that is the subject of the proceeding and caused physical harm to 11723
the victim in the commission of the offense, or has been 11724
determined to be the perpetrator of the abusive act that is the 11725
basis of an adjudication that a child is an abused child. If the 11726
court determines that the parent who is granted the parenting time 11727
rights has not been so convicted and has not been determined to be 11728
the perpetrator of an abusive act that is the basis of a child 11729
abuse adjudication, the court shall issue an order stating that a 11730
copy of any notice of relocation that is filed with the court 11731
pursuant to division (G)(1) of this section will be sent to the 11732
parent who is granted parenting time rights in accordance with 11733
division (G)(1) of this section. 11734

If the court determines that the parent who is granted the 11735
parenting time rights has been convicted of or pleaded guilty to a 11736
violation of section 2919.25 of the Revised Code involving a 11737
victim who at the time of the commission of the offense was a 11738
member of the family or household that is the subject of the 11739
proceeding, has been convicted of or pleaded guilty to any other 11740
offense involving a victim who at the time of the commission of 11741
the offense was a member of the family or household that is the 11742
subject of the proceeding and caused physical harm to the victim 11743
in the commission of the offense, or has been determined to be the 11744
perpetrator of the abusive act that is the basis of an 11745

adjudication that a child is an abused child, it shall issue an order stating that that parent will not be given a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section unless the court determines that it is in the best interest of the children to give that parent a copy of the notice of relocation, issues an order stating that that parent will be given a copy of any notice of relocation filed pursuant to division (G)(1) of this section, and issues specific written findings of fact in support of its determination.

(4) If a parent who is granted parenting time rights pursuant to this section or any other section of the Revised Code is authorized by an order issued pursuant to this section or any other court order to receive a copy of any notice of relocation that is filed pursuant to division (G)(1) of this section or pursuant to court order, if the residential parent intends to move to a residence other than the residence address specified in the parenting time order, and if the residential parent does not want the parent who is granted the parenting time rights to receive a copy of the relocation notice because the parent with parenting time rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child, the residential parent may file a motion with the court requesting that the parent who is granted the parenting time rights not receive a copy of any notice of relocation. Upon the filing of the motion, the court

shall schedule a hearing on the motion and give both parents 11779
notice of the date, time, and location of the hearing. If the 11780
court determines that the parent who is granted the parenting time 11781
rights has been so convicted or has been determined to be the 11782
perpetrator of an abusive act that is the basis of a child abuse 11783
adjudication, the court shall issue an order stating that the 11784
parent who is granted the parenting time rights will not be given 11785
a copy of any notice of relocation that is filed with the court 11786
pursuant to division (G)(1) of this section or that the 11787
residential parent is no longer required to give that parent a 11788
copy of any notice of relocation unless the court determines that 11789
it is in the best interest of the children to give that parent a 11790
copy of the notice of relocation, issues an order stating that 11791
that parent will be given a copy of any notice of relocation filed 11792
pursuant to division (G)(1) of this section, and issues specific 11793
written findings of fact in support of its determination. If it 11794
does not so find, it shall dismiss the motion. 11795

(H)(1) Subject to section 3125.16 and division (F) of section 11796
3319.321 of the Revised Code, a parent of a child who is not the 11797
residential parent of the child is entitled to access, under the 11798
same terms and conditions under which access is provided to the 11799
residential parent, to any record that is related to the child and 11800
to which the residential parent of the child legally is provided 11801
access, unless the court determines that it would not be in the 11802
best interest of the child for the parent who is not the 11803
residential parent to have access to the records under those same 11804
terms and conditions. If the court determines that the parent of a 11805
child who is not the residential parent should not have access to 11806
records related to the child under the same terms and conditions 11807
as provided for the residential parent, the court shall specify 11808
the terms and conditions under which the parent who is not the 11809
residential parent is to have access to those records, shall enter 11810
its written findings of facts and opinion in the journal, and 11811

shall issue an order containing the terms and conditions to both 11812
the residential parent and the parent of the child who is not the 11813
residential parent. The court shall include in every order issued 11814
pursuant to this division notice that any keeper of a record who 11815
knowingly fails to comply with the order or division (H) of this 11816
section is in contempt of court. 11817

(2) Subject to section 3125.16 and division (F) of section 11818
3319.321 of the Revised Code, subsequent to the issuance of an 11819
order under division (H)(1) of this section, the keeper of any 11820
record that is related to a particular child and to which the 11821
residential parent legally is provided access shall permit the 11822
parent of the child who is not the residential parent to have 11823
access to the record under the same terms and conditions under 11824
which access is provided to the residential parent, unless the 11825
residential parent has presented the keeper of the record with a 11826
copy of an order issued under division (H)(1) of this section that 11827
limits the terms and conditions under which the parent who is not 11828
the residential parent is to have access to records pertaining to 11829
the child and the order pertains to the record in question. If the 11830
residential parent presents the keeper of the record with a copy 11831
of that type of order, the keeper of the record shall permit the 11832
parent who is not the residential parent to have access to the 11833
record only in accordance with the most recent order that has been 11834
issued pursuant to division (H)(1) of this section and presented 11835
to the keeper by the residential parent or the parent who is not 11836
the residential parent. Any keeper of any record who knowingly 11837
fails to comply with division (H) of this section or with any 11838
order issued pursuant to division (H)(1) of this section is in 11839
contempt of court. 11840

(3) The prosecuting attorney of any county may file a 11841
complaint with the court of common pleas of that county requesting 11842
the court to issue a protective order preventing the disclosure 11843

pursuant to division (H)(1) or (2) of this section of any 11844
confidential law enforcement investigatory record. The court shall 11845
schedule a hearing on the motion and give notice of the date, 11846
time, and location of the hearing to all parties. 11847

(I) A court that issues a parenting time order or decree 11848
pursuant to this section or section 3109.12 of the Revised Code 11849
shall determine whether the parent granted the right of parenting 11850
time is to be permitted access, in accordance with section 11851
~~5104.011~~ 5104.039 of the Revised Code, to any child day-care 11852
center that is, or that in the future may be, attended by the 11853
children with whom the right of parenting time is granted. Unless 11854
the court determines that the parent who is not the residential 11855
parent should not have access to the center to the same extent 11856
that the residential parent is granted access to the center, the 11857
parent who is not the residential parent and who is granted 11858
parenting time rights is entitled to access to the center to the 11859
same extent that the residential parent is granted access to the 11860
center. If the court determines that the parent who is not the 11861
residential parent should not have access to the center to the 11862
same extent that the residential parent is granted such access 11863
under ~~division (C)~~ of section ~~5104.011~~ 5104.039 of the Revised 11864
Code, the court shall specify the terms and conditions under which 11865
the parent who is not the residential parent is to have access to 11866
the center, provided that the access shall not be greater than the 11867
access that is provided to the residential parent under ~~division~~ 11868
~~(C)~~ of section ~~5104.011~~ 5104.039 of the Revised Code, the court 11869
shall enter its written findings of fact and opinions in the 11870
journal, and the court shall include the terms and conditions of 11871
access in the parenting time order or decree. 11872

(J)(1) Subject to division (F) of section 3319.321 of the 11873
Revised Code, when a court issues an order or decree allocating 11874
parental rights and responsibilities for the care of a child, the 11875

parent of the child who is not the residential parent of the child 11876
is entitled to access, under the same terms and conditions under 11877
which access is provided to the residential parent, to any student 11878
activity that is related to the child and to which the residential 11879
parent of the child legally is provided access, unless the court 11880
determines that it would not be in the best interest of the child 11881
to grant the parent who is not the residential parent access to 11882
the student activities under those same terms and conditions. If 11883
the court determines that the parent of the child who is not the 11884
residential parent should not have access to any student activity 11885
that is related to the child under the same terms and conditions 11886
as provided for the residential parent, the court shall specify 11887
the terms and conditions under which the parent who is not the 11888
residential parent is to have access to those student activities, 11889
shall enter its written findings of facts and opinion in the 11890
journal, and shall issue an order containing the terms and 11891
conditions to both the residential parent and the parent of the 11892
child who is not the residential parent. The court shall include 11893
in every order issued pursuant to this division notice that any 11894
school official or employee who knowingly fails to comply with the 11895
order or division (J) of this section is in contempt of court. 11896

(2) Subject to division (F) of section 3319.321 of the 11897
Revised Code, subsequent to the issuance of an order under 11898
division (J)(1) of this section, all school officials and 11899
employees shall permit the parent of the child who is not the 11900
residential parent to have access to any student activity under 11901
the same terms and conditions under which access is provided to 11902
the residential parent of the child, unless the residential parent 11903
has presented the school official or employee, the board of 11904
education of the school, or the governing body of the chartered 11905
nonpublic school with a copy of an order issued under division 11906
(J)(1) of this section that limits the terms and conditions under 11907
which the parent who is not the residential parent is to have 11908

access to student activities related to the child and the order 11909
pertains to the student activity in question. If the residential 11910
parent presents the school official or employee, the board of 11911
education of the school, or the governing body of the chartered 11912
nonpublic school with a copy of that type of order, the school 11913
official or employee shall permit the parent who is not the 11914
residential parent to have access to the student activity only in 11915
accordance with the most recent order that has been issued 11916
pursuant to division (J)(1) of this section and presented to the 11917
school official or employee, the board of education of the school, 11918
or the governing body of the chartered nonpublic school by the 11919
residential parent or the parent who is not the residential 11920
parent. Any school official or employee who knowingly fails to 11921
comply with division (J) of this section or with any order issued 11922
pursuant to division (J)(1) of this section is in contempt of 11923
court. 11924

(K) If any person is found in contempt of court for failing 11925
to comply with or interfering with any order or decree granting 11926
parenting time rights issued pursuant to this section or section 11927
3109.12 of the Revised Code or companionship or visitation rights 11928
issued pursuant to this section, section 3109.11 or 3109.12 of the 11929
Revised Code, or any other provision of the Revised Code, the 11930
court that makes the finding, in addition to any other penalty or 11931
remedy imposed, shall assess all court costs arising out of the 11932
contempt proceeding against the person and require the person to 11933
pay any reasonable attorney's fees of any adverse party, as 11934
determined by the court, that arose in relation to the act of 11935
contempt, and may award reasonable compensatory parenting time or 11936
visitation to the person whose right of parenting time or 11937
visitation was affected by the failure or interference if such 11938
compensatory parenting time or visitation is in the best interest 11939
of the child. Any compensatory parenting time or visitation 11940
awarded under this division shall be included in an order issued 11941

by the court and, to the extent possible, shall be governed by the 11942
same terms and conditions as was the parenting time or visitation 11943
that was affected by the failure or interference. 11944

(L) Any parent who requests reasonable parenting time rights 11945
with respect to a child under this section or section 3109.12 of 11946
the Revised Code or any person who requests reasonable 11947
companionship or visitation rights with respect to a child under 11948
this section, section 3109.11 or 3109.12 of the Revised Code, or 11949
any other provision of the Revised Code may file a motion with the 11950
court requesting that it waive all or any part of the costs that 11951
may accrue in the proceedings. If the court determines that the 11952
movant is indigent and that the waiver is in the best interest of 11953
the child, the court, in its discretion, may waive payment of all 11954
or any part of the costs of those proceedings. 11955

(M)(1) A parent who receives an order for active military 11956
service in the uniformed services and who is subject to a 11957
parenting time order may apply to the court for any of the 11958
following temporary orders for the period extending from the date 11959
of the parent's departure to the date of return: 11960

(a) An order delegating all or part of the parent's parenting 11961
time with the child to a relative or to another person who has a 11962
close and substantial relationship with the child if the 11963
delegation is in the child's best interest; 11964

(b) An order that the other parent make the child reasonably 11965
available for parenting time with the parent when the parent is on 11966
leave from active military service; 11967

(c) An order that the other parent facilitate contact, 11968
including telephone and electronic contact, between the parent and 11969
child while the parent is on active military service. 11970

(2)(a) Upon receipt of an order for active military service, 11971
a parent who is subject to a parenting time order and seeks an 11972

order under division (M)(1) of this section shall notify the other 11973
parent who is subject to the parenting time order and apply to the 11974
court as soon as reasonably possible after receipt of the order 11975
for active military service. The application shall include the 11976
date on which the active military service begins. 11977

(b) The court shall schedule a hearing upon receipt of an 11978
application under division (M) of this section and hold the 11979
hearing not later than thirty days after its receipt, except that 11980
the court shall give the case calendar priority and handle the 11981
case expeditiously if exigent circumstances exist in the case. No 11982
hearing shall be required if both parents agree to the terms of 11983
the requested temporary order and the court determines that the 11984
order is in the child's best interest. 11985

(c) In determining whether a delegation under division 11986
(M)(1)(a) of this section is in the child's best interest, the 11987
court shall consider all relevant factors, including the factors 11988
set forth in division (D) of this section. 11989

(d) An order delegating all or part of the parent's parenting 11990
time pursuant to division (M)(1)(a) of this section does not 11991
create standing on behalf of the person to whom parenting time is 11992
delegated to assert visitation or companionship rights independent 11993
of the order. 11994

(3) At the request of a parent who is ordered for active 11995
military service in the uniformed services and who is a subject of 11996
a proceeding pertaining to a parenting time order or pertaining to 11997
a request for companionship rights or visitation with a child, the 11998
court shall permit the parent to participate in the proceeding and 11999
present evidence by electronic means, including communication by 12000
telephone, video, or internet to the extent permitted by rules of 12001
the supreme court of Ohio. 12002

(N) The juvenile court has exclusive jurisdiction to enter 12003

the orders in any case certified to it from another court.	12004
(0) As used in this section:	12005
(1) "Abused child" has the same meaning as in section 2151.031 of the Revised Code, and "neglected child" has the same meaning as in section 2151.03 of the Revised Code.	12006 12007 12008
(2) "Active military service" and "uniformed services" have the same meanings as in section 3109.04 of the Revised Code.	12009 12010
(3) "Confidential law enforcement investigatory record" has the same meaning as in section 149.43 of the Revised Code.	12011 12012
(4) "Parenting time order" means an order establishing the amount of time that a child spends with the parent who is not the residential parent or the amount of time that the child is to be physically located with a parent under a shared parenting order.	12013 12014 12015 12016
(5) "Record" means any record, document, file, or other material that contains information directly related to a child, including, but not limited to, any of the following:	12017 12018 12019
(a) Records maintained by public and nonpublic schools;	12020
(b) Records maintained by facilities that provide child care, as defined in section 5104.01 of the Revised Code, publicly funded child care, as defined in section 5104.01 of the Revised Code, or pre-school services operated by or under the supervision of a school district board of education or a nonpublic school;	12021 12022 12023 12024 12025
(c) Records maintained by hospitals, other facilities, or persons providing medical or surgical care or treatment for the child;	12026 12027 12028
(d) Records maintained by agencies, departments, instrumentalities, or other entities of the state or any political subdivision of the state, other than a child support enforcement agency. Access to records maintained by a child support enforcement agency is governed by section 3125.16 of the Revised	12029 12030 12031 12032 12033

Code. 12034

Sec. 3701.63. (A) As used in this section and section 3701.64 12035
of the Revised Code: 12036

(1) "Child day-care center," "type A family day-care home," 12037
and "~~certified~~ licensed type B family day-care home" have the same 12038
meanings as in section 5104.01 of the Revised Code. 12039

(2) "Child care facility" means a child day-care center, a 12040
type A family day-care home, or a ~~certified~~ licensed type B family 12041
day-care home. 12042

(3) "Freestanding birthing center" has the same meaning as in 12043
section 3702.51 of the Revised Code. 12044

(4) "Hospital" means a hospital classified pursuant to rules 12045
adopted under section 3701.07 of the Revised Code as a general 12046
hospital or children's hospital. 12047

(5) "Maternity unit" means any unit or place in a hospital 12048
where women are regularly received and provided care during all or 12049
part of the maternity cycle, except that "maternity unit" does not 12050
include an emergency department or similar place dedicated to 12051
providing emergency health care. 12052

(6) "Parent" means either parent, unless the parents are 12053
separated or divorced or their marriage has been dissolved or 12054
annulled, in which case "parent" means the parent who is the 12055
residential parent and legal custodian of the child. "Parent" also 12056
means a prospective adoptive parent with whom a child is placed. 12057

(7) "Shaken ~~Baby Syndrome~~ baby syndrome" means signs and 12058
symptoms, including, but not limited to, retinal hemorrhages in 12059
one or both eyes, subdural hematoma, or brain swelling, resulting 12060
from the violent shaking or the shaking and impacting of the head 12061
of an infant or small child. 12062

(B) The director of health shall establish the shaken baby 12063

syndrome education program by doing all of the following: 12064

(1) By not later than one year after February 29, 2008, 12065
developing educational materials that present readily 12066
comprehensible information on shaken baby syndrome; 12067

(2) Making available on the department of health web site in 12068
an easily accessible format the educational materials developed 12069
under division (B)(1) of this section; 12070

(3) Beginning in 2009, annually assessing the effectiveness 12071
of the shaken baby syndrome education program by evaluating the 12072
reports received pursuant to section 5101.135 of the Revised Code. 12073

(C) In meeting the requirements under division (B) of this 12074
section, the director shall not develop educational materials that 12075
will impose an administrative or financial burden on any of the 12076
entities or persons listed in section 3701.64 of the Revised Code. 12077

Sec. 3737.22. (A) The fire marshal shall do all of the 12078
following: 12079

(1) Adopt the state fire code under sections 3737.82 to 12080
3737.86 of the Revised Code; 12081

(2) Enforce the state fire code; 12082

(3) Appoint assistant fire marshals who are authorized to 12083
enforce the state fire code; 12084

(4) Conduct investigations into the cause, origin, and 12085
circumstances of fires and explosions, and assist in the 12086
prosecution of persons believed to be guilty of arson or a similar 12087
crime; 12088

(5) Compile statistics concerning loss due to fire and 12089
explosion as the fire marshal considers necessary, and consider 12090
the compatibility of the fire marshal's system of compilation with 12091
the systems of other state and federal agencies and fire marshals 12092

of other states;	12093
(6) Engage in research on the cause and prevention of losses due to fire and explosion;	12094 12095
(7) Engage in public education and informational activities which will inform the public of fire safety information;	12096 12097
(8) Operate a fire training academy and forensic laboratory;	12098
(9) Conduct other fire safety and fire fighting training activities for the public and groups as will further the cause of fire safety;	12099 12100 12101
(10) Conduct licensing examinations, and issue permits, licenses, and certificates, as authorized by the Revised Code;	12102 12103
(11) Conduct tests of fire protection systems and devices, and fire fighting equipment to determine compliance with the state fire code, unless a building is insured against the hazard of fire, in which case such tests may be performed by the company insuring the building;	12104 12105 12106 12107 12108
(12) Establish and collect fees for conducting licensing examinations and for issuing permits, licenses, and certificates;	12109 12110
(13) Make available for the prosecuting attorney and an assistant prosecuting attorney from each county of this state, in accordance with section 3737.331 of the Revised Code, a seminar program, attendance at which is optional, that is designed to provide current information, data, training, and techniques relative to the prosecution of arson cases;	12111 12112 12113 12114 12115 12116
(14) Administer and enforce Chapter 3743. of the Revised Code;	12117 12118
(15) Develop a uniform standard for the reporting of information required to be filed under division (E)(4) of section 2921.22 of the Revised Code, and accept the reports of the information when they are filed.	12119 12120 12121 12122

(B) The fire marshal shall appoint a chief deputy fire marshal, and shall employ professional and clerical assistants as the fire marshal considers necessary. The chief deputy shall be a competent former or current member of a fire agency and possess five years of recent, progressively more responsible experience in fire inspection, fire code enforcement, and fire code management. The chief deputy, with the approval of the director of commerce, shall temporarily assume the duties of the fire marshal when the fire marshal is absent or temporarily unable to carry out the duties of the office. When there is a vacancy in the office of fire marshal, the chief deputy, with the approval of the director of commerce, shall temporarily assume the duties of the fire marshal until a new fire marshal is appointed under section 3737.21 of the Revised Code.

All employees, other than the fire marshal; the chief deputy fire marshal; the superintendent of the Ohio fire academy; the grants administrator; the fiscal officer; the executive secretary to the fire marshal; legal counsel; the pyrotechnics administrator, the chief of the forensic laboratory; the person appointed by the fire marshal to serve as administrator over functions concerning testing, license examinations, and the issuance of permits and certificates; and the chiefs of the bureaus of fire prevention, of fire and explosion investigation, of code enforcement, and of underground storage tanks shall be in the classified civil service. The fire marshal shall authorize the chief deputy and other employees under the fire marshal's supervision to exercise powers granted to the fire marshal by law as may be necessary to carry out the duties of the fire marshal's office.

(C) The fire marshal shall create, in and as a part of the office of fire marshal, a fire and explosion investigation bureau consisting of a chief of the bureau and additional assistant fire

marshals as the fire marshal determines necessary for the 12155
efficient administration of the bureau. The chief shall be 12156
experienced in the investigation of the cause, origin, and 12157
circumstances of fires, and in administration, including the 12158
supervision of subordinates. The chief, among other duties 12159
delegated to the chief by the fire marshal, shall be responsible, 12160
under the direction of the fire marshal, for the investigation of 12161
the cause, origin, and circumstances of fires and explosions in 12162
the state, and for assistance in the prosecution of persons 12163
believed to be guilty of arson or a similar crime. 12164

(D)(1) The fire marshal shall create, as part of the office 12165
of fire marshal, a bureau of code enforcement consisting of a 12166
chief of the bureau and additional assistant fire marshals as the 12167
fire marshal determines necessary for the efficient administration 12168
of the bureau. The chief shall be qualified, by education or 12169
experience, in fire inspection, fire code development, fire code 12170
enforcement, or any other similar field determined by the fire 12171
marshal, and in administration, including the supervision of 12172
subordinates. The chief is responsible, under the direction of the 12173
fire marshal, for fire inspection, fire code development, fire 12174
code enforcement, and any other duties delegated to the chief by 12175
the fire marshal. 12176

(2) The fire marshal, the chief deputy fire marshal, the 12177
chief of the bureau of code enforcement, or any assistant fire 12178
marshal under the direction of the fire marshal, the chief deputy 12179
fire marshal, or the chief of the bureau of code enforcement may 12180
cause to be conducted the inspection of all buildings, structures, 12181
and other places, the condition of which may be dangerous from a 12182
fire safety standpoint to life or property, or to property 12183
adjacent to the buildings, structures, or other places. 12184

(E) The fire marshal shall create, as a part of the office of 12185
fire marshal, a bureau of fire prevention consisting of a chief of 12186

the bureau and additional assistant fire marshals as the fire 12187
marshal determines necessary for the efficient administration of 12188
the bureau. The chief shall be qualified, by education or 12189
experience, to promote programs for rural and urban fire 12190
prevention and protection. The chief, among other duties delegated 12191
to the chief by the fire marshal, is responsible, under the 12192
direction of the fire marshal, for the promotion of rural and 12193
urban fire prevention and protection through public information 12194
and education programs. 12195

(F) The fire marshal shall cooperate with the director of job 12196
and family services when the director adopts rules under section 12197
5104.052 of the Revised Code regarding fire prevention and fire 12198
safety in ~~certified~~ licensed type B family day-care homes, as 12199
defined in section 5104.01 of the Revised Code, recommend 12200
procedures for inspecting type B homes to determine whether they 12201
are in compliance with those rules, and provide training and 12202
technical assistance to the director and county directors of job 12203
and family services on the procedures for determining compliance 12204
with those rules. 12205

(G) The fire marshal, upon request of a provider of child 12206
care in a type B home that is not ~~certified~~ licensed by the ~~county~~ 12207
director of job and family services, as a precondition of approval 12208
by the state board of education under section 3313.813 of the 12209
Revised Code for receipt of United States department of 12210
agriculture child and adult care food program funds established 12211
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 12212
U.S.C. 1751, as amended, shall inspect the type B home to 12213
determine compliance with rules adopted under section 5104.052 of 12214
the Revised Code regarding fire prevention and fire safety in 12215
~~certified~~ licensed type B homes. In municipal corporations and in 12216
townships where there is a certified fire safety inspector, the 12217
inspections shall be made by that inspector under the supervision 12218

of the fire marshal, according to rules adopted under section 12219
5104.052 of the Revised Code. In townships outside municipal 12220
corporations where there is no certified fire safety inspector, 12221
inspections shall be made by the fire marshal. 12222

Sec. 3742.01. As used in this chapter: 12223

(A) "Board of health" means the board of health of a city or 12224
general health district or the authority having the duties of a 12225
board of health under section 3709.05 of the Revised Code. 12226

(B) "Child care facility" means each area of any of the 12227
following in which child care, as defined in section 5104.01 of 12228
the Revised Code, is provided to children under six years of age: 12229

(1) A child day-care center, type A family day-care home, or 12230
type B family day-care home as defined in section 5104.01 of the 12231
Revised Code; 12232

~~(2) A type C family day care home authorized to provide child 12233
care by Sub. H.B. 62 of the 121st general assembly, as amended by 12234
Am. Sub. S.B. 160 of the 121st general assembly and Sub. H.B. 407 12235
of the 123rd general assembly; 12236~~

~~(3) A preschool program or school child program as defined in 12237
section 3301.52 of the Revised Code. 12238~~

(C) "Clearance examination" means an examination to determine 12239
whether the lead hazards in a residential unit, child care 12240
facility, or school have been sufficiently controlled. A clearance 12241
examination includes a visual assessment, collection, and analysis 12242
of environmental samples. 12243

(D) "Clearance technician" means a person, other than a 12244
licensed lead inspector or licensed lead risk assessor, who 12245
performs a clearance examination. 12246

(E) "Clinical laboratory" means a facility for the 12247
biological, microbiological, serological, chemical, 12248

immuno-hematological, hematological, biophysical, cytological, 12249
pathological, or other examination of substances derived from the 12250
human body for the purpose of providing information for the 12251
diagnosis, prevention, or treatment of any disease, or in the 12252
assessment or impairment of the health of human beings. "Clinical 12253
laboratory" does not include a facility that only collects or 12254
prepares specimens, or serves as a mailing service, and does not 12255
perform testing. 12256

(F) "Encapsulation" means the coating and sealing of surfaces 12257
with durable surface coating specifically formulated to be 12258
elastic, able to withstand sharp and blunt impacts, long-lasting, 12259
and resilient, while also resistant to cracking, peeling, algae, 12260
fungus, and ultraviolet light, so as to prevent any part of 12261
lead-containing paint from becoming part of house dust or 12262
otherwise accessible to children. 12263

(G) "Enclosure" means the resurfacing or covering of surfaces 12264
with durable materials such as wallboard or paneling, and the 12265
sealing or caulking of edges and joints, so as to prevent or 12266
control chalking, flaking, peeling, scaling, or loose 12267
lead-containing substances from becoming part of house dust or 12268
otherwise accessible to children. 12269

(H) "Environmental lead analytical laboratory" means a 12270
facility that analyzes air, dust, soil, water, paint, film, or 12271
other substances, other than substances derived from the human 12272
body, for the presence and concentration of lead. 12273

(I) "HEPA" means the designation given to a product, device, 12274
or system that has been equipped with a high-efficiency 12275
particulate air filter, which is a filter capable of removing 12276
particles of 0.3 microns or larger from air at 99.97 per cent or 12277
greater efficiency. 12278

(J) "Interim controls" means a set of measures designed to 12279

reduce temporarily human exposure or likely human exposure to lead hazards. Interim controls include specialized cleaning, painting, temporary containment, ongoing lead hazard maintenance activities, and the establishment and operation of management and resident education programs.

(K)(1) "Lead abatement" means a measure or set of measures designed for the single purpose of permanently eliminating lead hazards. "Lead abatement" includes all of the following:

- (a) Removal of lead-based paint and lead-contaminated dust;
- (b) Permanent enclosure or encapsulation of lead-based paint;
- (c) Replacement of surfaces or fixtures painted with lead-based paint;
- (d) Removal or permanent covering of lead-contaminated soil;
- (e) Preparation, cleanup, and disposal activities associated with lead abatement.

(2) "Lead abatement" does not include any of the following:

- (a) Preventive treatments performed pursuant to section 3742.41 of the Revised Code;
- (b) Implementation of interim controls;
- (c) Activities performed by a property owner on a residential unit to which both of the following apply:
 - (i) It is a freestanding single-family home used as the property owner's private residence.
 - (ii) No child under six years of age who has lead poisoning resides in the unit.

(L) "Lead abatement contractor" means any individual who engages in or intends to engage in lead abatement and employs or supervises one or more lead abatement workers, including on-site supervision of lead abatement projects, or prepares

specifications, plans, or documents for a lead abatement project. 12309

(M) "Lead abatement project" means one or more lead abatement 12310
activities that are conducted by a lead abatement contractor and 12311
are reasonably related to each other. 12312

(N) "Lead abatement project designer" means a person who is 12313
responsible for designing lead abatement projects and preparing a 12314
pre-abatement plan for all designed projects. 12315

(O) "Lead abatement worker" means an individual who is 12316
responsible in a nonsupervisory capacity for the performance of 12317
lead abatement. 12318

(P) "Lead-based paint" means any paint or other similar 12319
surface-coating substance containing lead at or in excess of the 12320
level that is hazardous to human health as established by rule of 12321
the public health council under section 3742.50 of the Revised 12322
Code. 12323

(Q) "Lead-contaminated dust" means dust that contains an area 12324
or mass concentration of lead at or in excess of the level that is 12325
hazardous to human health as established by rule of the public 12326
health council under section 3742.50 of the Revised Code. 12327

(R) "Lead-contaminated soil" means soil that contains lead at 12328
or in excess of the level that is hazardous to human health as 12329
established by rule of the public health council under section 12330
3742.50 of the Revised Code. 12331

(S) "Lead hazard" means material that is likely to cause lead 12332
exposure and endanger an individual's health as determined by the 12333
public health council in rules adopted under section 3742.50 of 12334
the Revised Code. "Lead hazard" includes lead-based paint, 12335
lead-contaminated dust, lead-contaminated soil, and 12336
lead-contaminated water pipes. 12337

(T) "Lead inspection" means a surface-by-surface 12338

investigation to determine the presence of lead-based paint. The 12339
inspection shall use a sampling or testing technique approved by 12340
the public health council in rules adopted by the council under 12341
section 3742.03 of the Revised Code. A licensed lead inspector or 12342
laboratory approved under section 3742.09 of the Revised Code 12343
shall certify in writing the precise results of the inspection. 12344

(U) "Lead inspector" means any individual who conducts a lead 12345
inspection, provides professional advice regarding a lead 12346
inspection, or prepares a report explaining the results of a lead 12347
inspection. 12348

(V) "Lead poisoning" means the level of lead in human blood 12349
that is hazardous to human health, as specified in rules adopted 12350
under section 3742.50 of the Revised Code. 12351

(W) "Lead risk assessment" means an on-site investigation to 12352
determine and report the existence, nature, severity, and location 12353
of lead hazards in a residential unit, child care facility, or 12354
school, including information gathering from the unit, facility, 12355
or school's current owner's knowledge regarding the age and 12356
painting history of the unit, facility, or school and occupancy by 12357
children under six years of age, visual inspection, limited wipe 12358
sampling or other environmental sampling techniques, and any other 12359
activity as may be appropriate. 12360

(X) "Lead risk assessor" means a person who is responsible 12361
for developing a written inspection, risk assessment, and analysis 12362
plan; conducting inspections for lead hazards in a residential 12363
unit, child care facility, or school; interpreting results of 12364
inspections and risk assessments; identifying hazard control 12365
strategies to reduce or eliminate lead exposures; and completing a 12366
risk assessment report. 12367

(Y) "Lead-safe renovation" means the supervision or 12368
performance of services for the general improvement of all or part 12369

of an existing structure, including a residential unit, child care 12370
facility, or school, when the services are supervised or performed 12371
by a lead-safe renovator. 12372

(Z) "Lead-safe renovator" means a person who has successfully 12373
completed a training program in lead-safe renovation approved 12374
under section 3742.47 of the Revised Code. 12375

(AA) "Manager" means a person, who may be the same person as 12376
the owner, responsible for the daily operation of a residential 12377
unit, child care facility, or school. 12378

(BB) "Permanent" means an expected design life of at least 12379
twenty years. 12380

(CC) "Replacement" means an activity that entails removing 12381
components such as windows, doors, and trim that have lead hazards 12382
on their surfaces and installing components free of lead hazards. 12383

(DD) "Residential unit" means a dwelling or any part of a 12384
building being used as an individual's private residence. 12385

(EE) "School" means a public or nonpublic school in which 12386
children under six years of age receive education. 12387

Sec. 3797.06. (A) As used in this section, "specified 12388
geographical notification area" means the geographic area or areas 12389
within which the attorney general requires by rule adopted under 12390
section 3797.08 of the Revised Code the notice described in 12391
division (B) of this section to be given to the persons identified 12392
in divisions (A)(1) to (9) of this section. If a court enters a 12393
declaratory judgment against a registrant under section 2721.21 of 12394
the Revised Code, the sheriff with whom the registrant has most 12395
recently registered under section 3797.02 or 3797.03 of the 12396
Revised Code and the sheriff to whom the registrant most recently 12397
sent a notice of intent to reside under section 3797.03 of the 12398
Revised Code shall provide within the period of time specified in 12399

division (C) of this section a written notice containing the 12400
information set forth in division (B) of this section to all of 12401
the persons described in divisions (A)(1) to (9) of this section. 12402
If the sheriff has sent a notice to the persons described in those 12403
divisions as a result of receiving a notice of intent to reside 12404
and if the registrant registers a residence address that is the 12405
same residence address described in the notice of intent to 12406
reside, the sheriff is not required to send an additional notice 12407
when the registrant registers. The sheriff shall provide the 12408
notice to all of the following persons: 12409

(1)(a) Any occupant of each residential unit that is located 12410
within one thousand feet of the registrant's residential premises, 12411
that is located within the county served by the sheriff, and that 12412
is not located in a multi-unit building. Division (D)(3) of this 12413
section applies regarding notices required under this division. 12414

(b) If the registrant resides in a multi-unit building, any 12415
occupant of each residential unit that is located in that 12416
multi-unit building and that shares a common hallway with the 12417
registrant. For purposes of this division, an occupant's unit 12418
shares a common hallway with the registrant if the entrance door 12419
into the occupant's unit is located on the same floor and opens 12420
into the same hallway as the entrance door to the unit the 12421
registrant occupies. Division (D)(3) of this section applies 12422
regarding notices required under this division. 12423

(c) The building manager, or the person the building owner or 12424
condominium unit owners association authorizes to exercise 12425
management and control, of each multi-unit building that is 12426
located within one thousand feet of the registrant's residential 12427
premises, including a multi-unit building in which the registrant 12428
resides, and that is located within the county served by the 12429
sheriff. In addition to notifying the building manager or the 12430

person authorized to exercise management and control in the 12431
multi-unit building under this division, the sheriff shall post a 12432
copy of the notice prominently in each common entryway in the 12433
building and any other location in the building the sheriff 12434
determines appropriate. The manager or person exercising 12435
management and control of the building shall permit the sheriff to 12436
post copies of the notice under this division as the sheriff 12437
determines appropriate. In lieu of posting copies of the notice as 12438
described in this division, a sheriff may provide notice to all 12439
occupants of the multi-unit building by mail or personal contact. 12440
If the sheriff so notifies all the occupants, the sheriff is not 12441
required to post copies of the notice in the common entryways to 12442
the building. Division (D)(3) of this section applies regarding 12443
notices required under this division. 12444

(d) All additional persons who are within any category of 12445
neighbors of the registrant that the attorney general by rule 12446
adopted under section 3797.08 of the Revised Code requires to be 12447
provided the notice and who reside within the county served by the 12448
sheriff. 12449

(2) The executive director of the public children services 12450
agency that has jurisdiction within the specified geographical 12451
notification area and that is located within the county served by 12452
the sheriff; 12453

(3) The superintendent of each board of education of a school 12454
district that has schools within the specified geographical 12455
notification area and that is located within the county served by 12456
the sheriff; 12457

(4) The appointing or hiring officer of each nonpublic school 12458
located within the specified geographical notification area and 12459
within the county served by the sheriff or of each other school 12460
located within the specified geographical notification area and 12461
within the county served by the sheriff and that is not operated 12462

by a board of education described in division (A)(3) of this 12463
section; 12464

(5) The director, head teacher, elementary principal, or site 12465
administrator of each preschool program governed by Chapter 3301. 12466
of the Revised Code that is located within the specified 12467
geographical notification area and within the county served by the 12468
sheriff; 12469

(6) The administrator of each child day-care center or type A 12470
family day-care home that is located within the specified 12471
geographical notification area and within the county served by the 12472
sheriff, and ~~the provider of each certified~~ holder of a license to 12473
operate a type B family day-care home that is located within the 12474
specified geographical notification area and within the county 12475
served by the sheriff. As used in this division, "child day-care 12476
center," "type A family day-care home," and "~~certified~~ type B 12477
family day-care home" have the same meanings as in section 5104.01 12478
of the Revised Code. 12479

(7) The president or other chief administrative officer of 12480
each institution of higher education, as defined in section 12481
2907.03 of the Revised Code, that is located within the specified 12482
geographical notification area and within the county served by the 12483
sheriff and the chief law enforcement officer of any state 12484
university law enforcement agency or campus police department 12485
established under section 3345.04 or 1713.50 of the Revised Code 12486
that serves that institution; 12487

(8) The sheriff of each county that includes any portion of 12488
the specified geographical notification area; 12489

(9) If the registrant resides within the county served by the 12490
sheriff, the chief of police, marshal, or other chief law 12491
enforcement officer of the municipal corporation in which the 12492
registrant resides or, if the registrant resides in an 12493

unincorporated area, the constable or chief of the police 12494
department or police district police force of the township in 12495
which the registrant resides. 12496

(B) The notice required under division (A) of this section 12497
shall include the registrant's name, residence or employment 12498
address, as applicable, and a statement that the registrant has 12499
been found liable for childhood sexual abuse in a civil action and 12500
is listed on the civil registry established by the attorney 12501
general pursuant to section 3797.08 of the Revised Code. 12502

(C) If a sheriff with whom a registrant registers under 12503
section 3797.02 or 3797.03 of the Revised Code or to whom the 12504
registrant most recently sent a notice of intent to reside under 12505
section 3797.03 of the Revised Code is required by division (A) of 12506
this section to provide notices regarding a registrant and if the 12507
sheriff provides a notice pursuant to that requirement the sheriff 12508
provides a notice to a sheriff of one or more other counties in 12509
accordance with division (A)(8) of this section, the sheriff of 12510
each of the other counties who is provided notice under division 12511
(A)(8) of this section shall provide the notices described in 12512
divisions (A)(1) to (7) and (A)(9) of this section to each person 12513
or entity identified within those divisions that is located within 12514
the specified geographical notification area and within the county 12515
served by the sheriff in question. 12516

(D)(1) A sheriff required by division (A) or (C) of this 12517
section to provide notices regarding a registrant shall provide 12518
the notice to the neighbors that are described in division (A)(1) 12519
of this section and the notices to law enforcement personnel that 12520
are described in divisions (A)(8) and (9) of this section as soon 12521
as practicable, but not later than five days after the registrant 12522
sends the notice of intent to reside to the sheriff, and again not 12523
later than five days after the registrant registers with the 12524
sheriff or, if the sheriff is required by division (C) to provide 12525

the notices, not later than five days after the sheriff is 12526
provided the notice described in division (A)(8) of this section. 12527

A sheriff required by division (A) or (C) of this section to 12528
provide notices regarding a registrant shall provide the notices 12529
to all other specified persons that are described in divisions 12530
(A)(2) to (7) of this section as soon as practicable, but not 12531
later than seven days after the registrant registers with the 12532
sheriff, or, if the sheriff is required by division (C) to provide 12533
the notices, not later than five days after the sheriff is 12534
provided the notice described in division (A)(8) of this section. 12535

(2) If a registrant in relation to whom division (A) of this 12536
section applies verifies the registrant's current residence 12537
address with a sheriff pursuant to section 3797.04 of the Revised 12538
Code, the sheriff may provide a written notice containing the 12539
information set forth in division (B) of this section to the 12540
persons identified in divisions (A)(1) to (9) of this section. If 12541
a sheriff provides a notice pursuant to this division to the 12542
sheriff of one or more other counties in accordance with division 12543
(A)(8) of this section, the sheriff of each of the other counties 12544
who is provided the notice under division (A)(8) of this section 12545
may provide, but is not required to provide, a written notice 12546
containing the information set forth in division (B) of this 12547
section to the persons identified in divisions (A)(1) to (7) and 12548
(A)(9) of this section. 12549

(3) A sheriff may provide notice under division (A)(1)(a) or 12550
(b) of this section, and may provide notice under division 12551
(A)(1)(c) of this section to a building manager or person 12552
authorized to exercise management and control of a building, by 12553
mail, by personal contact, or by leaving the notice at or under 12554
the entry door to a residential unit. For purposes of divisions 12555
(A)(1)(a) and (b) of this section and of the portion of division 12556
(A)(1)(c) of this section relating to the provision of notice to 12557

occupants of a multi-unit building by mail or personal contact, 12558
the provision of one written notice per unit is deemed providing 12559
notice to all occupants of that unit. 12560

(E) All information that a sheriff possesses regarding a 12561
registrant that is described in division (B) of this section and 12562
that must be provided in a notice required under division (A) or 12563
(C) of this section or that may be provided in a notice authorized 12564
under division (D)(2) of this section is a public record that is 12565
open to inspection under section 149.43 of the Revised Code. 12566

(F) A sheriff required by division (A) or (C) of this 12567
section, or authorized by division (D)(2) of this section, to 12568
provide notices regarding a registrant may request the department 12569
of job and family services, department of education, or Ohio board 12570
of regents, by telephone, in registrant, or by mail, to provide 12571
the sheriff with the names, addresses, and telephone numbers of 12572
the appropriate persons and entities to whom the notices described 12573
in divisions (A)(2) to (7) of this section are to be provided. 12574
Upon receipt of a request, the department or board shall provide 12575
the requesting sheriff with the names, addresses, and telephone 12576
numbers of the appropriate persons and entities to whom those 12577
notices are to be provided. 12578

(G)(1) Upon the motion of the registrant or the judge that 12579
entered a declaratory judgment pursuant to section 2721.21 of the 12580
Revised Code or that judge's successor in office, the judge may 12581
schedule a hearing to determine whether the interests of justice 12582
would be served by suspending the community notification 12583
requirement under this section in relation to the registrant. The 12584
judge may dismiss the motion without a hearing but may not issue 12585
an order suspending the community notification requirement without 12586
a hearing. At the hearing, all parties are entitled to be heard. 12587
If, at the conclusion of the hearing, the judge finds that the 12588
registrant has proven by clear and convincing evidence that the 12589

registrant is unlikely to commit childhood sexual abuse in the 12590
future and that suspending the community notification requirement 12591
is in the interests of justice, the judge may issue an order 12592
suspending the application of this section in relation to the 12593
registrant. The order shall contain both of these findings. 12594

The judge promptly shall serve a copy of the order upon the 12595
sheriff with whom the registrant most recently registered a 12596
residence address and the sheriff with whom the registrant most 12597
recently registered an employment address under section 3797.02 of 12598
the Revised Code. 12599

An order suspending the community notification requirement 12600
does not suspend or otherwise alter a registrant's duties to 12601
comply with sections 3797.02, 3797.03, and 3797.04 of the Revised 12602
Code. 12603

(2) A registrant has the right to appeal an order denying a 12604
motion made under division (G)(1) of this section. 12605

Sec. 4511.81. (A) When any child who is in either or both of 12606
the following categories is being transported in a motor vehicle, 12607
other than a taxicab or public safety vehicle as defined in 12608
section 4511.01 of the Revised Code, that is required by the 12609
United States department of transportation to be equipped with 12610
seat belts at the time of manufacture or assembly, the operator of 12611
the motor vehicle shall have the child properly secured in 12612
accordance with the manufacturer's instructions in a child 12613
restraint system that meets federal motor vehicle safety 12614
standards: 12615

(1) A child who is less than four years of age; 12616

(2) A child who weighs less than forty pounds. 12617

(B) When any child who is in either or both of the following 12618
categories is being transported in a motor vehicle, other than a 12619

taxicab, that is owned, leased, or otherwise under the control of 12620
a nursery school or day-care center, the operator of the motor 12621
vehicle shall have the child properly secured in accordance with 12622
the manufacturer's instructions in a child restraint system that 12623
meets federal motor vehicle safety standards: 12624

(1) A child who is less than four years of age; 12625

(2) A child who weighs less than forty pounds. 12626

(C) When any child who is less than eight years of age and 12627
less than four feet nine inches in height, who is not required by 12628
division (A) or (B) of this section to be secured in a child 12629
restraint system, is being transported in a motor vehicle, other 12630
than a taxicab or public safety vehicle as defined in section 12631
4511.01 of the Revised Code or a vehicle that is regulated under 12632
section ~~5104.011~~ 5104.015 of the Revised Code, that is required by 12633
the United States department of transportation to be equipped with 12634
seat belts at the time of manufacture or assembly, the operator of 12635
the motor vehicle shall have the child properly secured in 12636
accordance with the manufacturer's instructions on a booster seat 12637
that meets federal motor vehicle safety standards. 12638

(D) When any child who is at least eight years of age but not 12639
older than fifteen years of age, and who is not otherwise required 12640
by division (A), (B), or (C) of this section to be secured in a 12641
child restraint system or booster seat, is being transported in a 12642
motor vehicle, other than a taxicab or public safety vehicle as 12643
defined in section 4511.01 of the Revised Code, that is required 12644
by the United States department of transportation to be equipped 12645
with seat belts at the time of manufacture or assembly, the 12646
operator of the motor vehicle shall have the child properly 12647
restrained either in accordance with the manufacturer's 12648
instructions in a child restraint system that meets federal motor 12649
vehicle safety standards or in an occupant restraining device as 12650
defined in section 4513.263 of the Revised Code. 12651

(E) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of division (C) or (D) of this section or causing the arrest of or commencing a prosecution of a person for a violation of division (C) or (D) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed.

(F) The director of public safety shall adopt such rules as are necessary to carry out this section.

(G) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat, or an occupant restraining device as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.

(H) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who

has an affidavit signed by a physician licensed to practice in 12684
this state under Chapter 4731. of the Revised Code or a 12685
chiropractor licensed to practice in this state under Chapter 12686
4734. of the Revised Code that states that the child who otherwise 12687
would be required to be restrained under this section has a 12688
physical impairment that makes use of a child restraint system, 12689
booster seat, or an occupant restraining device impossible or 12690
impractical, provided that the person operating the vehicle has 12691
safely and appropriately restrained the child in accordance with 12692
any recommendations of the physician or chiropractor as noted on 12693
the affidavit. 12694

(I) There is hereby created in the state treasury the child 12695
highway safety fund, consisting of fines imposed pursuant to 12696
division (K)(1) of this section for violations of divisions (A), 12697
(B), (C), and (D) of this section. The money in the fund shall be 12698
used by the department of health only to defray the cost of 12699
designating hospitals as pediatric trauma centers under section 12700
3727.081 of the Revised Code and to establish and administer a 12701
child highway safety program. The purpose of the program shall be 12702
to educate the public about child restraint systems and booster 12703
seats and the importance of their proper use. The program also 12704
shall include a process for providing child restraint systems and 12705
booster seats to persons who meet the eligibility criteria 12706
established by the department, and a toll-free telephone number 12707
the public may utilize to obtain information about child restraint 12708
systems and booster seats, and their proper use. 12709

(J) The director of health, in accordance with Chapter 119. 12710
of the Revised Code, shall adopt any rules necessary to carry out 12711
this section, including rules establishing the criteria a person 12712
must meet in order to receive a child restraint system or booster 12713
seat under the department's child highway safety program; provided 12714
that rules relating to the verification of pediatric trauma 12715

centers shall not be adopted under this section. 12716

(K) Nothing in this section shall be construed to require any 12717
person to carry with the person the birth certificate of a child 12718
to prove the age of the child, but the production of a valid birth 12719
certificate for a child showing that the child was not of an age 12720
to which this section applies is a defense against any ticket, 12721
citation, or summons issued for violating this section. 12722

(L)(1) Whoever violates division (A), (B), (C), or (D) of 12723
this section shall be punished as follows, provided that the 12724
failure of an operator of a motor vehicle to secure more than one 12725
child in a child restraint system, booster seat, or occupant 12726
restraining device as required by this section that occurred at 12727
the same time, on the same day, and at the same location is deemed 12728
to be a single violation of this section: 12729

(a) Except as otherwise provided in division (L)(1)(b) of 12730
this section, the offender is guilty of a minor misdemeanor and 12731
shall be fined not less than twenty-five dollars nor more than 12732
seventy-five dollars. 12733

(b) If the offender previously has been convicted of or 12734
pleaded guilty to a violation of division (A), (B), (C), or (D) of 12735
this section or of a municipal ordinance that is substantially 12736
similar to any of those divisions, the offender is guilty of a 12737
misdemeanor of the fourth degree. 12738

(2) All fines imposed pursuant to division (L)(1) of this 12739
section shall be forwarded to the treasurer of state for deposit 12740
in the child highway safety fund created by division (I) of this 12741
section. 12742

Sec. 5101.29. When contained in a record held by the 12743
department of job and family services or a county agency, the 12744
following are not public records for purposes of section 149.43 of 12745

the Revised Code: 12746

(A) Names and other identifying information regarding 12747
children enrolled in or attending a child day-care center or home 12748
subject to licensure, ~~certification~~, or registration under Chapter 12749
5104. of the Revised Code; 12750

(B) Names and other identifying information regarding 12751
children placed with an institution or association certified under 12752
section 5103.03 of the Revised Code; 12753

(C) Names and other identifying information regarding a 12754
person who makes an oral or written complaint regarding an 12755
institution, association, child day-care center, or home subject 12756
to licensure, ~~certification~~, or registration to the department or 12757
other state or county entity responsible for enforcing Chapter 12758
5103. or 5104. of the Revised Code; 12759

(D)(1) Except as otherwise provided in division (D)(2) of 12760
this section, names, documentation, and other identifying 12761
information regarding a foster caregiver or a prospective foster 12762
caregiver, including the foster caregiver application for 12763
certification under section 5103.03 of the Revised Code and the 12764
home study conducted pursuant to section 5103.0324 of the Revised 12765
Code. 12766

(2) Notwithstanding division (D)(1) of this section, the 12767
following are public records for the purposes of section 149.43 of 12768
the Revised Code, when contained in a record held by the 12769
department of job and family services, a county agency, or other 12770
governmental entity: 12771

(a) All of the following information regarding a currently 12772
certified foster caregiver who has had a foster care certificate 12773
revoked pursuant to Chapter 5103. of the Revised Code or, after 12774
receiving a current or current renewed certificate has been 12775
convicted of, pleaded guilty to, or indicted or otherwise charged 12776

with any offense described in division (C)(1) of section 2151.86	12777
of the Revised Code:	12778
(i) The foster caregiver's name, date of birth, and county of residence;	12779 12780
(ii) The date of the foster caregiver's certification;	12781
(iii) The date of each placement of a foster child into the foster caregiver's home;	12782 12783
(iv) If applicable, the date of the removal of a foster child from the foster caregiver's home and the reason for the foster child's removal unless release of such information would be detrimental to the foster child or other children residing in the foster caregiver's home;	12784 12785 12786 12787 12788
(v) If applicable, the date of the foster care certificate revocation and all documents related to the revocation unless otherwise not a public record pursuant to section 149.43 of the Revised Code.	12789 12790 12791 12792
(b) Nonidentifying foster care statistics including, but not limited to, the number of foster caregivers and foster care certificate revocations.	12793 12794 12795
Sec. 5103.03. (A) The director of job and family services shall adopt rules as necessary for the adequate and competent management of institutions or associations. The director shall ensure that foster care home study rules adopted under this section align any home study content, time period, and process with any home study content, time period, and process required by rules adopted under section 3107.033 of the Revised Code.	12796 12797 12798 12799 12800 12801 12802
(B)(1) Except for facilities under the control of the department of youth services, places of detention for children established and maintained pursuant to sections 2152.41 to 2152.44 of the Revised Code, and child day-care centers subject to Chapter	12803 12804 12805 12806

5104. of the Revised Code, the department of job and family 12807
services every two years shall pass upon the fitness of every 12808
institution and association that receives, or desires to receive 12809
and care for children, or places children in private homes. 12810

(2) When the department of job and family services is 12811
satisfied as to the care given such children, and that the 12812
requirements of the statutes and rules covering the management of 12813
such institutions and associations are being complied with, it 12814
shall issue to the institution or association a certificate to 12815
that effect. A certificate is valid for two years, unless sooner 12816
revoked by the department. When determining whether an institution 12817
or association meets a particular requirement for certification, 12818
the department may consider the institution or association to have 12819
met the requirement if the institution or association shows to the 12820
department's satisfaction that it has met a comparable requirement 12821
to be accredited by a nationally recognized accreditation 12822
organization. 12823

(3) The department may issue a temporary certificate valid 12824
for less than one year authorizing an institution or association 12825
to operate until minimum requirements have been met. 12826

(4) An institution or association that knowingly makes a 12827
false statement that is included as a part of certification under 12828
this section is guilty of the offense of falsification under 12829
section 2921.13 of the Revised Code and the department shall not 12830
certify that institution or association. 12831

(5) The department shall not issue a certificate to a 12832
prospective foster home or prospective specialized foster home 12833
pursuant to this section if the prospective foster home or 12834
prospective specialized foster home operates as a type A family 12835
day-care home pursuant to Chapter 5104. of the Revised Code. The 12836
department shall not issue a certificate to a prospective 12837
specialized foster home if the prospective specialized foster home 12838

operates a type B family day-care home pursuant to Chapter 5104. 12839
of the Revised Code. 12840

(C) The department may revoke a certificate if it finds that 12841
the institution or association is in violation of law or rule. No 12842
juvenile court shall commit a child to an association or 12843
institution that is required to be certified under this section if 12844
its certificate has been revoked or, if after revocation, the date 12845
of reissue is less than fifteen months prior to the proposed 12846
commitment. 12847

(D) Every two years, on a date specified by the department, 12848
each institution or association desiring certification or 12849
recertification shall submit to the department a report showing 12850
its condition, management, competency to care adequately for the 12851
children who have been or may be committed to it or to whom it 12852
provides care or services, the system of visitation it employs for 12853
children placed in private homes, and other information the 12854
department requires. 12855

(E) The department shall, not less than once each year, send 12856
a list of certified institutions and associations to each juvenile 12857
court and certified association or institution. 12858

(F) No person shall receive children or receive or solicit 12859
money on behalf of such an institution or association not so 12860
certified or whose certificate has been revoked. 12861

(G)(1) The director may delegate by rule any duties imposed 12862
on it by this section to inspect and approve family foster homes 12863
and specialized foster homes to public children services agencies, 12864
private child placing agencies, or private noncustodial agencies. 12865

(2) The director shall adopt rules that require a foster 12866
caregiver or other individual certified to operate a foster home 12867
under this section to notify the recommending agency that the 12868
foster caregiver or other individual is ~~certified~~ licensed to 12869

operate a type B family day-care home under Chapter 5104. of the Revised Code. 12870
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(H) If the director of job and family services determines that an institution or association that cares for children is operating without a certificate, the director may petition the court of common pleas in the county in which the institution or association is located for an order enjoining its operation. The court shall grant injunctive relief upon a showing that the institution or association is operating without a certificate. 12872
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(I) If both of the following are the case, the director of job and family services may petition the court of common pleas of any county in which an institution or association that holds a certificate under this section operates for an order, and the court may issue an order, preventing the institution or association from receiving additional children into its care or an order removing children from its care: 12879
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(1) The department has evidence that the life, health, or safety of one or more children in the care of the institution or association is at imminent risk. 12886
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(2) The department has issued a proposed adjudication order pursuant to Chapter 119. of the Revised Code to deny renewal of or revoke the certificate of the institution or association. 12889
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Sec. 5104.01. As used in this chapter: 12892

(A) "Administrator" means the person responsible for the daily operation of a center ~~or~~, type A home, or type B home. The administrator and the owner may be the same person. 12893
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(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code. 12896
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~~(C) "Authorized provider" means a person authorized by a county director of job and family services to operate a certified~~ 12898
12899

type B family day care home.	12900
(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care.	12901 12902 12903 12904
(E) <u>(D)</u> "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following:	12905 12906 12907
(1) Uses a framework approved by the director of job and family services to document formal education, training, experience, and specialized credentials and certifications;	12908 12909 12910
(2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.	12911 12912 12913
(F) <u>(E)</u> "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.	12914 12915 12916 12917 12918 12919 12920 12921
(G) "Certified type B family day care home" and "certified type B home" mean a type B family day care home that is certified by the director of the county department of job and family services pursuant to section 5104.11 of the Revised Code to receive public funds for providing child care pursuant to this chapter and any rules adopted under it.	12922 12923 12924 12925 12926 12927
(H) <u>(F)</u> "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the state board of education for nonpublic schools pursuant to section 3301.07 of the	12928 12929 12930

Revised Code. 12931

~~(I)~~(G) "Child" includes an infant, toddler, preschool-age 12932
child, or school-age child. 12933

~~(J)~~(H) "Child care block grant act" means the "Child Care and 12934
Development Block Grant Act of 1990," established in section 5082 12935
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 12936
1388-236 (1990), 42 U.S.C. 9858, as amended. 12937

~~(K)~~(I) "Child day camp" means a program in which only 12938
school-age children attend or participate, that operates for no 12939
more than seven hours per day, that operates only during one or 12940
more public school district's regular vacation periods or for no 12941
more than fifteen weeks during the summer, and that operates 12942
outdoor activities for each child who attends or participates in 12943
the program for a minimum of fifty per cent of each day that 12944
children attend or participate in the program, except for any day 12945
when hazardous weather conditions prevent the program from 12946
operating outdoor activities for a minimum of fifty per cent of 12947
that day. For purposes of this division, the maximum seven hours 12948
of operation time does not include transportation time from a 12949
child's home to a child day camp and from a child day camp to a 12950
child's home. 12951

~~(L)~~(J) "Child care" means administering to the needs of 12952
infants, toddlers, preschool-age children, and school-age children 12953
outside of school hours by persons other than their parents or 12954
guardians, custodians, or relatives by blood, marriage, or 12955
adoption for any part of the twenty-four-hour day in a place or 12956
residence other than a child's own home. 12957

~~(M)~~(K) "Child day-care center" and "center" mean any place in 12958
which child care or publicly funded child care is provided for 12959
thirteen or more children at one time or any place that is not the 12960
permanent residence of the licensee or administrator in which 12961

child care or publicly funded child care is provided for seven to 12962
twelve children at one time. In counting children for the purposes 12963
of this division, any children under six years of age who are 12964
related to a licensee, administrator, or employee and who are on 12965
the premises of the center shall be counted. "Child day-care 12966
center" and "center" do not include any of the following: 12967

(1) A place located in and operated by a hospital, as defined 12968
in section 3727.01 of the Revised Code, in which the needs of 12969
children are administered to, if all the children whose needs are 12970
being administered to are monitored under the on-site supervision 12971
of a physician licensed under Chapter 4731. of the Revised Code or 12972
a registered nurse licensed under Chapter 4723. of the Revised 12973
Code, and the services are provided only for children who, in the 12974
opinion of the child's parent, guardian, or custodian, are 12975
exhibiting symptoms of a communicable disease or other illness or 12976
are injured; 12977

(2) A child day camp; 12978

(3) A place that provides child care, but not publicly funded 12979
child care, if all of the following apply: 12980

(a) An organized religious body provides the child care; 12981

(b) A parent, custodian, or guardian of at least one child 12982
receiving child care is on the premises and readily accessible at 12983
all times; 12984

(c) The child care is not provided for more than thirty days 12985
a year; 12986

(d) The child care is provided only for preschool-age and 12987
school-age children. 12988

~~(N)~~(L) "Child care resource and referral service 12989
organization" means a community-based nonprofit organization that 12990
provides child care resource and referral services but not child 12991

care.	12992
(O) (M) "Child care resource and referral services" means all	12993
of the following services:	12994
(1) Maintenance of a uniform data base of all child care	12995
providers in the community that are in compliance with this	12996
chapter, including current occupancy and vacancy data;	12997
(2) Provision of individualized consumer education to	12998
families seeking child care;	12999
(3) Provision of timely referrals of available child care	13000
providers to families seeking child care;	13001
(4) Recruitment of child care providers;	13002
(5) Assistance in the development, conduct, and dissemination	13003
of training for child care providers and provision of technical	13004
assistance to current and potential child care providers,	13005
employers, and the community;	13006
(6) Collection and analysis of data on the supply of and	13007
demand for child care in the community;	13008
(7) Technical assistance concerning locally, state, and	13009
federally funded child care and early childhood education	13010
programs;	13011
(8) Stimulation of employer involvement in making child care	13012
more affordable, more available, safer, and of higher quality for	13013
their employees and for the community;	13014
(9) Provision of written educational materials to caretaker	13015
parents and informational resources to child care providers;	13016
(10) Coordination of services among child care resource and	13017
referral service organizations to assist in developing and	13018
maintaining a statewide system of child care resource and referral	13019
services if required by the department of job and family services;	13020

(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes. 13021
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~~(P)~~(N) "Child-care staff member" means an employee of a child day-care center or type A family day-care home who is primarily responsible for the care and supervision of children. The administrator may be a part-time child-care staff member when not involved in other duties. 13025
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~~(Q)~~(O) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis. 13030
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~~(R)~~(P) "Employee" means a person who either: 13034

(1) Receives compensation for duties performed in a child day-care center or type A family day-care home; 13035
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(2) Is assigned specific working hours or duties in a child day-care center or type A family day-care home. 13037
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~~(S)~~(O) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center or type A family day-care home subject to licensure under this chapter. 13039
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~~(T)~~(R) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined. 13043
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~~(U)~~(S) "Head start program" means a comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 13048
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amended, and is licensed as a child day-care center. 13051

~~(V)~~(T) "Income" means gross income, as defined in section 13052
5107.10 of the Revised Code, less any amounts required by federal 13053
statutes or regulations to be disregarded. 13054

~~(W)~~(U) "Indicator checklist" means an inspection tool, used 13055
in conjunction with an instrument-based program monitoring 13056
information system, that contains selected licensing requirements 13057
that are statistically reliable indicators or predictors of a 13058
child day-care ~~center or~~ center's type A family day-care home's, 13059
or licensed type B family day-care home's compliance with 13060
licensing requirements. 13061

~~(X)~~(V) "Infant" means a child who is less than eighteen 13062
months of age. 13063

~~(Y)~~(W) "In-home aide" means a person who does not reside with 13064
the child but provides care in the child's home and is certified 13065
by a county director of job and family services pursuant to 13066
section 5104.12 of the Revised Code to provide publicly funded 13067
child care to a child in a child's own home pursuant to this 13068
chapter and any rules adopted under it. 13069

~~(Z)~~(X) "Instrument-based program monitoring information 13070
system" means a method to assess compliance with licensing 13071
requirements for child day-care centers ~~and~~, type A family 13072
day-care homes, and licensed type B family day-care homes in which 13073
each licensing requirement is assigned a weight indicative of the 13074
relative importance of the requirement to the health, growth, and 13075
safety of the children that is used to develop an indicator 13076
checklist. 13077

~~(AA)~~(Y) "License capacity" means the maximum number in each 13078
age category of children who may be cared for in a child day-care 13079
center or type A family day-care home at one time as determined by 13080
the director of job and family services considering building 13081

occupancy limits established by the department of commerce, amount 13082
of available indoor floor space and outdoor play space, and amount 13083
of available play equipment, materials, and supplies. For the 13084
purposes of a provisional license issued under this chapter, the 13085
director shall also consider the number of available child-care 13086
staff members when determining "license capacity" for the 13087
provisional license. 13088

~~(BB)~~(Z) "Licensed child care program" means any of the 13089
following: 13090

(1) A child day-care center licensed by the department of job 13091
and family services pursuant to this chapter; 13092

(2) A type A family day-care home or type B family day-care 13093
home licensed by the department of job and family services 13094
pursuant to this chapter; 13095

(3) ~~A type B family day care home certified by a county~~ 13096
~~department of job and family services pursuant to this chapter;~~ 13097

~~(4)~~ A licensed preschool program or licensed school child 13098
program. 13099

~~(CC)~~(AA) "Licensed preschool program" or "licensed school 13100
child program" means a preschool program or school child program, 13101
as defined in section 3301.52 of the Revised Code, that is 13102
licensed by the department of education pursuant to sections 13103
3301.52 to 3301.59 of the Revised Code. 13104

~~(DD)~~(BB) "Licensed type B family day-care home" and "licensed 13105
type B home" mean a type B family day-care home for which there is 13106
a valid license issued by the director of job and family services 13107
pursuant to section 5104.03 of the Revised Code. 13108

(CC) "Licensee" means the owner of a child day-care center 13109
~~or~~ type A family day-care home, or type B family day-care home 13110
that is licensed pursuant to this chapter and who is responsible 13111

for ensuring its compliance with this chapter and rules adopted 13112
pursuant to this chapter. 13113

~~(EE)~~(DD) "Operate a child day camp" means to operate, 13114
establish, manage, conduct, or maintain a child day camp. 13115

~~(FF)~~(EE) "Owner" includes a person, as defined in section 13116
1.59 of the Revised Code, or government entity. 13117

~~(GG)~~(FF) "Parent cooperative child day-care center," "parent 13118
cooperative center," "parent cooperative type A family day-care 13119
home," and "parent cooperative type A home" mean a corporation or 13120
association organized for providing educational services to the 13121
children of members of the corporation or association, without 13122
gain to the corporation or association as an entity, in which the 13123
services of the corporation or association are provided only to 13124
children of the members of the corporation or association, 13125
ownership and control of the corporation or association rests 13126
solely with the members of the corporation or association, and at 13127
least one parent-member of the corporation or association is on 13128
the premises of the center or type A home during its hours of 13129
operation. 13130

~~(HH)~~(GG) "Part-time child day-care center," "part-time 13131
center," "part-time type A family day-care home," and "part-time 13132
type A home" mean a center or type A home that provides child care 13133
or publicly funded child care for no more than four hours a day 13134
for any child. 13135

~~(II)~~(HH) "Place of worship" means a building where activities 13136
of an organized religious group are conducted and includes the 13137
grounds and any other buildings on the grounds used for such 13138
activities. 13139

~~(JJ)~~(II) "Preschool-age child" means a child who is three 13140
years old or older but is not a school-age child. 13141

~~(KK)~~(JJ) "Protective child care" means publicly funded child 13142

care for the direct care and protection of a child to whom either 13143
of the following applies: 13144

(1) A case plan prepared and maintained for the child 13145
pursuant to section 2151.412 of the Revised Code indicates a need 13146
for protective care and the child resides with a parent, 13147
stepparent, guardian, or another person who stands in loco 13148
parentis as defined in rules adopted under section 5104.38 of the 13149
Revised Code; 13150

(2) The child and the child's caretaker either temporarily 13151
reside in a facility providing emergency shelter for homeless 13152
families or are determined by the county department of job and 13153
family services to be homeless, and are otherwise ineligible for 13154
publicly funded child care. 13155

~~(LL)~~(KK) "Publicly funded child care" means administering to 13156
the needs of infants, toddlers, preschool-age children, and 13157
school-age children under age thirteen during any part of the 13158
twenty-four-hour day by persons other than their caretaker parents 13159
for remuneration wholly or in part with federal or state funds, 13160
including funds available under the child care block grant act, 13161
Title IV-A, and Title XX, distributed by the department of job and 13162
family services. 13163

~~(MM)~~(LL) "Religious activities" means any of the following: 13164
worship or other religious services; religious instruction; Sunday 13165
school classes or other religious classes conducted during or 13166
prior to worship or other religious services; youth or adult 13167
fellowship activities; choir or other musical group practices or 13168
programs; meals; festivals; or meetings conducted by an organized 13169
religious group. 13170

~~(NN)~~(MM) "School-age child" means a child who is enrolled in 13171
or is eligible to be enrolled in a grade of kindergarten or above 13172
but is less than fifteen years old. 13173

~~(OO)~~(NN) "School-age child care center" and "school-age child
type A home" mean a center or type A home that provides child care
for school-age children only and that does either or both of the
following:

(1) Operates only during that part of the day that
immediately precedes or follows the public school day of the
school district in which the center or type A home is located;

(2) Operates only when the public schools in the school
district in which the center or type A home is located are not
open for instruction with pupils in attendance.

~~(PP)~~(OO) "Serious risk noncompliance" means a licensure or
certification rule violation that leads to a great risk of harm
to, or death of, a child, and is observable, not inferable.

~~(OO)~~(PP) "State median income" means the state median income
calculated by the department of development pursuant to division
(A)(1)(g) of section 5709.61 of the Revised Code.

~~(RR)~~(OO) "Title IV-A" means Title IV-A of the "Social
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

~~(SS)~~(RR) "Title XX" means Title XX of the "Social Security
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended.

~~(TT)~~(SS) "Toddler" means a child who is at least eighteen
months of age but less than three years of age.

~~(UU)~~(TT) "Type A family day-care home" and "type A home" mean
a permanent residence of the administrator in which child care or
publicly funded child care is provided for seven to twelve
children at one time or a permanent residence of the administrator
in which child care is provided for four to twelve children at one
time if four or more children at one time are under two years of
age. In counting children for the purposes of this division, any
children under six years of age who are related to a licensee,

administrator, or employee and who are on the premises of the type 13204
A home shall be counted. "Type A family day-care home" and "type A 13205
home" do not include any child day camp. 13206

~~(VV)~~(UU) "Type B family day-care home" and "type B home" mean 13207
a permanent residence of the provider in which child care is 13208
provided for one to six children at one time and in which no more 13209
than three children are under two years of age at one time. In 13210
counting children for the purposes of this division, any children 13211
under six years of age who are related to the provider and who are 13212
on the premises of the type B home shall be counted. "Type B 13213
family day-care home" and "type B home" do not include any child 13214
day camp. 13215

Sec. 5104.012. (A)(1) At the times specified in this 13216
division, the administrator of a child day-care center or a type A 13217
family day-care home shall request the superintendent of the 13218
bureau of criminal identification and investigation to conduct a 13219
criminal records check with respect to any applicant who has 13220
applied to the center or type A home for employment as a person 13221
responsible for the care, custody, or control of a child. 13222

The administrator shall request a criminal records check 13223
pursuant to this division at the time of the applicant's initial 13224
application for employment and every four years thereafter. When 13225
the administrator requests pursuant to this division a criminal 13226
records check for an applicant at the time of the applicant's 13227
initial application for employment, the administrator shall 13228
request that the superintendent obtain information from the 13229
federal bureau of investigation as a part of the criminal records 13230
check for the applicant, including fingerprint-based checks of 13231
national crime information databases as described in 42 U.S.C. 13232
671, for the person subject to the criminal records check. In all 13233
other cases in which the administrator requests a criminal records 13234

check for an applicant pursuant to this division, the 13235
administrator may request that the superintendent include 13236
information from the federal bureau of investigation in the 13237
criminal records check, including fingerprint-based checks of 13238
national crime information databases as described in 42 U.S.C. 13239
671. 13240

(2) A person required by division (A)(1) of this section to 13241
request a criminal records check shall provide to each applicant a 13242
copy of the form prescribed pursuant to division (C)(1) of section 13243
109.572 of the Revised Code, provide to each applicant a standard 13244
impression sheet to obtain fingerprint impressions prescribed 13245
pursuant to division (C)(2) of section 109.572 of the Revised 13246
Code, obtain the completed form and impression sheet from each 13247
applicant, and forward the completed form and impression sheet to 13248
the superintendent of the bureau of criminal identification and 13249
investigation at the time the person requests a criminal records 13250
check pursuant to division (A)(1) of this section. On and after 13251
August 14, 2008, the administrator of a child day-care center or a 13252
type A family day-care home shall review the results of the 13253
criminal records check before the applicant has sole 13254
responsibility for the care, custody, or control of any child. 13255

(3) An applicant who receives pursuant to division (A)(2) of 13256
this section a copy of the form prescribed pursuant to division 13257
(C)(1) of section 109.572 of the Revised Code and a copy of an 13258
impression sheet prescribed pursuant to division (C)(2) of that 13259
section and who is requested to complete the form and provide a 13260
set of fingerprint impressions shall complete the form or provide 13261
all the information necessary to complete the form and shall 13262
provide the impression sheet with the impressions of the 13263
applicant's fingerprints. If an applicant, upon request, fails to 13264
provide the information necessary to complete the form or fails to 13265
provide impressions of the applicant's fingerprints, the center or 13266

type A home shall not employ that applicant for any position for 13267
which a criminal records check is required by division (A)(1) of 13268
this section. 13269

(B)(1) Except as provided in rules adopted under division (E) 13270
of this section, no child day-care center or type A family 13271
day-care home shall employ or contract with another entity for the 13272
services of a person as a person responsible for the care, 13273
custody, or control of a child if the person previously has been 13274
convicted of or pleaded guilty to any of the violations described 13275
in division (A)(9) of section 109.572 of the Revised Code. 13276

(2) A child day-care center or type A family day-care home 13277
may employ an applicant conditionally until the criminal records 13278
check required by this section is completed and the center or home 13279
receives the results of the criminal records check. If the results 13280
of the criminal records check indicate that, pursuant to division 13281
(B)(1) of this section, the applicant does not qualify for 13282
employment, the center or home shall release the applicant from 13283
employment. 13284

(C)(1) Each child day-care center and type A family day-care 13285
home shall pay to the bureau of criminal identification and 13286
investigation the fee prescribed pursuant to division (C)(3) of 13287
section 109.572 of the Revised Code for each criminal records 13288
check conducted in accordance with that section upon the request 13289
pursuant to division (A)(1) of this section of the administrator 13290
or provider of the center or home. 13291

(2) A child day-care center and type A family day-care home 13292
may charge an applicant a fee for the costs it incurs in obtaining 13293
a criminal records check under this section. A fee charged under 13294
this division shall not exceed the amount of fees the center or 13295
home pays under division (C)(1) of this section. If a fee is 13296
charged under this division, the center or home shall notify the 13297
applicant at the time of the applicant's initial application for 13298

employment of the amount of the fee and that, unless the fee is 13299
paid, the center or type A home will not consider the applicant 13300
for employment. 13301

(D) The report of any criminal records check conducted by the 13302
bureau of criminal identification and investigation in accordance 13303
with section 109.572 of the Revised Code and pursuant to a request 13304
under division (A)(1) of this section is not a public record for 13305
the purposes of section 149.43 of the Revised Code and shall not 13306
be made available to any person other than the applicant who is 13307
the subject of the criminal records check or the applicant's 13308
representative; the center or type A home requesting the criminal 13309
records check or its representative; the department of job and 13310
family services or a county department of job and family services; 13311
and any court, hearing officer, or other necessary individual 13312
involved in a case dealing with the denial of employment to the 13313
applicant. 13314

(E) The director of job and family services shall adopt rules 13315
pursuant to Chapter 119. of the Revised Code to implement this 13316
section, including rules specifying circumstances under which a 13317
center or home may hire a person who has been convicted of an 13318
offense listed in division (B)(1) of this section but who meets 13319
standards in regard to rehabilitation set by the department. 13320

(F) Any person required by division (A)(1) of this section to 13321
request a criminal records check shall inform each person, at the 13322
time of the person's initial application for employment, that the 13323
person is required to provide a set of impressions of the person's 13324
fingerprints and that a criminal records check is required to be 13325
conducted and satisfactorily completed in accordance with section 13326
109.572 of the Revised Code if the person comes under final 13327
consideration for appointment or employment as a precondition to 13328
employment for that position. 13329

(G) As used in this section: 13330

(1) "Applicant" means a person who is under final consideration for appointment to or employment in a position with a child day-care center or a type A family day-care home as a person responsible for the care, custody, or control of a child; ~~an in-home aide certified pursuant to section 5104.12 of the Revised Code;~~ or any person who would serve in any position with a child day-care center or a type A family day-care home as a person responsible for the care, custody, or control of a child pursuant to a contract with another entity.

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

Sec. 5104.013. (A)(1) At the times specified in division (A)(3) of this section, the director of job and family services, as part of the process of licensure of child day-care centers ~~and~~, type A family day-care homes, and licensed type B family day-care homes shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to the following persons:

(a) Any owner, licensee, or administrator of a child day-care center;

(b) Any owner, licensee, or administrator of a type A family day-care home and any person eighteen years of age or older who resides in a type A family day-care home;

~~(2) At the times specified in division (A)(3) of this section, the director of a county department of job and family services, as part of the process of certification of type B family day-care homes, shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any authorized provider (c) Any administrator of a certified licensed type B family day-care home and any person eighteen years of age or older who resides in a~~

~~certified~~ licensed type B family day-care home. 13362

(2) At the time specified in division (A)(3) of this section, 13363
the director of a county department of job and family services, as 13364
part of the process of certification of in-home aides, shall 13365
request the superintendent of the bureau of criminal 13366
identification and investigation to conduct a criminal records 13367
check with respect to any in-home aide. 13368

(3) The director of job and family services shall request a 13369
criminal records check pursuant to division (A)(1) of this section 13370
at the time of the initial application for licensure and every 13371
four years thereafter. The director of a county department of job 13372
and family services shall request a criminal records check 13373
pursuant to division (A)(2) of this section at the time of the 13374
initial application for certification and every four years 13375
thereafter ~~at the time of a certification renewal~~. When the 13376
director of job and family services or the director of a county 13377
department of job and family services requests pursuant to 13378
division (A)(1) or (2) of this section a criminal records check 13379
for a person at the time of the person's initial application for 13380
licensure or certification, the director shall request that the 13381
superintendent of the bureau of criminal identification and 13382
investigation obtain information from the federal bureau of 13383
investigation as a part of the criminal records check for the 13384
person, including fingerprint-based checks of national crime 13385
information databases as described in 42 U.S.C. 671 for the person 13386
subject to the criminal records check. In all other cases in which 13387
the director of job and family services or the director of a 13388
county department of job and family services requests a criminal 13389
records check for an applicant pursuant to division (A)(1) or (2) 13390
of this section, the director may request that the superintendent 13391
include information from the federal bureau of investigation in 13392
the criminal records check, including fingerprint-based checks of 13393

national crime information databases as described in 42 U.S.C. 13394
671. 13395

(4) The director of job and family services shall review the 13396
results of a criminal records check subsequent to a request made 13397
pursuant to divisions (A)(1) and (3) of this section prior to 13398
approval of a license. The director of a county department of job 13399
and family services shall review the results of a criminal records 13400
check subsequent to a request made pursuant to divisions (A)(2) 13401
and (3) of this section prior to approval of certification. 13402

(B) The director of job and family services or the director 13403
of a county department of job and family services shall provide to 13404
each person for whom a criminal records check is required under 13405
this section a copy of the form prescribed pursuant to division 13406
(C)(1) of section 109.572 of the Revised Code and a standard 13407
impression sheet to obtain fingerprint impressions prescribed 13408
pursuant to division (C)(2) of that section, obtain the completed 13409
form and impression sheet from that person, and forward the 13410
completed form and impression sheet to the superintendent of the 13411
bureau of criminal identification and investigation. 13412

(C) A person who receives pursuant to division (B) of this 13413
section a copy of the form and standard impression sheet described 13414
in that division and who is requested to complete the form and 13415
provide a set of fingerprint impressions shall complete the form 13416
or provide all the information necessary to complete the form and 13417
shall provide the impression sheet with the impressions of the 13418
person's fingerprints. If the person, upon request, fails to 13419
provide the information necessary to complete the form or fails to 13420
provide impressions of the person's fingerprints, the director may 13421
consider the failure as a reason to deny licensure or 13422
certification. 13423

(D) Except as provided in rules adopted under division (G) of 13424
this section, the director of job and family services shall not 13425

grant a license to a child day-care center ~~or~~, type A family 13426
day-care home ~~and a county director of job and family services~~ 13427
~~shall not certify a, or~~ type B family day-care home and a county 13428
director of job and family services shall not certify an in-home 13429
aide if a person for whom a criminal records check was required in 13430
connection with the center or home previously has been convicted 13431
of or pleaded guilty to any of the violations described in 13432
division (A)(9) of section 109.572 of the Revised Code. 13433

(E) Each child day-care center, type A family day-care home, 13434
and type B family day-care home shall pay to the bureau of 13435
criminal identification and investigation the fee prescribed 13436
pursuant to division (C)(3) of section 109.572 of the Revised Code 13437
for each criminal records check conducted in accordance with that 13438
section upon a request made pursuant to division (A) of this 13439
section. 13440

(F) The report of any criminal records check conducted by the 13441
bureau of criminal identification and investigation in accordance 13442
with section 109.572 of the Revised Code and pursuant to a request 13443
made under division (A) of this section is not a public record for 13444
the purposes of section 149.43 of the Revised Code and shall not 13445
be made available to any person other than the person who is the 13446
subject of the criminal records check or the person's 13447
representative, the director of job and family services, the 13448
director of a county department of job and family services, the 13449
center, type A home, or type B home involved, and any court, 13450
hearing officer, or other necessary individual involved in a case 13451
dealing with a denial of licensure or certification related to the 13452
criminal records check. 13453

(G) The director of job and family services shall adopt rules 13454
~~pursuant to~~ in accordance with Chapter 119. of the Revised Code to 13455
implement this section, including rules specifying exceptions to 13456
the prohibition in division (D) of this section for persons who 13457

have been convicted of an offense listed in that division but who 13458
meet standards in regard to rehabilitation set by the ~~department~~ 13459
director. 13460

(H) As used in this section, "criminal records check" has the 13461
same meaning as in section 109.572 of the Revised Code. 13462

Sec. ~~5104.011~~ 5104.015. ~~(A)~~ The director of job and family 13463
services shall adopt rules ~~pursuant to~~ in accordance with Chapter 13464
119. of the Revised Code governing the operation of child day-care 13465
centers, including, ~~but not limited to,~~ parent cooperative 13466
centers, part-time centers, drop-in centers, and school-age child 13467
care centers, ~~which.~~ The rules shall reflect the various forms of 13468
child care and the needs of children receiving child care or 13469
publicly funded child care and shall include specific rules for 13470
school-age child care centers that are developed in consultation 13471
with the department of education. The rules shall not require an 13472
existing school facility that is in compliance with applicable 13473
building codes to undergo an additional building code inspection 13474
or to have structural modifications. The rules shall include the 13475
following: 13476

~~(1)~~(A) Submission of a site plan and descriptive plan of 13477
operation to demonstrate how the center proposes to meet the 13478
requirements of this chapter and rules adopted pursuant to this 13479
chapter for the initial license application; 13480

~~(2)~~(B) Standards for ensuring that the physical surroundings 13481
of the center are safe and sanitary including, ~~but not limited to,~~ 13482
the physical environment, the physical plant, and the equipment of 13483
the center; 13484

~~(3)~~(C) Standards for the supervision, care, and discipline of 13485
children receiving child care or publicly funded child care in the 13486
center; 13487

~~(4)~~(D) Standards for a program of activities, and for play 13488
equipment, materials, and supplies, to enhance the development of 13489
each child; however, any educational curricula, philosophies, and 13490
methodologies that are developmentally appropriate and that 13491
enhance the social, emotional, intellectual, and physical 13492
development of each child shall be permissible. As used in this 13493
division, "program" does not include instruction in religious or 13494
moral doctrines, beliefs, or values that is conducted at child 13495
day-care centers owned and operated by churches and does include 13496
methods of disciplining children at child day-care centers. 13497

~~(5)~~(E) Admissions policies and procedures, health care 13498
policies and procedures, including, ~~but not limited to,~~ procedures 13499
for the isolation of children with communicable diseases, first 13500
aid and emergency procedures, procedures for discipline and 13501
supervision of children, standards for the provision of nutritious 13502
meals and snacks, and procedures for screening children and 13503
employees, that may include any necessary physical examinations 13504
and immunizations; 13505

~~(6)~~(F) Methods for encouraging parental participation in the 13506
center and methods for ensuring that the rights of children, 13507
parents, and employees are protected and that responsibilities of 13508
parents and employees are met; 13509

~~(7)~~(G) Procedures for ensuring the safety and adequate 13510
supervision of children traveling off the premises of the center 13511
while under the care of a center employee; 13512

~~(8)~~(H) Procedures for record keeping, organization, and 13513
administration; 13514

~~(9)~~(I) Procedures for issuing, denying, and revoking a 13515
license that are not otherwise provided for in Chapter 119. of the 13516
Revised Code; 13517

~~(10)~~(J) Inspection procedures; 13518

(11) (K) Procedures and standards for setting initial license application fees;	13519 13520
(12) (L) Procedures for receiving, recording, and responding to complaints about centers;	13521 13522
(13) (M) Procedures for enforcing section 5104.04 of the Revised Code;	13523 13524
(14) (N) A standard requiring the inclusion, on and after July 1, 1987, of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter;	13525 13526 13527 13528 13529 13530
(15) (O) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention. Training requirements for child day-care centers adopted under this division shall be consistent with divisions (B)(6) and (C)(1) of this section <u>sections 5104.034 and 5104.037 of the Revised Code.</u>	13531 13532 13533 13534 13535 13536 13537
(16) (P) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	13538 13539 13540 13541
(17) (Q) A procedure for reporting of injuries of children that occur at the center;	13542 13543
(18) (R) <u>Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions;</u>	13544 13545 13546
<u>(S) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers.</u>	13547 13548

~~(B)(1) The child day care center shall have, for each child 13549
for whom the center is licensed, at least thirty five square feet 13550
of usable indoor floor space wall to wall regularly available for 13551
the child care operation exclusive of any parts of the structure 13552
in which the care of children is prohibited by law or by rules 13553
adopted by the board of building standards. The minimum of 13554
thirty five square feet of usable indoor floor space shall not 13555
include hallways, kitchens, storage areas, or any other areas that 13556
are not available for the care of children, as determined by the 13557
director, in meeting the space requirement of this division, and 13558
bathrooms shall be counted in determining square footage only if 13559
they are used exclusively by children enrolled in the center, 13560
except that the exclusion of hallways, kitchens, storage areas, 13561
bathrooms not used exclusively by children enrolled in the center, 13562
and any other areas not available for the care of children from 13563
the minimum of thirty five square feet of usable indoor floor 13564
space shall not apply to:~~ 13565

~~(a) Centers licensed prior to or on September 1, 1986, that 13566
continue under licensure after that date;~~ 13567

~~(b) Centers licensed prior to or on September 1, 1986, that 13568
are issued a new license after that date solely due to a change of 13569
ownership of the center.~~ 13570

~~(2) The child day care center shall have on the site a safe 13571
outdoor play space which is enclosed by a fence or otherwise 13572
protected from traffic or other hazards. The play space shall 13573
contain not less than sixty square feet per child using such space 13574
at any one time, and shall provide an opportunity for supervised 13575
outdoor play each day in suitable weather. The director may exempt 13576
a center from the requirement of this division, if an outdoor play 13577
space is not available and if all of the following are met:~~ 13578

~~(a) The center provides an indoor recreation area that has 13579
not less than sixty square feet per child using the space at any 13580~~

~~one time, that has a minimum of one thousand four hundred forty square feet of space, and that is separate from the indoor space required under division (B)(1) of this section.~~

~~(b) The director has determined that there is regularly available and scheduled for use a conveniently accessible and safe park, playground, or similar outdoor play area for play or recreation.~~

~~(c) The children are closely supervised during play and while traveling to and from the area.~~

~~The director also shall exempt from the requirement of this division a child day care center that was licensed prior to September 1, 1986, if the center received approval from the director prior to September 1, 1986, to use a park, playground, or similar area, not connected with the center, for play or recreation in lieu of the outdoor space requirements of this section and if the children are closely supervised both during play and while traveling to and from the area and except if the director determines upon investigation and inspection pursuant to section 5104.04 of the Revised Code and rules adopted pursuant to that section that the park, playground, or similar area, as well as access to and from the area, is unsafe for the children.~~

~~(3) The child day care center shall have at least two responsible adults available on the premises at all times when seven or more children are in the center. The center shall organize the children in the center in small groups, shall provide child care staff to give continuity of care and supervision to the children on a day by day basis, and shall ensure that no child is left alone or unsupervised. Except as otherwise provided in division (E) of this section, the maximum number of children per child care staff member and maximum group size, by age category of children, are as follows:~~

	Maximum Number of		13612
	Children Per	Maximum	13613
Age Category	Child Care	Group	13614
of Children	Staff Member	Size	13615
(a) Infants:			13616
(i) Less than twelve			13617
months old	5:1, or		13618
	12:2 if two		13619
	child care		13620
	staff members		13621
	are in the room	12	13622
(ii) At least twelve			13623
months old, but			13624
less than eighteen			13625
months old	6:1	12	13626
(b) Toddlers:			13627
(i) At least eighteen			13628
months old, but			13629
less than thirty			13630
months old	7:1	14	13631
(ii) At least thirty months			13632
old, but less than			13633
three years old	8:1	16	13634
(c) Preschool			13635
children:			13636
(i) Three years old	12:1	24	13637
(ii) Four years old and			13638
five years old who			13639
are not school			13640
children	14:1	28	13641
(d) School children:			13642
(i) A child who is			13643
enrolled in or is			13644

~~eligible to be 13645~~
~~enrolled in a grade 13646~~
~~of kindergarten 13647~~
~~or above, but 13648~~
~~is less than 13649~~
~~eleven years old 18:1 36 13650~~
~~(ii) Eleven through fourteen 13651~~
~~years old 20:1 40 13652~~

~~Except as otherwise provided in division (E) of this section, 13653~~
~~the maximum number of children per child care staff member and 13654~~
~~maximum group size requirements of the younger age group shall 13655~~
~~apply when age groups are combined. 13656~~

~~(C)(1) Each child day care center shall have on the center 13657~~
~~premises and readily available at all times at least one 13658~~
~~child care staff member who has completed a course in first aid, 13659~~
~~one staff member who has completed a course in prevention, 13660~~
~~recognition, and management of communicable diseases which is 13661~~
~~approved by the state department of health, and a staff member who 13662~~
~~has completed a course in child abuse recognition and prevention 13663~~
~~training which is approved by the department of job and family 13664~~
~~services. 13665~~

~~(2) The administrator of each child day care center shall 13666~~
~~maintain enrollment, health, and attendance records for all 13667~~
~~children attending the center and health and employment records 13668~~
~~for all center employees. The records shall be confidential, 13669~~
~~except that they shall be disclosed by the administrator to the 13670~~
~~director upon request for the purpose of administering and 13671~~
~~enforcing this chapter and rules adopted pursuant to this chapter. 13672~~
~~Neither the center nor the licensee, administrator, or employees 13673~~
~~of the center shall be civilly or criminally liable in damages or 13674~~
~~otherwise for records disclosed to the director by the 13675~~
~~administrator pursuant to this division. It shall be a defense to 13676~~

~~any civil or criminal charge based upon records disclosed by the administrator to the director that the records were disclosed pursuant to this division.~~

~~(3)(a) Any parent who is the residential parent and legal custodian of a child enrolled in a child day care center and any custodian or guardian of such a child shall be permitted unlimited access to the center during its hours of operation for the purposes of contacting their children, evaluating the care provided by the center, evaluating the premises of the center, or for other purposes approved by the director. A parent of a child enrolled in a child day care center who is not the child's residential parent shall be permitted unlimited access to the center during its hours of operation for those purposes under the same terms and conditions under which the residential parent of that child is permitted access to the center for those purposes. However, the access of the parent who is not the residential parent is subject to any agreement between the parents and, to the extent described in division (C)(3)(b) of this section, is subject to any terms and conditions limiting the right of access of the parent who is not the residential parent, as described in division (I) of section 3109.051 of the Revised Code, that are contained in a parenting time order or decree issued under that section, section 3109.12 of the Revised Code, or any other provision of the Revised Code.~~

~~(b) If a parent who is the residential parent of a child has presented the administrator or the administrator's designee with a copy of a parenting time order that limits the terms and conditions under which the parent who is not the residential parent is to have access to the center, as described in division (I) of section 3109.051 of the Revised Code, the parent who is not the residential parent shall be provided access to the center only to the extent authorized in the order. If the residential parent~~

~~has presented such an order, the parent who is not the residential parent shall be permitted access to the center only in accordance with the most recent order that has been presented to the administrator or the administrator's designee by the residential parent or the parent who is not the residential parent.~~

~~(c) Upon entering the premises pursuant to division (C)(3)(a) or (b) of this section, the parent who is the residential parent and legal custodian, the parent who is not the residential parent, or the custodian or guardian shall notify the administrator or the administrator's designee of the parent's, custodian's, or guardian's presence.~~

~~(D) The director of job and family services, in addition to the rules adopted under division (A) of this section, shall adopt rules establishing minimum requirements for child day care centers. The rules shall include, but not be limited to, the requirements set forth in divisions (B) and (C) of this section and sections 5104.031, 5104.032, and 5104.033 of the Revised Code. Except as provided in section 5104.07 of the Revised Code, the rules shall not change the square footage requirements of division (B)(1) or (2) of this section; the maximum number of children per child care staff member and maximum group size requirements of division (B)(3) of this section; the educational and experience requirements of section 5104.031 of the Revised Code; the age, educational, and experience requirements of section 5104.032 of the Revised Code; the number and type of inservice training hours required under section 5104.033 of the Revised Code; however, the rules shall provide procedures for determining compliance with those requirements.~~

~~(E)(1) When age groups are combined, the maximum number of children per child care staff member shall be determined by the age of the youngest child in the group, except that when no more than one child thirty months of age or older receives services in~~

~~a group in which all the other children are in the next older age group, the maximum number of children per child care staff member and maximum group size requirements of the older age group established under division (B)(3) of this section shall apply.~~ 13741
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~~(2) The maximum number of toddlers or preschool children per child care staff member in a room where children are napping shall be twice the maximum number of children per child care staff member established under division (B)(3) of this section if all the following criteria are met:~~ 13745
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~~(a) At least one child care staff member is present in the room.~~ 13750
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~~(b) Sufficient child care staff members are on the child day care center premises to meet the maximum number of children per child care staff member requirements established under division (B)(3) of this section.~~ 13752
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~~(c) Naptime preparations are complete and all napping children are resting or sleeping on cots.~~ 13756
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~~(d) The maximum number established under division (E)(2) of this section is in effect for no more than two hours during a twenty four hour day.~~ 13758
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~~(F) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family day care homes, including, but not limited to, parent cooperative type A homes, part time type A homes, drop in type A homes, and school child type A homes, which shall reflect the various forms of child care and the needs of children receiving child care. The rules shall include the following:~~ 13761
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~~(1) Submission of a site plan and descriptive plan of operation to demonstrate how the type A home proposes to meet the requirements of this chapter and rules adopted pursuant to this~~ 13769
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chapter for the initial license application;	13772
(2) Standards for ensuring that the physical surroundings of the type A home are safe and sanitary, including, but not limited to, the physical environment, the physical plant, and the equipment of the type A home;	13773
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(3) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;	13777
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(4) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	13780
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(5) Admissions policies and procedures, health care policies and procedures, including, but not limited to, procedures for the isolation of children with communicable diseases, first aid and emergency procedures, procedures for discipline and supervision of children, standards for the provision of nutritious meals and snacks, and procedures for screening children and employees, including, but not limited to, any necessary physical examinations and immunizations;	13786
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(6) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	13794
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(7) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	13798
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(8) Procedures for record keeping, organization, and administration;	13801
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(9) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	13803
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(10) Inspection procedures;	13806
(11) Procedures and standards for setting initial license application fees;	13807
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(12) Procedures for receiving, recording, and responding to complaints about type A homes;	13809
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(13) Procedures for enforcing section 5104.04 of the Revised Code;	13811
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(14) A standard requiring the inclusion, on or after July 1, 1987, of a current department of job and family services toll free telephone number on each type A home provisional license or license which any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	13813
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(15) Requirements for the training of administrators and child care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	13819
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(16) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	13823
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(17) Standards for the maximum number of children per child care staff member;	13827
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(18) Requirements for the amount of usable indoor floor space for each child;	13829
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(19) Requirements for safe outdoor play space;	13831
(20) Qualifications and training requirements for	13832

administrators and for child care staff members;	13833
(21) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	13834
(22) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;	13835
(23) Any other procedures and standards necessary to carry out this chapter.	13836
(C) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the certification of type B family day care homes.	13837
(1) The rules shall include all of the following:	13838
(a) Procedures, standards, and other necessary provisions for granting limited certification to type B family day care homes that are operated by the following adult providers:	13839
(i) Persons who provide child care for eligible children who are great grandchildren, grandchildren, nieces, nephews, or siblings of the provider or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the provider;	13840
(ii) Persons who provide child care for eligible children all of whom are the children of the same caretaker parent;	13841
(b) Procedures for the director to ensure, that type B homes that receive a limited certification provide child care to children in a safe and sanitary manner;	13842
(c) Requirements for the type B home to notify parents with children in the type B home that the type B home is also certified as a foster home under section 5103.03 of the Revised Code.	13843
With regard to providers who apply for limited certification, a provider shall be granted a provisional limited certification on	13844
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~~signing a declaration under oath attesting that the provider meets 13863
the standards for limited certification. Such provisional limited 13864
certifications shall remain in effect for no more than sixty 13865
calendar days and shall entitle the provider to offer publicly 13866
funded child care during the provisional period. Except as 13867
otherwise provided in division (G)(1) of this section, section 13868
5104.013 or 5104.09 of the Revised Code, or division (A)(2) of 13869
section 5104.11 of the Revised Code, prior to the expiration of 13870
the provisional limited certificate, a county department of job 13871
and family services shall inspect the home and shall grant limited 13872
certification to the provider if the provider meets the 13873
requirements of this division. Limited certificates remain valid 13874
for two years unless earlier revoked. Except as otherwise provided 13875
in division (G)(1) of this section, providers operating under 13876
limited certification shall be inspected annually. 13877~~

~~If a provider is a person described in division (G)(1)(a)(i) 13878
of this section or a person described in division (G)(1)(a)(ii) of 13879
this section who is a friend of the caretaker parent, the provider 13880
and the caretaker parent may verify in writing to the county 13881
department of job and family services that minimum health and 13882
safety requirements are being met in the home. Except as otherwise 13883
provided in section 5104.013 or 5104.09 or in division (A)(2) of 13884
section 5104.11 of the Revised Code, if such verification is 13885
provided, the county shall waive any inspection required by this 13886
chapter and grant limited certification to the provider. 13887~~

~~(2) The rules shall provide for safeguarding the health, 13888
safety, and welfare of children receiving child care or publicly 13889
funded child care in a certified type B home and shall include the 13890
following: 13891~~

~~(a) Standards for ensuring that the type B home and the 13892
physical surroundings of the type B home are safe and sanitary, 13893
including, but not limited to, physical environment, physical 13894~~

plant, and equipment;	13895
(b) Standards for the supervision, care, and discipline of	13896
children receiving child care or publicly funded child care in the	13897
home;	13898
(c) Standards for a program of activities, and for play	13899
equipment, materials, and supplies to enhance the development of	13900
each child; however, any educational curricula, philosophies, and	13901
methodologies that are developmentally appropriate and that	13902
enhance the social, emotional, intellectual, and physical	13903
development of each child shall be permissible;	13904
(d) Admission policies and procedures, health care, first aid	13905
and emergency procedures, procedures for the care of sick	13906
children, procedures for discipline and supervision of children,	13907
nutritional standards, and procedures for screening children and	13908
authorized providers, including, but not limited to, any necessary	13909
physical examinations and immunizations;	13910
(e) Methods of encouraging parental participation and	13911
ensuring that the rights of children, parents, and authorized	13912
providers are protected and the responsibilities of parents and	13913
authorized providers are met;	13914
(f) Standards for the safe transport of children when under	13915
the care of authorized providers;	13916
(g) Procedures for issuing, renewing, denying, refusing to	13917
renew, or revoking certificates;	13918
(h) Procedures for the inspection of type B homes that	13919
require, at a minimum, that each type B home be inspected prior to	13920
certification to ensure that the home is safe and sanitary;	13921
(i) Procedures for record keeping and evaluation;	13922
(j) Procedures for receiving, recording, and responding to	13923
complaints;	13924

(k) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home;	13925
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(l) Requirements for the amount of usable indoor floor space for each child;	13929
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(m) Requirements for safe outdoor play space;	13931
(n) Qualification and training requirements for authorized providers;	13932
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(o) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	13934
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(p) Requirements for the type B home to notify parents with children in the type B home that the type B home is also certified as a foster home under section 5103.03 of the Revised Code;	13937
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(q) Any other procedures and standards necessary to carry out this chapter.	13940
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(H) The director shall adopt rules pursuant to Chapter 119. of the Revised Code governing the certification of in home aides. The rules shall include procedures, standards, and other necessary provisions for granting limited certification to in home aides who provide child care for eligible children who are great grandchildren, grandchildren, nieces, nephews, or siblings of the in home aide or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the in home aide. The rules shall require, and shall include procedures for the director to ensure, that in home aides that receive a limited certification provide child care to children in a safe and sanitary manner. The rules shall provide for safeguarding the health, safety, and welfare of children receiving publicly funded child care in their own home and shall include the	13942
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following:	13956
(1) Standards for ensuring that the child's home and the physical surroundings of the child's home are safe and sanitary, including, but not limited to, physical environment, physical plant, and equipment;	13957 13958 13959 13960
(2) Standards for the supervision, care, and discipline of children receiving publicly funded child care in their own home;	13961 13962
(3) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	13963 13964 13965 13966 13967 13968
(4) Health care, first aid, and emergency procedures, procedures for the care of sick children, procedures for discipline and supervision of children, nutritional standards, and procedures for screening children and in-home aides, including, but not limited to, any necessary physical examinations and immunizations;	13969 13970 13971 13972 13973 13974
(5) Methods of encouraging parental participation and ensuring that the rights of children, parents, and in-home aides are protected and the responsibilities of parents and in-home aides are met;	13975 13976 13977 13978
(6) Standards for the safe transport of children when under the care of in-home aides;	13979 13980
(7) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;	13981 13982
(8) Procedures for inspection of homes of children receiving publicly funded child care in their own homes;	13983 13984
(9) Procedures for record keeping and evaluation;	13985

(10) Procedures for receiving, recording, and responding to complaints;	13986
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(11) Qualifications and training requirements for in-home aides;	13988
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(12) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving publicly funded child care in the child's own home;	13990
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(13) Any other procedures and standards necessary to carry out this chapter.	13994
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(I) To the extent that any rules adopted for the purposes of this section require a health care professional to perform a physical examination, the rules shall include as a health care professional a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse midwife.	13996
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(J)(1) The director of job and family services shall do all of the following:	14001
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(a) Provide or make available in either paper or electronic form to each licensee notice of proposed rules governing the licensure of child day care centers and type A homes;	14003
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(b) Give public notice of hearings regarding the rules to each licensee at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code;	14006
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(c) At least thirty days before the effective date of a rule, provide, in either paper or electronic form, a copy of the adopted rule to each licensee.	14009
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(2) The director shall do all of the following:	14012
(a) Send to each county director of job and family services a notice of proposed rules governing the certification of type B family homes and in-home aides that includes an internet web site	14013
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~~address where the proposed rules can be viewed;~~ 14016

~~(b) Give public notice of hearings regarding the proposed rules not less than thirty days in advance;~~ 14017
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~~(c) Provide to each county director of job and family services an electronic copy of each adopted rule at least forty five days prior to the rule's effective date.~~ 14019
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~~(3) The county director of job and family services shall provide or make available in either paper or electronic form to each authorized provider and in home aide copies of proposed rules and shall give public notice of hearings regarding the rules to each authorized provider and in home aide at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code. At least thirty days before the effective date of a rule, the county director of job and family services shall provide, in either paper or electronic form, copies of the adopted rule to each authorized provider and in home aide.~~ 14022
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~~(4) Additional copies of proposed and adopted rules shall be made available by the director of job and family services to the public on request at no charge.~~ 14033
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~~(5) The director of job and family services may adopt rules pursuant to Chapter 119. of the Revised Code for imposing sanctions on persons and entities that are licensed or certified under this chapter. Sanctions may be imposed only for an action or omission that constitutes a serious risk noncompliance. The sanctions imposed shall be based on the scope and severity of the violations.~~ 14036
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~~The director shall make a dispute resolution process available for the implementation of sanctions. The process may include an opportunity for appeal pursuant to Chapter 119. of the Revised Code.~~ 14043
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~~(6) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code that establish standards for the training of individuals whom any county department of job and family services employs, with whom any county department of job and family services contracts, or with whom the director of job and family services contracts, to inspect or investigate type B family day care homes pursuant to section 5104.11 of the Revised Code. The department shall provide training in accordance with those standards for individuals in the categories described in this division.~~

~~(K) The director of job and family services shall review all rules adopted pursuant to this chapter at least once every seven years.~~

~~(L) Notwithstanding any provision of the Revised Code, the director of job and family services shall not regulate in any way under this chapter or rules adopted pursuant to this chapter, instruction in religious or moral doctrines, beliefs, or values.~~

Sec. 5104.016. The director of job and family services, in addition to the rules adopted under section 5104.015 of the Revised Code, shall adopt rules establishing minimum requirements for child day-care centers. The rules shall include the requirements set forth in sections 5104.032 to 5104.037 of the Revised Code. Except as provided in section 5104.07 of the Revised Code, the rules shall not change the square footage requirements of section 5104.032 of the Revised Code; the maximum number of children per child-care staff member and maximum group size requirements of section 5104.033 of the Revised Code; the educational and experience requirements of section 5104.035 of the Revised Code; the age, educational, and experience requirements of section 5104.036 of the Revised Code; the number and type of inservice training hours required under section 5104.037 of the

Revised Code; however, the rules shall provide procedures for 14078
determining compliance with those requirements. 14079

Sec. 5104.017. The director of job and family services shall 14080
adopt rules pursuant to Chapter 119. of the Revised Code governing 14081
the operation of type A family day-care homes, including parent 14082
cooperative type A homes, part-time type A homes, drop-in type A 14083
homes, and school-age child type A homes. The rules shall reflect 14084
the various forms of child care and the needs of children 14085
receiving child care. The rules shall include the following: 14086

(A) Submission of a site plan and descriptive plan of 14087
operation to demonstrate how the type A home proposes to meet the 14088
requirements of this chapter and rules adopted pursuant to this 14089
chapter for the initial license application; 14090

(B) Standards for ensuring that the physical surroundings of 14091
the type A home are safe and sanitary, including the physical 14092
environment, the physical plant, and the equipment of the type A 14093
home; 14094

(C) Standards for the supervision, care, and discipline of 14095
children receiving child care or publicly funded child care in the 14096
type A home; 14097

(D) Standards for a program of activities, and for play 14098
equipment, materials, and supplies, to enhance the development of 14099
each child; however, any educational curricula, philosophies, and 14100
methodologies that are developmentally appropriate and that 14101
enhance the social, emotional, intellectual, and physical 14102
development of each child shall be permissible; 14103

(E) Admissions policies and procedures, health care policies 14104
and procedures, including procedures for the isolation of children 14105
with communicable diseases, first aid and emergency procedures, 14106
procedures for discipline and supervision of children, standards 14107

<u>for the provision of nutritious meals and snacks, and procedures</u>	14108
<u>for screening children and employees, including any necessary</u>	14109
<u>physical examinations and immunizations;</u>	14110
<u>(F) Methods for encouraging parental participation in the</u>	14111
<u>type A home and methods for ensuring that the rights of children,</u>	14112
<u>parents, and employees are protected and that the responsibilities</u>	14113
<u>of parents and employees are met;</u>	14114
<u>(G) Procedures for ensuring the safety and adequate</u>	14115
<u>supervision of children traveling off the premises of the type A</u>	14116
<u>home while under the care of a type A home employee;</u>	14117
<u>(H) Procedures for record keeping, organization, and</u>	14118
<u>administration;</u>	14119
<u>(I) Procedures for issuing, denying, and revoking a license</u>	14120
<u>that are not otherwise provided for in Chapter 119. of the Revised</u>	14121
<u>Code;</u>	14122
<u>(J) Inspection procedures;</u>	14123
<u>(K) Procedures and standards for setting initial license</u>	14124
<u>application fees;</u>	14125
<u>(L) Procedures for receiving, recording, and responding to</u>	14126
<u>complaints about type A homes;</u>	14127
<u>(M) Procedures for enforcing section 5104.04 of the Revised</u>	14128
<u>Code;</u>	14129
<u>(N) A standard requiring the inclusion of a current</u>	14130
<u>department of job and family services toll-free telephone number</u>	14131
<u>on each type A home license that any person may use to report a</u>	14132
<u>suspected violation by the type A home of this chapter or rules</u>	14133
<u>adopted pursuant to this chapter;</u>	14134
<u>(O) Requirements for the training of administrators and</u>	14135
<u>child-care staff members in first aid, in prevention, recognition,</u>	14136
<u>and management of communicable diseases, and in child abuse</u>	14137

<u>recognition and prevention;</u>	14138
<u>(P) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;</u>	14139 14140 14141 14142
<u>(O) Standards for the maximum number of children per child-care staff member;</u>	14143 14144
<u>(R) Requirements for the amount of usable indoor floor space for each child;</u>	14145 14146
<u>(S) Requirements for safe outdoor play space;</u>	14147
<u>(T) Qualifications and training requirements for administrators and for child-care staff members;</u>	14148 14149
<u>(U) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;</u>	14150 14151 14152
<u>(V) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;</u>	14153 14154
<u>(W) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.</u>	14155 14156
<u>Sec. 5104.018.</u> <u>The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the licensure of type B family day-care homes. The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a licensed type B family day-care home and shall include all of the following:</u>	14157 14158 14159 14160 14161 14162 14163
<u>(A) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code.</u>	14164 14165 14166

<u>(B) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including physical environment, physical plant, and equipment;</u>	14167
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<u>(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;</u>	14170
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<u>(D) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;</u>	14173
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<u>(E) Admission policies and procedures, health care, first aid and emergency procedures, procedures for the care of sick children, procedures for discipline and supervision of children, nutritional standards, and procedures for screening children and administrators, including any necessary physical examinations and immunizations;</u>	14179
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<u>(F) Methods of encouraging parental participation and ensuring that the rights of children, parents, and administrators are protected and the responsibilities of parents and administrators are met;</u>	14185
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<u>(G) Standards for the safe transport of children when under the care of administrators;</u>	14189
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<u>(H) Procedures for issuing, denying, or revoking licenses;</u>	14191
<u>(I) Procedures for the inspection of type B homes that require, at a minimum, that each type B home be inspected prior to licensure to ensure that the home is safe and sanitary;</u>	14192
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<u>(J) Procedures for record keeping and evaluation;</u>	14195
<u>(K) Procedures for receiving, recording, and responding to</u>	14196

<u>complaints;</u>	14197
<u>(L) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home;</u>	14198 14199 14200 14201
<u>(M) Requirements for the amount of usable indoor floor space for each child;</u>	14202 14203
<u>(N) Requirements for safe outdoor play space;</u>	14204
<u>(O) Qualification and training requirements for administrators;</u>	14205 14206
<u>(P) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;</u>	14207 14208 14209
<u>(Q) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;</u>	14210 14211 14212
<u>(R) Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes.</u>	14213 14214 14215
<u>Sec. 5104.019.</u> <u>The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the certification of in-home aides. The rules shall provide for safeguarding the health, safety, and welfare of children receiving publicly funded child care in their own home and shall include the following:</u>	14216 14217 14218 14219 14220 14221
<u>(A) Standards for ensuring that the child's home and the physical surroundings of the child's home are safe and sanitary, including physical environment, physical plant, and equipment;</u>	14222 14223 14224
<u>(B) Standards for the supervision, care, and discipline of</u>	14225

<u>children receiving publicly funded child care in their own home;</u>	14226
<u>(C) Standards for a program of activities, and for play</u>	14227
<u>equipment, materials, and supplies to enhance the development of</u>	14228
<u>each child; however, any educational curricula, philosophies, and</u>	14229
<u>methodologies that are developmentally appropriate and that</u>	14230
<u>enhance the social, emotional, intellectual, and physical</u>	14231
<u>development of each child shall be permissible;</u>	14232
<u>(D) Health care, first aid, and emergency procedures,</u>	14233
<u>procedures for the care of sick children, procedures for</u>	14234
<u>discipline and supervision of children, nutritional standards, and</u>	14235
<u>procedures for screening children and in-home aides, including any</u>	14236
<u>necessary physical examinations and immunizations;</u>	14237
<u>(E) Methods of encouraging parental participation and</u>	14238
<u>ensuring that the rights of children, parents, and in-home aides</u>	14239
<u>are protected and the responsibilities of parents and in-home</u>	14240
<u>aides are met;</u>	14241
<u>(F) Standards for the safe transport of children when under</u>	14242
<u>the care of in-home aides;</u>	14243
<u>(G) Procedures for issuing, renewing, denying, refusing to</u>	14244
<u>renew, or revoking certificates;</u>	14245
<u>(H) Procedures for inspection of homes of children receiving</u>	14246
<u>publicly funded child care in their own homes;</u>	14247
<u>(I) Procedures for record keeping and evaluation;</u>	14248
<u>(J) Procedures for receiving, recording, and responding to</u>	14249
<u>complaints;</u>	14250
<u>(K) Qualifications and training requirements for in-home</u>	14251
<u>aides;</u>	14252
<u>(L) Standards providing for the special needs of children who</u>	14253
<u>are handicapped or who receive treatment for health conditions</u>	14254
<u>while the child is receiving publicly funded child care in the</u>	14255

<u>child's own home;</u>	14256
<u>(M) Any other procedures and standards necessary to carry out</u>	14257
<u>the provisions of this chapter regarding certification of in-home</u>	14258
<u>aides.</u>	14259
<u>Sec. 5104.0110. To the extent that any rules adopted for the</u>	14260
<u>purposes of this chapter require a health care professional to</u>	14261
<u>perform a physical examination, the rules shall include as a</u>	14262
<u>health care professional a physician assistant, a clinical nurse</u>	14263
<u>specialist, a certified nurse practitioner, or a certified</u>	14264
<u>nurse-midwife.</u>	14265
<u>Sec. 5104.0111. (A) The director of job and family services</u>	14266
<u>shall do all of the following:</u>	14267
<u>(1) Provide or make available in either paper or electronic</u>	14268
<u>form to each licensee notice of proposed rules governing the</u>	14269
<u>licensure of child day-care centers, type A homes, and type B</u>	14270
<u>homes;</u>	14271
<u>(2) Give public notice of hearings regarding the proposed</u>	14272
<u>rules at least thirty days prior to the date of the public</u>	14273
<u>hearing, in accordance with section 119.03 of the Revised Code;</u>	14274
<u>(3) At least thirty days before the effective date of a rule,</u>	14275
<u>provide, in either paper or electronic form, a copy of the adopted</u>	14276
<u>rule to each licensee;</u>	14277
<u>(4) Send to each county director of job and family services a</u>	14278
<u>notice of proposed rules governing the certification of in-home</u>	14279
<u>aides that includes an internet web site address where the</u>	14280
<u>proposed rules can be viewed;</u>	14281
<u>(5) Provide to each county director of job and family</u>	14282
<u>services an electronic copy of each adopted rule at least</u>	14283
<u>forty-five days prior to the rule's effective date;</u>	14284

(6) Review all rules adopted pursuant to this chapter at 14285
least once every seven years. 14286

(B) The county director of job and family services shall 14287
provide or make available in either paper or electronic form to 14288
each in-home aide copies of proposed rules and shall give public 14289
notice of hearings regarding the rules to each in-home aide at 14290
least thirty days prior to the date of the public hearing, in 14291
accordance with section 119.03 of the Revised Code. At least 14292
thirty days before the effective date of a rule, the county 14293
director of job and family services shall provide, in either paper 14294
or electronic form, copies of the adopted rule to each in-home 14295
aide. 14296

(C) Additional copies of proposed and adopted rules shall be 14297
made available by the director of job and family services to the 14298
public on request at no charge. 14299

(D) The director of job and family services may adopt rules 14300
in accordance with Chapter 119. of the Revised Code for imposing 14301
sanctions on persons and entities that are licensed or certified 14302
under this chapter. Sanctions may be imposed only for an action or 14303
omission that constitutes a serious risk noncompliance. The 14304
sanctions imposed shall be based on the scope and severity of the 14305
violations. 14306

The director shall make a dispute resolution process 14307
available for the implementation of sanctions. The process may 14308
include an opportunity for appeal pursuant to Chapter 119. of the 14309
Revised Code. 14310

(E) The director of job and family services shall adopt rules 14311
in accordance with Chapter 119. of the Revised Code that establish 14312
standards for the training of individuals who inspect or 14313
investigate type B family day-care homes pursuant to section 14314
5104.03 of the Revised Code. The department shall provide training 14315

in accordance with those standards for individuals in the 14316
categories described in this division. 14317

Sec. 5104.0112. Notwithstanding any provision of the Revised 14318
Code, the director of job and family services shall not regulate 14319
in any way under this chapter or rules adopted pursuant to this 14320
chapter, instruction in religious or moral doctrines, beliefs, or 14321
values. 14322

Sec. 5104.022. The department In no case shall the director 14323
of job and family services ~~shall not~~ issue a license to operate a 14324
~~prospective~~ type A family day-care home if ~~that prospective family~~ 14325
~~day-care~~ the type A home is certified ~~to be~~ as a foster home or 14326
specialized foster home pursuant to Chapter 5103. of the Revised 14327
Code. ~~A county department of job and family services~~ In no case 14328
~~shall not certify~~ the director issue a license to operate a 14329
~~prospective~~ type B family day-care home if ~~that prospective family~~ 14330
~~day-care~~ the type B home is certified ~~to be~~ as a specialized 14331
foster home pursuant to Chapter 5103. of the Revised Code. 14332

Sec. 5104.03. (A) Any person, firm, organization, 14333
institution, or agency ~~desiring~~ seeking to establish a child 14334
day-care center ~~or~~, type A family day-care home, or licensed type 14335
B family day-care home shall apply for a license to the director 14336
of job and family services on such form as the director 14337
prescribes. The director shall provide at no charge to each 14338
applicant for licensure a copy of the child care license 14339
requirements in this chapter and a copy of the rules adopted 14340
pursuant to this chapter. The copies may be provided in paper or 14341
electronic form. 14342

Fees shall be set by the director pursuant to ~~section~~ 14343
~~5104.011~~ sections 5104.015, 5104.017, and 5104.018 of the Revised 14344
Code and shall be paid at the time of application for a license to 14345

operate a center ~~or~~, type A home, or type B home. Fees collected 14346
under this section shall be paid into the state treasury to the 14347
credit of the general revenue fund. 14348

(B)(1) Upon filing of the application for a license, the 14349
director shall investigate and inspect the center ~~or~~, type A home, 14350
or type B home to determine the license capacity for each age 14351
category of children of the center ~~or~~, type A home, or type B home 14352
and to determine whether the center ~~or~~, type A home, or type B 14353
home complies with this chapter and rules adopted pursuant to this 14354
chapter. When, after investigation and inspection, the director is 14355
satisfied that this chapter and rules adopted pursuant to it are 14356
complied with, subject to division ~~(G)~~(H) of this section, a 14357
~~provisional~~ license shall be issued as soon as practicable in such 14358
form and manner as prescribed by the director. The license shall 14359
be designated as provisional license and shall be valid for twelve 14360
months from the date of issuance unless revoked. 14361

(2) The director may contract with a government entity or a 14362
private nonprofit entity for the entity to inspect and license 14363
type B family day-care homes pursuant to this section. The 14364
department, government entity, or nonprofit entity shall conduct 14365
the inspection prior to the issuance of a license for the type B 14366
home and, as part of that inspection, ensure that the type B home 14367
is safe and sanitary. 14368

(C)(1) On receipt of an application for licensure as a type B 14369
family day-care home to provide publicly funded child care, the 14370
department shall search the uniform statewide automated child 14371
welfare information system for information concerning any abuse or 14372
neglect report made pursuant to section 2151.421 of the Revised 14373
Code of which the applicant, any other adult residing in the 14374
applicant's home, or a person designated by the applicant to be an 14375
emergency or substitute caregiver for the applicant is the 14376
subject. 14377

(2) The department shall consider any information it discovers pursuant to division (C)(1) of this section or that is provided by a public children services agency pursuant to section 5153.175 of the Revised Code. If the department determines that the information, when viewed within the totality of the circumstances, reasonably leads to the conclusion that the applicant may directly or indirectly endanger the health, safety, or welfare of children, the department shall deny the application for licensure or revoke the license of a type B family day-care home. 14378
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(D) The director shall investigate and inspect the center or, type A home, or type B home at least once during operation under the a license designated as provisional license. If after the investigation and inspection the director determines that the requirements of this chapter and rules adopted pursuant to this chapter are met, subject to division (G)(H) of this section, the director shall issue a new license to the center or home. 14388
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~~(D) The~~ (E) Each ~~license or provisional license~~ shall state the name of the licensee, the name of the administrator, the address of the center ~~or, type A home, or licensed type B home,~~ and the license capacity for each age category of children. The ~~license or provisional license~~ shall include thereon, in accordance with ~~section 5104.011~~ sections 5104.015, 5104.017, and 5104.018 of the Revised Code, the toll-free telephone number to be used by persons suspecting that the center ~~or, type A home, or licensed type B home~~ has violated a provision of this chapter or rules adopted pursuant to this chapter. A ~~license or provisional license~~ is valid only for the licensee, administrator, address, and license capacity for each age category of children designated on the license. The license capacity specified on the ~~license or provisional license~~ is the maximum number of children in each age category that may be cared for in the center ~~or, type A home, or~~ 14395
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licensed type B home at one time. 14410

The center or type A home licensee shall notify the director 14411
when the administrator of the center or home changes. The director 14412
shall amend the current license ~~or provisional license~~ to reflect 14413
a change in an administrator, if the administrator meets the 14414
requirements of ~~Chapter 5104. of the Revised Code~~ this chapter and 14415
rules adopted pursuant to ~~Chapter 5104. of the Revised Code~~ this 14416
chapter, or a change in license capacity for any age category of 14417
children as determined by the director of job and family services. 14418

~~(E)~~(F) If the director revokes the license of a center ~~or~~, a 14419
type A home, or a type B home, the director shall not issue 14420
another license to the owner of the center ~~or~~, type A home, or 14421
type B home until five years have elapsed from the date the 14422
license is revoked. 14423

If the director denies an application for a license, the 14424
director shall not accept another application from the applicant 14425
until five years have elapsed from the date the application is 14426
denied. 14427

~~(F)~~(G) If during the application for licensure process the 14428
director determines that the license of the owner has been 14429
revoked, the investigation of the center ~~or~~, type A home, or type 14430
B home shall cease. This action does not constitute denial of the 14431
application and may not be appealed under division ~~(G)~~(H) of this 14432
section. 14433

~~(G)~~(H) All actions of the director with respect to licensing 14434
centers ~~or~~, type A homes, or type B homes, refusal to license, and 14435
revocation of a license shall be in accordance with Chapter 119. 14436
of the Revised Code. Any applicant who is denied a license or any 14437
owner whose license is revoked may appeal in accordance with 14438
section 119.12 of the Revised Code. 14439

~~(H)~~(I) In no case shall the director issue a license ~~or~~ 14440

~~provisional license under this section for a type A home or center, type A home, or type B home if the director, based on documentation provided by the appropriate county department of job and family services, determines that the applicant previously had been certified as a type B family day-care home when such certifications were issued by county departments prior to the effective date of this amendment, that the county department revoked that certification, that the revocation was based on the applicant's refusal or inability to comply with the criteria for certification, and that the refusal or inability resulted in a risk to the health or safety of children.~~ 14441
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(J)(1) Except as provided in division (J)(2) of this section, an administrator of a type B family day-care home that receives a license pursuant to this section to provide publicly funded child care is an independent contractor and is not an employee of the department of job and family services. 14452
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(2) For purposes of Chapter 4141. of the Revised Code, determinations concerning the employment of an administrator of a type B family day-care home that receives a license pursuant to this section shall be determined under Chapter 4141. of the Revised Code. 14457
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Sec. 5104.032. (A) The child day-care center shall have, for each child for whom the center is licensed, at least thirty-five square feet of usable indoor floor space wall-to-wall regularly available for the child care operation exclusive of any parts of the structure in which the care of children is prohibited by law or by rules adopted by the board of building standards. The minimum of thirty-five square feet of usable indoor floor space shall not include hallways, kitchens, storage areas, or any other areas that are not available for the care of children, as determined by the director, in meeting the space requirement of 14462
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this division, and bathrooms shall be counted in determining 14472
square footage only if they are used exclusively by children 14473
enrolled in the center, except that the exclusion of hallways, 14474
kitchens, storage areas, bathrooms not used exclusively by 14475
children enrolled in the center, and any other areas not available 14476
for the care of children from the minimum of thirty-five square 14477
feet of usable indoor floor space shall not apply to: 14478

(1) Centers licensed prior to or on September 1, 1986, that 14479
continue under licensure after that date; 14480

(2) Centers licensed prior to or on September 1, 1986, that 14481
are issued a new license after that date solely due to a change of 14482
ownership of the center. 14483

(B) The child day-care center shall have on the site a safe 14484
outdoor play space which is enclosed by a fence or otherwise 14485
protected from traffic or other hazards. The play space shall 14486
contain not less than sixty square feet per child using such space 14487
at any one time, and shall provide an opportunity for supervised 14488
outdoor play each day in suitable weather. The director may exempt 14489
a center from the requirement of this division, if an outdoor play 14490
space is not available and if all of the following are met: 14491

(1) The center provides an indoor recreation area that has 14492
not less than sixty square feet per child using the space at any 14493
one time, that has a minimum of one thousand four hundred forty 14494
square feet of space, and that is separate from the indoor space 14495
required under division (A) of this section. 14496

(2) The director has determined that there is regularly 14497
available and scheduled for use a conveniently accessible and safe 14498
park, playground, or similar outdoor play area for play or 14499
recreation. 14500

(3) The children are closely supervised during play and while 14501

traveling to and from the area. 14502

The director also shall exempt from the requirement of this 14503
division a child day-care center that was licensed prior to 14504
September 1, 1986, if the center received approval from the 14505
director prior to September 1, 1986, to use a park, playground, or 14506
similar area, not connected with the center, for play or 14507
recreation in lieu of the outdoor space requirements of this 14508
section and if the children are closely supervised both during 14509
play and while traveling to and from the area and except if the 14510
director determines upon investigation and inspection pursuant to 14511
section 5104.04 of the Revised Code and rules adopted pursuant to 14512
that section that the park, playground, or similar area, as well 14513
as access to and from the area, is unsafe for the children. 14514

Sec. 5104.033. A child day-care center shall have at least 14515
two responsible adults available on the premises at all times when 14516
seven or more children are in the center. The center shall 14517
organize the children in the center in small groups, shall provide 14518
child-care staff to give continuity of care and supervision to the 14519
children on a day-by-day basis, and shall ensure that no child is 14520
left alone or unsupervised. Except as otherwise provided in 14521
division (B) of this section, the maximum number of children per 14522
child-care staff member and maximum group size, by age category of 14523
children, are as follows: 14524

	<u>Maximum Number of</u>		
	<u>Children Per</u>	<u>Maximum</u>	
<u>Age Category</u>	<u>Child-Care</u>	<u>Group</u>	
<u>of Children</u>	<u>Staff Member</u>	<u>Size</u>	
<u>(a) Infants:</u>			14529
<u>(i) Less than twelve</u>			14530
<u>months old</u>	<u>5:1, or</u>		14531
	<u>12:2 if two</u>		14532

<u>child-care</u>			14533
<u>staff members</u>			14534
<u>are in the room</u>		<u>12</u>	14535
<u>(ii) At least twelve</u>			14536
<u>months old, but</u>			14537
<u>less than eighteen</u>			14538
<u>months old</u>	<u>6:1</u>	<u>12</u>	14539
<u>(b) Toddlers:</u>			14540
<u>(i) At least eighteen</u>			14541
<u>months old, but</u>			14542
<u>less than thirty</u>			14543
<u>months old</u>	<u>7:1</u>	<u>14</u>	14544
<u>(ii) At least thirty months</u>			14545
<u>old, but less than</u>			14546
<u>three years old</u>	<u>8:1</u>	<u>16</u>	14547
<u>(c) Preschool-age</u>			14548
<u>children:</u>			14549
<u>(i) Three years old</u>	<u>12:1</u>	<u>24</u>	14550
<u>(ii) Four years old and</u>			14551
<u>five years old who</u>			14552
<u>are not school</u>			14553
<u>children</u>	<u>14:1</u>	<u>28</u>	14554
<u>(d) School-age children:</u>			14555
<u>(i) A child who is</u>			14556
<u>enrolled in or is</u>			14557
<u>eligible to be</u>			14558
<u>enrolled in a grade</u>			14559
<u>of kindergarten</u>			14560
<u>or above, but</u>			14561
<u>is less than</u>			14562
<u>eleven years old</u>	<u>18:1</u>	<u>36</u>	14563
<u>(ii) Eleven through fourteen</u>			14564
<u>years old</u>	<u>20:1</u>	<u>40</u>	14565

Except as otherwise provided in division (B) of this section, 14566
the maximum number of children per child-care staff member and 14567
maximum group size requirements of the younger age group shall 14568
apply when age groups are combined. 14569

(B)(1) When age groups are combined, the maximum number of 14570
children per child-care staff member shall be determined by the 14571
age of the youngest child in the group, except that when no more 14572
than one child thirty months of age or older receives services in 14573
a group in which all the other children are in the next older age 14574
group, the maximum number of children per child-care staff member 14575
and maximum group size requirements of the older age group 14576
established under division (A) of this section shall apply. 14577

(2) The maximum number of toddlers or preschool-age children 14578
per child-care staff member in a room where children are napping 14579
shall be twice the maximum number of children per child-care staff 14580
member established under division (A) of this section if all the 14581
following criteria are met: 14582

(a) At least one child-care staff member is present in the 14583
room. 14584

(b) Sufficient child-care staff members are on the child 14585
day-care center premises to meet the maximum number of children 14586
per child-care staff member requirements established under 14587
division (A) of this section. 14588

(c) Naptime preparations are complete and all napping 14589
children are resting or sleeping on cots. 14590

(d) The maximum number established under division (B)(2) of 14591
this section is in effect for no more than two hours during a 14592
twenty-four-hour day. 14593

Sec. 5104.034. Each child day-care center shall have on the 14594
center premises and readily available at all times at least one 14595

child-care staff member who has completed a course in first aid, 14596
one staff member who has completed a course in prevention, 14597
recognition, and management of communicable diseases which is 14598
approved by the state department of health, and a staff member who 14599
has completed a course in child abuse recognition and prevention 14600
training which is approved by the department of job and family 14601
services. 14602

Sec. ~~5104.031~~ 5104.035. (A) A child day-care center 14603
administrator shall show the director of job and family services 14604
both of the following: 14605

(1) Evidence of at least high school graduation or 14606
certification of high school equivalency by the state board of 14607
education or the appropriate agency of another state; 14608

(2) Evidence of having at least one of the following: 14609

(a) An associate, bachelor's, master's, doctoral, or other 14610
postgraduate degree in child development or early childhood 14611
education, or in a related field approved by the director, from an 14612
accredited college, university, or technical college; 14613

(b) A license designated as appropriate for teaching in an 14614
associate teaching position in a preschool setting issued by the 14615
state board of education pursuant to section 3319.22 of the 14616
Revised Code; 14617

(c) Designation under the career pathways model as an early 14618
childhood professional level three; 14619

(d) Two years of experience working as a child-care staff 14620
member in a licensed child care program, designation under the 14621
career pathways model as an early childhood professional level 14622
one, and, not later than one year after being named as 14623
administrator, designation under the career pathways model as an 14624
early childhood professional level two; 14625

(e) Two years of experience working as a child-care staff member in a licensed child care program and, except as provided in division (B) of this section, at least four courses in child development or early childhood education from an accredited college, university, or technical college;

(f) Two years of experience working as a child-care staff member in a licensed child care program and a child development associate credential issued by the council for professional recognition;

(g) Two years of training, including at least four courses in child development or early childhood education from an accredited college, university, or technical college;

(h) An infant and toddler or early childhood credential from a program accredited by the Montessori accreditation council for teacher education.

(B) A person who has two years of experience working as a child-care staff member in a child day-care center and is promoted to or designated as administrator of that center shall have one year from the date of the promotion or designation to complete the courses required by division (A)(1)(e) of this section.

Sec. ~~5104.032~~ 5104.036. (A) All child-care staff members of a child day-care center shall be at least eighteen years of age, and shall furnish the director of job and family services evidence of at least high school graduation or certification of high school equivalency by the state board of education or the appropriate agency of another state or evidence of completion of a training program approved by the department of job and family services or state board of education, except as follows:

(B) A child-care staff member may be less than eighteen years of age if the staff member is either of the following:

(1) A graduate of a two-year vocational child-care training program approved by the state board of education; 14656
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(2) A student enrolled in the second year of a vocational child-care training program approved by the state board of education which leads to high school graduation, provided that the student performs the student's duties in the child day-care center under the continuous supervision of an experienced child-care staff member, receives periodic supervision from the vocational child-care training program teacher-coordinator in the student's high school, and meets all other requirements of this chapter and rules adopted pursuant to this chapter. 14658
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(C) A child-care staff member shall be exempt from the educational requirements of division (A) of this section if the staff member: 14667
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(1) Prior to January 1, 1972, was employed or designated by a child day-care center and has been continuously employed since either by the same child day-care center employer or at the same child day-care center; 14670
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(2) Is a student enrolled in the second year of a vocational child-care training program approved by the state board of education which leads to high school graduation, provided that the student performs the student's duties in the child day-care center under the continuous supervision of an experienced child-care staff member, receives periodic supervision from the vocational child-care training program teacher-coordinator in the student's high school, and meets all other requirements of this chapter and rules adopted pursuant to this chapter; 14674
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(3) Is receiving or has completed the final year of instruction at home as authorized under section 3321.04 of the Revised Code or has graduated from a nonchartered, nonpublic school in Ohio. 14683
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Sec. 5104.033 <u>5104.037</u>. (A) Except as provided in division	14687
(B) of this section, each child-care staff member of a child	14688
day-care center annually shall complete fifteen hours of inservice	14689
training that includes the following subjects until the staff	14690
member has completed a total of forty-five hours of training:	14691
(1) Child development or early childhood education;	14692
(2) Child abuse recognition and prevention;	14693
(3) First aid;	14694
(4) Prevention, recognition, and management of communicable	14695
diseases.	14696
(B) A child-care staff member is exempt from the inservice	14697
training requirements established by division (A) of this section	14698
if the staff member furnishes one of the following to the director	14699
of job and family services:	14700
(1) Evidence of an associate or higher degree in child	14701
development or early childhood education from an accredited	14702
college, university, or technical college;	14703
(2) A license designated for teaching in an associate	14704
teaching position in a preschool setting issued by the state board	14705
of education;	14706
(3) Evidence of a child development associate credential;	14707
(4) Evidence of an infant and toddler or early childhood	14708
credential from a program accredited by the Montessori	14709
accreditation council for teacher education.	14710
(C) For purposes of this section, each hour of inservice	14711
training shall consist of sixty minutes of training.	14712
<u>Sec. 5104.038.</u> The administrator of each child day-care	14713
<u>center shall maintain enrollment, health, and attendance records</u>	14714

for all children attending the center and health and employment records for all center employees. The records shall be confidential, except that they shall be disclosed by the administrator to the director upon request for the purpose of administering and enforcing this chapter and rules adopted pursuant to this chapter. Neither the center nor the licensee, administrator, or employees of the center shall be civilly or criminally liable in damages or otherwise for records disclosed to the director by the administrator pursuant to this division. It shall be a defense to any civil or criminal charge based upon records disclosed by the administrator to the director that the records were disclosed pursuant to this division.

Sec. 5104.039. (A) Any parent who is the residential parent and legal custodian of a child enrolled in a child day-care center and any custodian or guardian of such a child shall be permitted unlimited access to the center during its hours of operation for the purposes of contacting their children, evaluating the care provided by the center, evaluating the premises of the center, or for other purposes approved by the director. A parent of a child enrolled in a child day-care center who is not the child's residential parent shall be permitted unlimited access to the center during its hours of operation for those purposes under the same terms and conditions under which the residential parent of that child is permitted access to the center for those purposes. However, the access of the parent who is not the residential parent is subject to any agreement between the parents and, to the extent described in division (B) of this section, is subject to any terms and conditions limiting the right of access of the parent who is not the residential parent, as described in division (I) of section 3109.051 of the Revised Code, that are contained in a parenting time order or decree issued under that section,

section 3109.12 of the Revised Code, or any other provision of the 14746
Revised Code. 14747

(B) If a parent who is the residential parent of a child has 14748
presented the administrator or the administrator's designee with a 14749
copy of a parenting time order that limits the terms and 14750
conditions under which the parent who is not the residential 14751
parent is to have access to the center, as described in division 14752
(I) of section 3109.051 of the Revised Code, the parent who is not 14753
the residential parent shall be provided access to the center only 14754
to the extent authorized in the order. If the residential parent 14755
has presented such an order, the parent who is not the residential 14756
parent shall be permitted access to the center only in accordance 14757
with the most recent order that has been presented to the 14758
administrator or the administrator's designee by the residential 14759
parent or the parent who is not the residential parent. 14760

(C) Upon entering the premises pursuant to division (A) or 14761
(B) of this section, the parent who is the residential parent and 14762
legal custodian, the parent who is not the residential parent, or 14763
the custodian or guardian shall notify the administrator or the 14764
administrator's designee of the parent's, custodian's, or 14765
guardian's presence. 14766

Sec. 5104.04. (A) The department of job and family services 14767
shall establish procedures to be followed in investigating, 14768
inspecting, and licensing child day-care centers ~~and~~ type A 14769
family day-care homes, and licensed type B family day-care homes. 14770

(B)(1)(a) The department shall, at least once during every 14771
twelve-month period of operation of a center ~~or~~ type A home, or 14772
licensed type B home, inspect the center ~~or~~ type A home, or 14773
licensed type B home. The department shall inspect a part-time 14774
center or part-time type A home at least once during every 14775

twelve-month period of operation. The department shall provide a 14776
written inspection report to the licensee within a reasonable time 14777
after each inspection. The licensee shall display all written 14778
reports of inspections conducted during the current licensing 14779
period in a conspicuous place in the center ~~or~~, type A home, or 14780
licensed type B home. 14781

Inspections may be unannounced. No person, firm, 14782
organization, institution, or agency shall interfere with the 14783
inspection of a center ~~or~~, type A home, or licensed type B home by 14784
any state or local official engaged in performing duties required 14785
of the state or local official by this chapter or rules adopted 14786
pursuant to this chapter, including inspecting the center ~~or~~, type 14787
A home, or licensed type B home, reviewing records, or 14788
interviewing licensees, employees, children, or parents. 14789

(b) Upon receipt of any complaint that a center ~~or~~, type A 14790
home or licensed type B home is out of compliance with the 14791
requirements of this chapter or rules adopted pursuant to this 14792
chapter, the department shall investigate the center or home, and 14793
both of the following apply: 14794

(i) If the complaint alleges that a child suffered physical 14795
harm while receiving child care at the center or home or that the 14796
noncompliance alleged in the complaint involved, resulted in, or 14797
poses a substantial risk of physical harm to a child receiving 14798
child care at the center or home, the department shall inspect the 14799
center or home. 14800

(ii) If division (B)(1)(b)(i) of this section does not apply 14801
regarding the complaint, the department may inspect the center or 14802
home. 14803

(c) Division (B)(1)(b) of this section does not limit, 14804
restrict, or negate any duty of the department to inspect a center 14805
~~or~~, type A home, or licensed type B home that otherwise is imposed 14806

under this section, or any authority of the department to inspect 14807
a center ~~or~~, type A home, or licensed type B home that otherwise 14808
is granted under this section when the department believes the 14809
inspection is necessary and it is permitted under the grant. 14810

(2) If the department implements an instrument-based program 14811
monitoring information system, it may use an indicator checklist 14812
to comply with division (B)(1) of this section. 14813

(3) The department shall contract with a third party by the 14814
first day of October in each even-numbered year to collect 14815
information concerning the amounts charged by the center or home 14816
for providing child care services for use in establishing 14817
reimbursement ceilings and payment pursuant to section 5104.30 of 14818
the Revised Code. The third party shall compile the information 14819
and report the results of the survey to the department not later 14820
than the first day of December in each even-numbered year. 14821

(C) The department may deny an application or revoke a 14822
license of a center ~~or~~, type A home, or licensed type B home, if 14823
the applicant knowingly makes a false statement on the 14824
application, the center or home does not comply with the 14825
requirements of this chapter or rules adopted pursuant to this 14826
chapter, or the applicant or owner has pleaded guilty to or been 14827
convicted of an offense described in section 5104.09 of the 14828
Revised Code. 14829

(D) If the department finds, after notice and hearing 14830
pursuant to Chapter 119. of the Revised Code, that any applicant, 14831
person, firm, organization, institution, or agency applying for 14832
licensure or licensed under section 5104.03 of the Revised Code is 14833
in violation of any provision of this chapter or rules adopted 14834
pursuant to this chapter, the department may issue an order of 14835
denial to the applicant or an order of revocation to the center 14836
~~or~~, type A home, or licensed type B home revoking the license 14837
previously issued by the department. Upon the issuance of such an 14838

order, the person whose application is denied or whose license is 14839
revoked may appeal in accordance with section 119.12 of the 14840
Revised Code. 14841

(E) The surrender of a center ~~or~~, type A home, or licensed 14842
type B home license to the department or the withdrawal of an 14843
application for licensure by the owner or administrator of the 14844
center ~~or~~, type A home, or licensed type B home shall not prohibit 14845
the department from instituting any of the actions set forth in 14846
this section. 14847

(F) Whenever the department receives a complaint, is advised, 14848
or otherwise has any reason to believe that a center or type A 14849
home is providing child care without a license issued pursuant to 14850
section 5104.03 and is not exempt from licensing pursuant to 14851
section 5104.02 of the Revised Code, the department shall 14852
investigate the center or type A home and may inspect the areas 14853
children have access to or areas necessary for the care of 14854
children in the center or type A home during suspected hours of 14855
operation to determine whether the center or type A home is 14856
subject to the requirements of this chapter or rules adopted 14857
pursuant to this chapter. 14858

(G) The department, upon determining that the center or type 14859
A home is operating without a license, shall notify the attorney 14860
general, the prosecuting attorney of the county in which the 14861
center or type A home is located, or the city attorney, village 14862
solicitor, or other chief legal officer of the municipal 14863
corporation in which the center or type A home is located, that 14864
the center or type A home is operating without a license. Upon 14865
receipt of the notification, the attorney general, prosecuting 14866
attorney, city attorney, village solicitor, or other chief legal 14867
officer of a municipal corporation shall file a complaint in the 14868
court of common pleas of the county in which the center or type A 14869
home is located requesting that the court grant an order enjoining 14870

the owner from operating the center or type A home in violation of 14871
section 5104.02 of the Revised Code. The court shall grant such 14872
injunctive relief upon a showing that the respondent named in the 14873
complaint is operating a center or type A home and is doing so 14874
without a license. 14875

(H) The department shall prepare an annual report on 14876
inspections conducted under this section. The report shall include 14877
the number of inspections conducted, the number and types of 14878
violations found, and the steps taken to address the violations. 14879
The department shall file the report with the governor, the 14880
president and minority leader of the senate, and the speaker and 14881
minority leader of the house of representatives on or before the 14882
first day of January of each year, beginning in 1999. 14883

Sec. 5104.041. (A) All type A ~~and type B~~ family day-care 14884
homes and licensed type B family day-care homes shall procure and 14885
maintain one of the following: 14886

(1) Liability insurance issued by an insurer authorized to do 14887
business in this state under Chapter 3905. of the Revised Code 14888
insuring the type A or type B family day-care home against 14889
liability arising out of, or in connection with, the operation of 14890
the family day-care home. ~~Liability~~ The insurance procured ~~under~~ 14891
~~this division~~ shall cover any cause for which the type A or type B 14892
family day-care home would be liable, in the amount of at least 14893
one hundred thousand dollars per occurrence and three hundred 14894
thousand dollars in the aggregate. 14895

(2) A written statement signed by the parent, guardian, or 14896
custodian of each child receiving child care from the type A or 14897
type B family day-care home that states all of the following: 14898

(a) The family day-care home does not carry liability 14899
insurance described in division (A)(1) of this section; 14900

(b) If the licensee of a type A family day-care home or ~~the~~ 14901
~~provider~~ of a type B family day-care home is not the owner of the 14902
real property where the family day-care home is located, the 14903
liability insurance, if any, of the owner of the real property may 14904
not provide for coverage of any liability arising out of, or in 14905
connection with, the operation of the family day-care home. 14906

(B) If the licensee of a type A family day-care home or ~~the~~ 14907
~~provider~~ of a type B family day-care home is not the owner of the 14908
real property where the family day-care home is located and the 14909
family day-care home procures liability insurance described in 14910
division (A)(1) of this section, that licensee ~~or provider~~ shall 14911
name the owner of the real property as an additional insured party 14912
on the liability insurance policy if all of the following apply: 14913

(1) The owner of the real property requests the licensee or 14914
provider, in writing, to add the owner of the real property to the 14915
liability insurance policy as an additional insured party. 14916

(2) The addition of the owner of the real property does not 14917
result in cancellation or nonrenewal of the insurance policy 14918
procured by the type A or type B family day-care home. 14919

(3) The owner of the real property pays any additional 14920
premium assessed for coverage of the owner of the real property. 14921

(C) Proof of insurance or written statement required under 14922
division (A) of this section shall be maintained at the type A or 14923
type B family day-care home and made available for review during 14924
inspection or investigation as required under this chapter. 14925

(D) The director of job and family services shall adopt rules 14926
for the enforcement of this section. 14927

Sec. 5104.052. The director of job and family services, in 14928
cooperation with the fire marshal pursuant to section 3737.22 of 14929
the Revised Code, shall ~~promulgate~~ adopt rules regarding fire 14930

prevention and fire safety in ~~certified~~ licensed type B family 14931
day-care homes. In accordance with those rules, the director shall 14932
inspect each type B home that applies to be licensed that is 14933
providing or is to provide publicly funded child care. 14934

Sec. 5104.053. As a precondition of approval by the state 14935
board of education pursuant to section 3313.813 of the Revised 14936
Code for receipt of United States department of agriculture child 14937
and adult care food program funds established under the "National 14938
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 14939
amended, the provider of child care in a type B family day-care 14940
home that is not ~~certified~~ licensed by the ~~county~~ director of 14941
~~human job and family~~ services shall request an inspection of the 14942
type B home by the fire marshal, who shall inspect the type B home 14943
pursuant to section 3737.22 of the Revised Code to determine that 14944
it is in compliance with rules established pursuant to section 14945
5104.052 of the Revised Code for ~~certified~~ licensed type B homes. 14946

Sec. 5104.054. Any type B family day-care home, whether 14947
~~certified~~ licensed or not ~~certified~~ licensed by the ~~county~~ 14948
director of ~~human job and family~~ services, shall be considered to 14949
be a residential use of property for purposes of municipal, 14950
county, and township zoning and shall be a permitted use in all 14951
zoning districts in which residential uses are permitted. No 14952
municipal, county, or township zoning regulations shall require a 14953
conditional use permit or any other special exception 14954
certification for any such type B family day-care home. 14955

Sec. 5104.06. (A) The director of job and family services 14956
shall provide consultation, technical assistance, and training to 14957
child day-care centers ~~and~~, type A family day-care homes, and type 14958
B family day-care homes to improve programs and facilities 14959
providing child care ~~including, but not limited to,~~ As part of 14960

these activities, the director shall provide assistance in meeting 14961
the requirements of ~~Chapter 5104.~~ this chapter and rules adopted 14962
pursuant to ~~Chapter 5104. of the Revised Code~~ this chapter and 14963
shall furnish information regarding child abuse identification and 14964
reporting of child abuse. 14965

(B) The director of job and family services shall provide 14966
consultation and technical assistance to county departments of job 14967
and family services to assist the departments with the 14968
implementation of certification of ~~type B family day care home~~ 14969
~~providers and~~ in-home aides. 14970

Sec. 5104.08. (A) There is hereby created in the department 14971
of job and family services a child care advisory council to advise 14972
and assist the department in the administration of this chapter 14973
and in the development of child care. The council shall consist of 14974
twenty-two voting members appointed by the director of job and 14975
family services with the approval of the governor. The director of 14976
job and family services, the director of developmental 14977
disabilities, the director of mental health, the superintendent of 14978
public instruction, the director of health, the director of 14979
commerce, and the state fire marshal shall serve as nonvoting 14980
members of the council. 14981

Six members shall be representatives of child care centers 14982
subject to licensing, the members to represent a variety of 14983
centers, including nonprofit and proprietary, from different 14984
geographical areas of the state. At least three members shall be 14985
parents, guardians, or custodians of children receiving child care 14986
or publicly funded child care in the child's own home, a center, a 14987
type A home, a head start program, a ~~certified~~ licensed type B 14988
home, or a type B home at the time of appointment. Three members 14989
shall be representatives of in-home aides, type A homes, ~~certified~~ 14990
licensed type B homes, or type B homes or head start programs. At 14991

least six members shall represent county departments of job and family services. The remaining members shall be representatives of the teaching, child development, and health professions, and other individuals interested in the welfare of children. At least six members of the council shall not be employees or licensees of a child day-care center, head start program, or type A home, or providers operating a ~~certified~~ licensed type B home or type B home, or in-home aides.

Appointments shall be for three-year terms. Vacancies shall be filled for the unexpired terms. A member of the council is subject to removal by the director of job and family services for a willful and flagrant exercise of authority or power that is not authorized by law, for a refusal or willful neglect to perform any official duty as a member of the council imposed by law, or for being guilty of misfeasance, malfeasance, nonfeasance, or gross neglect of duty as a member of the council.

There shall be two co-chairpersons of the council. One co-chairperson shall be the director of job and family services or the director's designee, and one co-chairperson shall be elected by the members of the council. The council shall meet as often as is necessary to perform its duties, provided that it shall meet at least once in each quarter of each calendar year and at the call of the co-chairpersons. The co-chairpersons or their designee shall send to each member a written notice of the date, time, and place of each meeting.

Members of the council shall serve without compensation, but shall be reimbursed for necessary expenses.

(B) The child care advisory council shall advise the director on matters affecting the licensing of centers ~~and~~, type A homes, and type B homes and the certification of ~~type B homes and~~ in-home aides. The council shall make an annual report to the director of job and family services that addresses the availability,

affordability, accessibility, and quality of child care and that 15024
summarizes the recommendations and plans of action that the 15025
council has proposed to the director during the preceding fiscal 15026
year. The director of job and family services shall provide copies 15027
of the report to the governor, speaker and minority leader of the 15028
house of representatives, and the president and minority leader of 15029
the senate and, on request, shall make copies available to the 15030
public. 15031

(C) The director of job and family services shall adopt rules 15032
~~pursuant to~~ in accordance with Chapter 119. of the Revised Code to 15033
implement this section. 15034

Sec. 5104.09. (A)(1) Except as provided in rules adopted 15035
pursuant to division (D) of this section, no individual who has 15036
been convicted of or pleaded guilty to a violation described in 15037
division (A)(9) of section 109.572 of the Revised Code, a 15038
violation of section 2905.11, 2909.02, 2909.03, 2909.04, 2909.05, 15039
2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, or 2921.35 15040
of the Revised Code or a violation of an existing or former law or 15041
ordinance of any municipal corporation, this state, any other 15042
state, or the United States that is substantially equivalent to 15043
any of those violations, or two violations of section 4511.19 of 15044
the Revised Code during operation of the center or home shall be 15045
certified as an in-home aide or be employed in any capacity in or 15046
own or operate a child day-care center, type A family day-care 15047
home, type B family day-care home, or ~~certified~~ licensed type B 15048
family day-care home. 15049

(2) Each employee of a child day-care center and type A home 15050
and every person eighteen years of age or older residing in a type 15051
A home or licensed type B home shall sign a statement on forms 15052
prescribed by the director of job and family services attesting to 15053
the fact that the employee or resident person has not been 15054

convicted of or pleaded guilty to any offense set forth in 15055
division (A)(1) of this section and that no child has been removed 15056
from the employee's or resident person's home pursuant to section 15057
2151.353 of the Revised Code. Each licensee of a type A family 15058
day-care home or type B family day-care home shall sign a 15059
statement on a form prescribed by the director attesting to the 15060
fact that no person who resides at the type A home or licensed 15061
type B home and who is under the age of eighteen has been 15062
adjudicated a delinquent child for committing a violation of any 15063
section listed in division (A)(1) of this section. The statements 15064
shall be kept on file at the center ~~or~~, type A home, or licensed 15065
type B home. 15066

(3) Each in-home aide ~~and every person eighteen years of age~~ 15067
~~or older residing in a certified type B home~~ shall sign a 15068
statement on forms prescribed by the director of job and family 15069
services attesting that the aide ~~or resident person~~ has not been 15070
convicted of or pleaded guilty to any offense set forth in 15071
division (A)(1) of this section and that no child has been removed 15072
from the aide's ~~or resident person's~~ home pursuant to section 15073
2151.353 of the Revised Code. ~~Each authorized provider shall sign~~ 15074
~~a statement on forms prescribed by the director attesting that the~~ 15075
~~provider has not been convicted of or pleaded guilty to any~~ 15076
~~offense set forth in division (A)(1) of this section and that no~~ 15077
~~child has been removed from the provider's home pursuant to~~ 15078
~~section 2151.353 of the Revised Code. Each authorized provider~~ 15079
~~shall sign a statement on a form prescribed by the director~~ 15080
~~attesting to the fact that no person who resides at the certified~~ 15081
~~type B home and who is under the age of eighteen has been~~ 15082
~~adjudicated a delinquent child for committing a violation of any~~ 15083
~~section listed in division (A)(1) of this section. The statements~~ 15084
statement shall be kept on file at the county department of job 15085
and family services. 15086

(4) Each administrator and licensee of a center ~~or~~, type A home, or licensed type B home shall sign a statement on a form prescribed by the director of job and family services attesting that the administrator or licensee has not been convicted of or pleaded guilty to any offense set forth in division (A)(1) of this section and that no child has been removed from the administrator's or licensee's home pursuant to section 2151.353 of the Revised Code. The statement shall be kept on file at the center ~~or~~, type A home, or licensed type B home.

(B) No in-home aide, no administrator, licensee, ~~authorized provider~~, or employee of a center, type A home, or ~~certified licensed~~ type B home, and no person eighteen years of age or older residing in a type A home or ~~certified licensed~~ type B home shall withhold information from, or falsify information on, any statement required pursuant to division (A)(2), (3), or (4) of this section.

(C) No administrator, licensee, or child-care staff member shall discriminate in the enrollment of children in a child day-care center upon the basis of race, color, religion, sex, or national origin.

(D) The director of job and family services shall adopt rules ~~pursuant to~~ in accordance with Chapter 119. of the Revised Code to implement this section, including rules specifying exceptions to the prohibition in division (A) of this section for persons who have been convicted of an offense listed in that division but meet rehabilitation standards set by the ~~department~~ director.

Sec. 5104.13. The department of job and family services shall prepare a guide describing the state statutes and rules governing the ~~certification~~ licensure of type B family day-care homes. The department may publish the guide electronically or otherwise and shall do so in a manner that the guide is accessible to the

public, including type B home providers. 15118

Sec. 5104.14. All materials that are supplied by the 15119
department of job and family services to type A family day-care 15120
home providers, type B family day-care home providers, in-home 15121
aides, persons seeking to be type A family day-care home 15122
providers, type B family day-care home providers, or in-home 15123
aides, and caretaker parents shall be written at no higher than 15124
the sixth grade reading level. The department may employ a 15125
readability expert to verify its compliance with this section. 15126

~~Sec. 5104.015~~ 5104.25. (A) Except as otherwise provided in 15127
division (C) of this section, no child day-care center shall 15128
permit any person to smoke in any indoor or outdoor space that is 15129
part of the center. 15130

The administrator of a child day-care center shall post in a 15131
conspicuous place at the main entrance of the center a notice 15132
stating that smoking is prohibited in any indoor or outdoor space 15133
that is part of the center, except under the conditions described 15134
in division (C) of this section. 15135

(B) Except as otherwise provided in division (C) of this 15136
section, no type A family day-care home or ~~certified~~ licensed type 15137
B family day-care home shall permit any person to smoke in any 15138
indoor or outdoor space that is part of the home during the hours 15139
the home is in operation. Smoking may be permitted during hours 15140
other than the hours of operation if the administrator ~~or~~ 15141
~~authorized provider~~ of the home has provided to a parent, 15142
custodian, or guardian of each child receiving child care at the 15143
home notice that smoking occurs or may occur at the home when it 15144
is not in operation. 15145

The administrator of a type A family day-care home or 15146
~~authorized provider of a certified~~ licensed type B family day-care 15147

home shall post in a conspicuous place at the main entrance of the 15148
home a notice specifying the hours the home is in operation and 15149
stating that smoking is prohibited during those hours in any 15150
indoor or outdoor space that is part of the home, except under the 15151
conditions described in division (C) of this section. 15152

(C) A child day-care center, type A family day-care home, or 15153
~~certified~~ licensed type B family home may allow persons to smoke 15154
at the center or home during its hours of operation if those 15155
persons cannot be seen smoking by the children being cared for and 15156
if they smoke in either of the following: 15157

(1) An indoor area that is separately ventilated from the 15158
rest of the center or home; 15159

(2) An outdoor area that is so far removed from the children 15160
being cared for that they cannot inhale any smoke. 15161

(D) The director of job and family services, in consultation 15162
with the director of health, shall adopt rules in accordance with 15163
Chapter 119. of the Revised Code to implement the requirements of 15164
this section. These rules may prohibit smoking in a child day-care 15165
center, type A family day-care home, or ~~certified~~ licensed type B 15166
family home if its design and structure do not allow persons to 15167
smoke under the conditions described in division (C) of this 15168
section or if repeated violations of division (A) or (B) of this 15169
section have occurred there. 15170

Sec. 5104.30. (A) The department of job and family services 15171
is hereby designated as the state agency responsible for 15172
administration and coordination of federal and state funding for 15173
publicly funded child care in this state. Publicly funded child 15174
care shall be provided to the following: 15175

(1) Recipients of transitional child care as provided under 15176
section 5104.34 of the Revised Code; 15177

(2) Participants in the Ohio works first program established 15178
under Chapter 5107. of the Revised Code; 15179

(3) Individuals who would be participating in the Ohio works 15180
first program if not for a sanction under section 5107.16 of the 15181
Revised Code and who continue to participate in a work activity, 15182
developmental activity, or alternative work activity pursuant to 15183
an assignment under section 5107.42 of the Revised Code; 15184

(4) A family receiving publicly funded child care on October 15185
1, 1997, until the family's income reaches one hundred fifty per 15186
cent of the federal poverty line; 15187

(5) Subject to available funds, other individuals determined 15188
eligible in accordance with rules adopted under section 5104.38 of 15189
the Revised Code. 15190

The department shall apply to the United States department of 15191
health and human services for authority to operate a coordinated 15192
program for publicly funded child care, if the director of job and 15193
family services determines that the application is necessary. For 15194
purposes of this section, the department of job and family 15195
services may enter into agreements with other state agencies that 15196
are involved in regulation or funding of child care. The 15197
department shall consider the special needs of migrant workers 15198
when it administers and coordinates publicly funded child care and 15199
shall develop appropriate procedures for accommodating the needs 15200
of migrant workers for publicly funded child care. 15201

(B) The department of job and family services shall 15202
distribute state and federal funds for publicly funded child care, 15203
including appropriations of state funds for publicly funded child 15204
care and appropriations of federal funds available under the child 15205
care block grant act, Title IV-A, and Title XX. The department may 15206
use any state funds appropriated for publicly funded child care as 15207
the state share required to match any federal funds appropriated 15208

for publicly funded child care. 15209

(C) In the use of federal funds available under the child 15210
care block grant act, all of the following apply: 15211

(1) The department may use the federal funds to hire staff to 15212
prepare any rules required under this chapter and to administer 15213
and coordinate federal and state funding for publicly funded child 15214
care. 15215

(2) Not more than five per cent of the aggregate amount of 15216
the federal funds received for a fiscal year may be expended for 15217
administrative costs. 15218

(3) The department shall allocate and use at least four per 15219
cent of the federal funds for the following: 15220

(a) Activities designed to provide comprehensive consumer 15221
education to parents and the public; 15222

(b) Activities that increase parental choice; 15223

(c) Activities, including child care resource and referral 15224
services, designed to improve the quality, and increase the 15225
supply, of child care; 15226

(d) Establishing a tiered quality rating and improvement 15227
system in which participation in the program may allow child 15228
day-care providers to be eligible for grants, technical 15229
assistance, training, or other assistance and become eligible for 15230
unrestricted monetary awards for maintaining a quality rating. 15231

(4) The department shall ensure that the federal funds will 15232
be used only to supplement, and will not be used to supplant, 15233
federal, state, and local funds available on the effective date of 15234
the child care block grant act for publicly funded child care and 15235
related programs. If authorized by rules adopted by the department 15236
pursuant to section 5104.42 of the Revised Code, county 15237
departments of job and family services may purchase child care 15238

from funds obtained through any other means. 15239

(D) The department shall encourage the development of 15240
suitable child care throughout the state, especially in areas with 15241
high concentrations of recipients of public assistance and 15242
families with low incomes. The department shall encourage the 15243
development of suitable child care designed to accommodate the 15244
special needs of migrant workers. On request, the department, 15245
through its employees or contracts with state or community child 15246
care resource and referral service organizations, shall provide 15247
consultation to groups and individuals interested in developing 15248
child care. The department of job and family services may enter 15249
into interagency agreements with the department of education, the 15250
board of regents, the department of development, and other state 15251
agencies and entities whenever the cooperative efforts of the 15252
other state agencies and entities are necessary for the department 15253
of job and family services to fulfill its duties and 15254
responsibilities under this chapter. 15255

The department shall develop and maintain a registry of 15256
persons providing child care. The director shall adopt rules 15257
~~pursuant to~~ in accordance with Chapter 119. of the Revised Code 15258
establishing procedures and requirements for the registry's 15259
administration. 15260

(E)(1) The director shall adopt rules in accordance with 15261
Chapter 119. of the Revised Code establishing both of the 15262
following: 15263

(a) Reimbursement ceilings for providers of publicly funded 15264
child care not later than the first day of July in each 15265
odd-numbered year; 15266

(b) A procedure for reimbursing and paying providers of 15267
publicly funded child care. 15268

(2) In establishing reimbursement ceilings under division 15269

(E)(1)(a) of this section, the director shall do all of the	15270
following:	15271
(a) Use the information obtained under division (B)(3) of	15272
section 5104.04 of the Revised Code;	15273
(b) Establish an enhanced reimbursement ceiling for providers	15274
who provide child care for caretaker parents who work	15275
nontraditional hours;	15276
(c) For a type B family day care home provider that has	15277
received limited certification pursuant to rules adopted under	15278
division (G)(1) of section 5104.011 of the Revised Code <u>an in-home</u>	15279
<u>aide</u> , establish a reimbursement ceiling that is the following:	15280
(i) If the provider is a person described in division	15281
(G)(1)(a)(i) of section 5104.011 of the Revised Code, seventy-five	15282
per cent of the reimbursement ceiling that applies to a <u>licensed</u>	15283
type B family day-care home certified by the same county	15284
department of job and family services pursuant to section 5104.11	15285
of the Revised Code;	15286
(ii) If the provider is a person described in division	15287
(G)(1)(a)(ii) of section 5104.011 of the Revised Code, sixty per	15288
cent of the reimbursement ceiling that applies to a type B family	15289
day care home certified by the same county department pursuant to	15290
section 5104.11 of the Revised Code.	15291
(d) With regard to the tiered quality rating and improvement	15292
system established pursuant to division (C)(3)(d) of this section,	15293
do both of the following:	15294
(i) Establish enhanced reimbursement ceilings for child	15295
day-care providers that participate in the system and maintain	15296
quality ratings under the system;	15297
(ii) Weigh any reduction in reimbursement ceilings more	15298
heavily against child day-care providers that do not participate	15299

in the system or do not maintain quality ratings under the system.	15300
(3) In establishing reimbursement ceilings under division	15301
(E)(1)(a) of this section, the director may establish different	15302
reimbursement ceilings based on any of the following:	15303
(a) Geographic location of the provider;	15304
(b) Type of care provided;	15305
(c) Age of the child served;	15306
(d) Special needs of the child served;	15307
(e) Whether the expanded hours of service are provided;	15308
(f) Whether weekend service is provided;	15309
(g) Whether the provider has exceeded the minimum	15310
requirements of state statutes and rules governing child care;	15311
(h) Any other factors the director considers appropriate.	15312
(F) The director shall adopt rules in accordance with Chapter	15313
119. of the Revised Code to implement the tiered quality rating	15314
and improvement system described in division (C)(3)(d) of this	15315
section.	15316
Sec. 5104.31. (A) Publicly funded child care may be provided	15317
only by the following:	15318
(1) A child day care center or type A family day care home,	15319
including a parent cooperative child day care center or parent	15320
cooperative type A family day care home, <u>Any of the following</u>	15321
licensed by the department of job and family services pursuant to	15322
section 5104.03 of the Revised Code+ <u>or pursuant to rules adopted</u>	15323
<u>under section 5104.018 of the Revised Code:</u>	15324
<u>(a) A child day-care center, including a parent cooperative</u>	15325
<u>child day-care center;</u>	15326
<u>(b) A type A family day-care home, including a parent</u>	15327

<u>cooperative type A family day-care home;</u>	15328
<u>(c) A licensed type B family day-care home.</u>	15329
(2) A type B family day care home certified by the county department of job and family services pursuant to section 5104.11 of the Revised Code;	15330 15331 15332
(3) A type B family day care home that has received a limited certification pursuant to rules adopted under division (G)(1) of section 5104.011 of the Revised Code;	15333 15334 15335
(4) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code;	15336 15337 15338
(5)(3) A child day camp approved pursuant to section 5104.22 of the Revised Code;	15339 15340
(6)(4) A licensed preschool program;	15341
(7)(5) A licensed school child program;	15342
(8)(6) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located.	15343 15344 15345 15346
(B) Publicly funded child day-care may be provided in a child's own home only by an in-home aide.	15347 15348
(C) Beginning July 1, 2020, publicly funded child care may be provided only by a provider that is rated through the tiered quality rating and improvement system established pursuant to section 5104.30 of the Revised Code.	15349 15350 15351 15352
Sec. 5104.32. (A) Except as provided in division (C) of this section, all purchases of publicly funded child care shall be made under a contract entered into by a licensed child day-care center, licensed type A family day-care home, certified <u>licensed</u> type B	15353 15354 15355 15356

family day-care home, certified in-home aide, approved child day 15357
camp, licensed preschool program, licensed school child program, 15358
or border state child care provider and the department of job and 15359
family services. All contracts for publicly funded child care 15360
shall be contingent upon the availability of state and federal 15361
funds. The department shall prescribe a standard form to be used 15362
for all contracts for the purchase of publicly funded child care, 15363
regardless of the source of public funds used to purchase the 15364
child care. To the extent permitted by federal law and 15365
notwithstanding any other provision of the Revised Code that 15366
regulates state contracts or contracts involving the expenditure 15367
of state or federal funds, all contracts for publicly funded child 15368
care shall be entered into in accordance with the provisions of 15369
this chapter and are exempt from any other provision of the 15370
Revised Code that regulates state contracts or contracts involving 15371
the expenditure of state or federal funds. 15372

(B) Each contract for publicly funded child care shall 15373
specify at least the following: 15374

(1) That the provider of publicly funded child care agrees to 15375
be paid for rendering services at the lower of the rate 15376
customarily charged by the provider for children enrolled for 15377
child care or the reimbursement ceiling or rate of payment 15378
established pursuant to section 5104.30 of the Revised Code; 15379

(2) That, if a provider provides child care to an individual 15380
potentially eligible for publicly funded child care who is 15381
subsequently determined to be eligible, the department agrees to 15382
pay for all child care provided between the date the county 15383
department of job and family services receives the individual's 15384
completed application and the date the individual's eligibility is 15385
determined; 15386

(3) Whether the county department of job and family services, 15387
the provider, or a child care resource and referral service 15388

organization will make eligibility determinations, whether the 15389
provider or a child care resource and referral service 15390
organization will be required to collect information to be used by 15391
the county department to make eligibility determinations, and the 15392
time period within which the provider or child care resource and 15393
referral service organization is required to complete required 15394
eligibility determinations or to transmit to the county department 15395
any information collected for the purpose of making eligibility 15396
determinations; 15397

(4) That the provider, other than a border state child care 15398
provider, shall continue to be licensed, approved, or certified 15399
pursuant to this chapter and shall comply with all standards and 15400
other requirements in this chapter and in rules adopted pursuant 15401
to this chapter for maintaining the provider's license, approval, 15402
or certification; 15403

(5) That, in the case of a border state child care provider, 15404
the provider shall continue to be licensed, certified, or 15405
otherwise approved by the state in which the provider is located 15406
and shall comply with all standards and other requirements 15407
established by that state for maintaining the provider's license, 15408
certificate, or other approval; 15409

(6) Whether the provider will be paid by the state department 15410
of job and family services or in some other manner as prescribed 15411
by rules adopted under section 5104.42 of the Revised Code; 15412

(7) That the contract is subject to the availability of state 15413
and federal funds. 15414

(C) Unless specifically prohibited by federal law or by rules 15415
adopted under section 5104.42 of the Revised Code, the county 15416
department of job and family services shall give individuals 15417
eligible for publicly funded child care the option of obtaining 15418
certificates that the individual may use to purchase services from 15419

any provider qualified to provide publicly funded child care under 15420
section 5104.31 of the Revised Code. Providers of publicly funded 15421
child care may present these certificates for payment in 15422
accordance with rules that the director of job and family services 15423
shall adopt. Only providers may receive payment for certificates. 15424
The value of the certificate shall be based on the lower of the 15425
rate customarily charged by the provider or the rate of payment 15426
established pursuant to section 5104.30 of the Revised Code. The 15427
county department may provide the certificates to the individuals 15428
or may contract with child care providers or child care resource 15429
and referral service organizations that make determinations of 15430
eligibility for publicly funded child care pursuant to contracts 15431
entered into under section 5104.34 of the Revised Code for the 15432
providers or resource and referral service organizations to 15433
provide the certificates to individuals whom they determine are 15434
eligible for publicly funded child care. 15435

For each six-month period a provider of publicly funded child 15436
care provides publicly funded child care to the child of an 15437
individual given certificates, the individual shall provide the 15438
provider certificates for days the provider would have provided 15439
publicly funded child care to the child had the child been 15440
present. The maximum number of days providers shall be provided 15441
certificates shall not exceed ten days in a six-month period 15442
during which publicly funded child care is provided to the child 15443
regardless of the number of providers that provide publicly funded 15444
child care to the child during that period. 15445

Sec. 5104.35. (A) Each county department of job and family 15446
services shall do all of the following: 15447

(1) Accept any gift, grant, or other funds from either public 15448
or private sources offered unconditionally or under conditions 15449
which are, in the judgment of the department, proper and 15450

consistent with this chapter and deposit the funds in the county public assistance fund established by section 5101.161 of the Revised Code;

(2) Recruit individuals and groups interested in certification as in-home aides or in developing and operating suitable licensed child day-care centers, type A family day-care homes, or ~~certified~~ licensed type B family day-care homes, especially in areas with high concentrations of recipients of public assistance, and for that purpose provide consultation to interested individuals and groups on request;

(3) Inform clients of the availability of child care services.

(B) A county department of job and family services may, to the extent permitted by federal law, use public child care funds to extend the hours of operation of the county department to accommodate the needs of working caretaker parents and enable those parents to apply for publicly funded child care.

Sec. 5104.36. The licensee or administrator of a child day-care center ~~or~~, type A family day-care home, ~~the authorized provider of a certified~~ or licensed type B family day-care home, an in-home aide providing child care services, the director or administrator of an approved child day camp, and a border state child care provider shall keep a record for each eligible child, to be made available to the county department of job and family services or the department of job and family services on request. The record shall include all of the following:

(A) The name and date of birth of the child;

(B) The name and address of the child's caretaker parent;

(C) The name and address of the caretaker parent's place of employment or program of education or training;

(D) The hours for which child care services have been 15481
provided for the child; 15482

(E) Any other information required by the county department 15483
of job and family services or the state department of job and 15484
family services. 15485

Sec. 5104.38. In addition to any other rules adopted under 15486
this chapter, the director of job and family services shall adopt 15487
rules in accordance with Chapter 119. of the Revised Code 15488
governing financial and administrative requirements for publicly 15489
funded child care and establishing all of the following: 15490

(A) Procedures and criteria to be used in making 15491
determinations of eligibility for publicly funded child care that 15492
give priority to children of families with lower incomes and 15493
procedures and criteria for eligibility for publicly funded 15494
protective child care. The rules shall specify the maximum amount 15495
of income a family may have for initial and continued eligibility. 15496
The maximum amount shall not exceed two hundred per cent of the 15497
federal poverty line. The rules may specify exceptions to the 15498
eligibility requirements in the case of a family that previously 15499
received publicly funded child care and is seeking to have the 15500
child care reinstated after the family's eligibility was 15501
terminated. 15502

(B) Procedures under which a county department of job and 15503
family services may, if the department, under division (A) of this 15504
section, specifies a maximum amount of income a family may have 15505
for eligibility for publicly funded child care that is less than 15506
the maximum amount specified in that division, specify a maximum 15507
amount of income a family residing in the county the county 15508
department serves may have for initial and continued eligibility 15509
for publicly funded child care that is higher than the amount 15510
specified by the department but does not exceed the maximum amount 15511

specified in division (A) of this section; 15512

(C) A schedule of fees requiring all eligible caretaker 15513
parents to pay a fee for publicly funded child care according to 15514
income and family size, which shall be uniform for all types of 15515
publicly funded child care, except as authorized by rule, and, to 15516
the extent permitted by federal law, shall permit the use of state 15517
and federal funds to pay the customary deposits and other advance 15518
payments that a provider charges all children who receive child 15519
care from that provider. The schedule of fees may not provide for 15520
a caretaker parent to pay a fee that exceeds ten per cent of the 15521
parent's family income. 15522

(D) A formula for determining the amount of state and federal 15523
funds appropriated for publicly funded child care that may be 15524
allocated to a county department to use for administrative 15525
purposes; 15526

(E) Procedures to be followed by the department and county 15527
departments in recruiting individuals and groups to become 15528
providers of child care; 15529

(F) Procedures to be followed in establishing state or local 15530
programs designed to assist individuals who are eligible for 15531
publicly funded child care in identifying the resources available 15532
to them and to refer the individuals to appropriate sources to 15533
obtain child care; 15534

(G) Procedures to deal with fraud and abuse committed by 15535
either recipients or providers of publicly funded child care; 15536

(H) Procedures for establishing a child care grant or loan 15537
program in accordance with the child care block grant act; 15538

(I) Standards and procedures for applicants to apply for 15539
grants and loans, and for the department to make grants and loans; 15540

(J) A definition of "person who stands in loco parentis" for 15541

the purposes of division ~~(KK)~~(JJ)(1) of section 5104.01 of the 15542
Revised Code; 15543

(K) Procedures for a county department of job and family 15544
services to follow in making eligibility determinations and 15545
redeterminations for publicly funded child care available through 15546
telephone, computer, and other means at locations other than the 15547
county department; 15548

(L) If the director establishes a different reimbursement 15549
ceiling under division (E)(3)(d) of section 5104.30 of the Revised 15550
Code, standards and procedures for determining the amount of the 15551
higher payment that is to be issued to a child care provider based 15552
on the special needs of the child being served; 15553

(M) To the extent permitted by federal law, procedures for 15554
paying for up to thirty days of child care for a child whose 15555
caretaker parent is seeking employment, taking part in employment 15556
orientation activities, or taking part in activities in 15557
anticipation of enrolling in or attending an education or training 15558
program or activity, if the employment or the education or 15559
training program or activity is expected to begin within the 15560
thirty-day period; 15561

(N) Any other rules necessary to carry out sections 5104.30 15562
to 5104.43 of the Revised Code. 15563

Sec. 5107.60. In accordance with Title IV-A, federal 15564
regulations, state law, the Title IV-A state plan prepared under 15565
section 5101.80 of the Revised Code, and amendments to the plan, 15566
county departments of job and family services shall establish and 15567
administer the following work activities, in addition to the work 15568
activities established under sections 5107.50, 5107.52, 5107.54, 15569
and 5107.58 of the Revised Code, for minor heads of households and 15570
adults participating in Ohio works first: 15571

(A) Unsubsidized employment activities, including activities 15572
a county department determines are legitimate entrepreneurial 15573
activities; 15574

(B) On-the-job training activities, including training to 15575
become an employee of a child day-care center or type A family 15576
day-care home, ~~authorized provider~~ administrator of a ~~certified~~ 15577
licensed type B family day-care home, or in-home aide; 15578

(C) Community service activities including a program under 15579
which a participant of Ohio works first who is the parent, 15580
guardian, custodian, or specified relative responsible for the 15581
care of a minor child enrolled in grade twelve or lower is 15582
involved in the minor child's education on a regular basis; 15583

(D) Vocational educational training activities; 15584

(E) Jobs skills training activities that are directly related 15585
to employment; 15586

(F) Education activities that are directly related to 15587
employment for participants who have not earned a high school 15588
diploma or high school equivalence diploma; 15589

(G) Education activities for participants who have not 15590
completed secondary school or received a high school equivalence 15591
diploma under which the participants attend a secondary school or 15592
a course of study leading to a high school equivalence diploma, 15593
including LEAP participation by a minor head of household; 15594

(H) Child-care service activities aiding another participant 15595
assigned to a community service activity or other work activity. A 15596
county department may provide for a participant assigned to this 15597
work activity to receive training necessary to provide child-care 15598
services. 15599

Sec. 5153.175. (A) Notwithstanding division (H)(1) of section 15600
2151.421, section 5153.17, and any other section of the Revised 15601

Code pertaining to confidentiality, when a public children 15602
services agency has determined that child abuse or neglect 15603
occurred and that abuse or neglect involves a person who has 15604
applied for licensure ~~or renewal of licensure~~ as a type A family 15605
day-care home or ~~certification or renewal of certification as a~~ 15606
type B family day-care home, the agency shall promptly provide to 15607
the department of job and family services ~~or to a county~~ 15608
~~department of job and family services~~ any information the agency 15609
determines to be relevant for the purpose of evaluating the 15610
fitness of the person, including, but not limited to, both of the 15611
following: 15612

(1) A summary report of the chronology of abuse and neglect 15613
reports made pursuant to section 2151.421 of the Revised Code of 15614
which the person is the subject where the agency determined that 15615
abuse or neglect occurred and the final disposition of the 15616
investigation of the reports or, if the investigations have not 15617
been completed, the status of the investigations; 15618

(2) Any underlying documentation concerning those reports. 15619

(B) The agency shall not include in the information provided 15620
to the department ~~or county department~~ under division (A) of this 15621
section the name of the person or entity that made the report or 15622
participated in the making of the report of child abuse or 15623
neglect. 15624

(C) Upon provision of information under division (A) of this 15625
section, the agency shall notify the department ~~or county~~ 15626
~~department~~ of both of the following: 15627

(1) That the information is confidential; 15628

(2) That unauthorized dissemination of the information is a 15629
violation of division (H)(2) of section 2151.421 of the Revised 15630
Code and any person who permits or encourages unauthorized 15631

dissemination of the information is guilty of a misdemeanor of the 15632
fourth degree pursuant to section 2151.99 of the Revised Code. 15633

Section 120.02. That existing sections 109.57, 2151.011, 15634
2919.227, 2923.124, 2923.126, 2923.1212, 2950.11, 2950.13, 15635
3109.051, 3701.63, 3737.22, 3742.01, 3797.06, 4511.81, 5101.29, 15636
5103.03, 5104.01, 5104.011, 5104.012, 5104.013, 5104.015, 15637
5104.022, 5104.03, 5104.031, 5104.032, 5104.033, 5104.04, 15638
5104.041, 5104.052, 5104.053, 5104.054, 5104.06, 5104.08, 5104.09, 15639
5104.13, 5104.30, 5104.31, 5104.32, 5104.35, 5104.36, 5104.38, 15640
5107.60, and 5153.175 of the Revised Code are hereby repealed. 15641

Section 120.03. That sections 5104.014 and 5104.11 of the 15642
Revised Code are hereby repealed. 15643

Section 120.04. Sections 120.01, 120.02, and 120.03 of this 15644
act take effect on January 1, 2014. 15645

Section 610.10. That Sections 267.10.90, 267.30.56, and 15646
733.10 of Am. Sub. H.B. 153 of the 129th General Assembly be 15647
amended to read as follows: 15648

Sec. 267.10.90. (A) Notwithstanding anything to the contrary 15649
in section 3301.0710, 3301.0711, 3301.0715, or 3313.608 of the 15650
Revised Code, the administration of the English language arts 15651
assessments for elementary grades as a replacement for the 15652
separate reading and writing assessments prescribed by sections 15653
3301.0710 and 3301.0711 of the Revised Code, as those sections 15654
were amended by Am. Sub. H.B. 1 of the 128th General Assembly, 15655
shall not be required until a date prescribed by rule of the State 15656
Board of Education. Until that date, the Department of Education 15657
and school districts and schools shall continue to administer 15658
separate reading assessments for elementary grades, as prescribed 15659

by the versions of sections 3301.0710 and 3301.0711 of the Revised Code that were in effect prior to the effective date of Section 265.20.15 of Am. Sub. H.B. 1 of the 128th General Assembly. The intent for delaying implementation of the replacement English language arts assessment is to provide adequate time for the complete development of the new assessment.

(B) Notwithstanding anything to the contrary in section 3301.0710 of the Revised Code, the State Board shall not prescribe the three ranges of scores for the assessments prescribed by division (A)(2) of section 3301.0710 of the Revised Code, as amended by Am. Sub. H.B. 1 of the 128th General Assembly, until the Board adopts the rule required by division (A) of this section. Until that date, the Board shall continue to prescribe the five ranges of scores required by the version of section 3301.0710 of the Revised Code in effect prior to the effective date of Section 265.20.15 of Am. Sub. H.B. 1 of the 128th General Assembly, and the following apply:

(1) The range of scores designated by the State Board as a proficient level of skill remains the passing score on the Ohio Graduation Tests for purposes of sections 3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code;

(2) The ~~range~~ ranges of scores designated as a limited or basic level of skill ~~remains~~ are the standard for applying the third-grade reading guarantee under division (A) of section 3313.608 of the Revised Code;

~~(3) The range of scores designated by the State Board as a proficient level of skill remains the standard for the summer remediation requirement of division (B)(2) of section 3313.608 of the Revised Code.~~

(C) This section is not subject to expiration after June 30, 2013, under Section 809.10 of this act.

Sec. 267.30.56. SUBSIDY FOR HIGH PERFORMING SCHOOL DISTRICTS 15691

In addition to any other payments made under Sections 15692
267.30.50 and 267.30.53 of this act or under Chapter 3317. of the 15693
Revised Code, for each of fiscal years 2012 and 2013, the 15694
Department of Education shall pay to each qualifying school 15695
district or community school, established under Chapter 3314. of 15696
the Revised Code, the amount prescribed by this section. 15697

~~The~~ For fiscal year 2012, the Department shall pay to each 15698
school district or community school rated as "excellent with 15699
distinction" or "excellent" on the report card issued for the 15700
district or community school under sections 3302.03 and 3314.012 15701
of the Revised Code for the ~~prior~~ 2010-2011 school year an amount 15702
equal to \$17 times the district's current-year formula ADM, in the 15703
case of a school district, or the number of students in the 15704
community school's enrollment report for the current year, in the 15705
case of a community school. 15706

For fiscal year 2013, the Department shall pay to each school 15707
district or community school assigned an overall academic 15708
performance grade of "A" on the report card issued for the 15709
district or community school under sections 3302.03 and 3314.012 15710
of the Revised Code for the 2011-2012 school year an amount equal 15711
to \$17 times the district's current-year formula ADM, in the case 15712
of a school district, or the number of students in the community 15713
school's enrollment report for the current year, in the case of a 15714
community school. 15715

As used in this section, "the number of students in the 15716
community school's enrollment report" means "the final number of 15717
students reported under divisions (B)(2)(a) and (b) of section 15718
3314.08 of the Revised Code at the end of a fiscal year, as 15719
verified by the Department." 15720

Sec. 733.10. (A) The Department of Education shall conduct 15721
and publicize a second Educational Choice Scholarship application 15722
period for the 2011-2012 school year to award for that year 15723
scholarships newly authorized by sections 3310.02 and 3310.03 of 15724
the Revised Code, as amended by ~~this act~~ Am. Sub. H.B. 153 of the 15725
129th General Assembly. The second application period shall 15726
commence on the effective date of this section and shall end at 15727
the close of business on the first business day that is at least 15728
forty-five days after the effective date of this section. 15729

(B) Not later than ten days after the effective date of this 15730
section, the Department shall do both of the following: 15731

(1) Mail, to each person who applied for a scholarship during 15732
the first application period for the 2011-2012 school year but did 15733
not receive a scholarship, a notice announcing the second 15734
application period, the opportunity to re-apply, and the 15735
application deadline; 15736

(2) Post prominently on its web site a list of school 15737
district-operated buildings that meet both of the following 15738
criteria: 15739

(a) For at least two of the three school years from 2007-2008 15740
through 2009-2010, ranked in the lowest ten per cent of school 15741
district buildings according to performance index score reported 15742
under section 3302.03 of the Revised Code; 15743

(b) Were not declared to be excellent or effective under that 15744
section for the 2009-2010 school year. 15745

Notwithstanding division (B)(1)(a) of section 3310.03 of the 15746
Revised Code, eligibility for scholarships for the 2011-2012 15747
school year under division (B) of section 3310.03 of the Revised 15748
Code shall be based on a school building's performance index score 15749
rank among all other school district buildings for the requisite 15750

school years, as described in division (B)(2)(a) of this section, 15751
and shall not be based on a building's performance index score 15752
rank among all public school buildings for the requisite school 15753
years, as otherwise required under division (B)(1)(a) of section 15754
3310.03 of the Revised Code. 15755

(C) The Department shall award scholarships for the 2011-2012 15756
school year from applications submitted during the second 15757
application period according to the order of priority listed in 15758
division (B) of section 3310.02 of the Revised Code, as amended by 15759
this act. The Department shall base its award determinations on 15760
the applicant students' status during the 2010-2011 school year. 15761

(D) Notwithstanding any provision of sections 3310.01 to 15762
3310.17 of the Revised Code, any rule of the State Board of 15763
Education, or any policy of the Department to the contrary, the 15764
Department shall not deny a scholarship to a student for whom an 15765
application is submitted during the second application period 15766
solely because the student already has been admitted to a 15767
chartered nonpublic school for the 2011-2012 school year, if both 15768
of the following apply: 15769

(1) A timely application was submitted on the student's 15770
behalf during the first application period for the 2011-2012 15771
school year and the student was denied a scholarship solely 15772
because the number of applications exceeded the number of 15773
available scholarships. 15774

(2) The student either: 15775

(a) Was enrolled, through the final day of scheduled classes 15776
for the 2010-2011 school year, in the district school or community 15777
school indicated on the student's first application for the 15778
2011-2012 school year; 15779

(b) Is eligible to enroll in kindergarten for the 2011-2012 15780
school year and was not enrolled in kindergarten in a nonpublic 15781

school in the 2010-2011 school year. 15782

(E)(1) For purposes of determining eligibility under division 15783
(B) of section 3310.03 of the Revised Code for scholarships 15784
awarded for the 2012-2013 school year, the Department shall post 15785
prominently on its web site a list of school district buildings 15786
that meet both of the following criteria: 15787

(a) For at least two of the three school years from 2008-2009 15788
through 2010-2011, ranked in the lowest ten per cent of public 15789
school buildings according to performance index score; 15790

(b) Were not declared to be excellent or effective under 15791
section 3302.03 of the Revised Code for the 2010-2011 school year. 15792

(2) For purposes of determining eligibility under division 15793
(B) of section 3310.03 of the Revised Code for scholarships 15794
awarded for the 2013-2014 school year, the Department shall post 15795
prominently on its web site a list of school district buildings 15796
that meet both of the following criteria: 15797

(a) For at least two of the three school years from 2009-2010 15798
through 2011-2012, ranked in the lowest ten per cent of public 15799
school buildings according to performance index score; 15800

(b) Were not ~~declared to be excellent or effective~~ rated "A" 15801
or "B" under section 3302.03 of the Revised Code for the 2011-2012 15802
school year. 15803

(3) For purposes of determining eligibility under division 15804
(B) of section 3310.03 of the Revised Code for scholarships 15805
awarded for the 2014-2015 school year, the Department shall post 15806
prominently on its web site a list of school district buildings 15807
that meet both of the following criteria: 15808

(a) For at least two of the three school years from 2010-2011 15809
through 2012-2013, ranked in the lowest ten per cent of public 15810
school buildings according to performance index score; 15811

(b) Were not ~~declared to be excellent or effective~~ rated "A" 15812
or "B" under section 3302.03 of the Revised Code for the 2012-2013 15813
school year. 15814

(F) As used in this section, "enrolled" has the same meaning 15815
as in division (E) of section 3317.03 of the Revised Code. 15816

Section 610.11. That existing Sections 267.10.90, 267.30.56, 15817
and 733.10 of Am. Sub. H.B. 153 of the 129th General Assembly are 15818
hereby repealed. 15819

Section 610.20. That Section 267.60.23 of Am. Sub. H.B. 153 15820
of the 129th General Assembly and Section 265.20.15 of Am. Sub. 15821
H.B. 1 of the 128th General Assembly are hereby repealed. 15822

Section 733.10. Not later than June 20, 2013, the Department 15823
of Education shall conduct a study of the licensure requirements 15824
for educational staff responsible for the development of 15825
informational sources for the support of curriculum and literacy 15826
development in schools. The Department and the State Board of 15827
Education shall use the study to make any necessary updates or 15828
revisions to the licensure requirements for those staff. 15829

Section 733.20. The General Assembly hereby declares its 15830
intent, in enacting section 3319.031 of the Revised Code, to 15831
supersede any effect of the decision of the Court of Appeals of 15832
the Eighth Appellate District in *OAPSE/AFSCME Local 4 v. Berdine*, 15833
174 Ohio App.3d 46 (Cuyahoga County, 2007) to the extent the 15834
decision conflicts with the principle that boards of education may 15835
appoint a licensed business manager, but also may determine 15836
instead to assign the roles and functions of a business manager to 15837
one or more employees or officers of the board, including the 15838
treasurer, in the board's sole discretion. 15839

Section 751.10. The Revised Code section cited in the 15840
Administrative Code as the authority for any rules adopted under 15841
Chapter 5104. of the Revised Code shall be deemed to be the 15842
Revised Code section as renumbered by Section 101.01 of this act. 15843
The Director of Job and Family Services is not required to amend 15844
any rule previously adopted under Chapter 5104. of the Revised 15845
Code for the sole purpose of changing the citation of the Revised 15846
Code section that authorizes the rule. 15847

Section 751.20. The Revised Code sections cited in the 15848
Administrative Code as the authority for any rules adopted under 15849
Chapter 5104. of the Revised Code shall be deemed to be the 15850
Revised Code sections as renumbered by Section 120.01 of this act. 15851
The Director of Job and Family Services is not required to amend 15852
any rules previously adopted under Chapter 5104. of the Revised 15853
Code for the sole purpose of changing the citation of the Revised 15854
Code section that authorizes the rule. 15855

Section 763.10. The Office of Workforce Transformation is 15856
authorized to create a web site to help link energy companies with 15857
trained workers and to provide information on industry compatible 15858
curriculum and training. The Office of Workforce Transformation is 15859
also authorized to work with veterans to match training and skills 15860
to needed jobs in industries, including to the oil and gas 15861
industry. 15862

Section 806.10. The items of law contained in this act, and 15863
their applications, are severable. If any item of law contained in 15864
this act, or if any application of any item of law contained in 15865
this act, is held invalid, the invalidity does not affect other 15866
items of law contained in this act and their applications that can 15867
be given effect without the invalid item of law or application. 15868

Section 812.10. Sections subject to referendum: general 15869
effective date. Except as otherwise provided in this act, the 15870
amendment, enactment, or repeal by this act of a section is 15871
subject to the referendum under Ohio Constitution, Article II, 15872
Section 1c and therefore takes effect on the ninety-first day 15873
after this act is filed with the Secretary of State. 15874

Section 812.11. Sections subject to referendum: special 15875
effective dates. The amendment, enactment, or repeal by this act 15876
of the following sections is subject to the referendum under Ohio 15877
Constitution, Article II, Section 1c and therefore takes effect on 15878
the ninety-first day after this act is filed with the Secretary of 15879
State or on the date specified below, whichever is later: 15880

Section 751.20 of this act takes effect January 1, 2014. 15881

Section 812.20. Sections exempt from referendum: general 15882
effective date. The amendment, enactment, or repeal by this act of 15883
the following sections is exempt from the referendum under Ohio 15884
Constitution, Article II, Section 1d and section 1.471 of the 15885
Revised Code and therefore takes effect immediately when this act 15886
becomes law: 15887

Section 267.30.56 of Am. Sub. H.B. 153 of the 129th General 15888
Assembly, as amended by this act. 15889

Section 763.10 of this act. 15890

Section 815.10. Division (D) of section 3301.921, division 15891
(A)(3) of section 3302.032, and sections 3301.922 and 3313.674 of 15892
the Revised Code are presented in this section as law in 15893
conformity with the expressed intent of the Governor's veto 15894
message for Am. Sub. H.B. 153 of the 129th General Assembly to 15895
veto the repeal of the body mass index screening program. And the 15896
reference to section 3313.674 of the Revised Code in section 15897

3326.11 of the Revised Code is presented in this section as law in 15898
conformity with the expressed intent of the Governor's veto 15899
message for Am. Sub. H.B. 153 of the 129th General Assembly to 15900
veto the repeal of the body mass index screening program. These 15901
presentations constitute a legislative finding that, as a result 15902
of the veto, those presentations and that reference remain law. 15903

Sec. 3301.921. The healthy choices for healthy children 15904
council shall do all of the following: 15905

(A) Monitor progress in improving student health and 15906
wellness; 15907

(B) Make periodic policy recommendations to the state board 15908
of education regarding ways to improve the nutritional standards 15909
for food and beverages prescribed by sections 3313.816 and 15910
3313.817 of the Revised Code. If, on or after the effective date 15911
of this section, the United States department of agriculture 15912
adopts regulations for the sale of food or beverages in schools, 15913
the council, within sixty days after their adoption, shall review 15914
the regulations and, based on that review, make recommendations 15915
for changes to the nutritional standards prescribed by those 15916
sections. 15917

(C) Make periodic recommendations to the department of 15918
education for the development of a clearinghouse of best practices 15919
in the areas of student nutrition, physical activity for students, 15920
and body mass index screenings; 15921

(D) Assist the department of health in developing a list of 15922
resources regarding health risks associated with weight status for 15923
distribution to parents and guardians under division (E) of 15924
section 3313.674 of the Revised Code; 15925

(E) Regularly review developments in science and nutrition to 15926
ensure the council remains informed for purposes of making 15927

recommendations under divisions (B) and (C) of this section. 15928

Sec. 3301.922. The department of education shall issue an 15929
annual report on the compliance of public and chartered nonpublic 15930
schools with the requirements of section 3313.674 of the Revised 15931
Code. The department shall include in the report any data 15932
regarding student health and wellness collected by the department 15933
in conjunction with those requirements. The department shall 15934
submit each report to the governor, the general assembly, and the 15935
healthy choices for healthy children council. 15936

Sec. 3302.032. (A) Not later than December 31, 2011, the 15937
state board of education shall establish a measure of the 15938
following: 15939

(1) Student success in meeting the benchmarks contained in 15940
the physical education standards adopted under division (A)(3) of 15941
section 3301.079 of the Revised Code; 15942

(2) Compliance with the requirements for local wellness 15943
policies prescribed by section 204 of the "Child Nutrition and WIC 15944
Reauthorization Act of 2004," 42 U.S.C. 1751 note; 15945

(3) Whether a school district or building is complying with 15946
section 3313.674 of the Revised Code instead of operating under a 15947
waiver from the requirements of that section; 15948

(4) Whether a school district or building is participating in 15949
the physical activity pilot program administered under section 15950
3313.6016 of the Revised Code. 15951

(B) The measure shall be included on the school district and 15952
building report cards issued under section 3302.03 of the Revised 15953
Code, beginning with the report cards issued for the 2012-2013 15954
school year, but it shall not be a factor in the performance 15955
ratings issued under that section. 15956

(C) The department of education may accept, receive, and 15957
expend gifts, devises, or bequests of money for the purpose of 15958
establishing the measure required by this section. 15959

Sec. 3313.674. (A) Except as provided in divisions (D) and 15960
(H) of this section, the board of education of each city, exempted 15961
village, or local school district and the governing authority of 15962
each chartered nonpublic school shall require each student 15963
enrolled in kindergarten, third grade, fifth grade, and ninth 15964
grade to undergo a screening for body mass index and weight status 15965
category prior to the first day of May of the school year. 15966

(B) The board or governing authority may provide any 15967
screenings required by this section itself, contract with another 15968
entity for provision of the screenings, or request the parent or 15969
guardian of each student subject to this section to obtain the 15970
screening from a provider selected by the parent or guardian and 15971
to submit the results to the board or governing authority. If the 15972
board or governing authority provides the screenings itself or 15973
contracts with another entity for provision of the screenings, the 15974
board or governing authority shall protect student privacy by 15975
ensuring that each student is screened alone and not in the 15976
presence of other students or staff. 15977

(C) Prior to the first day of February of each school year, 15978
the board or governing authority shall provide the parent or 15979
guardian of each student subject to this section with information 15980
about the screening program. If the board or governing authority 15981
requests parents and guardians to obtain a screening from a 15982
provider of their choosing, the board or governing authority shall 15983
provide them with a list of providers and information about 15984
screening services available in the community to parents and 15985
guardians who cannot afford a private provider. 15986

(D) If the parent or guardian of a student subject to this 15987

section signs and submits to the board or governing authority a 15988
written statement indicating that the parent or guardian does not 15989
wish to have the student undergo the screening, the board or 15990
governing authority shall not require the student to be screened. 15991

(E) The board or governing authority shall notify the parent 15992
or guardian of each student screened under this section of any 15993
health risks associated with the student's results and shall 15994
provide the parent or guardian with information about 15995
appropriately addressing the risks. For this purpose, the 15996
department of health, in consultation with the department of 15997
education and the healthy choices for healthy children council 15998
established under section 3301.92 of the Revised Code, shall 15999
develop a list of documents, pamphlets, or other resources that 16000
may be distributed to parents and guardians under this division. 16001

(F) The board or governing authority shall maintain the 16002
confidentiality of each student's individual screening results at 16003
all times. No board or governing authority shall report a 16004
student's individual screening results to any person other than 16005
the student's parent or guardian. 16006

(G) In a manner prescribed by rule of the director of health, 16007
the board or governing authority shall report aggregated body mass 16008
index and weight status category data collected under this 16009
section, and any other demographic data required by the director, 16010
to the department of health. In the case of a school district, 16011
data shall be aggregated for the district as a whole and not for 16012
individual schools within the district, unless the district 16013
operates only one school. In the case of a chartered nonpublic 16014
school, data shall be aggregated for the school as a whole. The 16015
department annually may publish the data reported under this 16016
division, aggregated by county. If any district or chartered 16017
nonpublic school was granted a waiver under division (H) of this 16018
section for a school year for which data is published, the 16019

department shall note that the data for the county in which the 16020
district or school is located is incomplete. The department may 16021
share data reported under this division with other governmental 16022
entities for the purpose of monitoring population health, making 16023
reports, or public health promotional activities. 16024

(H) A board or governing authority may obtain a waiver of the 16025
requirement to have students undergo screenings for body mass 16026
index and weight status category by submitting to the 16027
superintendent of public instruction an affidavit, attested to by 16028
the president or presiding officer of the board or governing 16029
authority, stating that the board or governing authority is unable 16030
to comply with the requirement. The superintendent shall grant the 16031
waiver upon receipt of the affidavit. 16032

Sec. 3326.11. Each science, technology, engineering, and 16033
mathematics school established under this chapter and its 16034
governing body shall comply with sections 9.90, 9.91, 109.65, 16035
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 16036
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 16037
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 16038
3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 16039
3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 16040
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 16041
3313.671, 3313.672, 3313.673, 3313.674, 3313.69, 3313.71, 16042
3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 16043
3313.816, 3313.817, 3313.86, 3313.88, 3313.96, 3319.073, 3319.21, 16044
3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 16045
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 16046
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 16047
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 16048
4123., 4141., and 4167. of the Revised Code as if it were a school 16049
district. 16050

Section 815.11. The reference to section 3313.674 of the Revised Code in division (A)(11)(h) of section 3314.03 of the Revised Code is presented in Section 101.01 of this act as law in conformity with the expressed intent of the Governor's veto message for Am. Sub. H.B. 153 of the 129th General Assembly to veto the repeal of the body mass index screening program. That presentation constitutes a legislative finding that, as a result of the veto, the reference remains law.

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